



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
COUNCIL DIRECTIVE
on the extension of Council Directive 97/81/EC of 15 December 1997, on the
Framework Agreement on part-time work concluded by UNICE, CEEP and
the ETUC, to the United Kingdom of Great Britain and Northern Ireland

Proposal for a
COUNCIL DIRECTIVE
on the extension of Council Directive 97/80/EC of 15 December 1997, on the
burden of proof in cases of discrimination based on sex to the
United Kingdom of Great Britain and Northern Ireland

(presented by the Commission)

**PROPOSAL FOR A
COUNCIL DIRECTIVE**

on the extension of Council Directive 97/81/EC of 15 December 1997, on the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, to the United Kingdom of Great Britain and Northern Ireland

EXPLANATORY MEMORANDUM

Introduction

The aim of this proposal is to extend Council Directive 97/81/EC of 15 December 1997 on the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland.

Council Directive 97/81/EC, adopted on the basis of Article 4(2) of the Agreement on Social Policy annexed to Protocol 14 on Social Policy annexed to the Treaty establishing the European Community, does not currently apply to the United Kingdom of Great Britain and Northern Ireland.

The Amsterdam European Council of 16-17 June 1997 noted with approval the agreement of the Intergovernmental Conference to incorporate the Social Agreement in the Treaty.

At the said meeting of the European Council the Members of the European Council whose States are party to the Agreement on Social Policy annexed to Protocol 14 to the Treaty on European Union welcomed wholeheartedly the decision of the United Kingdom to accede to the social provisions of the new Treaty. They noted with great satisfaction the willingness of the United Kingdom to accept the Directives which have already been adopted on the basis of that Agreement. The European Council noted, also, that a means had to be found, in advance of the signature of the Amsterdam Treaty, to give legal effect to these wishes.

At the Council of 24 July 1997, the Council and the Commission agreed to put into effect the conclusions adopted at the Amsterdam European Council. To this effect, they agreed that Directives already adopted on the basis of the Agreement on Social Policy should be made applicable to the United Kingdom through the adoption of Article 100 ECT Directives. To this end, the Commission should as soon as possible submit to the Council the relevant proposals. Such proposals should without prejudice to the necessary technical adjustments, not alter the substance of the above-mentioned Directives. The same procedure should also applied, mutatis mutandis, to future Directives adopted on the basis of the Agreement on Social Policy.

The Commission's Proposal

i. Legal base

Directive 97/81/EC, which implements the Framework Agreement on part-time work, contributes in particular to the objective of improving working and living conditions, as referred to in Article 1 of the Agreement on Social Policy, to the promotion of employment and development of human resources. It is obvious that the extension of these provisions to the United Kingdom of Great Britain and Northern Ireland will lead to a better realisation of these objectives, ensuring that they will be pursued by all Member States. Bringing the legislation of the United Kingdom of Great Britain and Northern Ireland into line with Council Directive 97/81/EC will, therefore, have a direct impact on the establishment and functioning of the common market. In

consequence the appropriate legal base for the Commission's proposal is Article 100 of the Treaty.

ii. Articles

Article 1

The application of Directive 97/81/EC to the United Kingdom may be effected by means of a Directive addressed to the Member States. No substantive amendment of Directive 97/81/EC will be necessary, the only amendment being the purely formal one of the date of implementation in the United Kingdom.

Article 2

With regard to implementation, the United Kingdom should be allowed the same length of time after adoption of the present Directive as was permitted for the other Member States after the adoption of Directive 97/81/EC.

PROPOSAL FOR A COUNCIL DIRECTIVE
on the extension of Council Directive 97/81/EC of 15 December 1997, on the
Framework Agreement on part-time work concluded by UNICE, CEEP and the
ETUC, to the United Kingdom of Great Britain and Northern Ireland

9810065 (CN5)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Council, acting in accordance with the Agreement on Social Policy annexed to Protocol No 14 on social policy annexed to the EC Treaty, and in particular Article 4(2) thereof, adopted Directive 97/81/EC¹; whereas, as a result, the said Directive does not apply to the United Kingdom of Great Britain and Northern Ireland;

Whereas the Amsterdam European Council held on 16 and 17 June 1997, noted with approval the agreement of the Intergovernmental Conference to incorporate the Agreement on social policy in the EC Treaty and also noted that a means had to be found to give legal effect to the wish of the United Kingdom to accept the Directives already adopted on the basis of that Agreement and those which may be adopted before the entry into force of the new treaty;

Whereas at the Council of 24 July 1997, the Council and the Commission agreed to put into effect the conclusions adopted at the Amsterdam European Council; whereas they also agreed to apply the same procedure, *mutatis mutandis*, to future Directives adopted on the basis of the Agreement on Social Policy; whereas this Directive seeks to achieve this aim by extending Directive 97/81/EC to the United Kingdom;

Whereas the fact that Directive 97/81/EC is not applicable in the United Kingdom of Great Britain and Northern Ireland directly affects the functioning of the common market; whereas the implementation of the framework agreement annexed to the said Directive, and in particular the principle of non-discrimination between part-time and full-time workers, in all the Member States will improve the functioning of the common market;

Whereas the adoption of this Directive will make Directive 97/81/EC applicable in the United Kingdom; whereas, from the date on which this Directive enters into force, the

¹J.O. L. N°14, 20.1.98, page 9

term "Member States" in Directive 97/81/EC should be construed as including the United Kingdom,

Whereas the United Kingdom should benefit from the same period of two years that was granted to other Member States to bring into force the necessary provisions to comply with the directive,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Without prejudice to Article 2, Directive 97/81/EC, shall apply to the United Kingdom of Great Britain and Northern Ireland.

Article 2

The following paragraph shall be inserted in Article 2 of Directive 97/81/EC:

"1a. As regards the United Kingdom of Great Britain and Northern Ireland, the date of 20.1.2000 in paragraph 1 shall be replaced by[2 years after adoption of this directive]"

Article 3

This Directive is addressed to the Member States.

Done at ...

**PROPOSAL FOR A
COUNCIL DIRECTIVE**

on the extension of Council Directive 97/80/EC of 15 December 1997, on the burden of proof in cases of discrimination based on sex to the United Kingdom of Great Britain and Northern Ireland

EXPLANATORY MEMORANDUM

Introduction

The aim of this proposal is to extend Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex to the United Kingdom of Great Britain and Northern Ireland.

Council Directive 97/80/EC, adopted on the basis of Article 2(2) of the Agreement on Social Policy annexed to Protocol 14 on Social Policy annexed to the Treaty establishing the European Community, does not currently apply to the United Kingdom of Great Britain and Northern Ireland.

The Amsterdam European Council of 16-17 June 1997 noted with approval the agreement of the Intergovernmental Conference to incorporate the Social Agreement in the Treaty.

At the said meeting of the European Council, the Members of the European Council whose States are party to the Agreement on Social Policy annexed to Protocol 14 to the Treaty on European Union welcomed wholeheartedly the decision of the United Kingdom to accede to the social provisions of the new Treaty. They noted with great satisfaction the willingness of the United Kingdom to accept the Directives which have already been adopted on the basis of that Agreement. The European Council noted, also, that a means had to be found, in advance of the signature of the Amsterdam Treaty, to give legal effect to these wishes.

At the Council of 24 July 1997, the Council and the Commission agreed to put into effect the conclusions adopted at the Amsterdam European Council. To this effect, they agreed that Directives already adopted on the basis of the Agreement on social policy should be made applicable to the United Kingdom through the adoption of Directives based on Article 100 of the Treaty establishing the European Community. To this end, the Commission should as soon as possible submit to the Council the relevant proposals. Such proposals should without prejudice to the necessary technical adjustments, not alter the substance of the above-mentioned Directives. The same procedure should also applied, *mutatis mutandis*, to future Directives adopted on the basis of the Agreement on Social Policy.

The Commission's Proposal

i. Legal base

In accordance with Article 1 of the Agreement on Social Policy, the Community and the Member States have set themselves the objective of improving living and working conditions. Directive 97/80/EC, which ensures an effective implementation of the principle of equal treatment for men and women, contributes to achieving this aim. It is obvious that the extension of its provisions to the United Kingdom of Great Britain and Northern Ireland will lead to a better realisation of this objective, ensuring that it will be pursued by all Member States. Bringing the legislation of the United Kingdom of Great Britain and Northern Ireland into line with Council Directive 97/80/EC will, therefore, have a direct impact on the establishment and functioning of the common

market. In consequence the appropriate legal base for the Commission's proposal is Article 100 of the Treaty.

ii. Articles

Article 1

The application of Directive 97/80/EC to the United Kingdom may be effected by means of a Directive addressed to the Member States. No substantive amendment of Directive 97/80/EC will be necessary, the only amendment being the purely formal one of the date of implementation in the United Kingdom.

Article 2

With regard to implementation, the United Kingdom should be allowed the same length of time after adoption of the present Directive as was permitted for the other Member States after the adoption of Directive 97/80/EC.

PROPOSAL FOR A COUNCIL DIRECTIVE
on the extension of Council Directive 97/80/EC of 15 December 1997, on the
burden of proof in cases of discrimination based on sex to the United Kingdom of
Great Britain and Northern Ireland

98 / 0066 (CNS)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Council, acting in accordance with the Agreement on Social Policy annexed to Protocol 14 on Social Policy annexed to the EC Treaty and in particular Article 2(2) thereof, adopted Directive 97/80/EC¹; whereas, as a result, the said Directive does not apply to the United Kingdom of Great Britain and Northern Ireland;

Whereas the Amsterdam European Council held on 16 and 17 June 1997, noted with approval the agreement of the Intergovernmental Conference to incorporate the Agreement on social policy in the EC Treaty and also noted that a means had to be found to give legal effect to the wish of the United Kingdom to accept the Directives already adopted on the basis of that Agreement and those which may be adopted before the entry into force of the new treaty;

Whereas at the Council of 24 July 1997, the Council and the Commission agreed to put into effect the conclusions adopted at the Amsterdam European Council; whereas they also agreed to apply the same procedure, mutatis mutandis, to future Directives adopted on the basis of the Agreement on Social Policy; whereas this Directive seeks to achieve this aim by extending Directive 97/80/EC to the United Kingdom;

Whereas the fact that Directive 97/80/EC is not applicable in the United Kingdom of Great Britain and Northern Ireland directly affects the functioning of the common market; whereas an effective implementation of the principle of equal treatment for men and women, in particular as regards the rules organising the burden of proof in cases of discrimination based on sex, in all the Member States will improve the functioning of the common market;

Whereas the adoption of this Directive will make Directive 97/80/EC applicable in the United Kingdom; whereas, from the date on which this Directive enters into force, the

¹ J.O. L n° 14, 20.1.98, page 6

term "Member States" in Directive 97/80/EC should be construed as including the United Kingdom,

Whereas the United Kingdom should benefit from the same period of three years that was granted to other Member States to bring into force the necessary provisions to comply with the directive.

HAS ADOPTED THIS DIRECTIVE :

Article 1

Without prejudice to Article 2, Directive 97/80/EC, shall apply to the United Kingdom of Great Britain and Northern Ireland.

Article 2

The following paragraph shall be inserted after the first paragraph in Article 7 of Directive 97/80/EC:

As regards the United Kingdom of Great Britain and Northern Ireland, the date of 1.1.2001 in paragraph 1 shall be replaced by[3 years after adoption of this directive]

Article 3

This Directive is addressed to the Member States.

Done at ...

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