



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 June 2010

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SOC 395

NOTE

from : The Presidency
to : COUNCIL (Employment, Social Policy, Health and Consumer Affairs)

Subject : Proposal for a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC
- Information from the Presidency
(Any other business item)

Delegations will find attached a note from the Presidency.

**Equal treatment between men and women engaged in an activity in a self-employed capacity:
Information from the Spanish Presidency regarding the agreement between the European
Parliament and the Council in second reading.**

The Directive on which we will reach agreement in second reading provides for significant improvement in terms of the social protection accorded to self-employed workers and assisting spouses of self-employed workers who often contribute to their spouse's self-employed activities without enjoying the corresponding rights. It is therefore of major help in removing barriers to female entrepreneurship and in improving the status of assisting spouses by granting them protection on their own right. Besides, female self-employed workers and assisting spouses will be granted a maternity allowance for at least 14 weeks. The Directive also covers life partners when recognised by national law.

Obviously, the Council position in first reading, which was adopted in March thanks to the determination of the Swedish Presidency to reach a political agreement in November last, was not quite well received by Parliament. There was therefore a very significant risk that Parliament might adopt amendments which could jeopardise the essential elements of the Council position, thus making it unlikely for the two institutions to come to terms over the Directive.

In this context, the Presidency has made all efforts to seek to bring positions closer with a view to allowing for an agreement in second reading to be reached while upholding the major elements of the Council position. To do so, the Presidency and the rapporteur, Ms Astrid LULLING, held several informal contacts and agreed on 17 amendments.

On 4 May, the EP FEMM Committee voted the 17 amendments nearly unanimously. On 12 May 2010 the Permanent Representatives Committee agreed with this same compromise text.

On 18 May 2010, the European Parliament adopted a legislative Resolution on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC. The amendments voted by Parliament in the framework of this Resolution fully correspond to the text of the overall compromise package as agreed by the Permanent Representatives Committee on 12 May 2010.

The conditions are therefore met for an agreement in second reading between the two institutions, which allows for adoption of this important Directive.

However, given the time constraints resulting from the legal-linguistic revision of the text of the Directive, it will not be possible to adopt it formally today. Therefore the Directive will be submitted as an I item to the Permanent Representatives Committee on 15 June and, afterwards, as an A item to the Transport, Telecommunications and Energy Council on 24 June, under the Spanish Presidency.

The Spanish Presidency considers this agreement in second reading as a major success which, in addition to its own efforts, has also been made possible by the very important work as achieved in the framework of the Swedish Presidency and by the spirit of compromise which prevailed in the course of the informal trilogue with Parliament.
