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CM 5123/20

SOC
PROCED

COMMUNICATION

WRITTEN PROCEDURE

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Subject:	Council Conclusions on Tackling the Gender Pay Gap: Valuation and Distribution of Paid Work and Unpaid Care Work - End of written procedure

Delegations are informed that the written procedure, opened by CM 4990/20 of 27 November 2020 was completed on 1 December 2020 at 17.00 and that:

- 1) all delegations voted in favour of the approval of the "Council Conclusions on Tackling the Gender Pay Gap: Valuation and Distribution of Paid Work and Unpaid Care Work" as set out in document ST 13367/20.
- 2) Therefore the above act of the Council is approved.
- 3) The statements submitted by Austria, Bulgaria, Hungary and Poland are set out in the Annex hereto.

STATEMENT BY AUSTRIA

Austria supports the Council Conclusions on Tackling the Gender Pay Gap: Valuation and Distribution of Paid Work and Unpaid Care Work. However, the following additional comments with regard to the introduction of new legal binding measures (Para 39) have to be made:

Tackling the Gender Pay Gap is one essential measure to achieve gender equality, which is fully supported by Austria. Furthermore, Austria welcomes a coordinated approach to close the Gender Pay Gap. However, when it comes to any measures on EU level these should not focus on new binding legal measures, but rather on support and motivation for enterprises to enhance pay transparency. In line with the principle of subsidiarity the Member States should in any event be given the flexibility to implement measures, which take the national context into due account, including in the context of possible new initiatives. For instance, Austria, has already introduced measures for pay transparency in 2011.

STATEMENT BY BULGARIA

The term “gender”, as used in the Strategy for Gender Equality with reference to the Istanbul Convention, contradicts the Constitution of the Republic of Bulgaria according to Decision № 13 of 27 July 2018 of the Constitutional Court.

STATEMENT BY HUNGARY

Hungary declares that the Commission's Communication on a Union of Equality: Gender Equality Strategy 2020-2025 (hereinafter referred to as "Strategy") mentioned in paragraph 8 and the Annex of the Conclusions on Tackling the Gender Pay Gap: Valuation and Distribution of Paid Work and Unpaid Care Work, should be interpreted with due regard to national competences and the specific circumstances in each Member State. Hungary can accept a reference to the Strategy in the text of the conclusions, nevertheless, disapproves that the Strategy uses and further expands the gender definition of the Istanbul Convention, which is not ratified by Hungary.

Furthermore Hungary states that equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary interprets the concept of „gender“ as reference to sex and the concept of „gender equality“ as reference to the equality between men and women.

STATEMENTS BY POLAND

Poland declares that Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and Committee of the Regions – A Union of Equality: Gender Equality Strategy 2020-2025 (Commission's Gender Equality Strategy 2020-2025; hereinafter referred to as “Strategy”) mentioned in point 8 and reference documents of the Council Conclusions, should be interpreted with due regard to national competences and the specific circumstances in each Member State. At the same time Poland declares that equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in place where the Strategy refers to gender equality Poland will interpret it as an equality between women and men. In addition, in places where the Strategy refers to the concept of “sexual and reproductive health and rights”, Poland will interpret it in accordance with the Programme of Action of the International Conference on Population and Development of 1994 and the Beijing Platform Activities of 1995, due to the fact that the term has no internationally recognized definition.

Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in place where the conclusions refer to gender equality Poland will interpret it as a equality between women and men, according to Article 8 TFEU.
