

**Draft RULES OF PROCEDURE FOR THE  
EUROPEAN SECTORAL SOCIAL DIALOGUE COMMITTEE IN THE SECTOR OF  
THE METAL ENGINEERING AND TECHNOLOGY BASED INDUSTRIES**

## **Preamble**

In accordance with article 1 of Commission Decision 98/500/EC of 20 May 1998<sup>1</sup>,

CEEMET, the Council of European Employers of the Metal, Engineering and Technology-based industries,

and

EMF, the European Metalworkers Federation

jointly submitted (date) a request to the Commission for the establishment of a Social Dialogue Committee in the sector of the metal, engineering and technology-based industries.

In a letter dated ....., the Commission formally confirmed the creation of the Social Dialogue Committee in the sector of the metal, engineering and technology-based industries.

By application of article 5.1 of the aforementioned Commission Decision, which states that “each Committee shall, together with the Commission, establish its own rules of procedure”, the Internal Rules of Procedure for the Committee are set out below.

## **Article 1 - Basic Principles**

The metal, engineering and technology-based industries (MET) are the largest industrial sector in Europe in terms of employment and added value. Moreover, the industry is one of Europe’s prime exporters with a wide range of engineering products and services which are at the leading edge of technology. In the wealth the MET industry generates, the people they employ and the skills they provide, the MET sector is vital in driving forward Europe’s future economic prosperity and has a key role in creating wealth for our society.

The Social Dialogue Committee between CEEMET and the EMF will work in a spirit of co-operation, consensus and good faith.

CEEMET and EMF agree that European social dialogue in the sector is bilateral, autonomous and voluntary, taking into account the diversity of national industrial relations and legal systems.

In line with Art. 139 of the EC Treaty, European Social Dialogue may lead to contractual relations and agreements at EU level. Where the results of European Social Dialogue between CEEMET and the EMF are to be implemented at national level, the implementation shall be done in accordance with the different practices, systems and legal frameworks in the countries concerned.

CEEMET and EMF acknowledge that the important principles of subsidiarity and proportionality are essential features for the activities of their Social Dialogue Committee.

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<sup>1</sup> OJ L 225, 12.8.98

CEEMET and EMF agree that the Committee will work in line with these principles and that its work will not directly, i.e. without national implementation measures (*see Art.1. para. 4*), interfere with national laws or with agreements nor will it result in any additional direct obligations for companies or employees of the sector.

Social Dialogue can be designed to encourage cooperation between the national members of CEEMET and EMF through initiatives aimed at improving knowledge, developing exchanges of information and good practices, promoting innovative approaches and comparing experiences in the Member States.

By virtue of the EC Treaty, the role of the Commission is to support and facilitate the formalised social dialogue by providing logistical help (accommodation, interpretation, translation, funds for projects) or advice, if so requested by the social partners, and to ensure a balanced support.

## **Article 2 – Key objectives**

The Committee's **key objectives** are to:

- contribute, particularly in the area of social policy, to improving the economic and business environment that supports the development of competitive and profitable companies in the best possible way, thus also helping to promote sustainable employment and conditions in the metal, engineering and technology-based industries in Europe. By creating an improved economic environment which permits the sector to meet the challenges and seize the opportunities of globalization and ever faster technological change, CEEMET and EMF are convinced that the industries in the metal, engineering and technology-based sector and their employees have an important future in Europe
- increase the mutual understanding between the Social Partners and their respective national member organisations. CEEMET and EMF want to exchange views and experiences of good national practices, fully respecting the diversity of national industrial relations systems and traditions;
- deliver opinions to the Commission on initiatives in particular with regard to social and employment policy and the development of European policy that have implications for the competitiveness of, and employment in, the metal, engineering and technology-based industries;
- encourage and develop this social dialogue between CEEMET and EMF as well as achieve a coordination of social dialogue activities in branches of the MET industries, as appropriate.

## **Article 3 – Methods of achieving key objectives**

In order to achieve these **key objectives**, the Committee will:

- focus on the functioning and completion of the single market and the four basic freedoms as a fundamental for creating sustainable growth in the European Union and the Member States
- focus on social policy related subjects that have a Community dimension – excluding negotiations on wages and working time, fully respecting the existing national collective bargaining procedures in the different countries concerned;
- be actively supported by the national member organisations, in particular from new EU Member States and Candidate countries;
- work in a spirit of co-operation, consensus and good faith;
- organise the implementation of the work programme in a flexible manner, establishing – as is felt appropriate and necessary by CEEMET and EMF - ad hoc working groups on specific subjects;
- promote the discussion and/or implementation of, for example, initiatives, policies, statements and recommendations adopted by the Committee;
- regularly review, evaluate and update its work programme;
- liaise closely with the Commission Secretariat and include Commission officials in its discussions as appropriate;
- monitor and evaluate the impact of its activities on initiatives of the European Institutions.

#### **Article 4 - Members of the Social Dialogue Committee (Committee)**

1. The Committee will be composed of up to a maximum of 40 members, inclusive of the CEEMET and EMF Secretariats, corresponding to a maximum of 20 members from each organisation.
2. Up to six observers can, subject to the agreement of both CEEMET and EMF, also attend meetings of the Committee. They could, for example, be from organisations in candidate countries to the EU, the European Economic Area or from other EU Member States.
3. CEEMET and EMF will co-ordinate respectively their delegations and invite their representatives to the various meetings and activities of the Committee, Steering Group and ad hoc Working Groups endeavouring to take into account gender and geographical balance.
4. No remuneration will be paid to Committee members in respect of functions exercised or their participation in meetings.
5. Accommodation and travel expenses of members will be reimbursed in accordance with the Commission's rules and procedures.
6. On occasion the Committee may, with the agreement of both CEEMET and EMF, invite external experts to attend and contribute to its meetings.

#### **Article 5 - Chair**

1. The Committee will agree a chair and a vice-chair from amongst its membership. One will be appointed by CEEMET; the other by EMF. The chair and vice-chair will alternate between the two organisations every two years. Each side may also appoint one substitute for these positions.
2. In the event that the chair or vice-chair become no longer engaged in the work of the Sectoral Social Dialogue Committee, a successor will be appointed, as appropriate, by the employers' or the employees' side for the remainder of the term.

#### **Article 6 – Plenary Meetings of the Social Dialogue Committee (Plenary Meeting)**

1. The Committee will hold one Plenary Meeting per year. Subject to the agreement of both CEEMET and the EMF, an additional Plenary Meeting may be convened.
2. Plenary Meetings can only be held if there is a quorum of at least 10 Representatives from both CEEMET and EMF.
3. The Plenary Meeting will adopt the Committee's bi-annual work programme, based on themes identified and agreed jointly
4. Any decisions of the Committee are to be taken by the Plenary Meeting.

#### **Article 7 – Steering Group**

1. The Plenary Meeting of the Committee will establish a Steering Group whose function will be to prepare and co-ordinate, well in advance, meetings of the Committee in liaison with the Commission's services. This Steering Group will be composed of members appointed by CEEMET and EMF, who will agree its detailed working methods.
2. The Steering Group will comprise up to 6 representatives from both CEEMET and EMF, including from their Secretariats.
3. The working language of the Steering Group will be English.
4. The Steering Group will meet at least once a year and will determine how it undertakes its work. This could include holding telephone / video-conferencing meetings.

#### **Article 8 – Ad hoc Working Groups**

1. The Plenary Meeting of the Committee may agree on the setting up of ad hoc Working Groups on specific topics of mutual interest. In that case, the Plenary Meeting will set the terms of reference of these Working Groups.
2. The number of Working Groups working in parallel will be limited according to agreement between CEEMET and the EMF
3. The number of the members from CEEMET and EMF for each Working Group will be fixed by the Plenary Meeting and the total number should not exceed 20 members, comprising an equal number from CEEMET and EMF, including their Secretariats. The Working Group will be co-chaired by a representative of both CEEMET and EMF.

## **Article 9 - Principles of procedure applying to all Meetings, Working Groups etc**

1. The following procedural aspects shall always be followed:
  - a. The dates for the meetings should be fixed ideally three months in advance unless otherwise agreed and confirmed by the Commission in accordance with its internal procedures.
  - b. An “annual calendar” with all joint meetings for the next 12 months should be set up.
  - c. Meetings will normally be held in Brussels so as to facilitate the possible involvement of representatives from the European Institutions
  - d. The working language is English. At meetings, translation is possible provided that these costs will be met by the Commission in accordance with its rules.
  - e. Calling notes, with a draft agenda, will be sent to all members of each meeting at least 1 month before the meeting. Any changes to the agenda etc. that are introduced less than two weeks in advance of a meeting may either be rejected or deferred to another meeting at the request of either party.
  - f. Agreed agendas, draft texts and all other documents for meetings will be sent to all members at least two weeks in advance of each meeting.
  - g. Draft minutes, reports etc. will be prepared by the Secretariat (Art. 10) and sent to CEEMET / EMF Secretariats for comments before they are circulated to the participants for approval at the latest one month after each meeting; approval should then be obtained from the participants within the next month.
  - h. In case of diverging interpretations of texts, the English version will be the valid source document.
  - i. As far as possible all documents will be circulated by e-mail
  - j. Where appropriate, this could include holding telephone / video-conferencing meetings.
2. All decisions within this social dialogue will be taken by the Plenary Meeting by consensus between CEEMET and EMF.
3. All communications to third parties regarding the outcome and progress of work carried out within this Social Dialogue, such as joint statements, documents etc., will be agreed between CEEMET and the EMF.

## **Article 10 - Secretariat**

The Commission will provide the services of Secretariat for the Committee, the ad hoc Working Groups and the Steering Group, such as organising meeting rooms, translation facilities for the Plenary Meeting and further logistical support.

The Secretariat will inform CEEMET and EMF of documents relating to the sector and forward texts adopted by the Committee to external parties, including relevant Commission services, if agreed by CEEMET and EMF (Art. 9, para. 3. of the Rules of Procedure).

## **Article 11 - Confidentiality**

Without prejudice to the provisions of Article 287 of the Treaty, if the Commission informs the Committee that the opinion requested relates to a subject that is confidential, members undertake not to disclose information that they may receive through their work in the Committee, Working Groups or the Steering Group. CEEMET or EMF may also ask the other party to treat confidentially information that is provided to the Committee, Working Groups and the Steering Group. CEEMET or EMF may also ask to discuss issues on a confidential basis with the Commission. In all such cases, confidentiality must always apply.

## **Article 12 – Entering into force of Rules of Procedure – Common Understanding**

The Internal Rules of Procedure will come into force on their adoption by the Committee.

## **Article 13 – Review of internal rules of procedure**

CEEMET and EMF may review the internal rules of procedure at the request of one of the parties mentioned in the preamble. Any changes will be taken by consensus.

## **Article 14 – Evaluation and Review of Sectoral Social Dialogue Committee**

The operation of the Sectoral Social Dialogue Committee will be comprehensively reviewed by both CEEMET and EMF, initially after it has been operating for 2 years, so that both parties can assess the added value that the Committee's activities has provided for CEEMET, EMF and their respective member organisations and determine how they should proceed in the future.

Following this first review, a comprehensive review of the Committee's activities will then be carried out by CEEMET and EMF every three years.

Since social dialogue is based on mutual interest, CEEMET and EMF acknowledge that either party can withdraw from this Sectoral Social Dialogue Committee at any time by giving the other party six months' notice in writing.

## **Article 15 – Additional parties**

Upon request and subject to the approval of CEEMET, EMF and the European Commission, the Social Dialogue Committee structure is, in principle, open to additional parties of the MET industries.

Adopted on .....

Signatures: