


Procedure file

Basic information		
NLE - Non-legislative enactments	2013/0189(NLE)	Procedure completed
Framework Agreement on parental leave concluded by BusinessEurope, UEAPME, CEEP and ETUC: transposition period for Mayotte		
Subject 4.10.02 Family policy, family law, parental leave 4.15.14 Social dialogue, social partners 4.70.06 Outlying and outermost regions, overseas countries and territories		
Geographical area France Mayotte		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs		23/10/2013
		S&D BERÈS Pervenche	
		Shadow rapporteur	
		PPE CASA David	
		Verts/ALE LAMBERT Jean	
	Committee for opinion	Rapporteur for opinion	Appointed
	FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	JURI Legal Affairs		14/10/2013
		PPE VOSS Axel	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3287	17/12/2013

Key events			
30/09/2013	Legislative proposal published	14220/2013	Summary
18/11/2013	Committee referral announced in Parliament		
26/11/2013	Vote in committee		
28/11/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0414/2013	Summary
12/12/2013	Results of vote in Parliament		

12/12/2013	Decision by Parliament	T7-0583/2013	Summary
17/12/2013	Act adopted by Council after consultation of Parliament		
17/12/2013	End of procedure in Parliament		
28/12/2013	Final act published in Official Journal		

Technical information

Procedure reference	2013/0189(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/14334

Documentation gateway

Legislative proposal		14220/2013	30/09/2013	CSL	Summary
Specific opinion	JURI	PE522.887	08/11/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0414/2013	28/11/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0583/2013	12/12/2013	EP	Summary
Commission response to text adopted in plenary		SP(2014)148	13/02/2014	EC	

Additional information

European Commission	EUR-Lex
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Final act

[Directive 2013/62](#)
[OJ L 353 28.12.2013, p. 0007](#) Summary

Framework Agreement on parental leave concluded by BusinessEurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

PURPOSE: to amend [Council Directive 2010/18/EU](#) on implementing the revised Framework Agreement on parental leave because of the change in status of Mayotte.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: by [Decision 2012/419/EU](#), the European Council decided to amend the status of Mayotte with regard to the European Union with effect from 1 January 2014. Therefore, from that date, Mayotte will cease to be an overseas territory and will become an outermost region of the Union within the meaning of Articles 349 and 355(1) of the Treaty on the Functioning of the EU.

Following this change in legal status of Mayotte, Union law will apply to Mayotte from 1 January 2014. Certain specific measures, justified by the particular structural social and economic situation of Mayotte as a new outermost region, on the special conditions of application of Union law should, however, be established.

Considering the specific structural economic and social situation of Mayotte, particularly the fact that the jobs market is underdeveloped and

the employment rate is low due to its remoteness, insularity, difficult topography and climate situation, an additional implementation period for Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC should be provided in order to ensure that equal treatment in the particular field of parental leave is achieved progressively and so as not to destabilise the gradual economic development of the new outermost region.

The provided additional transposition period should allow this specific disadvantaged structural social and economic situation of Mayotte, as a new outermost region, to be improved.

LEGAL BASIS: Article 349 of the Treaty on the Functioning of the European Union (TFEU).

IMPACT ASSESSMENT: no impact assessment was undertaken.

CONTENT: with the proposed Decision, it is planned to extend the additional transitional period for Mayotte as regards the transposition of the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, so that this Directive may be applied as of 31 December 2018 in this outermost region.

BUDGETARY IMPLICATIONS: the proposal has no impact on the EU budget.

Framework Agreement on parental leave concluded by Businessseurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

The Committee on Employment and Social Affairs adopted the report by Pervenche BERÈS (S&D, FR) on the draft Council directive amending Council Directive 2010/18/EU because of the change of status of Mayotte.

Takes note that the Council consulted the European Parliament on the draft directive, although such consultation is not required under the legal basis proposed by the Commission, Members approved the draft Council directive with a number of amendments relating to the legal basis of the proposal.

The Commission based its proposal on Article 155(2) of the TFEU whereby the Council takes a decision on implementation of management and labour agreements on a proposal from the Commission, and the European Parliament is informed. The Council, on the contrary, proposed changing the legal basis to Article 349 TFEU on specific measures for outermost regions, whereby the Council adopts these measures on a proposal from the Commission after consulting Parliament.

Members considered the legal basis proposed by the Commission to be correct, and proposed a legal basis, these being Articles 155(2) and Article 349. They also proposed that the directive should become a decision.

Framework Agreement on parental leave concluded by Businessseurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

The European Parliament adopted a legislative resolution by 542 votes to 53 with 21 abstentions, in the framework of a special legislative procedure (consultation of Parliament), a resolution on the draft Council directive amending Council Directive 2010/18/EU because of the change of status of Mayotte.

Parliament approved the proposal subject to the following amendments:

Legal base: Parliament called for the legal base for this proposal to be Article 155(2) of the TFEU with Article 349 as opposed to just Article 349.

Legal form of the instrument: Parliament called for the legal instrument for the adoption of the proposal to be a Decision and not a Directive.

Framework Agreement on parental leave concluded by Businessseurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

PURPOSE: to amend [Council Directive 2010/18/EU](#) on implementing the revised Framework Agreement on parental leave because of the change in status of Mayotte.

PROPOSED ACT: Council Directive 2013/62/EU amending Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, following the amendment of the status of Mayotte with regard to the European Union.

BACKGROUND: by European [Council Decision 2012/419/EU](#), the European Council decided to amend the status of Mayotte with regard to the Union with effect from 1 January 2014. From that date, Mayotte will cease to be an overseas country or territory and will become an outermost region of the Union within the meaning of Article 349 and Article 355(1) of the Treaty on the Functioning of the European Union (TFEU).

Following this amendment of the legal status of Mayotte, Union law will apply to Mayotte from 1 January 2014. Taking account of the particular structural social and economic situation of Mayotte, certain specific measures aimed at laying down the conditions of application of Union law should be established.

Considering the specific structural social and economic situation of Mayotte, in particular the fact that the labour market is underdeveloped and the employment rate is low due to its remoteness, insularity, difficult topography and climate, an additional implementation period for Council Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP

and ETUC and repealing Directive 96/34/EC should be provided for in order to ensure that equal treatment in the particular field of parental leave is achieved progressively and in a way that does not destabilise the gradual economic development of Mayotte.

That additional implementation period should allow the specific disadvantaged structural social and economic situation of Mayotte, as a new outermost region, to be improved.

Directive 2010/18/EU should therefore be amended accordingly.

CONTENT: under this Directive, it is provided to grant an additional implementation period for Council Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC. This period shall be extended to 31 December 2018 as regards Mayotte as an outermost region of the Union.

ENTRY INTO FORCE: 01.01.2014. This Directive is addressed to France.