

ROADMAP	
<b>TITLE OF THE INITIATIVE</b>	More efficient law-making in social policy: identification of areas for an enhanced move to qualified majority voting
<b>LEAD DG – RESPONSIBLE UNIT</b>	EMPL – Unit 01
<b>LIKELY TYPE OF INITIATIVE</b>	Non-legislative (Communication from the Commission to the European Council, the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions)
<b>INDICATIVE PLANNING</b>	Q1 2019
<b>ADDITIONAL INFORMATION</b>	<a href="http://ec.europa.eu/social/">http://ec.europa.eu/social/</a>
<p>This Roadmap is provided for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Roadmap, including its timing, are subject to change.</p>	

A. Context, problem definition and subsidiarity check
<b>Context</b> [max 10 lines]
<ul style="list-style-type: none"> <li>In its <u>letter of intent to the European Parliament and the Council</u> of September 2018, the Commission announced an initiative on more efficient decision-making in social policy, with the identification of areas for an enhanced use of qualified majority voting. The <u>2019 Commission Work Programme</u> includes a non-legislative initiative in this area to make sure that the EU Single Market legislation can keep pace with economic and societal developments.</li> <li>This new initiative implements part of President Juncker’s <u>Agenda for Jobs, Growth, Fairness and Democratic Change</u> and focusses on delivering a deeper and fairer Internal Market.</li> <li>This is part of the Commission’s initiatives to give perspective for the future of the European Union until 2025 and a contribution to the Summit in Sibiu on 9 May 2019 where EU Leaders will provide a renewed perspective for the future of the new European Union of 27 Member States. The Commission has announced an analogous initiative in the field of taxation, which has strong links with the initiative on social policy. The Commission has already presented a <u>Communication on more efficient decision-making in common foreign and security policy</u>.</li> </ul>
<b>Problem the initiative aims to tackle</b> [max 25 lines]
<ul style="list-style-type: none"> <li>Over the past 60 years, European integration has been accompanied by the development of a body of law in the social field which has resulted in progress in the freedom of movement, living and working conditions, equality between women and men, health and safety at work, social protection and inclusion and education and training.</li> <li>However challenges remain. Labour markets and societies are evolving quickly, with new opportunities and new challenges arising from globalisation, the digital revolution, changing work patterns and societal and demographic developments. Challenges are often similar across Member States although their impact varies.</li> <li>In order to keep pace with economic and societal developments, the European Union needs to be able to act effectively with the right decision-making tools to deliver on the obligations set out in the Treaties.</li> <li>Through successive Treaty changes, the EU has gradually moved towards increased decision-making by qualified majority (QMV). Today qualified majority is the standard voting rule for EU decision-making. Most of the social policy legal bases allow for decision-making under qualified majority voting. Some areas remain however subject to unanimity in the Council, even for non-binding measures, and the special legislative procedure. These areas notably include combating discrimination, social security and social protection of workers, protection of workers where their employment contract is terminated, workers’ and employers’ representation and collective defence, and conditions of employment for third-country nationals.</li> <li>Unanimity means that each Member States has de facto a veto-right, which limits the incentive to negotiate and identify solutions that are beneficial for the EU as a whole and can lead to prolonged negotiating processes. It also carries the risk that the Union does not come to a decision at all, as a single country is able</li> </ul>

to block the decision, or only on the mere smallest common denominator.

- At the same time, experience in EU decision-making shows that qualified majority voting ensures an appropriate balance between efficiency and legitimacy of the decision-making process. Extending the qualified majority voting could facilitate policy making in fields of social policy now subject to unanimity. The EU Treaties envisage tools to allow for more efficiency in EU decision-making in certain matters. However, these Treaty provisions remain largely unused. Under the Lisbon Treaty, legislative mechanisms can be adapted by the so-called passerelle clauses. These tools allow procedural changes, e.g. from unanimity to qualified majority voting or from special legislative procedure to ordinary legislative procedure (with European Parliament and Council acting as co-legislator on an equal footing).
- With this initiative, the Commission is exploring the possibility of applying such tools in the field of social policy and exploit the unused potential of the Treaty as it stands. Relevant clauses include those in articles 153(2) of the Treaty on the Functioning of the European Union and 48(7) of the Treaty on the European Union.

#### **Basis for EU intervention (legal basis and subsidiarity check) [max 10 lines]**

The Treaty on the Functioning of the European Union already empowers the Union to act in the area of social policy (Title X). The subsidiarity principle is not in question in this initiative. Passerelle clauses do not interfere in the division of powers between Member States and the EU, nor in the criteria in the use of those powers. Any concrete proposal ensuing from the decision to move to qualified majority voting will have to respect the limits of the respective legal basis and the subsidiarity check.

### **B. What does the initiative aim to achieve and how [max 25 lines]**

The main objective of this Communication is to explore possibilities to make the decision-making on social policy more efficient through enhanced use of qualified majority voting to enable the EU to keep pace with the rapid economic and societal developments affecting the world of work and social protection systems. The Communication aims to trigger a debate within the EU institutions and with interested stakeholders on how to make decision-making on social policy more efficient within the opportunities available in the current Treaties.

More efficient decision-making in the field of social policy would respond to the expectations of Union citizens. According to findings of 2018 Spring Eurobarometer EU citizens' main concerns are unemployment, health and social security. Health and social security reached a new high and is now in second place after unemployment.

It would also respond to the EU leaders' pledge in the Rome declaration to work towards a social Europe: a Union which, based on sustainable growth, promotes economic and social progress as well as cohesion and convergence, while upholding the integrity of the internal market; a Union taking into account the diversity of national systems and the key role of social partners; a Union which promotes equality between women and men as well as rights and equal opportunities for all; a Union which fights unemployment, discrimination, social exclusion and poverty.

### **C. Better regulation**

#### **Consultation of citizens and stakeholders [max 10 lines]**

The Communication is about the decision-making process in social policy. It is meant as a contribution to the process leading up to and beyond the Sibiu Summit in 9 May 2019, with a 2025 perspective in the horizon. Its purpose is to trigger a debate. The general public will be able to share their views on this Roadmap. Exchanges of views with social partners are envisaged. No other public consultation is planned.

#### **Evidence base and data collection [max 10 lines]**

This initiative focuses on the decision-making process in social policy. As such, it would not have significant effects that would require an impact assessment. Any concrete proposal ensuing from the decision to move to qualified majority voting in this field will be prepared in line with the better regulation guidelines.