

COMMISSION OF THE EUROPEAN COMMUNITIES

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Communication from the Commission

Signing by Community Member States of the additional protocol to the
European Social Charter of the Council of Europe

Declaration by the Member States on the matters coming within the
Community's field of competence : equal treatment for
men and women



1. On 26 November 1987, at its 81st meeting, the Committee of Ministers of the Council of Europe adopted an additional protocol to the European Social Charter.

Part I(1) and Part II Article 1 of the protocol are concerned with the right to equal opportunities and treatment as regards employment and occupational activities without discrimination on the grounds of sex.

Article 1 addresses matters covered by Article 119 of the EEC Treaty and Directives 75/111/EEC (1), 76/207/EEC (2), 79/7/EEC (3), 86/378 (4) and 86/613/EEC (5). It deals in particular with many points referred to in Directive 76/207/EEC.

This is therefore a matter which comes within the Community's field of competence.

2. This protocol will be open for signing by the Member States of the Council of Europe on 5 May 1988.

As the European Community is not a party to the European Social Charter, it cannot be a signatory to the additional protocol. In view of the fact that the protocol deals with a matter which comes within the Community's field of competence, Member States which sign the protocol should make a declaration indicating the fields of competence of the Community on the occasion of their signing.

3. It is thus proposed that the Council should decide :

- a) that the Member States should make a declaration when signing the additional protocol to the European Social Charter;

- b) that the content of the declaration should be as follows :

" /the Member State concerned/ wishes to emphasize that Part 1 (1) and Part 2 Article 1 of the protocol are concerned with an area covered by European Community law.

It will thus apply the protocol in accordance with its obligations under the Treaty establishing the European Economic Community, in particular Article 119 thereof, and the texts implementing it, namely Directives 75/117 and 76/207, 79/7, 86/378 and 86/613/EEC."

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- (1) Council Directive of 10 February 1975 on the approximation of the means of the Member States relating to the application of the principle of equal pay for men and women.
 - (2) Council Directive of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

- (3) Council Directive of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.
- (4) Council Directive of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes.
- (5) Council Directive of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood.