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OUTCOME OF PROCEEDINGS

From: Working Party on Social Questions
on: 18 March 2015
No. prev. doc.: 15764/14 SOC 804 SAN 441 EGC 51 CODEC 2298
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

At its meeting on 18 March 2015, the Working Party on Social Questions discussed the state of play with regard to the above proposal.

The Chair gave an overview of the recent developments within the European Parliament, including the tabling of non-papers by the S&D group and the ALDE group's FEMM Committee team, and letters received from the Chair of the FEMM Committee.

She invited delegations to indicate whether they supported the idea of establishing a Working Group with the participation of the Trio Presidency and to present their current positions on the file in the light of the ongoing developments in the European Parliament and the stance of the Commission.

II. SUMMARY OF THE DISCUSSION

The Commission's stance

The Commission representative expressed the view that the recent developments in the Parliament, including the distribution of papers from the S&D group and the FEMM team of the ALDE group, constituted a partial but nevertheless concrete step that deserved to be acknowledged accordingly, Commission Vice-President Timmermans as well as Commissioner Jourová having promised to support the ongoing efforts within the European Parliament to relaunch the discussions on the Commission's proposal. The Commission representative reminded delegations that the suggestions contained in the paper from the S&D departed significantly from the European Parliament's position in first reading. He stressed, moreover, that it was perfectly feasible that these suggestions might gain wider political support within the European Parliament in due course. Warning against getting bogged down in procedural niceties, he urged delegations to consider whether the suggestions contained in the above-mentioned documents might constitute a possible basis for discussion should they come to have wider backing within the European Parliament.

Responding to questions regarding the divergent ways in which the timeline and condition for withdrawing the proposal had been formulated in different documents, the Commission representative explained that according to the main text of the Commission Work Programme, tangible progress unblocking the negotiations (as opposed to a formal agreement) would be a sufficient reason for the Commission not to withdraw the proposal.

Suggested Working Group

A clear majority of delegations was unable to accept the suggested creation of a Working Group on the grounds that it would constitute a parallel structure outside the well-established inter-institutional framework and would create an undesirable precedent. However, certain delegations took the view that it was up to the Presidency to decide the modalities of its informal contacts with the European Parliament and saw no impediment to continued informal contacts between the Presidency and the European Parliament.

Delegations' current positions, taking into consideration ongoing developments

Most delegations that took the floor were unable to support the launching of informal negotiations based on the above-mentioned non-papers, recalling that the Parliament still formally supported its first-reading opinion as reconfirmed after the 2014 elections. In this context, a number of delegations welcomed the Commission's offer to withdraw the proposal.

However, a number of delegations also reaffirmed or recalled their earlier support for the Commission's original proposal, some being prepared to support possible future informal negotiations with the European Parliament, including on the basis of the above-mentioned documents, should they come to have wider backing within the European Parliament.

Reconciliation of work and family life and possible future initiatives by the Commission

Many delegations underlined the importance of taking a broad and holistic approach in this area, notably by including parental and paternity leave and flexible working arrangements alongside maternity leave in the combination of policies and instruments for promoting the reconciliation of work, family and private life. In this context, several delegations felt that parental leave and paternity leave should be addressed separately from maternity leave, the latter being a health and safety issue as well as a reconciliation issue.

Informing Coreper

Certain delegations invited the Presidency to inform Coreper of the outcome of the discussion that had taken place. Others tentatively questioned the need for such a step. The Chair undertook to reflect on this matter.

III. CONCLUSION

The Chair summed up the outcome of the discussion as follows:

- 1) there was no broad support for the establishment of a Working Group as suggested by the Chair of the FEMM Committee;
- 2) many delegations, including some that had previously supported the Directive, were now in favour of a fresh start, and the Presidency had no mandate for further negotiations with the European Parliament;
- 3) some delegations, however, were in favour keeping the door open for possible future informal negotiations with the European Parliament;
- 4) the Presidency has no mandate to enter informal negotiations with the European Parliament, although formal contacts could still take place; and
- 5) the outcome of the discussions would be reflected in the Presidency's reply to the letters from the Chair of the FEMM Committee.
