



Council of the
European Union

178282/EU XXVII. GP
Eingelangt am 22/03/24

Brussels, 22 March 2024
(OR. en)

Interinstitutional File:
2020/0011(NLE)

8139/24
ADD 1

SOC 230
EMPL 132
ANTIDISCRIM 47
GENDER 49
SAN 193
FREMP 163
ILO 10

'A' ITEM NOTE

From:	Permanent Representatives Committee
To:	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, Czech Republic and Hungary

Delegations will find in the Annex statements by Austria, Czech Republic 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 THE CZECH REPUBLIC CONCERNING
PROPOSAL FOR COUNCIL DECISION INVITING MEMBER STATES TO RATIFY THE
VIOLENCE AND HARASSMENT CONVENTION, 2019 (NO. 190) OF THE
INTERNATIONAL LABOUR ORGANIZATION**

The Czech Republic wishes to recall its position expressed on numerous occasions during the negotiations of the current, as well as previous Council decisions allowing, inviting or authorizing the EU Member States to ratify the ILO Conventions and Protocols. The Czech Republic has consistently interpreted these Council decisions as measures not imposing any obligation to ratify the international conventions in question. As such, they facilitate the possibility of ratification, while also upholding the principle of full respect for the EU Member States as independent constituents of the International Labour Organization (ILO). In this context, each Member State retains its discretion in initiating the ratification process, solely guided by its national decision-making procedure, without being subjected to measures concerning Treaty infringements.

The Czech Republic insists on the need for an explicit confirmation that would allow Member States to ratify voluntarily the ILO Convention 190 within their national jurisdiction. Without this premise and in the light of the absence of a clear legal interpretation at the Coreper meeting on 19 July 2023, the Czech Republic is not in a position to support the Council decision on ILO Convention 190 and consequently abstains from voting.

The Czech Republic takes note and appreciates the Commission's affirmations, expressed on multiple occasions, to maintain the existing practice concerning this and all previous Council Decisions that it will not take any steps to enforce the ratification of the ILO Conventions and Protocols by Member States.

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.
