



Council of the
European Union

Brussels, 24 November 2014

15764/14

**Interinstitutional File:
2008/0193 (COD)**

**SOC 804
SAN 441
EGC 51
CODEC 2298**

NOTE

from: The Presidency
to: Permanent Representatives Committee (Part I) / Council

No prev.doc.: 17029/11 SOC 1002 SAN 246 CODEC 2061
No. Cion prop.: 13983/08 SOC 575 SAN 217 CODEC 1285 - (COM(2008) 637 final)

Subject: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

I. INTRODUCTION

Negotiations on the proposal to amend Council Directive 92/85/EEC stalled following the adoption by the European Parliament of its position in first reading in 2010. The proposal has not been discussed in the Council's preparatory bodies since 2012. However, following the recent parliamentary elections and in the context of the appointment of a new Commission, the Italian Presidency decided to explore the possibility of resuming the dialogue between the Council and the European Parliament.

II. MAIN ISSUES AND STATE OF PLAY

The Commission's proposal would extend the minimum length of maternity leave from 14 weeks to 18 weeks, with a minimum allowance on a par with sick pay (as in the current Directive). This would include compulsory leave of at least six weeks after childbirth (as compared with two weeks of compulsory leave before or after childbirth in the current Directive).

In its Opinion, the European Parliament went considerably further, calling for 20 weeks of maternity leave on full pay, including six weeks of compulsory leave after childbirth. The European Parliament also wished to introduce an entitlement to at least two weeks' fully paid maternity leave to a person whose spouse or life partner has recently given birth (paternity leave).

However, repeated discussions showed that 20 weeks on full pay is entirely unacceptable to the Council and an unrealistic basis for further discussion, particularly in the context of the current financial and economic crisis and the pressure towards fiscal consolidation.

In September, the Italian Presidency had an informal meeting with the Rapporteur appointed by the newly elected European Parliament, Alessandra Moretti (FEMM /S&D/IT).¹ The Rapporteur has expressed her willingness to search for a way forward and to resume the dialogue with the Council.

Ms Iratxe Garcia Pérez, Chair of the European Parliament's Committee on Women's Rights and Gender Equality, also wrote to the Presidency in October, reiterating Parliament's willingness to engage with the Council. However, no breakthrough has so far been achieved in the attempts to break the impasse, the EP being formally bound by the mandate established in its first reading position.

¹ The previous rapporteur, Edita Estrella (FEMM/PT/Group of the Progressive Alliance of Socialists and Democrats) is not a member of the new Parliament.

In October, Ministers also held an informal exchange on the issue of *"Parental and Maternity Leave: A way to reconcile work, family and private life"* in the presence of Ms Moretti.

III. CONCLUSION

Informal contacts between the Italian Presidency and the EP side are still ongoing, with a view to exploring the possibility of resuming discussions. Meanwhile, it is also understood that the Commission is considering withdrawing the proposal in the light of the deadlock.² The Presidency continues to hope that progress on this important file can be made in the future. What is needed as a first step, the Presidency believes, is a definite sign of concrete flexibility from the EP side that would provide a feasible basis for negotiation between the co-legislators.

² Regulatory Fitness and Performance Programme (REFIT), SWD(2014) 192 final.