Special advisor states that Commission has to clarify how it deals with EU level social partner agreements
(Brussels, 5 February 2021) This European Commission has given itself a strong mandate to develop the European social dialogue. With the trust between the social partners and the EU at a low, the EU Commissioner for Jobs and social rights asked the ex-German Labour Minister Andrea Nahles to draft a report with recommendations to improve the social dialogue. She reflected on many points and including on the way the Commission handled EU level social partner agreements of which the social partners seek a decision by Council so they apply to all workers and employers concerned in the EU (erga omnes). The special advisor says “As regards agreements whose incorporation into EU law has been requested by the European social partners, the European Court of Justice is set in the coming weeks to hand down its judgment on the appeal brought by EPSU (the European Federation of Public Service Unions) against the General Court judgment of October 2019. Following this judgment, the Commission will have to clarify how any future requests by EU social partners for the incorporation of their agreements into EU law are to be handled. A transparent process based on clear criteria is needed.”

It reflects the position of the European social partners who had likewise underlined the need for the European Commission to clarify the process. “The European social partners draw the particular attention of the European Commission on the need to meet and discuss with the European social partners to achieve clarity with regard to its decision-making process and actions taken about putting forward EU social partners 2 agreements to the Council when it is the joint request of the social partners to implement their agreement by a Council decision on proposal from the Commission.”

The report confirms that the social partners can no longer rely on the European Commission’s social dialogue Communications over the years, which according to the Commission have no value. The report was discussed in the European social dialogue committee bringing together unions and employers representatives, 3 February 2021. Ms Nahles underlines the importance of consultation of the social partners and Commissioner Schmit committed to work with the social partners how to deal with negotiated agreements.

For the report of special advisor Andrea Nahles

The joint position of the European social partner
For more information on the EPSU case (GC case T-310/18 and in appeal case C-928/19)

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