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EUROPEAN COMMISSION

Brussels, 23.6.2010  
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**OPINION OF THE COMMISSION**

**pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union,  
on the European Parliament's amendments  
to the Council's position regarding the  
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**on the application of the principle of equal treatment between men and women engaged  
in an activity in a self-employed capacity and repealing Directive 86/613/EEC**

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**1. INTRODUCTION**

Article 294(7)(c) of the Treaty on the Functioning of the European Union provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 17 amendments proposed by Parliament.

**2. BACKGROUND**

The Commission adopted on the 3<sup>rd</sup> of October 2008 its proposal for a Directive<sup>1</sup> and transmitted it to the European Parliament and the Council on the same date for adoption by co-decision procedure as laid down in Article 251 of the EC Treaty.

The European Economic and Social Committee gave its opinion on 24 March 2009.

On 6 May 2009, the European Parliament adopted, in first reading, a legislative resolution approving the Commission's proposal with 28 amendments<sup>2</sup>. The Commission announced in the European parliament's Plenary that it was able to accept most of the amendments, integrally or in substance.

The Council, in accordance with Article 251 of the EC Treaty, reached a political agreement on the proposal on 30 November 2009 and formally adopted its position at first reading on 8 March 2010<sup>3</sup>.

The Commission adopted its Communication to the European Parliament concerning the position of the Council at first reading on 22 March 2010<sup>4</sup>.

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<sup>1</sup> COM(2008) 636).

<sup>2</sup> A6-0258/2009.

<sup>3</sup> Position (EU) No 8/2010, OJ C 123, 12.5.2010, p. 5.

<sup>4</sup> COM(2010)99.

### **3. PURPOSE OF THE PROPOSAL**

The aim of the Commission's proposal is to amend the Community legal framework concerning the application of the principle of equal treatment between women and men to self-employed workers and their spouses.

It introduces substantial amendments to the existing Directive, which dates from 1986. Firstly, it extends the concept of 'spouse' to include life partners, where they are recognised under national law. Secondly, the proposal provides that spouses who assist self-employed workers as part of their contribution to a family business must, if they so request, be entitled to benefit from social protection. Lastly, the proposal provides that self-employed female workers and assisting spouses should be granted, at their request, a maternity allowance enabling them to interrupt their professional activities for a period of at least 14 weeks.

### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

In its Communication concerning the position of the Council at first reading, the Commission concluded that, whilst admitting that the position of the Council at first reading does not correspond, on several key points, to its original proposal, the only way to allow the procedure to move forward was to support the Council's position at first reading.

The European Parliament made a limited number of amendments to the Council's position and their main aim is to clarify the text, rather than changing its scope. The amendments voted by the European Parliament have been discussed and agreed during the discussions between the two co-legislators, supported by the European Commission.

#### **4.1. Amendments accepted by the Commission**

The Commission accepts all the amendments voted by the European Parliament, as they are in line with the overall purpose of the proposal.

### **5. CONCLUSION**

Pursuant to Article 293(2) of the Treaty on the Functioning of the European Union, the Commission amends its proposal in line with the amendments voted by the European Parliament at its plenary session on 18 May 2010.