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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
Subject:	Proposal for a Council Decision inviting Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization - Statements by Austria and Hungary

Delegations will find in the Annex statements by Austria and Hungary, in relation to the above-mentioned proposal.

STATEMENT BY AUSTRIA
ON THE PROPOSAL FOR
A COUNCIL DECISION INVITING MEMBER STATES TO RATIFY THE VIOLENCE
AND HARASSMENT CONVENTION, 2019 (No. 190) OF THE INTERNATIONAL
LABOUR ORGANIZATION

1. In principle, Austria emphasizes its legal view that the Council's decision inviting Member States to ratify the relevant international convention does not create an obligation.
2. EU Member States are autonomous constituents of the ILO. A ratification obligation contradicts the principle of tripartism enshrined in the ILO Constitution and the ILO Convention 1976 (No. 144) ratified by all EU Member States.
3. Austria takes note of the European Commission's assurances that she will refrain from legal steps against Member States opting for not ratifying the convention.

STATEMENT BY HUNGARY

ON THE PROPOSAL FOR

A COUNCIL DECISION INVITING MEMBER STATES TO RATIFY THE VIOLENCE AND HARASSMENT CONVENTION, 2019 (No. 190) OF THE INTERNATIONAL LABOUR ORGANIZATION

Hungary, taking into account the Council Legal Service's advice provided during the course of negotiations, would like to reiterate its legal view that there is no legal necessity to adopt a Council decision in order to allow Member States to ratify the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization (hereinafter: ILO Convention 190), because the Convention does not entail any exclusive EU competence. We note that the acts of seven Member States who have already ratified the Convention also *de facto* confirm that conclusion.

Without prejudice to the above, Hungary also takes note of the Commission's multiple verbal statements that it will not take steps to enforce the ratification of the Convention by Member States even if a Council decision is adopted in this regard.

Finally, Hungary notes with regret the procedure leading to the adoption of the Council decision in question. In this regard we recall that the Coreper concluded at its meeting of 31 May 2023, to recommend to the Council to approve a statement to be entered into its minutes, whereby the Council notes that the required qualified majority cannot be reached for the adoption of the proposed Council decision. It is regrettable that the conclusions of the Coreper meeting have not been followed up.
