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## The right to strike in essential services: economic implications

Report  
Committee on Economic Affairs and Development  
Rapporteur: Mr Giovanni Crema, Italy, Socialist Group

### *Summary*

Strike actions in essential services – whether in the public or private sector – are having an increasingly profound effect not only on the countries where they occur but also internationally and especially within a rapidly integrating Europe.

The report's central message is that, while strikes continue to form an essential ultimate tool for employees to improve their conditions, greater attention needs to be paid to the rights of ordinary citizens to pursue their daily lives unhindered and to the right of society to protect their well-being and its own essential functioning.

The report, with this in mind, calls for comparative research at European level on the total cost to citizens and society of the above type of strikes and on the various limitations in force in different countries. Greater harmonisation in the 46-member state Council of Europe area should be sought, if possible based on the Council of Europe's European Social Charter, with parallel efforts in the European Union area.

**I. Draft resolution**

1. As Europe undergoes rapid political, economic, social and cultural integration - within the European Union and in the wider Council of Europe area - the vulnerability of each country to disruptions in others is becoming increasingly pronounced. This holds also for strike actions in essential services - whether in public or private ownership - such as in the transport sector, especially air transport or in public health, at a time of intensified international contacts and labour mobility. The wide differences in national legislation and practices between European countries are, against this background, increasingly at variance with the overall state of European integration and prejudicial to it.

2. Of further concern is the lack of balance in many countries between, on the one hand, the right to strike, including in essential services, as enshrined in various treaties from the Council of Europe's European Social Charter to the European Union's Charter of Fundamental Rights, and, on the other hand, the fundamental right of citizens to pursue their lives unhindered, preserve their health and well-being and the right of society to function and to maintain its overall ability to function as well as protect the health and welfare of its citizens. In certain European countries, this balance is seriously tilted against citizens and society.

3. The Parliamentary Assembly, against this background, calls on the governments of the member states of the Council of Europe to:

i. carry out studies of the cost of strikes in essential public services to the national economy, companies and citizens, both directly in the form of lost output and indirectly such as through impaired social relations and harm done to a country's international reputation and to collate and compare the results at the level of the Council of Europe;

ii. intensify research and the exchange of information on laws and regulations in force in different Council of Europe member states as regards the right to strike in essential services or limitations thereto;

iii. harmonise as far as possible national legislations governing strikes in essential services so that citizens throughout the Council of Europe area can be protected adequately and in a homogeneous manner;

iv. make the fullest possible use toward this end of the provisions of the European Social Charter governing the right to strike and the protection of other social rights of citizens, including in the Charter's enforcement mechanism;

v. encourage similar efforts within the more limited membership of the European Union, via EU legislation capable of subsequently being applied with the necessary adaptations in the Council of Europe area as a whole.

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#### 1. INTRODUCTION

1. The right to strike is a universally accepted principle enshrined in the 1948 Universal Declaration of Human Rights. It has been developed at international level by the International Labour Office (ILO) supervisory bodies but is not mentioned explicitly in ILO conventions or recommendations.

2. In Europe, the European Social Charter of 1961 recognises "the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike". The revised European Social Charter<sup>1</sup> was a source of inspiration for the 1989 EU Charter of Fundamental Social Rights of Workers and the European Charter of Fundamental Rights signed in Nice on 18 December 2000. The latter - which now form part of the European Union's

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<sup>1</sup> The revised European Social Charter adopted in 1996 is gradually supplanting the initial 1961 Treaty.

Constitutional Treaty at present undergoing referendums and the process of ratification in EU member states - also enshrines the rights to good administration and freedom of movement and the right to work, with which the right to strike can be said to go hand in hand.

3. While there is consensus that the right to strike is an indispensable instrument for the exercise of workers' economic and social rights, there is an ongoing debate about the need to strike a balance between the protection of these rights and the need to guarantee essential public services in order to safeguard citizens and their well-being.

4. The task of the present report will be to take stock of the situation as regards the right to strike and of any restrictions on this right in the Council of Europe member states. The report will also look into the impact of strikes on the economy and the everyday life of our citizens, as well as the regulatory instruments which the Council of Europe member states have adopted to guarantee essential public services. Finally, we will explore possible avenues for attaining equilibrium between the right to strike and the right of the rest of the citizenry to be unhampered by industrial action. The report has its origin in a Motion for a recommendation presented by the Rapporteur and several of his Assembly colleagues in October 2003 on "The exercise of the right to strike in the sector of essential public services in the member states of the Council of Europe" (Doc. 9962).

5. In so doing, we draw on data and reports from the European Commission, the International Labour Organisation, the European Industrial Relations Observatory (EIRO), the French National Assembly, the OECD, the press, internet sources, etc. Finally, the Rapporteur wishes to thank a number of people for their contributions. They include his Committee colleagues and in particular Mr Randegger, who provided valuable material on the right to strike in his country Switzerland; the Council of Europe Secretariat serving the Social Charter; and various international experts participating in the Hearing organised by the Committee on Economic Affairs and Development in Paris in November 2004 on the theme "The Right to Strike in Public Service: Economic implications".

## **2. RECOGNITION OF STRIKES, AND RESTRICTIONS**

### **2.1 Types of strikes**

6. The term "strike" has been defined as "*Any concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees*". The term "strike" covers several possible types of action (work stoppage, job action, walk-out, sit-down strike, sympathy strike, secondary strike, wildcat strike etc). European countries accept strikes called for work-related or industrial reasons but do not all have the same attitude to political strikes. Political strikes are more prevalent in southern Europe and in a country like Poland, where some unions are to a greater or lesser extent linked to anti-establishment political organisations. In the Polish public services, for example, strikes can be simultaneously economic and political in nature judging by the demands of those who strike.

7. European countries can be divided into two groups with respect to their attitude to political strikes. The first is composed of those that disallow them altogether, such as Germany and the United Kingdom. Here political strikes do not enjoy legal immunity. This is also the case in Spain, where strikes conducted for political reasons or with a purpose other than work matters are illegal. In France the courts have ruled them illegal, but it is accepted that strikes may have mixed objectives and be at the same time work-related and political. Similarly, Italy distinguishes between politico-economic strikes and purely political strikes, which are prohibited.

8. Another type of strike requiring definition is sympathy strikes. They are work stoppages in support of a work-related or economic demand concerning groups other than the one conducting the stoppage. Here again, not all European countries adopt the same attitude. Sympathy strikes do not enjoy "legal immunity" in the United Kingdom, and in Germany they are illegal unless conducted by a party to collective bargaining, or if they contravene the duty to preserve "social harmony" in the country. Other countries adopt a more conciliatory stance: Spain treats sympathy strikes as legitimate if they are prompted by a work-related interest, albeit indirect, of the sympathy strikers. In France, a distinction is drawn between "internal" and "external" sympathy strikes. "Internal" sympathy strikes are allowed if they have to do with a collective work-related demand concerning all the employees of the company or companies involved. The "external" ones are subject to the same conditions and must, in addition, be associated with an initial legal strike. In Italy, sympathy strikes are not illegal if there is sufficient community of interest between the groups of striking employees. In Poland, in order to defend the rights and put a case on behalf of civil servants (who do not have the right to strike), another union may organise what is known as a "secondary" strike.

## **2.2 Legal Recognition of the Right to Strike**

9. The right to strike is recognised in all member states of the Council of Europe, either in constitutional law or in case-law. A number of northern European countries have adopted the principle of recognition in case-law, in particular Belgium, Luxembourg and Germany. The right to strike is not regulated in the Netherlands, but governed by case-law.

10. However, most Council of Europe member states have included this right in their constitutional law: France, Italy, Spain, Portugal, Greece, Sweden, Poland, Romania, Moldavia, Hungary, Slovakia and Slovenia are examples of this. Generally speaking, the right to strike and other civil rights were only reinstated in Eastern Europe along with the transition to democracy. In Hungary, Poland, Slovenia and Slovakia, a strike may be called to defend what Slovenian law calls "the social and economic rights flowing from work".

## **2.3 Cultural and Legal Restrictions in Exercising the Right to Strike**

11. Some Council of Europe member countries have a particularly strong culture of social dialogue, as expressed in an intense dialogue between the various partners, an endeavour to reach compromise and a real wish not to have to take recourse to the ultimate weapon of strikes.

12. A first feature is that unions in countries with relatively few disputes tend to be large, as in Germany, where the unions are particularly well integrated into the bargaining process. Here a culture of a quest for "social harmony" prevails and strikes have to be preceded by negotiations, during which only "warning" stoppages are possible. If discussions fail, an arbitration process is necessary before a strike can be called. Strikes which take place despite all these attempts at conciliation must obey three basic principles: social order, proportionality and fairness. In addition, civil and public servants, who make up 30% of public service staff, do not have the right to strike, unlike employees in the private sector. Unions must also represent at least 75% of employees in order to be able to call a strike, and must see that it remains proportionate to the objectives.

13. In Finland, 80% of the working population belong to a trade union. Here, too, there is a basic tenet of social harmony and fines can be imposed for breaching it. In Sweden, a "compulsory social truce" has been introduced which prohibits strikes during the period when a collective agreement is still valid. Most collective agreements contain clauses prohibiting strikes or other types of industrial action during their validity. In the event of disagreement, the opposing parties are required to submit the matter to conciliation committees. Parliament may also end such a dispute through legislation.

14. Generally speaking, breach of strike regulations may incur various disciplinary, administrative, civil or criminal sanctions, depending on the country. It has to be admitted, however, that not all the regulations are followed in practice, which explains the relative inefficacy of some systems. In the United Kingdom, for example, contravention may lead to termination of contract, although the employer's powers are limited here by Section 9 of the 1982 Employment Act. In some cases an employer who decides to sack a striking employee will have to sack all the strikers, and similarly the employer who re-employs someone who has been on strike will have to re-employ everyone who has been on strike. In Ireland and Austria, too, a breach of the principles governing the right to strike may result in dismissal.

15. Restrictions on the right to strike exist above all in the public services, to which special rules apply in all Council of Europe countries. In Italy, for example, public services are treated as necessary for the realisation of fundamental rights and are established in the Constitution. They are considered universal, their aim being to promote economic and social development. The armed forces and law-enforcement agencies are not allowed to strike anywhere. In Germany, Austria, Denmark and Estonia, public servants do not have the right to strike either, in order to ensure the continuity of public services and in return for security of employment. In Turkey, a law barring public servants from striking was passed in 2001. This special case is accepted by the ILO, which considers that the principle of freedom of association for civil servants does not include the right to strike.

16. In Poland, a 1991 act limits strikes in that it prohibits those that are considered detrimental to life and health or that threaten state security. There are similar restrictions in Slovakia, Slovenia and Hungary. In Hungary, in addition to legal restrictions, certain constraints are imposed on the civil service under an agreement between civil-service unions and the Ministry of the Interior. The parties have a legal duty to reach agreement in order to allow minimum service to be maintained, in particular for transport and electricity, gas and water supply during the pre-strike negotiation and arbitration periods. In these four European countries legislation includes compulsory social-harmony clauses for trying to avoid strikes. In particular, the duty to preserve social harmony prohibits all industrial action during the negotiation of collective agreements, also known as "conciliation periods".

17. In some countries, national regulations seek to limit the right to strike. In the United Kingdom the government has the power to bring in the army and secret ballots have to be held on strike calls. In addition, since the 1980s, unions have frequently agreed to non-strike clauses. As in the United Kingdom, strike calls in Slovakia and Poland are subject to secret ballot among the employees. The ballot is valid only if a majority of the employees vote and if a majority of votes are in favour of strike action. Only unions may call a strike.

18. In Germany, in addition to the three basic principles and the requirement that unions be truly representative, only workers who have belonged to a trade union for at least three months have the right to strike. There will have to be negotiations or arbitration before a strike can be called. The unions must pay strikers at least two-thirds of the amount of their withheld salaries, a potentially huge expense for a union.

19. In Poland, as in Spain, negotiations must take place before a strike can start. In Finland, strikes can only take place after collective agreements have expired, adding to the pressure when a new agreement is negotiated. In addition, a permanent arbitration system may enable labour disputes to be settled. Italy has an array of strike prevention measures. Ten days' notice is required in the public services. Once this period has expired, a strike cannot exceed four hours, and subsequently 24 hours, once a further ten days' notice has been given. There must be at least ten days between two strikes in the same sector or affecting the same group of users. It is strictly forbidden to take industrial action in the transport sector during school holidays or election periods. It is also impossible to combine a national and a local strike in the same sector of activity. In Italy, as in France, a representative union may call a strike unilaterally without being required to represent a minimum number of workers involved.

20. Switzerland provides a rather exceptional case as regards the right to strike, and the Rapporteur is grateful to a Swiss colleague on the Economic Committee for having provided him with information on this subject. Switzerland has regulated the right to strike in its constitution. Its paragraph 28 on Freedom of Association applies to both the private and the public sector and says that strikes and lockouts are admissible as long as they concern industrial relations and do not violate any obligations to preserve labour peace or conduct arbitration. In conformity with universally accepted legal principles, Swiss law may deny certain categories of workers the right to strike, for example in order to guarantee essential public services such as the safety of the state, the safeguarding of central interests in foreign policy, or in securing the supply of vital goods and services to the country. Categories include civil and military senior management, federal prosecuting staff, diplomatic staff abroad, border guards, customs officials and military air traffic controllers. In addition, according to Swiss legislation on industrial relations, the parties to a collective agreement may agree on a regime of labour peace for certain aspects of work, implying that they commit to refraining from strikes on the issues covered.

21. Certain Swiss trade unions believe that stronger mechanisms to move collective bargaining forward should be introduced in order to compensate for the existing limitations to the right to strike for people working in essential public services.

22. Finally, the issue of the right to strike is currently under discussion following a parliamentary initiative to ratify the Council of Europe's Social Charter. Switzerland's federal structure foresees for legal provisions at cantonal and municipal level to be in conformity with the Federal Constitution, but in practice the situation is rather varied.

### **3. USING THE RIGHT TO STRIKE**

#### **3.1 Moderate use<sup>2</sup>**

23. The tradition of social dialogue in some Council of Europe member countries has led to a moderate or even rare use of the right to strike. In northern and eastern Europe, disputes resulting in strike action are fairly infrequent. This is particularly the case in Norway, Finland and Sweden, and also in Slovenia, where the largest recent strike in the public services took place in 2002 and lasted only a few hours. Iceland has more disputes than its Nordic neighbours, partly as a result of its trade union movement having been divided for many years and because a single union may call a strike. The Benelux countries are also in this group, as is Germany, where the largest recent dispute took place in March 2003, a 45-minute strike at Deutsche Bahn.

24. In Poland there has been a downward trend in the number of strikes since the early 1990s and particularly since 1994. Since 1995 there have been no more than 50 disputes a year. 1999, however, saw a resurgence of protests in education and the loss of over 100, 000 working days. The change since 1994 has partly been the result of a different perception of unions in both the public and private sectors. This is a trend observable throughout central and eastern Europe. Everywhere there is a desire for less costly and less dangerous means of protest. Public gatherings, roadblocks, sit-ins and hunger strikes have become more frequent. They have considerable media impact, hence their increasing popularity in the public services. Public service unions and employees are still able and prepared to put pressure on governments through strikes. In the private sector, however - where pay may be lower but where one may also risk losing one's job more easily - strike action is becoming less and less common.

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<sup>2</sup> It should be pointed out that most of the documents and statistics used in this memorandum concern both the public and the private sector. Not all countries record stoppages in the same way. Some only record those that last more than ten days, others more than 100 days. In some, only larger strikes (in terms of numbers on strike) are recorded, in others the criteria are again different. It is therefore difficult to make a clear comparison between countries. The figures given in this study only enable trends to be identified.

25. In Hungary, industrial action has been taken on many occasions by employees of the national railway company, MAV. The record year was 2000, in particular as a result of a protracted MAV strike in February of that year. The railway workers' failure may have deterred other public-service unions from strike challenges to the government incomes policy. Other union action in recent years has tended to take the form of warning workplace stoppages of no more than a few hours.
26. In Slovakia, for many years there were hardly any strikes. In March 2003, a six-hour strike was called by the railway unions. When this did not achieve the desired result, a further strike was called for 31 March lasting three days, at the end of which the Supreme Court declared it illegal. However, the three-day paralysis of the national railways demonstrated the unions' ability to mobilise workers and set an example to other public-service unions.
27. While it would be wrong to maintain that there is no attempt at dialogue in the southern Council of Europe countries, there is there more of a culture of confrontation in the labour market. This accounts for the greater frequency of disputes resulting in strikes. For frequency of strikes Greece stands out, according to a 1998 ILO report. There were also two general one-day strikes in 2001, in both the public and the private sector. They were all the more remarkable in that they followed a ten-year period in which the number of disputes had fallen and union power had weakened. (Unions lost 34% of their members during this period). Greece, however, remains a country in which local disputes are frequent and disrupt administrative services.
28. According to a European Industrial Relations Observatory (EIRO) document, during the period 1998-2001 the highest average levels of industrial action were recorded in Denmark (462 days lost per 1,000 workers) and Spain (173 days/1,000 workers). In Denmark, disputes are mainly in the private sector, especially in industry and construction. The high figure in 1998 (about 1,300 days lost per 1,000 workers) was due to disputes in the private sector over a new collective agreements. Denmark experienced its first major industrial trouble for over a decade in April 1998. Disputes erupted in transport, construction, industry and services, in a break with the country's tradition of consensus. This being said, from 1999 to 2001 Denmark had figures more or less equal to those of other countries. Transport, which can be considered a public service essential to people's daily lives, was frequently affected by disputes over the four years. It is also worth noting that Danish public servants do not have the right to strike (confined to private-contract staff), so strikes in administration are more limited, though administrative services still came second and third of the sectors most affected between 1999 and 2001.
29. Nor is the public sector in Spain the most affected by industrial action. Industry and construction are trouble spots. In June 2002 a general strike, the first in ten years, involved all unions and several million workers. It paralysed the whole country, despite the minimum services ordered as an emergency measure.
30. Generally speaking, the transport and communications sectors are the ones most affected by strikes, while public services in the broad sense of the term - the administration, education, health and social welfare - rank second. In 2000 Portugal had a general public-services strike and a public transport strike of 24 hours in the metro and a few hours on buses and trams.
31. Though there have been no Europe-wide strikes, what we see are waves of fairly lengthy disputes, tending to be over similar issues, namely retirement and flexible working hours. In Austria in 2003 there was widespread action against a proposed reform of the retirement system. Coming after almost fifty years of relative industrial peace, the strike lasted only a few hours, but involved the majority of workers. It put forward serious demands and enjoyed public support. A further strike paralysed the railways. The rail strike, observed by almost all rail workers, was unprecedented in Austria. It lasted three days and brought the country to a virtual halt.



32. There are a number of examples concerning flexible working hours and higher pay. In Germany in 1999 unions for public services, transport, motorway services and office employment called warning strikes before the third meeting with public service employers had even taken place. The largest union called on its members to strike a few hours in urban transport, administrative services, highway maintenance and energy companies in pursuit of pay increases.

33. In 2002, there were strikes in Italy and Spain. In April of that year, Italy was paralysed by a general strike called by three major national unions with a total of 11 million members in order to protest against government policy and in particular against proposed changes to the Labour Code<sup>3</sup>. Everything except emergency medical care came to a halt. Alitalia had to cancel three-quarters of its flights and the railway company half of its trains. In June 2002, it was Spain's turn to be paralysed in every sector, including transport. The main issue was a proposed reform of the unemployment insurance system. At the same time, air traffic controllers in several European countries went on strike: the French, Italian, Greek, Portuguese and Hungarians in June for 24 hours, the Spaniards the next day, thereby paralysing European air traffic in protest against the proposed "Single European Sky" concept for a unified air traffic control system in Europe.

### 3.2 France: an exception?

34. The EIRO document on working days lost through industrial action per 1,000 workers shows the French annual average to have been 37.3 days from 1998 to 2001. Compared with the other countries studied, France therefore had a moderate level of industrial action, similar to Italy's, where the average was 38.5 days lost. And yet France is still widely perceived as a country where striking is rather more common. Why is this?

35. Almost all types of strike are allowed in France. Their length is not limited. Notice of strike action is five days. Public servants have the right to strike, but not servicemen, police officers, judges or nuclear power station workers. There are also restrictions with regard to air traffic controllers, broadcasting and health service workers. The consequences include suspension of the employment contract and therefore loss of salary, but in many public services strike pay deals have been negotiated *ex post facto*, something which considerably reduces the adverse consequences for strikers.

36. Overall, from 1982 to 2001, the proportion of the total number of strike days accounted for by the public services increased, peaking in 1989 at just under 70%. In 1982, 126,000 working days were lost through strikes in the public services, as compared with 2,327,200 in the private sector and nationalised and partly state-owned industries. In 1990, the proportions almost balanced: 573,900 days lost in the public services as compared with 693,700 in private and nationalised enterprises (which therefore still accounted for 55%). By 1995 the situation had completely reversed: it was a particularly turbulent year which saw a record number of industrial disputes, both in the public and private sectors: 3,762,700 days were lost in the public services and 2,120,500 in the private sector and nationalised industries. Since then, except in 1997, the public-services percentage has been consistently higher than that of the private sector and nationalised enterprises. In 1997, the trend was temporarily reversed, but the fall in disputes recorded since 1996 has continued.

37. From 1998 onwards, the number of strikes again rose in both the public and private sector, within a context of sustained economic growth and intensified negotiations on bringing in the 35-hour week. In 1999 and 2000 the upswing continued, with 28% more conflicts in 1999 and 86 % more in 2000 year-on-year. (The year 2000 thus became one of the record years in terms of number of strikes). Here, 1,650,300 working days were lost in the public services as compared

<sup>3</sup> Article 18 allows any employee to be reinstated in his or her post by a court decision in the event of unfair dismissal. The government amendment proposal was for financial compensation to replace the requirement to re-employ.

with 809,860 in the private sector and nationalised enterprises. In 2001, although there was a slight fall in the number of days lost – under 2 million - public services still accounted for a majority of those days, with 1,115,331 days lost.

38. The proportion of days lost in the public services, or simply the number of public-services strikes in France, is the main reason why the country is seen by the outside world, and perhaps also by the French themselves, as permanently on strike. Another factor is that the statistics lump together the nationalised enterprises – which often spearhead workers' demands – and the private sector. Compared with its two main partners, Germany and the United Kingdom, strikes are particularly frequent in France, especially in essential services. In 1997, 42% of working days lost were lost in market-sector public enterprises – the SNCF (French Rail), the RATP (Paris transport), EDF (the electricity company), the Post Office and Air France. The SNCF and the Post Office came first and second in the table of strike-affected enterprises.

39. Finally, the significance of transport enterprises, both public and private, in the number of days lost needs taking into account. According to EIRO, 35% of the total number of working days lost in 1999 was in the transport sector, and 52% of the latter were in the private transport sector. In 2000 the percentage accounted for by transport fell to 28%, but it rose in absolute terms, with 224,664 days lost and the public transport sector accounting for 62% of strike days. That year saw notable strikes in cash transport, road haulage and household waste disposal. In 2001, 39% of strike days were in the transport sector, especially public transport, which accounted for 81% of days lost in that sector.

40. One may therefore legitimately speak of a certain French exception as regards the exercise of the right to strike, since for some years a large proportion of industrial disputes have involved essential services, in particular transport, at great inconvenience to users. If, however, average figures for other Council of Europe countries are examined, particularly those nearest France geographically and economically, it can be seen that France is not really an isolated case.

#### **4. "MINIMUM SERVICE" IN ESSENTIAL SERVICES IN EUROPE**

##### **4.1 Essential services: positions on the part of the EU, the Council of Europe and the ILO on the right to strike and its limitations**

41. The concept of essential services is now unanimously recognised in Europe, but the term and others like it require some clarification. The Green Paper on services of general interest presented by the Commission of the European Communities in May 2003 gives a number of definitions. *Services of general interest* cover both market and non-market services which the public authorities class as being of general interest and which are subject to specific public-service obligations. The term *services of general economic interest* refers to services of an economic nature which EU countries or the Union have chosen to subject to specific public-service obligations by virtue of a general-interest criterion. The concept covers in particular certain services provided by the big network industries such as transport, postal services, energy and communications. The term *public service* sometimes refers to the fact that a service is provided to the general public or that a particular role has been assigned to it in the general interest. It may also refer to the ownership or status of the entity providing the service. The term *public-service obligations* generally refers to specific requirements that the public authorities impose on the service provider in order to ensure that certain public-interest objectives are met – for instance, in the areas of air, rail, road transport and energy.

42. Article 137 of the Treaty establishing the European Economic Community explicitly excludes the right to strike from its competences and, as a corollary, the restrictions that may be placed upon it. The EU constitutional treaty does the same. The Treaty on the European Union makes no mention of operation of general-interest services among community objectives or assign specific powers to the Union in this area. Under the European Charter of Fundamental

Rights, the Union recognises and respects access to services of general economic interest for promoting social cohesion in the Union (see Article 36 of the Charter). For the rest, it is left to national, regional and local authorities, as part of the subsidiarity principle, to define, organise, finance and supervise services of general interest.

43. Various research groups and associations (such as the association Public Services Network, the European Centre of Enterprises with Public Participation and the European Liaison Committee on Services of General Interest) have become involved in the work begun by the European Union of promoting a set of European general-interest services. They all express the same wish, namely to take, not principles, but rather the needs of consumers, users and citizens as the starting-point in trying to identify a stock of requirements common to all European countries.

44. Generally speaking in Europe, services considered essential are transport, public broadcasting, water, gas and electricity supply, prison administration, the justice system, national security services, medical care and emergency services.

45. The European Social Charter provides a number of particulars in this respect. The European Committee of Social Rights views the concept of essential services and enterprises as including the hospital sector, the electricity sector, transport, water and food supply, waste disposal, communications and air traffic control. Like all restrictions on the right to strike, prohibition or limitation of the right to strike in essential public services is assessed in the light of compliance with the Charter's Article 31/G. Such restrictions must:

- i. be prescribed by law. Any restriction must be founded in domestic law, and the law must be sufficiently precise, accessible and predictable;
- ii. pursue a legitimate aim. This is one of the five aims specified by Article G (ensuring respect for the rights and freedoms of others or safeguarding public interest, national security, public health or morals). In general terms, a ban on strikes in sectors considered essential to the life of the community is deemed to pursue a legitimate aim, to the extent that a work stoppage could imperil public interest, national security or public health.
- iii. be necessary in a democratic society. The concept of necessity presupposes that the restriction corresponds to a social imperative and is proportionate to the legitimate aim pursued. The test of proportionality involves weighing the prejudice to the individual or group against the prejudice to the "state".

46. An outright prohibition of strike action in a sector regarded as essential, without a distinction being drawn according to the functions of the staff concerned – particularly where the sector is broadly defined, for instance energy or health – is not viewed as a measure proportionate to the demands of the sectors in question.

47. The ILO also provides particulars in this respect. It considers the hospital sector, electricity services, water distribution services, telephone services and air traffic control to be essential services. The ILO says, however, that the strict definition of an essential service depends largely on the specific conditions in each country. The concept cannot be an absolute one, in that a non-essential service may become essential if a strike lasts more than a certain time or is of a certain scale, thus endangering the lives, safety or health among all or a part of the population.

48. The ILO defines the cases in which the right to strike may be subject to restrictions, prohibition or compensatory guarantees. It says it may be restricted or even prohibited in public services in the case only of public servants in positions of state authority or in essential services – those whose suspension would endanger lives, safety or health in all or part of the population.

Thus, while recognising that stoppages in services or enterprises such as rail and other transport inconvenience the community, it takes the view that such stoppages can scarcely be treated as causing a national crisis. For this reason it regards requisitioning of workers during disputes in those sectors as unwarranted interference with their right to strike in defence of their economic and work interests.

49. On the basis of these definitions and clarifications on the right to strike and the limitations it places on them, the ILO sets out the situations and conditions in which a minimum-service requirement may be imposed. Firstly, in services whose suspension might endanger life, safety or health and which are essential services in the strict sense of the term. Secondly, a minimum-service requirement might be introduced in services which are not essential in the strict sense, but where strikes of a certain scale or duration might cause a national emergency threatening normal living conditions. Thirdly, it could be introduced in services of prime importance. In the ILO's view, it is important that workers' organisations be involved as well as employers and public authorities in negotiations on minimum services and the number of workers needed to provide them. A minimum service is not intended to weaken a strike by neutralising its impact. Unions must not be left with the impression that a strike has failed because the minimum service was too extensive or was set up unilaterally.

50. There are a few specific cases where ILO believes that circumstances warrant a minimum-service obligation: ferries, the national port authority, the metro, passenger and goods transport, railways and the post. We now need to look at the situation in a number of Council of Europe countries.

#### 4.2 The cost of strikes in public services

51. Not all strikes in the public services create the same level of inconvenience or take place in key sectors. Their impact on the community depends on the usefulness of the good or service provided, reserve stocks and whether there are alternatives to the good or service concerned, and at what cost. Notwithstanding reserve capacity, strikes in public services are among those perceived as being the most disruptive of people's daily lives, particularly as most public services are virtual monopolies. The cost of strikes will be higher the greater the weight of the particular services in the economic life of the country. In this respect France is especially vulnerable compared with its near neighbours, in that public services occupy a very important position both in terms of numbers of employees and as a percentage of GDP. This is particularly true of the post office, which has a total workforce of 302,000 and an annual turnover of €15.2 billion, or 0.95% of GDP. By comparison, the United Kingdom post office has a workforce of 193,000 and a turnover of €28.1 billion, 1.79% of GDP, while Deutsche Post, with 263,000 employees, has a turnover of €10.5 billion, or 0.45% of GDP.

52. Depending on the outcome, a strike may significantly weaken staff motivation and productivity. If it has been highly disruptive, it may cause lasting damage to the enterprise's commercial image and result in loss of business if there are alternatives. For example, the transport strikes in France in 1995 saw more car-sharing and more use of bicycles for short journeys from home to workplace. The macroeconomic impact of strikes in public services can also be considerable. There is often a significant fall in consumption and a loss of confidence in the future. The strikes in France in November and December 1995 is estimated to have resulted in a drop of around 0.17% in that year's GDP, i.e. a loss of about €1.96 billion. Altogether, more than two-thirds of the loss in GDP caused by these strikes were borne by the private sector. Similarly, the general strike in Spain on 20 June 2002 likely cost 0.1% of GDP or €250 to 300 million. In Austria, the short but massively observed strikes in May 2003 lost the country about €1 billion, or 0.46% of that year's GDP.

53. The Nantes and St-Nazaire Chambers of commerce and industry in 2001 decided to do more to put across the views of local business on issues, such as on the effects of public service strikes. A survey was carried out during the strikes in France in the spring of 2003 to find out how

local firms were affected. According to 92% of the firms surveyed, the strikes had adversely affected their business. 72% said they had had commercial problems, 43.3% difficulties with supplies. All stressed increased cash-flow problems. The Nantes and St-Nazaire Chambers of commerce and industry are therefore pressing for more responsible use of the strike action and the introduction of a minimum service in public services.

54. The cost of strikes is also very high for public-service enterprises. The SNCF evaluated the cost of the paralysis of the railways during the strikes of late 1995 at €305 million and the RATP estimated its loss of income to be more than €76 million. Added to this were the losses to the post office, estimated at more than €152 million. The impact on the customers of these services also has to be remembered. Regional productivity may simply seize up during a strike. For example, during the postal strikes of December 1995 the turnover of some mail order firms fell by about 25%. Les Trois Suisses, for instance, a major direct mail order firm, estimated their losses at 185 million francs. In the fourth quarter of 1998, the SNCF lost between 350 and 400 million francs in revenue as a result of strikes affecting the whole network. In 1998 there were 912 local and regional strikes in the SNCF and a dozen national disputes. In May and June 2003 there were massive strikes in the SNCF and RATP, when the latter recorded total losses of €19 million. The SNCF estimated the cost of one strike day at €20 million, i.e. a total of €250 million, not counting customers who stopped taking the train for good – a long-term loss to which it is impossible to put a figure. The last major dispute in Air France was in 1997 when a ten-day dispute with technical flight staff resulted in a net loss of 1.3 billion francs. In 2003, strikes by air traffic controllers resulted in €55 million in operating losses.

55. While the cost of a strike can be quantified, its consequences among users are difficult to evaluate, though user reaction to recurrent disputes is observable in terms of fatigue, arriving late, absenteeism, and sometimes violence towards strikers. There were examples of this in Milan in December 2003 during a lightning strike in public transport. Strikes can lead to a substantial reduction in the number of hours worked or local productivity. For instance, during the 1995 strikes, of 3 337,000 Paris region commuters, some 360,000 or about 11% said they had not gone to work at least once because of transport problems. A large number, 87%, said their work schedules had been disturbed. As we have already seen, to this should be added a fall in consumption and confidence about the future. The problem is all the more worrying in that it accentuates social differences. Especially in public transport it is often the least privileged workers who suffer the effects of a strike most, since they cannot always afford alternatives, such as cars.

56. Users' associations, founded to defend such people especially in the event of strikes, are demanding improved industrial relations in public services, and they especially ask that their situation as members of the community be taken into account. They argue that the term "user" implies a right to challenge "actions affecting public services". Users therefore want to become full partners in the smooth operation of services. Generally speaking, users' associations are not opposed to the right to strike in public services as a way of protecting the interests of employees and indeed of companies. However, as emphasised by the president of the Fédération Nationale d'Usagers des Transports (National Transport Users' Federation) (FNAUT), former SNCF director Jean Sivardière, repeated strikes may have serious consequences for the economic situation of a country, hampering the development of piggyback transport (of trucks loaded onto trains) for instance. Users display increasing distrust of a means of transport, in this case trains, which in theory is reliable, reduces pollution and energy waste, and improves road safety.

57. The right to strike therefore has to be reconciled with the protection of users and the community. It should be used to penalise the direct interlocutor of the strikers, not users. The first objective is thus simple: as few strikes as possible and a significant advance towards minimum inconvenience.

### 4.3 The "minimum service" in practice

58. The powers of the European Union on minimum service are limited by the principle of subsidiarity. However, the duty to ensure a permanent service is enshrined in some documents such as the postal services directive 97/67/EC of 1997, which said that "there has to be permanent provision of a postal service".

59. With the exception of the United Kingdom, most Council of Europe countries have brought in regulations on a minimum service in the event of a strike in essential services. In the United Kingdom there is no minimum or guaranteed service. The general legal restriction on strikes, combined with the ever-present threat of emergency use of the army, has resulted in there being very few strikes in the public services. Strike action is limited in particular by the requirement introduced in the 1980s, to the effect that ballots on strike action have to be secret. The Act defining essential services for purposes of emergency army deployment simply mentions "the need to provide the community with vital essentials".

60. Generally speaking, arrangements for a minimum service are negotiated with the social partners. Spain and Portugal are two exceptions. In Spain the Constitution requires the maintenance of "services essential to the community" in the event of a strike. A 1977 legislative decree, approved by the Constitutional Court, provides that the "government authority", i.e. the national government or the government of the autonomous community, lays down the measures indispensable to keeping services going that are regarded as essential under the legislative decree. Many other legislative decrees have been promulgated on specific minimum-service arrangements in state hospitals, the railways and aviation<sup>4</sup>. On the eve of the last general strike in June 2002, the government issued an emergency decree requiring a minimum service of between 20% and 30% in public transport and the media. As a result, despite the opposition of the unions, whose appeal was rejected, 20% of flights took off and 40% of metro services ran on the day of the strike.

61. The Constitutional Court of Spain has always taken into account the overriding need to protect users' interests in the particular circumstances of each dispute. It has ruled that "the community's right to vital services takes precedence over the right to strike". It has further ruled that "a service is essential not by virtue of its nature but by virtue of the results expected of it, taking into account the nature of the interests it is intended to satisfy". In Spanish case law, the main essential sectors are transport, hospital health services, assistance services, energy supply, water purification and provision, the collection and treatment of solid waste, the postal services and education. The minimum-service arrangements are compulsory. In 1992 the government drafted a bill on minimum service in particular, but it was not passed. It defined essential services regardless of whether they were provided by the public or private sector, describing them as those that had to be maintained in order to preserve various rights and freedoms guaranteed by the Constitution: life, physical integrity and health protection, freedom and security, freedom of movement, freedom of information, communications, education and legal protection. In Spain, assessment of the system is positive on the whole despite some criticisms concerning delays in court rulings and an allegedly lacking dialogue and consultation. During the last general strike, the union view was that the aim of the minimum service measures was to render strikes completely futile.

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<sup>4</sup> A royal decree of 1980 set out the details of a minimum service in rail transport. Two decrees of 16 November 1983 and 25 March 1985 set out those for aviation. With respect to the postal service, there is a Correos y telegrafos SA collective agreement: an interpretation, monitoring, conciliation and application commission (CIVCA) has been established to limit industrial disputes. In the event of failure, the Minister of Development decides the rules for a minimum service.

62. In Portugal, the 1977 Act on the right to strike changed the rules on striking and in particular introduced special measures, including a minimum service requirement, in services "meeting indispensable social needs". An Act passed in 1992 amended the 1977 Act by providing for a minimum service through collective negotiation. The Employment Minister was empowered to attempt mediation before, in agreement with the minister for the particular sector, imposing concrete measures to ensure that a minimum service was provided. In October 1996, however, these provisions were declared unconstitutional on the grounds that they did not comply with parliamentary procedure. Minimum service is therefore arranged through collective negotiations or by ministerial order, according to the circumstances. In the most difficult situations the government may bring in the army, as it has more than twenty times since 1974, in 70% of cases in response to a transport dispute. In 2003 a new labour code came into force. The new provisions included a requirement on workers' representatives to assess a strike's impact on users when giving notice of strike action. If there is no collective agreement or agreement with staff representatives, the minimum service applicable is laid down by an arbitration group. The 2003 Act also defines more precisely the minimum service necessary to ensure the safety and maintenance of plant and equipment. The result of all these measures has been somewhat mixed. While public services, particularly transport, are no longer brought to a complete standstill, the inconvenience caused by strikes has not been much lessened.

63. In Italy, the minimum service is governed by Act 146 of 1990, which regulates the right to strike in essential public services and protects the constitutional rights of the individual. It was supplemented by an Act of April 2000, which establishes a balance between the right to strike and continuity of public service. An explanatory memorandum states that "the purpose of the Act is not to deprive anyone of the right to strike but to guarantee the operation of a minimum service in essential public services". The minimum-service arrangements have to be set out in collective agreements. Under the 1990 Act, in the event of disagreement about the minimum service, a guarantee committee assesses the appropriateness of the minimum services set out in collective agreements and, if necessary, orders further measures. It may lay down temporary regulations guaranteeing certain services at certain periods and issue an "arbitration judgment" on the interpretation of minimum service agreements. It also has the power to take action if the minimum service rules are not met. Its decisions may, however, be challenged in the Labour Court. In addition users have to be given notice of minimum service timetables. For example, in transport, a full service usually has to be guaranteed between 6 and 9 am and again from 6 to 9 pm. These provisions, which in theory protect users, have nonetheless failed to prevent a proliferation of short wildcat strikes on the initiative of small autonomous unions. The penalties announced have oftentimes not been applied. It is essentially the major groups of affiliated trade unions that take users into account. From the 1980s onwards, the main ones (UIL, CGIL, CISL) adopted "ethical codes" to limit the inconvenience caused by industrial disputes. The results of the minimum service are on the whole positive in Italy, particularly since there are quite effective dispute prevention procedures. The unions, however, find the pre-strike procedure particularly complicated. In addition, the guarantee committee is considered by some to have no real teeth and therefore to be ineffective. There are still wildcat strikes, especially in transport, the weak point of the public services.

64. Countries with no specific regulations for a minimum service do not on the whole have to deal with major industrial disputes, either because the right to strike is strictly regulated or because there is an effective labour relations dialogue. This does not mean that there are no problems, as was demonstrated in Norway by a number of disputes in hospitals between 2000 and 2002. In the absence of an agreement on a minimum service, the situation soon became chaotic. For example, during a strike by nurses in March 2002, over a thousand nurses stopped working. At the end of unsuccessful negotiations, the government decided that arbitration should be imposed on the basis of alarming reports by the Health Bureau. While emergencies were being dealt with satisfactorily, some hospitals were no longer able to provide day-to-day care professionally and safely. Many patients had to wait for diagnosis, with some requiring immediate treatment and attention. Some treatments had also been postponed. The crisis raised the issue of a minimum service in hospitals in the country.

65. In eastern Europe, particularly Hungary, Poland, Slovakia and Slovenia, the law requires the organisers of a strike to co-operate with management as much as necessary to protect the employer's property and ensure the continuous safe operation of certain production processes. In Hungary, in addition to legal restrictions, certain limitations are placed on strikes in public administration under an agreement between public-service unions and the Ministry of the Interior. The parties to a dispute are also legally required to agree on providing a minimum service, particularly in transport and electricity, gas and water supply, during the negotiation and mediation procedure preceding strike action.

66. In France, there is no precise legislation or regulations on a minimum service except in public broadcasting and aviation safety services. Otherwise it is the administrative authority that organises a minimum service through "regulatory" circulars. Eighty percent of the French, from all social categories and political parties, have declared themselves in favour of the introduction of a minimum service in essential public services. The users' association FNAUT (Fédération Nationale des Associations d'Usagers des Transports) by contrast held that continuity was one of the basic elements of a public service and an essential part of the right to transport. It did not challenge the right to strike but called for greater consideration for users and better use of negotiations towards new arrangements, for exercising that fundamental freedom. It also objected to the concept of "minimum service". There should be full maintenance of the public service during the rush hour, so that most users were certain of being able to travel from their homes to their places of work or study.

67. The Association Internationale de Techniciens, Experts et Chercheurs (AITEC) sees the Electricité de France (EDF) approach of "integrated strategic management" as one way towards partnership in the public services for preventing strikes in France. Here, the quality of dialogue within the company plays a major role in making workers more aware of the societal consequences of a strike action. Users' views have become a matter of real concern to most unions in the last few years. There is an EDF service specifically responsible for continuity of electricity supply, which is considered a public service duty. The management of the SNCF, following the disputes of spring 2003 and with the encouragement of the government, entered into negotiations with the unions on dispute prevention on the model of the RATP. In September 2003 the Minister of Transport met the unions in the sector to tell them that he believed negotiations to decide how a guaranteed service could be provided were preferable to legislation. An agreement was signed between the SNCF and three of the eight union organisations representing the sector, i.e. 13% of voters in work elections, on improving industrial dialogue and preventing disputes. These three unions did not strike on 21 January 2004.

68. However, a final compromise has yet to be agreed. Currently in France, legislative and executive authorities, social partners and experts, are engaged in an on-going debate on whether it is necessary to regulate minimum public services by law. In this regard, the main players have widely differing views.

#### **4.4 General provisions of the European Social Charter as regards strikes, including in essential services**

69. The European Social Charter secures certain rights to employees and trade unions in the event of conflict of interests, essentially conflicts over the conclusion of a collective agreement. It does not confer any right in the event of legal disputes (i.e. in general disputes concerning the existence, validity or interpretation of an agreement or the violation of an agreement) or of political conflicts. (Article 6 paragraph 4)

70. Recognition of the right to strike can stem either from enacted law or from case-law. In the second instance, national case-law is systematically examined by the Charter's European Committee of Social Rights, which tries to verify whether the action of the national court in question is reasonable and especially whether or not it curtails the right to strike to such an extent as to affect that right's actual substance and rob it of its effectiveness. (Article 6 paragraph 4)



71. Within these limits, the right to strike must be recognised in the context of any negotiation process between employers and employees to resolve an issue of collective interest. Consequently, the prohibition of strikes not seeking the conclusion of a collective agreement is inconsistent with the Charter (and its Article 6 paragraph 4).

72. Where the legal rules governing labour relations conceive of a collective agreement as an industrial peace treaty outlawing strikes while it is in force, they are in keeping with Article 6 paragraph 4 of the European Social Charter. An obligation to keep the industrial peace must nevertheless be firmly founded on the intent of labour and management, and this intent is judged by the European Committee of Social Rights on a country's labour relations history in particular.

73. The introduction of a minimum service requirement in essential services complies in principle with Article 6 paragraph 4 of the European Social Charter. The European Committee of Social Rights has told member states which have prohibited strikes in specified essential services or enterprises that "The most that could be considered consistent with Article 6 paragraph 4 ... would be to establish a minimum service in these sectors."

74. Since this amounts to a restriction on the right to strike, whether the establishment of a minimum service in the essential public services complies with Article 6 paragraph 4 is assessed in relation to Article 31/G (dealing among other things with restrictions or limitations "prescribed by law and being necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals").

75. The European Committee of Social Rights has given some clarifications as to the circumstances and conditions under which a minimum service could be imposed:

- i. a minimum service may be established in sectors that are essential in the strict sense of the term, i.e. those which are essential for guaranteeing respect for the rights and freedoms of others or for the protection of public interest, national security, public health or morals.
- ii. public authorities and trade unions must enter into negotiations to define and determine the minimum service to be provided in essential public services.
- iii. under the supervision of an independent commission, such as a court.

#### **4.5 The future of public services: toward more privatisation and liberalisation**

76. The European Commission has launched a number of initiatives within its Internal Market programme to liberalise markets nationally and internationally for a number of public and state-owned services, notably railways, postal services, telecommunications and energy.

77. Thus, the new gas and electricity directives to open up the energy market for commercial customers entered into force in July 2004. The deadline was, however, met only by a few member states, with many markets still dominated by a limited number of suppliers, thus frustrating the EU's stated goal to create a level playing field for all, if necessary through legal action.

78. The next sectors in line for liberalisation are the railways, including for international passenger transport and freight services. The European Parliament has called for full liberalisation of rail freight and combined goods services already by 2006, and of rail passenger service by 2008. However, the EU's Council of Ministers, under pressure from a number of national governments, refused the 2008 deadline, and 2010 has since been agreed as a compromise.

79. The opening up of the above-mentioned sectors is meant to improve the quality and range of services they offer and to lower prices by increasing competition. It is possible that this will also reduce the risk of strikes, especially if liberalisation is accompanied by privatisation. At the same time European legislation may be needed to fill various lacunae as regards labour law, including the strike issue and the right of the public to essential services.

## **5. CONCLUDING REMARKS**

80. The exercise of the right to strike in essential public services in the Council of Europe member states countries is not only a legal question. With the enlargement of the European Union and liberalisation of certain sectors, it is important to preserve what is a fundamental freedom, and at the same time guarantee real quality of life to every European citizen. Unions, employers and workers alike see strikes as a sign of failure. Only a few months ago (October 2004) a normally consensual country like the Netherlands was hit by a strike wave across the whole transport sector. It also involved for example firemen, over plans by the government to cut various social advantages in order to reduce the budget deficit. So the issue is highly topical and even urgent to consider from a European viewpoint.

81. The main effort should go toward improving industrial dialogue, which should involve users of public services, whose needs must be taken into account. The aim is to arrive at European social harmony in which the freedom of some does not interfere unduly with that of others.

*Reporting committee:* Committee on Economic Affairs and Development.

*Reference to committee:* Doc. 9962 and Ref. No. 2888 of 25.11.2003

*Draft Resolution adopted by the Committee on 22 March 2005*

*Members of the committee:* Mr Evgeni Kirilov (Chairperson), Mrs Antigoni Pericleous Papadopoulos (Vice-Chairperson), Mr Márton Braun (Vice-Chairperson), Mr Konstantinos Vrettos (Vice-Chairperson), MM. Ruhi Açıkgöz, Ulrich Adam, Hans Ager, Miguel Anacoreta Correia, Abdülkadir Ateş, Radu-Mircea Berceanu (alternate: Mr Mihai Tudose), Akhmed Bilalov, Jaime Blanco, Patrick Breen (alternate: Mr Brendan Daly), Christian Brunhart, Milos Budin, Erol Aslan Cebeci, Mrs Ingrida Circene, MM. Valeriu Cosarciuc, Ignacio Cosidó (alternate: M. Miguel Arias), Giovanni Crema (alternate: Mr Andrea Rigoni), Øystein Djupedal, Iván Farkas, Relu Fenechiu, Mrs Siv Fridleifsdóttir, Mr Carles Gasóliba, Ms Jane Griffiths, MM. Francis Grignon, Alfred Gusenbauer, Norbert Hauptert, Anders G. Högmark, Klaus Werner Jonas, Ms Verica Kalanović, MM. Karen Karapetyan, Orest Klympush, Anatoliy Korobeynikov, Rudolf Kraus, Zoran Krstevski, Jean-Marie Le Guen (alternate: Mr Michel Hunault), Harald Leibrecht, Rune Lund, Gadzhly Makhachev (alternate: Mrs Liudmila Pirozhnikova), Jean-Pierre Masseret, Miloš Melčák, Mrs Ljiljana Milićević, MM. Neven Mimica, Nikolaos Nikolopoulos, Conny Ohman, Mart Opmann, Mrs Clara Pintat Rossell, MM. Bogdan Podgórski, Jakob Presečnik, Jeffrey Pullicino Orlando, Luigi Ramponi, Maurizio Rattini, Maximilian Reimann, Dario Rivolta, Lord Russell-Johnston, MM. Volodymyr Rybak, Kimmo Sasi, Bernard Schreiner, Samad Seyidov, Leonid Slutsky, Ms Geraldine Smith, Mrs Aynur Sofiyeva, MM. Christophe Spiliotis-Saquet, Dimitar Stefanov, Qazim Tepshi, Frans Timmermans, Dragan Todorović, Mrs Ágnes Vadai, Mr Luc Van den Brande, Mrs Jelleke Veenendaal, Mrs Birutė Vėsaitė, MM. Oldřich Vojtíš, Varujan Vosganian, Robert Walter, Andrzej Wielowieyski, Marek Wikiński, Paul Wille, Mrs Rosmarie Zapfl-Helbling, Mr Kostyantyn Zhevago

N.B. : The names of the members who took part in the meeting are printed in **bold**

*Head of Secretariat:* Mr Torbiörn

*Secretaries to the committee:* Ms Ramanauskaite, Mr De Buyer

