

**Reinforcing social rights in order to exit the economic crisis**

I. In view of the recent socio-economic developments, we recall the following:

- The European Community, at the outset an Economic Community, has developed into a Community of fundamental values and rights.
- Fundamental rights are a cornerstone of the European Union, according to its Treaties.
- Consequently, their effective guarantee is an obligation of both the Union and its Member States.<sup>1</sup>
- Social rights are fundamental rights of the same nature and level as other fundamental rights, in the whole Europe, by virtue of the EU Treaties, the European Social Charter, the case law of the two European Courts and the decisions of the unique in the world Committee of Social Rights of the CoE.
- The social character, indeed the human face of the Union is constantly stressed by the European Parliament, the Council and the European Commission. It is reinforced by the Court of Justice.
- The Court has held that the Community «*is not merely an economic union, but is at the same time intended, by common action, to ensure social progress and seek constant improvement of the living and working conditions of the peoples of Europe*»; thus, «*the economic aim*» pursued by a provision «*is secondary to the social aim pursued by that provision, which constitutes the expression of a fundamental right*».<sup>2</sup>
- The primacy of fundamental rights and social objectives of the Union is reiterated in the Lisbon Treaty. In particular:
  - *Fundamental rights*, including *gender equality*, are *fundamental values* of the Union (Art. 2 TEU)
  - *The first aim* of the Union is to promote its *values* and the *well being* of its peoples (Art. 3(1) TEU)
  - The combat against discrimination and the promotion of gender equality are horizontal objectives of the Union (Art. 3(3) TEU, Art. 7-8 TFEU).
  - The Union's *social objectives*, including *full employment*, *social inclusion* *social protection* and *social progress*, are interwoven with its economic objectives and they condition the effectiveness of the latter; *economic cohesion* relies on *social cohesion* (Art. 3(3) TEU).

II. We are fully conscious of the seriousness of the economic crisis. However, in order to be effective, any policy aiming at achieving the exit from this crisis has necessarily to be designed and implemented in the light of the aforementioned fundamental values, rights and objectives. Otherwise, the substantial decrease of salaries and pensions, unemployment, the intensification of poverty and social exclusion, and the ensuing social tensions will very probably hamper economic growth and accelerate recession and misery across the Union.

And this will start at the midst of the *European Year for combating poverty and social exclusion*, scourges that afflict especially women and children, according to the Commission.

The above considerations apply in particular to the «*reinforcement of economic governance*» in the Union and the expansion of «*economic surveillance*» of the Member States, currently planned.<sup>3</sup>

III. In this context

- We support the urgent appeal of the ETUC for an extraordinary *Tripartite Social Summit* and we demand:
  - that the Commission members responsible for employment, social affairs and equal opportunities, as well as for fundamental rights be involved in this summit and in the design and implementation of all economic governance policies;
  - that any economic governance measures include **social clauses** which will be binding on the Member States and whose implementation will be supported by the Union.

**Let us not forget that all Union policies are about human beings and that the Union proclaims that it «places the individual at the heart of its activities».**<sup>4</sup>

**Let us not deprive our youth of its future.**

5 June 2010

<sup>1</sup> Cases C-402/05 P C-415/05 P *Kadi*. [2008] ECR I-6351; C-94/00 *Roquette Frères* [2002] I-9001.

<sup>2</sup> Cases C-50/96, *Schröder*, [2000] ECR I-774; C-270-271/97, *Sievers*, [2000] ECR I-933.

<sup>3</sup> See Communication of the Commission. Brussels 12.5.2010 COM(2010) 250 final.

<sup>4</sup> Preamble to the Charter of Fundamental Rights, which has currently the same legal value as the Treaties.