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NOTE

from: Council General Secretariat
to: Permanent Representatives Committee (Part I) / Council (EPSCO)

No. prev. doc.: 14608/14 SOC 718 EMPL 139 MIGR 135 JAI 793
No. Cion prop.: 13158/14 SOC 621 EMPL 102 MIGR 121 JAI 672 - COM(2014) 563 final

Subject: Proposal for a COUNCIL DECISION authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to social policy

Following the meeting of the Social Questions Working Party of 26 January 2015, and with a view to the Coreper meeting of 20 February 2015, delegations will find attached a text on the above-mentioned subject.

No changes have been made compared to the previous document (doc. 14608/14).

Proposal for a

COUNCIL DECISION

authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation [...] with regard to matters related to social policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2) TFEU in conjunction with Article 153(1) (a) and (b) and Article 218(6) (a) (v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) The European Union is promoting the ratification of international labour conventions that have been classified by the International Labour Organisation as up-to-date, to contribute to the European Union's efforts to promote human rights and decent work for all as well as to eradicate trafficking in human beings both inside and outside the EU, of which the protection of fundamental principles and rights at work is a key aspect.
- (1a) The 1930 Forced Labour Convention, which the 2014 Protocol supplements, is a fundamental ILO Convention and has a bearing on rules which make reference to the core labour standards.

¹ OJ C , , p. .

- (2) Parts of the rules under the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO), hereinafter ‘the Protocol’, fall within the competences of the Union in accordance with Article 153(2) [...] TFEU. In particular, some rules of the Protocol are already covered by the EU *acquis* in the area of social policy¹.
- (3) [...]
- (4) Article 19(4) of the ILO Constitution, on the adoption and ratification of Conventions, similarly applies to a Protocol, which is a binding international agreement, subject to ratification and linked to a Convention.
- (5) The European Union cannot ratify the Protocol, as only States can be parties thereto.
- (6) Member States should therefore be authorised to ratify the Protocol, acting jointly in the interests of the European Union, for the parts falling under Union competence in accordance with Article 153(2) [...] TFEU.
- (6a) [...]
- (7) Member States should be authorised to ratify [...] the Protocol with regard to matters related to social policy. The provisions of the Protocol falling within the competence conferred upon the Union other than the provisions related to social policy will be subject to a Decision adopted in parallel to this Decision.

¹ In particular, Articles 1(1), 2(a) and 2(d) of the Protocol concern matters governed by Directive 91/533/EEC on an employer’s obligation to inform employees on the conditions applicable to the contract or employment relationship (“written statement”), Directive 2008/104/EC on temporary agency work, as well as Directive on health and safety at work, including the Framework Directive 89/391/EEC, the working time Directive 2003/88/EC, the protection of young people at work Directive 94/33/EEC and the maternity protection Directive 92/85/EEC.

HAS ADOPTED THIS DECISION:

Article 1

Member States are hereby authorised to ratify, for the parts falling under the competence conferred upon the European Union in Article 153(2) [...] TFEU, [...] the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation.

Article 2

Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably by 31 December 2016.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President