

Application of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

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PURPOSE: presentation of a report on the application of Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

Objectives of the report: this Directive consolidates and modernises the EU acquis in this area by merging previous Directives (Council Directive 75/117/EEC; Council Directive 76/207/EEC; Directive 2002/73/EC of the European Parliament and of the Council; Council Directive 86/378/EEC; Council Directive 96/97/EC; Council Directive 97/80/EC, Council Directive 98/52/EC) and introducing some novel features.

This report assesses Member States' transposition of the Directive's novel features and the effectiveness of its application and enforcement. The report noted that the European **Parliament has consistently called for more action to enhance the application of the equal pay provisions at European level** and adopted resolutions to that effect in [2008](#) and [2012](#).

The [Commission's Strategy for equality between women and men](#) (2010-2015) set out ways to implement the principle of equal pay more effectively in practice and actions to reduce the persistent gender pay gap. The Commission launched a study assessing options to strengthen the application of this principle, such as improving the implementation and enforcement of existing obligations and measures aimed at enhancing the transparency of pay.

This report includes a section that assesses how equal pay provisions are applied in practice. This report is accompanied by a Commission Staff Working Document that consists of four annexes:

- a section on gender-neutral job evaluation and classification systems;
- a summary of equal pay case law of the Court of Justice of the European Union ('CJEU');
- examples of the national case-law on equal pay;
- a description of the factors that cause the gender pay gap, the Commission's actions to tackle it and examples of national best practices.

Transposition of the Directive and infringement procedures: as a result of the Commission's conformity checks, questions were raised with 26 Member States on the conformity of their national legislation with the Directive's novelties. In two Member States the transposition is sufficiently clear and compliant that no further information is required.

Some of the Directive's elements come from previous Directives, which have been repealed as a result of the recasting exercise. Transposition of these older elements of the Directive was already monitored as part of conformity checks on the previous Directives, most recently [Directive 2002/73/EC](#). Initially, infringement proceedings on the basis of non-conformity with Directive 2002/73/EC were launched in 2006 against 23 Member States. **All these proceedings apart from one have been closed, since the Member States have brought their national laws in conformity with EU law.** The remaining case

concerns the obligation to adequately protect the rights of employees on maternity, adoption or parental leave when they return to work. It was referred to the CJEU on 24 January 2013.

Overall assessment: Member States were only obliged to transpose the Directive's novelties. In general, they do not seem to have used this opportunity to **more comprehensively review their national systems** to simplify and modernise equal treatment legislation. The Commission's services are currently asking detailed questions of 26 Member States concerning their transposition and implementation.

The future challenge for all Member States will be to move from correctly transposing the Directive into national law to ensuring full application and enforcement of the rights established by the Directive in practice.

The Directive introduced several important novelties that aim to make EU legislation in this area more coherent, to bring it into line with CJEU case law and, ultimately, to make the law more effective and accessible to practitioners and the general public.

With regard to the correct transposition of these novelties into national law, **the Commission's services still have questions for most Member States**. These remaining issues will be clarified as a matter of priority, if necessary through **infringement proceedings**.

Practical application of the Directive: the practical application of **equal pay provisions** in Member States seems to be one of the Directive's most problematic areas. This is illustrated by the persistent gender pay gap, which could be caused in considerable part by **pay discrimination and by the lack of challenges** by individuals in national courts.

Member States should increase the effectiveness of the application of the equal pay principle and to tackle the persisting gender pay gap. The Commission will continue to comprehensively monitor the application of the equal pay principle. It will continue to **put forward country-specific recommendations that address the causes of the gender pay gap** during the annual European Semester exercise.

Towards a Commission initiative: the Commission is planning for 2014 to adopt a non-legislative initiative aiming to promote and facilitate effective application of the principle of equal pay in practice and assist Member States in finding the right approaches to reduce the persisting gender pay gap. This initiative is likely to focus on **wage transparency**.