

European Citizenship – a driving force towards European Solidarity?

On 20-21 November 2008, in Brussels, under the auspices of the French presidency of the European Union, the **European Social Insurance Platform (ESIP)**, the European Economic and Social Committee and the French Social Security Academy EN3S (Ecole nationale supérieure de sécurité sociale) held their **European Conference entitled "European Citizenship, Free Circulation and Social Protection"**.

The Conference aimed to examine the evolving interaction and interdependence of three fundamental concepts of the European Union: free movement of persons, *European Citizenship* – first laid down in the Maastricht Treaty of 1992 and later integrated into the Charter of Fundamental Rights accompanying the Lisbon Treaty of 2007 – and the principle of subsidiarity with regard to national social protection schemes.

Opening the conference the message from Mr Jacques BARROT, Vice President of the European Commission, responsible for justice and home affairs outlined the progress that had been made over the last 20 years in consolidating the right of all EU citizens and their families to move and reside freely within the territory of all Member States. However, he pointed out that the future challenge lay in creating a social Europe within which European citizens can circulate and reside while enjoying a high degree of protection. Meeting this challenge called for measures that ensure the financial stability of the existing social protection systems but also actions and tools that will bring greater integration of Europe's citizens in the social field.

Mr Mario SEPI, President of the European Social and Economic Committee (EESC) focused on the importance of the revision of the EU Regulation regarding coordination of the social security systems due to come into effect in 2010. The new Regulation (EC) No. 883/2004 which aims to simplify and clarify the current Regulation (EEC) No. 1408/71 also broadens the scope of application of the current Regulation which Mr SEPI believes constitutes a major step towards improving free movement within the European Union. Nevertheless, he warned that free movement should not endanger the European Social Model, the maintenance and development of which is one of the three priority areas of his presidency in 2008-2010. In July this year, the EESC drafted an opinion (Mr Olsson, rapporteur) calling for a renewal of the European social action programme to be fully integrated into a post Lisbon strategy where the social dimension and economic dimension are placed on an equal footing.

Following the opening, the conference looked at the practical challenges today facing the provision of social services in the Member States as a result of free circulation and debated the level of coordination (regulated since 1972 by Regulation (EEC) No. 1408/71), convergence and harmonisation these required of the Member States' systems. Mr Jérôme VIGNON, Director for social protection and integration at the European Commission, stressed the particular challenge raised by posted workers and migrant workers and the need for statutory systems to ensure the continuity of the social security rights of the increasing numbers of mobile workers. Various speakers agreed that convergence and harmonisation were desirable and necessary in some areas (e.g. aligning pension ages,

quality standards for healthcare, defining social minimum benefits) and were in fact already taking place partly automatically and partly through the application of “hard” and “soft” (the open method of coordination) law. However, as Mr Schulz-Weidner of the umbrella organisation of the German Pension Funds pointed out the establishment of higher quality standards for every European citizen would need to be financed. This would call for an enlarged system of European solidarity – raising questions that no one has yet been able to answer.

Focusing on European Citizenship, the conference analysed both the legal and perceptual impact that this concept has had on cross-border access to social benefits since its introduction in the EU Treaty in 1992. It was clear that the many recent decisions of the European Court of Justice based on the principles of equality, inclusion and more recently proximity go far beyond the provisions intended by Community Regulation (EEC) No. 1408/71 (or by its replacement, Regulation (EC) No. 883/04, due to come into effect in 2010), founded essentially on the labour market and free movement of workers. Offering the citizen’s/worker’s point of view, Claire Damilano of the European Citizen Action Service, pointed out that most complaints received from citizens are due to a lack of information or indication to sources of information regarding his/her rights.

With a view to the future, the conference finally discussed what instruments might best deal with these new challenges, to what level a system of European solidarity was necessary and whether a European Social Pact should be defined. The discussions highlighted the impact of the changing balance between economic and social policy, tracing the evolution of a social protection policy and benefits based on the labour market and free movement of workers - to one based on equality and social inclusion - and back, with the introduction of the idea of “flexicurity” (with the emphasis on flexibility rather than security) to one based on increased individual choice and opportunity in the job market. In summary, it was noted that the social sector should be pro-active in efforts to “negotiate” a return of the balance towards social policy built on the back of social and democratic change and that this might provide the basis for a European Social Pact, best implemented through “soft” law measures - setting common principles and goals, guidelines and the open method of coordination. Closing, Mr Franz TERWEY, director of ESIP, proposed returning to this challenging subject in 5 years time at the ESIP European Conference, to review the developments that have taken place in this field.

For further information, please contact Chris Dawson at: christine.dawson@esip.org

About the *European Social Insurance Platform* (ESIP)

The *European Social Insurance Platform* (ESIP) represents over thirty statutory social insurance organisations in fourteen Members States and Switzerland, active in the field of health insurance, pensions, family benefits, occupational safety and accident insurance and unemployment insurance. The aims of ESIP and its members are to preserve high-profile social security for Europe; to reinforce solidarity-based social insurance systems and to maintain European social protection quality. ESIP builds strategic alliances for developing common positions to influence the European decision-making process and is a consultation forum for the European institutions and other multinational bodies active in the field of social security.

For more information please visit the ESIP website at: www.esip.org