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From: The Danish Parliament
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To: The President of the Council of the European Union

Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on work-life balance for parents and carers and repealing Council Directive 2010/18/EU [doc. 8633/17 - COM(2017) 253 final]
- opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached the above-mentioned document followed by a courtesy English translation.



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Politisk udtalelse om forslag om balance i arbejdsliv og privatliv

30. juni 2017

Folketingets Ligestillingsudvalg og Europaudvalg har behandlet Kommissionens forslag om balance i arbejdsliv og privatliv, der handler om ret til forskellige typer orlov (KOM(2017)253). Folketinget har på den baggrund følgende bemærkninger til forslaget:

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Et flertal (Socialdemokratiet, Venstre, Liberal Alliance og Det Konservative Folkeparti) finder, at en udvidelse af de eksisterende rettigheder skal vedtages på baggrund af enighed mellem parterne eller nationalt i de enkelte medlemslande.

Flertallet tilkendegiver dog samtidig, at man støtter de gældende regler på området, og ikke ser noget behov for yderligere EU-regulering af forældreorloven og øremærkning heraf.

Flertallet er generelt meget kritisk over for Kommissionens analyse og vurdering af, at udvikling af orlovsrettigheder og tiltag til forbedring af forældres familie- og arbejdslivsbalance bedst sikres gennem den foreslåede yderligere EU-regulering.

Flertallet er også helt uenigt i, at Kommissionens forslag "respekterer de vel-etablerede nationale ordninger vedrørende orlov og fleksible arbejdsordninger og muligheden for, at medlemsstaterne og arbejdsmarkedets parter kan aftale de nærmere bestemmelser herom", og at det "fuldt ud respekterer enkeltpersoners og families frihed og valg" i forbindelse med tilrettelæggelse af forældreorlov.

Flertallet er derfor samlet set meget kritisk over for det fremlagte direktivforslag og vil derfor opfordre den danske regering til under forhandlingerne aktivt at udfordre Kommissionens argumentation vedrørende rækkevidden og effekten af forslagets bestemmelser.

Et mindretal (Dansk Folkeparti) finder, at forslaget strider mod nærhedsprincippet, idet udviklingen i orlovsrettigheder bør ske nationalt under hensyn til de nationale traditioner. I Danmark er der en tradition for at lade arbejdsmarkedets parter aftale sig frem til vilkår på arbejdsmarkedet, herunder f.eks. vedrørende omsorgsorlov. Partierne finder ikke, at Kommissionen har begrundet,

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hvorfor det er nødvendigt, at en yderligere udvikling af orlovsrettigheder skal ske på europæisk plan. Beslutninger om arbejdsmarkedsforhold og spørgsmål om fordeling af orlov i familierne bør træffes så tæt på borgerne som muligt, således at der kan tages hensyn til nationale forskelle og individuelle ønsker. Det skal være op til familierne selv at bestemme, hvordan forældreorloven fordeles.

Et andet mindretal (Alternativet, Radikale Venstre og Socialistisk Folkeparti) hilser forslaget velkomment, idet de finder det nødvendigt, at EU bygger videre på de minimumsrettigheder, der findes i europæisk og national lovgivning for at sikre en mere ligelig fordeling af forældreorloven i de europæiske lande, hvilket er en forudsætning for øget kønsligestilling. Partierne finder, at erfaringerne viser, at problemet med en ulige fordeling af forældreorlov og andre omsorgsrelaterede opgaver i hjemmet samt udfordringer i familien ved at sikre balance mellem arbejdsliv og privatliv ikke løses bedre nationalt, idet EU-landene er tilbageholdende med at tage initiativer på området. Forslaget er ikke i strid med den danske model vedrørende arbejdsmarkedsforhold, da forslaget kan implementeres af arbejdsmarkedets parter.

Et tredje mindretal (Enhedslisten) finder, at forslaget strider mod nærhedsprincippet, idet der ikke er tale om et grænseoverskridende problem, der ikke kan løses af de nationale parlamenter. I Danmark er der allerede lovgivning på barselsområdet, og det er Enhedslistens holdning, at denne bør være indrettet således, at mødre og fædre/medmødre ligestilles, og at begge forældre har den samme øremærkede barselsorlov. Der er dog intet til hinder for, at en sådan lovgivning kan vedtages nationalt. Partiet finder ikke, at Kommissionen har begrundet, hvorfor det er nødvendigt, at regulering af orlovsrettigheder skal ske på europæisk plan.

Med venlig hilsen



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Political opinion on a proposal for a Directive on work-life balance

29 June 2017

The Gender Equality Committee and the European Affairs Committee of the Danish Parliament have considered the Commission proposal for a Directive on work-life balance concerning rights to different types of leave (COM(2017)253). Against this background, the Danish Parliament wishes to make the following comments on the proposal:

A majority comprising the Social Democratic Party, the Liberal Party, Liberal Alliance and the

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Conservative Party find that an extension of the existing rights must be adopted on the basis of agreement between the social partners or nationally in the individual Member States.

The majority indicate, however, at the same time that they support the existing rules in the area of work-life balance and see no need for any further EU regulation of parental leave and earmarking of this.

The majority are generally very critical of the Commission's analysis and its assessment that developments in rights to leave and measures to improve parents' work-life balance are best ensured through the proposed additional EU regulation.

The majority are also in total disagreement with the view that the Commission proposal "respects well-established national arrangements for leaves and flexible working arrangements and the possibility for the Member States and the social partners to determine the specific provisions thereof" and that it "fully respects the freedom and preferences of individuals and families" in connection with the planning of parental leave.

Altogether, the majority are therefore very critical of the draft Directive that has been presented and will, consequently, urge the Danish Government during the negotiations to actively challenge the Commission's arguments regarding the scope and effect of the provisions laid down in the proposal.

A minority comprising the Danish People's Party find that the proposal violates the principle of subsidiarity as the development in rights to leave should take place nationally in consideration of national traditions. In Denmark, there is a tradition of letting the social partners reach agreement on labour market conditions, including for example conditions regarding carers' leave. The minority find that the Commission has not stated the reasons for why it is necessary that any further development of rights to leave should take place at European level. Decisions regarding labour market conditions and questions concerning the distribution of leave in families should be made as close to the citizens as possible in order to give consideration to national differences and individual wishes. It must be up to the families themselves to decide on the distribution of parental leave.

Another minority comprising the Alternative, the Social Liberal Party and the Socialist People's Party welcome the proposal as they find it necessary that the EU should build onto the minimum rights laid down in European and national legislation in order to ensure a more equal distribution of parental leave in European countries, which is a precondition for greater gender equality. Experience shows according to the minority that the problem of an unequal distribution of parental leave and other care responsibilities in the home as well as challenges in the family in terms of ensuring a work-life balance is not solved in a better way at national level as EU Member States are reluctant to introduce new initiatives in the area. The proposal does not violate the Danish model regarding labour market conditions as the proposal can be implemented by the social partners.

A third minority comprising the Red-Green Alliance find that the proposal violates the principle of subsidiarity as it is not a matter of a cross-border problem which cannot be solved by national Parliaments. In Denmark, maternity leave is already subject to legislation, and it is the opinion of the Red-Green Alliance that this should be designed in such a manner that mothers and fathers/co-mothers are given equal rights and that both parents have the same earmarked leave. However, nothing prevents the adoption of such legislation at national level. The minority find that the Commission has not stated the reasons for why it is necessary that the regulation of rights to leave should take place at European level.

Yours sincerely

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Committee

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