Opinion of the European Economic and Social Committee on 'The role of family policy in relation to demographic change with a view to sharing best practices among Member States' (exploratory opinion) (2011/C 218/02)

Rapporteur-general: Mr BUFFETAUT
Co-rapporteur-general: Ms OUIN

In a letter dated 15 November 2010, on behalf of the Hungarian Presidency, and in accordance with Article 304 TFEU, Mr Péter GYÖRKOS, Ambassador, asked the European Economic and Social Committee, to draw up an exploratory opinion on

The role of family policy in relation to demographic change with a view to sharing best practices among Member States.

On 7 December 2010, the Bureau of the European Economic and Social Committee instructed the Section for Employment, Social Affairs and Citizenship to prepare the Committee's work on the subject. The rapporteur was Mr BUFFETAUT and the co-rapporteur, Ms OUIN.

Given the urgent nature of the work, at its 471st plenary session, held on 4 and 5 May 2011 (meeting of 4 May 2011), the European Economic and Social Committee appointed Mr Stéphane BUFFETAUT rapporteur-general and Ms Béatrice OUIN co-rapporteur-general and adopted the following opinion by 183 votes to 3 with 8 abstentions.

1. Conclusions and recommendations

1.1 Although the thinking behind and substance of the family policies conducted in Europe may vary, they all share a common goal: supporting families. More comprehensive national and regional policies and policies on investment and training, housing and employment can serve to draw families to a particular Member State, region or locality and provide them with a favourable environment.

1.2 Comparing the systems already in place is a useful exercise, since it enables good practices to be identified, but the defining feature is that for any of them to be fully effective, the services and support mechanisms on offer must meet the expectations of families, parents and future parents. These expectations can vary from one Member State to another depending on national culture, social mores and traditions. Accordingly, public authorities should eschew ideological presuppositions and propose measures that give people a genuine opportunity to choose to have a family and to have the number of children they desire.

1.3 Although family policies do not fall within the remit of the European Union, the EU may nevertheless enact legislation on balancing work and family life, equality at work between women and men, and child protection and development.

1.4 When it comes to knowledge of demographic situations and trends and the exchange of good practice between Member States, the EU also has a valuable role to play.

1.5 Today, a number of initiatives and related funding arrangements are being developed under the leadership of the European Union, and the Structural Funds and the European Social Fund have already been used and may be used in future to support family-friendly policies.

1.6 It would be desirable for these initiatives and arrangements to be better integrated and placed under the authority of - or at the least coordinated by - one body responsible for defining an overall policy and determining priorities for action and research. The role of conductor and coordinator could be divided between the European Commission, specifically via the European Alliance for Families, for the more policy-related aspects of coordination and management, and Eurofound, for the more scientific aspects.

1.7 It would be desirable for the associations that represent families to be involved in drawing up family policies and policies that have an impact on families, at both EU and national levels.

1.8 Many of the policies determined at EU level have a direct impact on family life. The Committee therefore recommends that family issues be mainstreamed in all European policies, particularly in the impact studies which are now required for all European legislation (1) and incorporated into all evaluations of existing policies which have to be reviewed.

(1) EESC Opinion on Promoting solidarity between the generations OJ C 120 of 16.05.2008, p. 66, point 4.8.
1.9 The Committee firmly supports the idea of making 2014 the European Year for Families.

2. Introduction: overview of the current demographic situation

2.1 With birth-rates well below the replacement threshold for several decades (1), women having their first children ever later in life, higher separation rates, higher percentages of single-parent households, more families without a regular source of income, greater life expectancy and a rise in the number of dependent elderly people, largely resulting from past demographic trends, the configuration of European families is in a state of flux. Changes in family structures are giving rise to new challenges, which need to be taken into account when it comes to designing and coordinating family policies and their subsequent implementation.

2.2 The shift away from the extended family towards nuclear families, which has resulted from, amongst other things, urbanisation and changing lifestyles, has been accompanied by more individualistic attitudes, the emergence of new at-risk social groups that are more likely to experience social exclusion, including the long-term unemployed, single parent families, the working poor and children living in or at risk of poverty. Unfortunately, all European societies are affected by these phenomena. It is estimated that 17 % of Europeans suffer from poverty and social exclusion, which is not without consequences for family policy.

2.3 Although below-replacement-level fertility has been registered across the European Union as a whole, there are clear differences between the Member States and their various regions, in terms of both their demographic situations and their family policies. In addition, even within each Member State there are wide variations in population density, with some regions very densely populated and others de-populated, raising the issue of regional development and the maintenance of public services, including services for families. The European Union’s motto, ‘unity in diversity’, is therefore particularly apposite in this connection. Although there is a positive reason for the rising proportion of elderly people, known as ‘population ageing’, namely that people are living longer and in better health, there is also a second, more negative cause: i.e. a sharp fall in the birth rate, leading to a situation where the population is not being replaced.

2.4 In terms of fertility, none of the Member States are achieving the basic replacement rate (2), although two countries, France and Ireland, are not far off. The birth-rate in the USA has almost reached the replacement threshold, whereas in the European Union, the average is a quarter below this threshold.

2.5 Within this general framework, there are strongly contrasting trends. Eighteen Member States are registering a natural increase, where births exceed deaths, whilst nine (in ascending order: Portugal, Estonia, Italy, Latvia, Lithuania, Hungary, Romania, Bulgaria and Germany) are experiencing a natural decrease, where deaths exceed births.

2.6 Any reversal of this trend would hinge predominantly on significantly improving the total fertility rate. Migration inflows could also have an impact, but would not be sufficient in themselves, since immigrants do not necessarily settle in areas where the birth-rate is low and they also age. Furthermore, immigration requires active pursuit of integration policies in order to avoid inter-community problems, which are all the more acute in host countries where population momentum is weak.

3. The impact of the crisis on families

3.1 The economic crisis has had a series of knock-on effects that have had an impact on living conditions for some families and made it more difficult to respond to the resulting need for support. The first area to be affected by the economic situation was employment and therefore, in many cases, household resources.

3.2 The crisis and the parlous situation of public finances in many Member States may also lead governments to amend or postpone the introduction of particular components of family policy.

3.3 Most national domestic policies - including, for example, policies aimed at combating exclusion and others on training, housing, public transport, energy, welfare, education and employment - concern families directly or have an impact on them. This demonstrates the need for ‘family mainstreaming’, in other words, across-the-board monitoring of these policies to assess their impact on families (3).

4. Policies oriented towards different types of families

4.1 Comprehensive family policy includes tax measures, family benefits, measures to encourage equality at work between women and men, care and support services for children and other dependents, family rights in old-age pension schemes and work-life balance measures, such as parental leave and the option to work part-time. Such policies exist in all EU countries, although the focus may differ from one country to another and they may be devised as social rather than family policies. Since countries have varying traditions, needs, and social - or even philosophical – approaches, and since families, too, have different expectations, this diversity is not surprising.

(1) A phenomenon known by demographers as ‘demographic winter’.
(2) The replacement rate is 2.1 children per woman in the European Union. The figure of 0.1 children per woman is explained by the need to compensate for the unequal birth ratio, with higher number of male births, and for the girls who die before reaching reproductive age.
(3) EESC Opinion on Promoting solidarity between the generations Of C 120 of 16.05.2008, p. 66, point 4.8.
4.2 The motivation behind the policies also varies, ranging from moral and civic concerns in some cases, to political and economic ones or an emphasis on raising the birth-rate in others. Whatever the origin, children’s moral, health and educational well-being is a vital component, as is enabling parents to bring up the number of children they desire and balance their family responsibilities on the one hand, and their work and social lives on the other.

4.3 Since the 1970s, the Scandinavian countries have placed particular emphasis on equality between fathers and mothers, both in the work arena and in relation to care responsibilities, and have introduced social and vocational training policies with a dual focus on securing a better balance between work and family life and making it easier for parents to return to work after parental leave. In Sweden, these policies have been underpinned by major reforms in the areas of parental leave, public child-care provision, tax measures for families (joint taxation was abolished in 1971) and family law. The family policy that has been introduced has three dimensions: actual direct support for families, support for working parents in the form of paid parental leave and the sharing of the entitlement to paid parental leave between both parents. The outcome has been high female participation in the labour force, more involvement in the care of young children on the part of fathers, a fertility rate higher than the EU average and a drop in child poverty. In Finland, a benefit was introduced in 1988 for those caring for children at home and a similar benefit was created in Norway in 1998 to give recognition and resources to full-time parents.

4.4 In the Netherlands, the key aspect has been the increase in part-time work to enable more time to be devoted to bringing up children, an option that has been more widely taken up by fathers than elsewhere. Nevertheless, 73.2 % of men are in full-time work, as opposed to 45.9 % of women. Similarly, whereas 19 % of fathers choose to take up the option for parents to work part-time, which is a much higher percentage than in the rest of Europe, the take-up rate amongst mothers is 41 %. This option is available until the child is eight years old and is accompanied by a tax reduction of 704 euros per month. The leave entitlement is twenty six times the number of hours worked each week, per child, and is cumulative, meaning that child-care services can be used on a part-time basis.

4.5 In France, the key characteristics of family policy are that it is long-standing and has remained extremely stable over time, whichever political party has been in power, and that it has combined family benefits, an equitable tax regime for families, provisions in the pension system, labour law provisions establishing specific types of paid leave, child-care for children up to the age of three and free nursery school provision from the age of three. Another key aspect of French family policy is that powers are jointly exercised by the state and regional and city authorities, irrespective of which political party they are controlled by. National policy is therefore complemented by the many family policies, in areas such as child-care and family-support systems, that are introduced at regional and local level. Family benefits as such are intended to compensate for the additional burden borne by the family for each child and favour large families. They are therefore universal rather than means-tested and directed towards the child, this being the factor that distinguishes a family policy from a social policy. As a result, France is one of the European countries with the highest female employment and fertility rates. When it comes to child-care, the issue of freedom of choice is a vital element of French family policy, but for there to be freedom of choice, there has to be a choice in the first place – in this case, sufficient provision of different forms of child-care to choose from.

4.6 In the United Kingdom, there has been a greater – and effective - focus on getting families and children out of poverty and it is generally accepted that it is not the State’s place to interfere in personal life choices. The policies have been implemented in a context where labour market flexibility has made it relatively easy for mothers to go back to work and this flexibility also makes it possible to respond to families’ extremely heterogeneous expectations. Amongst women whose lives are more focused on the family, the fertility rate is around twice as high as amongst women who are more heavily engaged in work outside the home.

4.7 Germany, where the demographic situation is critical, has for several years been conducting an ambitious policy to achieve a balance between work and family life, both on a practical level and in terms of changing attitudes, since being a working parent was something that was viewed quite negatively. Child-care provision has been expanded and extended to cover more appropriate hours and a parental leave of fourteen months, paid at two thirds of full salary, has been introduced. These measures have been accompanied by specific targeted benefits to combat child poverty by supplementing income.

4.8 In any event, studies show clearly that a high female employment rate often goes hand in hand with a high or relatively high fertility rate when there are options for reconciling work and family life. It would seem that after the period of demographic transition, where mortality rates - particularly infant, child/adolescent and maternal mortality rates - fell considerably, better hygiene behaviour was widely adopted and more people were able to decide on the spacing of their children, the post-transition period is characterised by a situation where both parents work outside the home. However, the proportion of fathers engaged in full-time work continues to be higher than that of mothers, particularly when there is insufficient access to child-care and paid parental leave.

5. Different scenarios

5.1 In view of the current demographic situation in the European Union, it is extremely important to identify what impact past policies have had on fertility levels. There are currently several possible future scenarios for demographic change.
5.2 According to the first scenario, which extrapolates forward from current trends, the European Union would remain in a situation where the fertility rate was below replacement level and varied in severity from one Member State to another. Due to the effect of demographic inertia, the population would continue to grow slightly as a result of the increase in life expectancy and positive migration, but this effect would ultimately peter out. In this case, the European Union would experience both significant population ageing despite the boost from migration (a 'structural' effect) and a significant rise in the number of elderly people, also known as 'gerontogrowth' (a 'trend' effect), together with a possible decrease in the labour force, despite a higher retirement age. Furthermore, around fifty percent of EU countries could experience population decline.

5.3 Ultimately, this situation would accentuate the demographic disparities between Member States and there is a danger that this could undermine the cohesion of the European Union, since the differences in national demographic structures could lead to widening divergences between the national policies that would need to be applied and their population's demands.

5.4 In the 'catastrophe' scenario, the demographic winter would intensify, with births considerably outstripped by deaths! Here, extremely low fertility rates, at half the basic replacement threshold – already the case in some parts of the European Union – perhaps combined with longevity increasing beyond the age of 65, would lead to extreme population ageing. This considerably older society would no longer have the means to provide the financial and health support needed by its elderly people.

5.5 These two aspects of the 'catastrophe' scenario would result in skilled young people leaving an ageing European Union for more entrepreneurial nations and would also result in immigration falling, since, being poorer and suffering from a relative lack of dynamism, major budgetary problems and difficulties in balancing social security systems, Europe would become a less attractive destination.

5.6 The combination of these factors would result in Europe having an extremely unbalanced age-pyramid, with considerably more elderly people than young people and a rapidly shrinking and ageing labour force.

5.7 Lastly, there is a third, more felicitous, scenario of demographic renewal or 'demographic spring'. Here, the fertility rate would rise again towards the replacement rate. The increased birth rate would stimulate various sectors of the economy. The labour force, having been declining, would then increase again in the next generation. Demographic dynamism would translate into economic dynamism, helping to finance social security. The European Union would once again become attractive to its own people, who would no longer be tempted to emigrate, as well as to better educated immigrants.

5.8 Naturally, these scenarios are not forecasts but simple hypotheses that can enable us to design appropriate policies to remedy the current situation and avoid the worst.

6. Can the differences in birth-rates be ascribed to family-friendly policies?

6.1 All the Member States have a raft of policies which, together, form a family policy, whether or not it is explicitly named as such (5). The various policies pursue different objectives:

— reducing poverty and maintaining family incomes;

— supporting early childhood and children's well-being and development;

— helping balance work and family life;

— meeting the requirement for gender equality;

— enabling parents or would-be parents to decide on the number and spacing of their children, thereby increasing the birth rate.

6.2 If we wished to classify countries on the basis of their policies and define categories, we could say that there are:

— countries with a weak family policy where fertility is below the European average;

— countries with a family policy that does not meet families’ needs and where fertility appears to be below the European average;

— countries where support for families measured in terms of GDP appears to be lower or equal to the European average, but where fertility is above the average; and

— countries with strong family policies where fertility is higher than the European Union average (6).

Therefore, it would seem that these policies influence fertility in different ways, depending on their various constituent parts.


(6) Communication to the Reflection Group on the Future of the EU 2030 (chaired by Mr Felipe Gonzales) - Gérard-François Dumont, 'UE Prospective démographique' (EU demographic outlook) – http://www.diploweb.com/UE-Prospective-demographique.html (French only)
6.3 Comparing family policies is a useful exercise, since it enables good practice to be identified, but the defining feature is that for any of these systems to be fully effective, the services and support mechanisms on offer, particularly financial and/or tax support, must meet the expectations of families, parents and future parents. These expectations can vary from one Member State to another depending on national culture, social mores and traditions. Accordingly, the public authorities should eschew ideological presuppositions and propose measures that give people a genuine opportunity to choose to have a family and to have the desired number of children. These measures must also be adapted to take account of regional differences in population density. This data can then be used, respecting these differences, to develop a system for disseminating information and exchanging best practice. On the other hand, public intervention is fully justified in that the family, where human capital is created, is the foundation for the whole edifice of society - as we have seen from the crisis, where families have frequently played the role of social shock-absorber.

7. Key factors determining the success of family policies

7.1 Although family-friendly policies vary, the successful ones have several points in common:

— they include the introduction of measures (such as good quality child-care, particularly public provision of early years child-care, family support, in the form of care for all dependent persons, flexible working arrangements and specific leave) enabling people to balance work and family life, on the understanding that these measures need to be tailored to the conditions in individual countries and must meet fathers’ and mothers’ expectations and children’s emotional, psychological and physical needs;

— they include a focus on preventing and combating family poverty;

— the policies are maintained over the long term, under governments of different political persuasions and are universal: their main focus is the interests of the child, irrespective of family income. This aspect of stability is extremely important, since families plan their future over the long term. An appropriate, long-term family policy is one of the components of sustainable development;

— they include recognition of the family and highlight the role of the family and the value of having a successful family life. In contemporary society, success is mainly defined in individual and professional terms, but there are other forms of personal success, connected with our relationships to others and to the common good, including success in family, community or cultural life, which should be given more attention, particularly in the media and in national education systems;

— they take account of the specific situation of large families.

7.2 Alongside the elements of family policy as such, two other policies – employment and housing – are clearly also important. Without a home and a job, it is difficult to plan a family. To start a family, one needs to have a certain degree of confidence in the future. High youth unemployment or insecure employment contracts can have a significant impact on generation replacement, since although raising a child may be a lengthy process, the optimum age-span for having a baby is short. For this reason, attention should be paid to the situation of students and young people who are, or wish to become, parents.

7.3 When family policies are implemented over a long period of time and genuinely respond to families’ expectations, they have a positive impact on the wellbeing of children and parents and on social harmony, and they encourage the return to a better fertility rate.

7.4 A recent survey of 11 000 mothers conducted by the World Movement of Mothers shows that their priorities are:

— firstly, balancing work and family life;

— secondly, recognition of the importance of their role as mothers by society; and

— thirdly, a need for more time to take care of their children.

7.5 It would be interesting to conduct a similar survey of fathers, since the three priorities that emerge from the survey may well apply for them too. In particular, recognition of their role as fathers would certainly encourage them to invest more in family life. In this regard, recent proposals aimed at encouraging fathers to take parental leave (some even making such leave paid and mandatory) are interesting, since they contribute to the requisite revaluing of fatherhood and the equally necessary move towards fathers taking more responsibility, particularly in the event of divorce. From this point of view, it would be useful to collect material on good practices in businesses, which introduce flexible forms of work organisation that take account of parental responsibilities. Corporate social responsibility also extends to supporting a good balance

(1) EESC Opinion on The family and demographic change OJ C 161 of 13.07.2007, p. 66, point 6.4 and on Promoting solidarity between the generations OJ C 120 of 16.05.2008, p. 66, point 3.11.


(3) EESC Opinion on The family and demographic change OJ C 161 of 13.07.2007, p. 66, point 4.6.

(4) EESC Opinion on The family and demographic change OJ C 161 of 13.07.2007, p. 66, point 8.11.
between work and family life, where businesses are at the coalface in terms of implementing these measures. It would be interesting to establish a label for ‘family-friendly’ businesses, such as the one set up in Spain, with the support of the Ministry of Health and Social Affairs (11).

7.6 In a previous opinion (12), the Committee proposed that initiatives be envisaged enabling grandparents and other close family members to care for the children if working parents so wish as well and provided this is in the child’s interest. With respect to family time, the EESC has already adopted the principle that ‘Everyone needs to be able (…) to have a sufficient number of years of time credit for family (…) activities. It should be possible for people to choose to put back their retirement age if they prefer to take time out (financed in the same way as retirement) during their working lives’ (13). In this way, if time working outside the home were partial or temporarily interrupted, the loss of income would not be overly acute. The economic impact should be analysed in detail, in particular to calculate the savings in relation to collective childcare that could then be put into recognising the time spent on bringing up children in pension calculations. It is also important for grandparents’ rights in relation to their grandchildren to be guaranteed.

7.7 Surveys on young people’s aspirations, on the changes connected with greater family mobility, on the relationships between fertility and young people’s access to housing and the decision to start a family and on the new family forms would also enable needs-based family policies to be designed. Where these kinds of surveys would be useful would be in helping to build up a better picture of families’ expectations, which has been one of the key elements in the policies that have been conducted thus far.

8. What role should the European Union play?

8.1 Family policies do not fall within the remit of the European Union. Article 9 of the Charter of Fundamental Rights states that exercise of the rights relating to the family is governed by national laws. Nevertheless, as we have already seen in relation to parental leave and the discussions on the length of maternity leave, the EU may enact legislation on balancing work and family life and the social partners can negotiate agreements that will become directives. The EU Union can also introduce legislation on equality at work between women and men, which is one of the components of family policy, as well as on child protection and development, drawing on the European Commission’s recent agenda for the rights of the child (14).

8.2 The Europe 2020 strategy sets a target for male and female employment that will only be met if it is accompanied by a family policy that enables men and women to raise as many children as they want whilst continuing to work, which is not the case in most Member States today.

8.3 When it comes to knowledge of demographic situations and trends, at all the various geographical levels, evaluation of family-friendly policies - including both national policies and the family policies implemented by local authorities - and the exchange of good practice between Member States, the EU also has a valuable role to play.

8.4 The European Alliance for Families launched under the last German presidency provided for the establishment of an Observatory, which has never seen the light of day.

8.5 Today, a number of initiatives and related funding arrangements are being developed under the leadership of the European Union:

— a group of experts on demographic issues;

— the European demography forum;

— good practice workshops;

— an expert network for family policy questions;

— the European Alliance for Families internet portal; and

— regional seminars.

The total funding for these measures is around EUR 500 000, to which one can add the FAMILY PLATFORM research project, which is nearing completion, other research projects concerned with demography that also touch on family-related issues and the OECD family database.

8.6 It would be desirable for all these various initiatives to be better integrated and placed under the authority of - or at the least coordinated by - one body responsible for defining an overall policy and determining priorities for action and research. Given that this is not an auspicious moment for creating new independent bodies in the European Union, the role of conductor and coordinator could be divided between the European Commission, via the European Alliance for Families, for the more policy-related aspects of coordination and management, and Eurofound, for the more scientific aspects. As a tripartite EU agency, the latter would be very well suited to this task. With effective coordination of all the initiatives conducted at EU level, a proper database could be put at the
disposal of Member States. In addition, the Alliance should develop contacts and cooperation with the Social OMC structures and initiatives currently being discussed by the European Commission and the various stakeholders.

8.7 The European Social Fund and the European Regional Development Fund have already been used to help establish family policy measures in some Member States. Consideration should be given to how this type of initiative could be further developed. Likewise, family policy must also be incorporated into the European platform against poverty.

8.8 Similarly, funding should be provided under the research (15) and innovation programme for studies and research, not only on demography as such, but also in the areas of sociology, anthropology and philosophy, which also touch on family issues. In addition, studies should be conducted on the effectiveness and impact of family-oriented policies. In this regard, rather than being discontinued, the work of the FAMILY PLATFORM should be extended, as all the associations and stakeholders active in this area have urged.

8.9 It would be desirable for the associations that represent families to be more involved in drawing up family policies and policies that have an impact on families, both at the EU and national levels.

8.10 Irrespective of the individual future or history of a family or the changes that have taken place in families in general over the past few decades, every person in Europe has belonged or belongs to a family. No-one is born in a vacuum and surveys of public opinion all show that family ties are still amongst those that rank highest on people's list of fundamental values. Moreover, many of the policies determined at EU level have a direct impact on family life (including policies on the freedom of movement of persons, employment and social welfare, environmental and consumer protection, VAT rates for baby products (16), and the media, as well as education programmes and cultural and social programmes).

8.11 The Committee therefore recommends that family issues be mainstreamed in all European policies, particularly in the impact studies which are now required for all European legislation (17) and incorporated into all evaluations of existing policies for the purpose of revision. For example, in Spain, water is a scarce resource; to reduce its consumption, the pricing system was based on a price per cubic metre, which increased in line with consumption. However, this mechanism was extremely disadvantageous for large families, since a family of five ‘automatically’ consumes more water than a person living alone or a household with no children. Following legal action, this pricing system was dropped (18). It would therefore be desirable for studies analysing the impact of legislation on families to be carried out systematically at European level, so as to avoid any such negative side effects on families.

8.12 In addition, it is important to stress the extent to which regional policies and policies on investment and training, housing and employment are inter-related and can, even more than ‘family policies’ as such, draw families and young people to a particular Member State, region or locality and help to create a sustained overall population momentum.

8.13 The Committee firmly supports the idea of making 2014 the European Year for Families and celebrating the twentieth anniversary of the United Nations’ International Year of the Family. The future of our societies rests on the coming generations, who will be born and grow up within families. Yet, we must emphasise that in the final instance, there is a crucial factor in people’s decision to start a family. That factor is hope for a better future, and it is governments which bear the responsibility and have the important and exacting task of carrying the hopes of the people they govern.

Brussels, 4 May 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON

(15) EESC Opinion on The family and demographic change OJ C 161 of 13.07.2007, p. 66 point 4.5.

(16) The Committee has previously called for a reduction in VAT on these products, beginning with nappies. See the EESC opinion on Promoting solidarity between the generations OJ C 120 of 16.05.2008, p. 66, point 4.7.

(17) EESC Opinion on Promoting solidarity between the generations OJ C 120 of 16.05.2008, p. 66, point 4.8.

(18) http://sentencias.juridicas.com/docs/00285332.html.