
Editorial

Europe à Deux Vitesse

Now that the Maastricht European Council is over, officials are working on the treaty on European Union which will be signed and submitted for ratification in accordance with the constitutional requirements of the Member States in due course. Many of the developments in the draft Treaty are to be welcomed without reservation, although the compromise on social policy is not one of them. The arguments of the United Kingdom against the Social Charter of 1991 have been based principally on the effect which it is claimed that Community action would have on the competitiveness of the United Kingdom economy. The arguments which have been advanced are not dissimilar to the arguments which used to be advanced to justify female and child labour in the mines.

Those familiar with the classic definition of the common market will remember that it can be readily

formulated as a market within which every participant within the Community is free to invest, produce, work, buy and sell, to supply or obtain services on the condition of competition which has not been artificially distorted wherever economic conditions are most favourable.¹ If an economy as advanced as that of the United Kingdom is to be permitted to maintain a lower level of social protection than that which is afforded by the legal system of the other Member States there can scarcely be said to exist a level playing field with equal conditions of competition characteristic of those of a single domestic market. Whilst it is clearly beneficial that the 11 Member States who wish to make further advances in the social field should be able to do so, the decision by the United Kingdom to pursue a divergent path runs the danger of giving the United Kingdom citizens second class social protection.

Of course, social protection has a price and it may be particularly difficult for some of the poorer countries to cope with the economic consequences of

improved social protection. These difficulties are, though, precisely the sort of difficulties which can be overcome by astute use of the Community's social and structural funds.

It is to be hoped that at least in the intergovernmental conference which will be convened in 1996 the United Kingdom may well conclude that its own citizens deserve no less than the citizens of other Member States.

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¹Kapteyn & VerLoren van Themaat *Introduction to the Law of the European Communities* (2nd ed, Deventer/London, 1989, 78.