



December 4, 2008

**CoESS' comments to the European Commission Consultation of the European social partners for a review of the implementation of the Commission Communication and Decision of 20 May 1998**

CoESS, the Confederation of European Security Services, would hereby like to comment on the European Commission's initiative to evaluate the implementation of its 1998 Decision in order to strengthen and promote European Sectoral Social Dialogue structures and their functioning in accordance with Articles 138 and 139 of the EC Treaty.

First and foremost, CoESS wishes to stress that the establishment of a European Sectoral Social Dialogue Committee for the private security industry has proved to be a very positive and constructive experience representing a significant step forward in the way the sectoral social partners deal with mutual priorities and challenges. The private security Sectoral Social Dialogue Committee provides social partners with a direct and open discussion forum, which facilitates the exchange of European, national and local information and best practices and which - since its creation in 1998 - has led to an important number of joint declarations and statements, toolkits and reports in various policy areas: regulatory issues, training, organisation of work, market conditions, health and safety and enlargement, considerably improving the social and economic fabric of the private security industry.

The social partners of the private security sector recently organised their 5<sup>th</sup> Private Security Conference (October 15-16, 2008), with the support of the European Commission, focusing on the implementation of the European Sectoral Social Dialogue at national level. The outcome of this Conference was clear: in order to further promote the European Social Dialogue's philosophy and principles at national level, a joint and integrated approach by all stakeholders involved, i.e. the sectoral social partners, the European Commission and national authorities and governments, remains key. The Conference allowed the social partners to gain a better insight into which issues they have managed to tackle so far, but also into which questions still need to be addressed. The importance of the work of the Social Dialogue should and must be made more visible. The Conference provided the social partners with clear objectives and additional food for thought to nourish their European Sectoral Social Dialogue Working Programme for the years to come.



CoESS is confident that the current European Commission approach, reflecting the 1998 Decision, towards the creation and functioning of European Social Dialogue structures is adequate and fulfils its purpose and objectives.

CoESS underlines that the social partners are the driving force behind the European Social Dialogue. They shape and fine-tune it so as to meet European and national challenges in the most suitable way. CoESS therefore appeals to the European Commission to acknowledge that European social partners are responsible for the organisation of sectoral and intersectoral Social Dialogue and to safeguard the 1998 Decision's autonomy principle.

The European Commission's role as the supporting and assisting key actor in the set-up of Sectoral Social Dialogue structures and in the accomplishment of the Social Dialogue's objectives, however, is highly valued and remains a crucial factor in the process.

As regards the possible formalisation of a specific status of observers, associates or complementary (non-) European social partners next to the status of European social partners, CoESS estimates that external influences regarding the goals, contents and organisation of the European Sectoral Social Dialogue will weaken the autonomy of the social partners. The strength of the European social partners is precisely the fact that they respond to the criteria set out in the European Commission 1998 Communication and Decision: autonomy and bipartite dimension, demarcation, representativeness, contractual capacity and administrative capacity. Especially given the possibility for sectoral European social partners to conclude binding agreements makes these criteria all the more essential.

The Commission Consultation seems to call for a more streamlined approach towards the social partners' negotiation process and the implementation of outcomes, however, CoESS underlines that harmonising procedures, typologies, Social Dialogue topics and implementation mechanisms will hinder the development of the European Sectoral Social Dialogue rather than facilitate it.

CoESS is of the opinion that the Sectoral Social Dialogue is the appropriate platform to deal with sector-specific topics. Horizontal themes should be tackled in the interprofessional Social Dialogue where sectors are represented through national employers' associations. Sectoral organisations can work closely together and exchange information on current initiatives regarding European social policies. Furthermore, they can participate in negotiations at interprofessional level if sector-specific aspects need to be addressed.



Sectoral social partners are free to decide which discussion topics they will focus on within their Social Dialogue Committees to the very best of their abilities. They may opt to develop initiatives, which are in line with or adjacent to cross-industry Social Dialogue agreements and projects, or in collaboration with other sectors, without affecting the autonomy of their respective activities. They are at liberty to explore any additional means they see fit to ensure an adequate follow-up of their actions, e.g. by improving the awareness of the European Works Councils of the Social Dialogue results.

CoESS emphasises that the European Sectoral Social Dialogue is a key instrument to successfully promote economic and social progress. It offers social partners the ideal forum to decide on and deal with priorities and challenges according to their mutually agreed upon agenda. The European Commission also plays an important part in this process. It can explore ways of promoting the sharing of experience on follow-up practices and can attend national seminars in order to raise awareness of the importance of the European Social Dialogue for national industrial relations.

In order to further support and encourage the excellent work that has been delivered by the Sectoral Social Dialogue Committees thus far, a possible revision of the 1998 Decision should focus on the reinforcement of the autonomy of the sectoral social partners, on the vital role of the European Commission as a supporting force and on identifying issues which can be jointly discussed.