



European Social Model and EU Enlargement: Friend or Foe?

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Civilizational identity of European regional cooperation in the field of labour relates both to general approach to a unified Europe and the "European idea" and the concepts of the "European social idea", "European social model", which appeared much later and actively discussed, especially the last.



As a general idea of European unity derives from common to the European peoples of the Christian religion, and the European Social Idea is based on Christian postulates of social justice and equality, in the future it derives its strength in the philosophy of humanism and personocentrism, the priority value of the person and pacifism.

(Du Réau, E. L'idée d'Europe au XXe siècle: des mythes aux réalités.)



Factors influencing the modern international legal regulation of labour in Europe

- The influence of the Christian religion, especially the Catholic Church on the formation of humanistic and social-oriented model of the state and the resulting of Christian canons humanistic idea;
- The influence of socialist ideas;
- As a consequence, the rejection of the economic development model of society based on the principle of "laissez-faire" and the transition to a model of "welfare state"



European social idea is largely due to the social doctrine of the Catholic Church, which was begun in 1891 by encyclical of Pope Leo XIII on capital and labour "Rerum novarum".

Influence of the Catholic social doctrine on construction processes European institutions carried out indirectly, by many politicians in Europe who have been and remain the bearers of Christian values, including social ideas, in particular, Robert Schuman, Konrad Adenauer and Alcide de Gasperi, prominent members of the Christian Democratic movement.



The project of Pan-European Union, proposed by Count Kudenhofe-Kalergi in 1923 and has become a flagship project for the League of Nations in the 20-ies of the last century, was supposed to create first a custom union, then an economic union with a common market, including the mobility of labour and social policy in a broader sense.



The Memorandum on the organization of a European federal union regime, presented the French Foreign Minister Aristide Briand at a European conference in the Assembly of the League of Nations, May 1, 1930, among others, contained proposals for the formation of a common European market for goods to ensure the progressive liberalization and gradual facilitation of movement of goods, capital and people.

(Memorandum sur l'organisation d'un régime d'union fédérale européenne / [établi par le gouvernement de la République française pour être soumis aux Etats européens membres de la Société des Nations. Paris, 1er mai 1930])

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In the field of labour was supposed to solve some labour issues specific to Europe, such as the work on the river fleet and in the glass industry, the problems having a continental or regional in nature, such as the regulation of the social consequences of the Inter-European migration (the use by one country against another laws on accidents, on social Insurance, on retirement pensions, etc.)



The memorandum was the basis for the development of program of the third pan-European congress, which was held in Basel in 1932, and where have been defined the main directions of the pan-European process.

The priority areas were military and economic cooperation, but were also highlighted the so-called "**forward directions**", including:

- the "European social policy" involves providing a living wage for all unemployed,
- elimination of unemployment "through creative construction of economic solidarity,"
- the reduction of working time "as technological progress",
- the development of social legislation and guardianship of motherhood and childhood, the elderly and disabled, as well as
- "European policy of freedom" involves ensuring democratic rights and freedoms, stability of political power, "promotion of talented people"

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Unfortunately, the pan-European project 20-30-ies. remained unrealized due to the global economic crisis and exacerbated political conflicts on the European continent, came to power in Germany by Adolf Hitler.



Very important in the development of the European social model and European integration as a whole played a world-renowned economist, founder of the School of Economics, **John Maynard Keynes**. It is a cornerstone of his teachings inspired the creation of the European Communities in the 50-60-ies. of the twentieth century: the state must reconcile three things: better economic efficiency, social justice and individual freedom.

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European social idea has been developed at the Hague Congress in May 1948, when have been identified two major vectors of the combining of European states (in this case refers to Western European countries, as Eastern and Central Europe were in the zone of influence of the Soviet Union): the federalist and the allied.



It is in the framework of the "federalist" project were established the European Communities and formed the legal basis of integration association in Europe - the phenomenon of legal science and practice. Here emerged and another concept - ***the "European social model"***, which is relatively new and is used in the documents of the European Union to support a more active and systematic activities of the EU institutions in the field of labour and social security.



First time this concept was used in the White Paper of the European Commission "European social policy: the way forward for the Union", 1994. "The objective in the coming period must be to preserve and develop the European social model as we move towards the 21 century, to give to the people of Europe the unique blend of economic well-being, social cohesiveness and high overall quality of life which was achieved in the post-war period."



The contributions to the Green Paper confirm that there are a number of shared values which form the basis of the European social model. These include democracy and individual rights free collective bargaining, the market economy, equality of opportunity for all and social welfare and solidarity.

These values - which were encapsulated by the Community Charter of the Fundamental Social Rights of Workers - are held together by the conviction that economic and social progress must go hand in hand.

Competitiveness and solidarity have both to be taken into account in building a successful Europe for the future.

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The purpose of the Union for the period ahead was to be the preservation and improvement of the European social model in order to provide to the peoples of Europe on the threshold of the twenty-first century a unique fusion of economic prosperity, social cohesion and quality of life all over the place, which was reached in the postwar period.



For the implementation of the rights contained in the Community Social Charter in the same year, the EU Commission adopted a Programme of Action of the Social Charter, it contained 47 different tools that were to be taken to January 1, 1993.

We note that the program of 47 proposals were adopted only 17 directives.



The report of the Committee on Employment and Social Affairs of the European Parliament "On the future of the European social model" of 2006 defines the European social model: "First of all, the European social model - is the sum of values. Whatever European social system we consider, they are all based on the common values of equality, non-discrimination, solidarity and redistribution of income. "



Known researcher of international labor law, Jean-Michel Servais analyzing historical models of the policies of European states, aimed at maintaining or restoring social cohesion among their citizens, came to the conclusion that of these three models: an enlightened despotism, the policy "laissez-faire" (interference) and **practices of the welfare state**,

it is the latter as common denominator of social policy in the twentieth century, adopted by an overwhelming majority of democracies in Western Europe, especially those involved in the construction of Europe.

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Thus, the European social model is linked with the concept of the welfare state and the closest to the typological classification of labor law relates to the Roman-German model of labor law, including the Scandinavian model. And that is why countries of the Anglo-Saxon group in the EU are critical of the European social model.

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And, although a unified approach to its definition not been worked out, despite numerous mentions of the concept of "European social model" in official documents, scientific studies and other documents and materials, it should be noted that **the success of this model is directly related to good economic performance, and the model is based on high standards and quality, including quality of the workforce.**



Jepsen and Serrano Pascual (2006), in a discussion of these different conceptions of the ESM, identify two major ways of understanding it:

- (i) the ESM as a historical *acquis*, characterised by *specific common institutions, values and outcomes*; and
- (ii) the ESM as a *European political project*, conceived in the effort to solve shared problems and work towards a *distinctive trans-national model*, including common goals, rules, and standards, as well as a certain degree of *trans-national cohesion*.



EU enlargement has had a serious impact on the European social model.

At the first stage of the existence of this concept entry into the EU of new Member States (Finland, Sweden, Austria) has had on her progressive impact, social policy was included by the Amsterdam Treaty in the EC Treaty .



Enlargement of the EU in the first decade of the XXI century has become a major challenge for the European Social Model, which was manifested in a controversial approach:

- moratorium on the free movement of workers from the new Member States in the Treaties of Accession.

- practice of the ECJ in cases Laval and Viking (Cases C-438/05 and C-341/05)

and

- Lisbon concept of Social Europe: solidarity, social justice and the social market economy



The Lisbon Treaty introduced a new aim for the EU in Article 3(3) Treaty on European Union, first paragraph: to work for ‘a highly competitive *social market economy, aiming at full employment and social progress*’.

Article 3(3), second paragraph, adds that the Union shall combat social exclusion and discrimination, and shall promote social justice and protection of equality between men and women, solidarity between generations and protection of the rights of the child.



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Article 6(1) TEU incorporated the Charter of Fundamental Rights into EU law.



The significance of ESM concept is important for the European region wider than EU also because apart from 28 Member States of the Union social policy it almost completely covers the three states of the Single European space: Norway, Iceland and Liechtenstein, as well as a strong influence on the legal systems of countries candidates, including Montenegro, Macedonia, Serbia and Turkey, as well as Albania, due to the need for the candidate countries to bring its legislation into line with existing EU regulatory array.



High-level values of solidarity and social dialogue, equality, non-discrimination and social justice, as well as a high level of social guarantees, are reflected in the Council of Europe, which in 1950 concluded a Convention for the Protection of Human Rights and Fundamental Freedoms, a number of articles of which concerns directly or indirectly, labour rights and protection of these rights is obtained by a special judicial mechanism, which has no analogues in the world.

Also in 1961, was adopted by the European Social Charter, revised in 1996, "staffed by" labor rights in the regional system.

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However, the doctrine of EU social and labour law does not extend action of European social model for the human rights machinery of the Council of Europe, which, in our view, unfairly narrows the scope of its implementation.

Civilizational communications here are unconditional.

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THANK YOU FOR ATTENTION!

