Council of the European Union

Brussels, 13 October 2023
(OR. en)

13190/23

Interinstitutional File: 2020/0011(NLE)

SOC 624
EMPL 445
SAN 528
GENDER 184
ANTIDISCRIM 164
FREMP 248
ILO 10

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
Subject:	Proposal for a Council Decision authorising Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization *- Agreement in Principle* *- Request the Consent of the European Parliament*

I. INTRODUCTION

1. On 22 January 2020, the Commission presented to the Council a proposal for a "Council Decision authorising Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization".[1]

[1] Doc. 5442/20

2. The Convention 190 concerning the Elimination of Violence and Harassment in the World of Work[2] ('ILO Convention 190'), was adopted on 21 June 2019, at the 108th (centenary) session of the International Labour Conference and it was accompanied by Recommendation 206[3]. It is the first international instrument setting out specific, globally applicable standards on tackling work-related violence and harassment.

II. WORK AT THE COUNCIL

3. The proposal was examined in the Social Questions Working Party (SQWP) on three occasions under the Croatian Presidency.[4] While delegations expressed their support for the Convention's objectives to tackle violence and harassment in the world of work, a number of delegations raised questions regarding the Union's competences in the areas covered by the Convention, the necessity for a Council Decision and the resulting obligation for Member States to ratify the ILO Convention 190.

4. The Committee of Permanent Representatives ('Coreper I') reflected on possible ways forward on three occasions[5] and on 18 December 2020 requested a written opinion of the Council Legal Service on the question of Union competences for the ratification of the ILO Convention 190.

5. The Council Legal Service carried out an analysis of the competences of the EU in relation to the ILO Convention 190 with a view to identifying the legally viable ways forward regarding its ratification.

---

2 Convention C190 - Violence and Harassment Convention, 2019 (No. 190) (ilo.org)

3 Recommendation R206 - Violence and Harassment Recommendation, 2019 (No. 206) (ilo.org)

4 Social Questions Working Party meetings on 04/02/20, 18/02/20 and 20/03/20.

5 Coreper I meetings on 11/03/20 (doc. 6771/20), 09/12/20 (doc. 13993/20) and 18/12/20 (doc. 13995/20).

6. The discussion then resumed in the SQWP, where the Council Legal Service Opinion was presented. While several Member States expressed their intention to ratify the ILO Convention 190 as soon as possible, the majority of delegations could not support the draft Council Decision.

7. On 13 March 2023, the Council (EPSCO) held an exchange of views on the Council Decision authorising Member States to ratify the ILO Convention 190 on Violence and Harassment (No. 190)[6]. The Ministers supported the general aim of the Convention and called for a quick solution which would allow Member States to ratify it.

8. Following this political exchange, the Swedish Presidency presented at Coreper I (19 April 2023) a revised text for a Council Decision.[7] An indicative vote showed that the Presidency's revised text would not be supported by the qualified majority required for adoption of the proposed Council Decision – if it were to proceed to a vote in the Council.

9. The Spanish Presidency, taking into consideration the concerns of some delegations prepared a new proposal for a compromise text where, *inter alia*, the term "authorise" or "authorising" is modified into "invite" or "inviting" throughout the text of the draft Decision. At its meeting on 19 July 2023, Coreper I examined and approved the new text[8] and forwarded it to the Council for a General Approach.

10. On 18 September 2023, the Council (AGRIFISH) confirmed the agreement on the text and reached a General Approach.[9] Bulgaria, Czech Republic, Denmark, Estonia, Finland, Hungary, Poland, Sweden and Slovakia did not support the General Approach.

---

6 Doc. 6685/23.
7 Doc. 8079/1/23 REV 1.
8 Doc. 11811/23
9 Doc. 12080/23

11. Austria, Bulgaria, Czech Republic, Hungary and Lithuania made statements for the Council minutes.[10] The European Commission also made a statement.[11]

12. Following the General Approach, the text has undergone linguistic revision as set out in the doc. 13106/23.

III. CONCLUSION

13. The Permanent Representatives Committee is invited to approve the text of the draft Decision as set out in doc. 13106/23 and to forward it the Council with a view to:

    a) reach an Agreement in Principle on the draft Council Decision as set out in doc. 13106/23 and

    b) seek the consent of the European Parliament on this draft Council Decision.

---

[10] Doc. 12080/23 ADD1
[11] Doc. 12080/23 ADD2