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Social Platform Tests for the Luxembourg Presidency

January – June 2005

The Platform of European Social NGOs (the Social Platform) is the alliance of representative European federations and networks of non-governmental organisations active in the social sector, promoting social justice and participatory democracy by voicing the concerns of its member organisations. The Social Platform and its members are committed to the advancement of the principles of equality, solidarity, non discrimination and the promotion and respect of fundamental rights for all, within Europe and in particular the European Union.

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1. Introduction

The Luxembourg government will take over the Presidency of the European Council from the Dutch on January 1st 2005, and will remain at the EU's helm for the 6-month period up to June. As the Presidency, it will have a key role in giving impetus to legislative and political decisions, as well as in negotiating agreements between member states and institutions.

The Social Platform therefore set out in this document what it expects from the Presidency – which issues should it pay particular attention to in its agenda, what initiatives could it usefully take in different areas, and crucially, what kind of approach should it take to questions about Europe's future. These Tests do not cover every policy area or issue which are important over the next 6 months, but only those areas where social NGOs believe the Presidency can have a significant impact.

The Social Platform has devised 9 'Tests' for the Presidency, and according to the concrete demands under each Test, will evaluate the Presidency's record in each area at the end of its term.

One of the major landmarks of the first half of 2005 will be the mid-term review of the Lisbon Strategy at the Spring European Council in March and the run-up to this. The review will set the strategic direction of the European Union for the next five years up to 2010 in relation to its competitiveness, employment, and social cohesion goals. The key question is whether leaders will go for a competitiveness-first approach, or to sustain Europe's commitment to a sustainable development approach as agreed in 2000. Indications so far are not hopeful, and social NGOs hope that the European Council will not endorse the approach espoused by the Kok report published in November 2004 - which excludes "social cohesion" from 5 strategic goals it sets for the Strategy.

A strong message putting the Social Policy Agenda at the heart of the Lisbon Strategy, defining it as the goal and objective of any other policies, would signal that Europe's leaders have chosen not to sell out to pressure to put social goals last. A strong Social Policy Agenda based on fundamental rights can support economic growth and employment goals, and it must also aim to guarantee that every person in the European Union can access their fundamental rights as enshrined in the Charter of Fundamental Rights. This latter role in particular must be integral to the EU's approach to social policy. The European Commission will adopt its Communication on the Social Policy Agenda for 2006 – 2010 early in 2005, and the Luxembourg Presidency will lead negotiations over an appropriate response from the European Council.

The agreed Constitutional Treaty includes a number of "horizontal clauses" which demand that the EU's goals in the fields of social inclusion, gender equality and anti-discrimination be taken into account throughout the totality of the EU policies. The Treaty is not yet ratified but this does not excuse the EU Institutions from preparing to implement these clauses, and from beginning to follow the spirit of these articles which all Member States have agreed to. The Luxembourg Presidency must also take social goals into account in other policy areas which will be prominent over the period of its Presidency, including the financial perspectives and services in the internal market.

Finally, it is well acknowledged that policy-making cannot be successful without the meaningful participation of civil society. The Social Platform calls on the Presidency to take the necessary measures to ensure that social NGOs will give it a positive judgement on civil dialogue issues at the end of its term.

This document was developed in collaboration with members of the Social Platform in several meetings, and adopted by the full membership on the 13th December 2004.

The Tests in Brief:

Test 1: Has the Luxembourg Presidency contributed to ensuring a re-balanced Lisbon strategy based on sustainable development?

Test 2: Has the Luxembourg Presidency actively supported the mainstreaming of social policy goals throughout EU policies?

Test 3: Has the Luxembourg Presidency contributed to ensuring a strong EU Social Policy Agenda, which is based on fundamental rights?

Test 4: Has the Luxembourg Presidency actively supported strong social inclusion policies and a visible social inclusion strategy?

Test 5: Has the Luxembourg Presidency helped guarantee the future of quality social services and services of general interest in Europe?

Test 6: Has the Luxembourg Presidency contributed to achieving a role for the EU in the protection of fundamental rights?

Test 7: Has the Luxembourg Presidency moved forward progress on achieving gender equality?

Test 8: Has the Luxembourg Presidency helped ensure that non-discrimination remains a top priority at EU level?

Test 9: Has the Luxembourg Presidency actively supported participatory democracy?

Test 1: Has the Luxembourg Presidency contributed to ensuring a re-balanced Lisbon strategy based on sustainable development?

To succeed on Test 1, Social NGOs call on the Luxembourg Presidency to:

- ***Ensure that the Spring European Council endorses a balanced Lisbon strategy which places equal emphasis on social cohesion goals, as agreed in 2000, including by recognising the Social Policy Agenda as a key pillar of the Lisbon Strategy***
- ***Ensure that the Spring European Council makes a clear commitment to deliver on the 'Partnerships for Reform' supporting the Lisbon strategy, fully involving civil society, by giving a monitoring role to the EU Institutions***
- ***Organise open debates to hear the views of all relevant stakeholders prior to the Spring European Council meeting, including civil society, ensuring NGO representation from new member states***
- ***Actively support a reform of the Stability and Growth Pact to allow for investment in public goods and services in order to ensure coherence with the Lisbon Strategy, in particular life-long learning and education and key public services***

The Luxembourg Presidency will have the task of guiding the mid-term review of the Lisbon Strategy by the Spring European Council in March. It is crucial to ensure that commitment is maintained to a balanced Strategy which emphasises socio-economic security, social cohesion,

social inclusion - and as part of this more and better jobs – as goals, seeing competitiveness and increasing employment rates as means to this end. Open debate is crucial in the run-up to this summit to allow leaders to hear citizens' views, not least in order to implement the principles of good governance and participatory democracy. Furthermore, it is crucial that EU funds such as the Structural Funds are targeted to achieve the goals of the Lisbon strategy, in particular social inclusion and anti-discrimination goals.

Test 2: Has the Luxembourg Presidency actively supported the mainstreaming of social policy goals throughout EU policies?

To succeed on Test 2, Social NGOs call on the Luxembourg Presidency to:

- ***Put in place a process to mainstream social goals, in particular in light of the horizontal social clauses of the constitution (Articles III-116, 117 and 118¹)***

The European Union will be unable to reach and maintain its social goals unless all of its policies are designed to support these goals in a coherent manner. The agreed Constitutional Treaty gives an added responsibility to the EU to implement 'mainstreaming' of its social goals, and the Luxembourg Presidency can take the lead in the discussion on how to do this, even before ratification of the Treaty.

Test 3: Has the Luxembourg Presidency contributed to ensuring a strong EU Social Policy Agenda, which is based on fundamental rights?

To succeed on Test 3, Social NGOs call on the Luxembourg Presidency to:

- ***Actively support endorsement by member states of a Social Policy Agenda which is based on fundamental rights and which, while promoting the productive role of social policy, does not view social policy solely as a tool to increase economic growth and participation in the labour market***
- ***Ensure an appropriate financial basis for the achievement of the Social Policy Agenda by strengthening the proposal for the PROGRESS programme, in discussions in the Employment and Social Affairs Council, and taking on board the views of social NGOs***

The Social Policy Agenda will be adopted by the European Commission during the term of the Luxembourg Presidency, and should then be endorsed by the European Council under the Presidency's leadership. It is essential for the future of the European Social Model that the Social Policy Agenda take a broad approach to ensure that all groups in society are able to access their fundamental rights and enjoy a decent quality of life, which are key goals of the European Union². Furthermore, the PROGRESS programme will be crucial as one of the key funding tools supporting the Social Policy Agenda, so careful attention needs to be paid to this in Council discussions. In particular there is a need to include trans-national projects and funding for national NGOs within the PROGRESS programme.

¹ Article III-116, "In all the activities referred to in this Part, the Union shall aim to eliminate inequalities, and to promote equality, between women and men"; Article III-117, "In defining and implementing the policies referred to in this Part, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health"; Article III-18, "In defining and implementing the policies referred to in this Part, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

² See the Social Platform's proposals for the Social Policy Agenda 2006 – 2010 for more information, downloadable from www.socialplatform.org

Test 4: Has the Luxembourg Presidency actively supported strong social inclusion policies and a visible social inclusion strategy?

To succeed on Test 4, Social NGOs call on the Luxembourg Presidency to:

- ***Ensure a renewed, clear commitment to the social inclusion objectives and the eradication of poverty by the Spring European Council, and discussion of a clear headline target for the EU to reduce the levels of poverty measured against GDP by 2010***
- ***Support the creation of an Advisory Board to the Social Protection Committee, composed of representatives of civil society with expertise in the areas of the SPC's mandate***
- ***Ensure that the development of housing and homelessness indicators is prioritised at the proposed Presidency conference in June on the use of indicators, and also by the Indicators Sub-Group of the Social Protection Committee***
- ***Support the consultation of social NGOs by the Employment Committee (EMCO) to improve the integration of social inclusion issues in the European Employment Strategy***
- ***Ensure effective follow-up of the final recommendation of the Round Table on Combating Poverty and Social Exclusion (18/19 October 2004) which called for "the development and implementation of integrated strategies to combat homelessness" in the National Action Plans on Social Inclusion of the 25 Member States. This should be done by placing this recommendation on the agenda of the next EPSCO (Employment & Social Affairs Council) meeting, and taking immediate action to implement it directly.***

It is crucial for the fight against poverty and social exclusion that a distinct and visible EU social inclusion strategy is maintained, supported by strong indicators and with the full involvement of civil society. The impact of the social inclusion strategy can also be strengthened by better integrating inclusion goals into the European Employment Strategy, through involving social NGOs in this area. The Luxembourg Presidency can support the achievement of these goals, both as leader of the European Council and also through its representatives on the Social Protection and Employment Committees.

Test 5: Has the Luxembourg Presidency helped guarantee the future of quality social services and services of general interest in Europe?

To succeed on Test 5, Social NGOs call on the Luxembourg Presidency to:

- ***Ensure that Council allows time to be taken for adequate assessment of the impact of the proposed directive on services in the internal market on social services before any adoption of the directive***

Social services are crucial to guarantee fundamental rights and help achieve social cohesion. However, the EU's internal market, competition and other rules which affect them are often not designed with their specific characteristics in mind. The proposed services directive poses particular risks in relation to social services, and it is important the Luxembourg Presidency takes these risks into account as it leads negotiations.

Test 6: Has the Luxembourg Presidency contributed to the protection of fundamental rights?

To succeed on Test 6, Social NGOs call on the Luxembourg Presidency to:

- ***Develop an action plan on the broad role of the EU in promoting fundamental rights and also the role of the future fundamental rights agency, though organising discussions with all relevant stakeholders and a close involvement of NGOs***

Discussions on the future EU fundamental rights agency will step up following the Commission's consultation on the agency, and this is also an ideal opportunity to consider the broader role of the EU in promoting fundamental rights, a debate which is urgently needed. The Presidency should therefore take the lead in broadening debate on this issue beyond what has been done by the European Commission, by organising a conference with a high political profile, bringing together all relevant stakeholders.

Test 7: Has the Luxembourg Presidency made progress on achieving gender equality?

To succeed on Test 7, Social NGOs call on the Luxembourg Presidency to:

- ***Provide political impetus to the drafting of a new EU Framework Strategy on gender equality, in the first instance by including this on the agenda of the next EPSCO (Employment & Social Affairs Council) meeting***
- ***Ensure progress in the development of the EU Gender Institute***
- ***Organise a process to consider how to address gender identity discrimination in the context of EU action on gender equality***
- ***Coordinate the EU response to the Beijing Platform for Action's implementation review***

The Luxembourg Presidency must take an active lead in the promotion of equality between women and men in all areas of life. In order to achieve this, it is crucial that the Luxembourg Presidency ensure the drafting of a new EU Framework Strategy on gender equality. This should be a strong policy instrument based on a dual strategy of specific measures and legislation on equality between women and men as well as more effective implementation of gender equality mainstreaming. The Luxembourg Presidency must ensure progress in the development of a EU Gender Institute as this Institute presents an important opportunity to reinforce EU gender equality actions and will give further political impetus to EU gender equality efforts. 2005 is the 10th Anniversary of the UN Beijing Women's Conference which adopted the 'Beijing Platform for Action' (BPFA), which all of the EU Member States committed to. The Luxembourg Presidency must take an active role in coordinating the EU response to the BPFA implementation review to ensure Member States have upheld their commitment to the BPFA.

Test 8: Has the Luxembourg Presidency helped ensure that non-discrimination remains a top priority at EU level?

To succeed on Test 8, Social NGOs call on the Luxembourg Presidency to:

- ***Ensure that non discrimination is paid due attention in the Social Policy Agenda 2006-2010 to ensure "equal opportunities for all to participate fully in all aspects of life and to have access to work and services" as agreed by the***

Employment, Social Policy, Health and Consumer Affairs Council, Brussels, 6-7 December 2004

- **Use all possible opportunities to call on all the Member States to respect their legal obligations to fully implement the 'Article 13' directives³ and add an item on this issue to the agenda of one of the Employment and Social Affairs Councils**
- **Support the development of further legislation in the field of anti-discrimination covering all areas of life for all the grounds included in Article 13 (as the "race directive" for the ground of ethnic origin)**
- **Take leadership in developing a comprehensive active ageing strategy aiming at a radical policy and cultural shift. These should include increased participation in training and improved quality in work over the life course.**

The implementation of the Article 13 (TEC) directives remains problematic in many EU countries. Member States will have to be reminded of their obligation to transpose these directives in their national legislation as well as of the importance of the principle of equality in achieving an inclusive society.

Test 9: Has the Luxembourg Presidency actively supported participatory democracy?

To succeed on Test 9, Social NGOs call on the Luxembourg Presidency to:

- ***Ensure adequate and meaningful participation of social NGOs, including national social NGOs, in Presidency meetings and conferences, including in the planning of these events***
- ***Respect the principle of gender parity in all its activities and especially in conferences***
- ***Invite the Social Platform to take part alongside social partners in the Troika meeting preceding the Informal Employment and Social Affairs Council in January 2005***
- ***Invite social NGOs to take part in the Tripartite Social Summit preceding the Spring European Council meeting***
- ***Ensure an open and accessible provision of information about progress in all policy areas during the Presidency***

The processes of policy-making are in many ways as important as the policies themselves, not least because the processes have a significant impact on the content of policies. The Luxembourg Presidency has a responsibility to live up to the principles of good governance and participatory democracy by actively ensuring the meaningful participation of NGOs in policy-making processes, including events and conferences. This includes practical aspects such as providing up-to-date and accessible information, and efficient conference organisation.

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³ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin