Basic information

2013/0189(NLE) NLE - Non-legislative enactments	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	BERÈS Pervenche (S&D)	23/10/2013
	Shadow rapporteur CASA David (PPE) LAMBERT Jean (Verts/ALE) LE HYARIC Patrick (GUE/NGL)	

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	VOSS Axel (PPE)	14/10/2013

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3287	2013-12-17

Key events

Date	Event	Reference	Summary
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	Decision by Parliament	T7-0583/2013	Summary
12/12/2013	Results of vote in Parliament		
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 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/14334

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Specific opinion	JURI	PE522.887	08/11/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0414/2013	28/11/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0583/2013	12/12/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14220/2013	30/09/2013	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2014)148	13/02/2014	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2013/0062 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

2013/0189(NLE) - 30/09/2013 - Legislative proposal

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 Businesseurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

2013/0189(NLE) - 28/11/2013 - Committee report tabled for plenary, 1st reading/single reading

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 Businesseurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

2013/0189(NLE) - 12/12/2013 - Text adopted by Parliament, 1st reading/single reading

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 Businesseurope, UEAPME, CEEP and ETUC: transposition period for Mayotte

2013/0189(NLE) - 17/12/2013 - Final act

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.