



EUROPEAN COMMISSION

Brussels, 10.10.2017

C(2017) 6747 final

Dear President,

The Commission would like to thank the Senat for its reasoned Opinion on the proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU {COM(2017) 253 final}.

In putting forward this proposal, the Commission is making good on its commitment in 2015 to present a new initiative that takes a broader perspective to improving the lives of working parents and carers.

The proposal forms part of a comprehensive package of ambitious measures designed to address women's under representation in the labour market and to encourage a better sharing of caring responsibilities between women and men. As such, it aims at ensuring the implementation of the principle of equality between men and women with regard to labour market opportunities and treatment at work.

The above aims are pursued through modernising the already existing European Union legal framework in the area of family-related leaves and flexible working arrangements. This will allow parents and carers to better reconcile their work and caring duties. The proposed directive builds on the existing rights and strengthens them, as well as introduces new rights. It therefore maintains the level of protection already offered by the European Union acquis in the area of work-life balance.

The Commission welcomes the Senat's broad support of the objective of the draft Directive and takes seriously the concerns expressed in its Opinion.

The Senat argues that the application of the principle of subsidiarity and proportionality has not been respected. The Commission would like to point out that there is already European Union legislation in place in the area of work-life balance. This illustrates a common agreement that European Union level action in this area is necessary and in line with the principle of subsidiarity.

As far as the issue of excessive interference with national systems is concerned, the Commission considers that the proposed Directive fully respects already established national

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arrangements in the area of family-related leaves and flexible working arrangements, as it only sets minimum standards thus allowing Member States to maintain or introduce more favourable provisions than those set out in the Directive.

By strengthening existing rights and introducing new ones, the Commission aims to offer parents and carers more opportunities and choice on how best to reconcile professional and family responsibilities.

In relation to the Senat's concern on the non-transferability of the parental leave entitlement, the Commission would like to clarify that the proposed directive foresees that a minimum period of four months be non-transferable between the two parents. This provision would therefore not apply to any period of parental leave exceeding the four months, unless a Member State so chooses.

As regards the Senat's view that the Commission has not met the obligation to prove that the objectives of the Directive will be better achieved at the Union level and has not provided information about the predicted cost of the proposal, the Commission would like to refer to the "explanatory memorandum" included as an introduction to the proposal itself¹ and to the Impact Assessment accompanying the proposal.² In particular, the Impact Assessment provides an explanation as to why the objective of the proposal can be better achieved at Union level and presents the data used to assess the proposal's financial impact. It explains, inter alia, that the modernisation of the existing legal framework aimed at providing common minimum standards for work-life balance policies can only be achieved by action at European Union level rather than by individual Member States alone. Only European Union action will ensure that sufficient progress is achieved in all Member States in this policy area.

Discussions between the Commission and the co-legislators, the European Parliament and the Council, concerning the proposal are now underway and the Commission trusts that an agreement will be reached in the near future.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Valdis Dombrovskis
Vice-President*

¹ COM(2017) 253 final, pages 1-16.

² Impact Assessment Accompanying the 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/European Union, SWD(2017) 202 final.