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Prioritisation in the Sphere of Employment and Social Affairs

1. Overall assessment of legal measures planned to meet priorities of the EU-Ukraine Action Plan

The Action Plan 2007 identifies the development of nine legal measures towards the *acquis* or international standards. They relate to the following acts:

Labour law

- Directive 2002/74/EC amending Directive 80/987/EEC (employer insolvency)¹
- Directive 2002/15/EC (working time in mobile road transport)² sorted out in the Action Plan 2007 under the chapter “Transports”
- ILO Maritime labour convention of 23 February 2006 (accession), sorted out in the Action Plan 2007 under the chapter “Transports”
- Directive 2003/88/EC (aspects of the organisation of working time)³ sorted out in the Action Plan 2007 under the chapter “Transports (aviation)”⁴

Health and safety at work

- Directive 89/391/EEC (framework Directive safety and health of workers at work)⁵
- Directive 89/654/EEC (workplaces in general)⁶
- Directive 89/655/EEC (work equipment)⁷

¹ Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer .

² Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of working time of persons performing mobile road transport activities.

³ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

⁴ The Directive 2003/88/EC covers as well, in general terms, activities in the aviation sector.

⁵ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

⁶ Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

⁷ Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

- Directive 92/58/EEC (signs at work)⁸, sorted out in the Action Plan 2007 under the chapter “Technical Regulations and Standards”
- Directive 96/29/Euratom (ionising radiation)⁹, sorted out in the Action Plan 2007 under the chapter “Energy”

In the area of social affairs, below the section dedicated to “Political dialogue and reform” (section 2.1) and the section “Economic and social reform and development” (section 2.2) priorities in the EU/Ukraine Action plan address the “*dialogue on employment issues and best endeavours, in accordance with the PCA, to ensure that treatment of migrant workers does not discriminate on grounds of nationality*” and “*efforts to ensure trade unions’ rights and core labour standards, based on European standards and in accordance with relevant ILO conventions*”.

The “*closer approximation of Ukraine to EU standards and practices in the area of employment and social policy*” relates more to the development of specific policies (social and civil dialogue, health and safety at work, gender equality, labour law, employment policy, social protection, including social security issues and social inclusion) than to the adoption of legal measures.

Limited legal measures are only envisaged under the section 2.3 of the EU-Ukraine Action Plan (Trade, market and regulatory reform) and they concern the movement of persons including movement of migrant workers:

- *Full application of the best endeavour clause by abolishing all discriminatory measures based on nationality which affect migrant workers, as regards working conditions, remuneration or dismissal* (objective 36 in relation to article 24 of PCA).
- *Full implementation of provisions on co-ordination of Social Security* (objective 37 in relation to articles 25 and 26 of PCA).

There are no such measures in the Action Plan 2007.

In the current stage of relations between Ukraine and the EU, co-ordination of social security¹⁰ takes the form of the conclusion of bilateral agreements with individual Member States. It has been reported by Ukraine that this process already started. The Action Plan 2007 should identify the next steps to complete the task.

Moreover, beside legal measures, it could be envisaged to put gradually in place the administrative capacity to deal in the future with the full implementation of the EU legislation in the field of social security. In the case of CEECs, the “White Paper” was advising to build this process on the exchange of information between candidate countries and social security authorities in the Member States as well as training for the responsible persons from an early stage.

Apart from the immediate objectives described above, other priorities in the Action Plan 2007 lie only on the pace chosen by Ukraine to apply the best endeavour clause of the article 51 of PCA.

⁸ Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

⁹ Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation.

¹⁰ The Community provisions on social security are based on four principles: only one legislation can be applicable, equality of treatment, retention of rights acquired, aggregation of periods of insurance or residence.

2. Continuing law approximation in the field of labour law

2.1. Observations on the sequence for approximation

The “White Paper on the Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union” set as “Stage I measures”:

- Alignment with three Directives which impact the operation of the internal market
 - Directive 75/129/EEC (collective redundancy) - today, Directive 98/59/EC
 - Directive 77/187/EEC (transfer of undertakings) - today, Directive 2001/23/EC
 - Directive 80/987/EEC (employer insolvency) - amended today by Directive 2002/74/EC
- Alignment with Directive 94/33/EC (young workers), “because it contains protection standards which are considered to be fundamental at national and international level”

Only one of the priorities above is included in the Action Plan 2007 where it is planned to go further for the implementation of the Directive on collective redundancies (Directive 2002/74/EC)¹¹.

It has to be observed that the previous stage of the implementation of this Directive in Ukraine did not include key provisions for the functioning of the legislation, those relating to the establishment of bodies which guarantee payment of the outstanding claims¹².

In the past, some work has been made to reflect the Directive 98/59/EC (collective redundancy) and the Directive 2001/23/EC (transfer of undertakings) in the national legislation (see section 2.2 below) but new efforts are still needed to achieve the results sought by the two Directives.

As regards the Directive 94/33/EC (young workers)¹³, which is already reflected partially in the national legislation, fundamental provisions have not been taken into account to achieve conformity with the EU legislation. They relate to the transposition of article 10 (rest period), article 11 (annual rest) and article 12 (breaks)¹⁴.

¹¹ Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer

¹² Institutions explicitly required by the *acquis*:

Directive 80/987/EEC requires independent guarantee institutions (assets of the institutions shall be independent of the employers' operating capital and be inaccessible to proceedings for insolvency, employers shall contribute to financing, unless it is fully covered by the public authorities, institutions' liabilities shall not depend on whether or not obligations to contribute to financing have been fulfilled)

(Source: Guide to the main administrative structures required for implementing the *Acquis* - version, May 2005).

¹³ Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

¹⁴ Review on the state of approximation of the legislation of Ukraine to *acquis communautaire* - SDLA (2005).

It has to be concluded therefore that priorities included in the Action Plan 2007 in the field of labour law do not meet to a large extent the recommendations contained in the “White Paper” to better allocate limited resources to the exercise of law approximation.

Since, in the end, all pieces of EU legislation are equally important, other priorities selected by Ukraine in the Action Plan 2007 deserve some comments.

- It is the first time that the Directive 2003/88/EC (aspects of the organisation of working time) or its previous version (Directive 93/104/EC of 23 November 1993) is addressed in the Ukrainian legal framework but, in the Action Plan 2007, the concern is limited to the aviation sector. In this sector, the more detailed Community instrument is the Directive 2000/79/EC¹⁵ which take precedence over the provisions of the Directive 2003/88/EC.
- The Directive 2002/15/EC (working time in mobile road transport) has been previously reflected partly in the national legislation. Some provisions of the Directive have been implemented to a limited extent: article 3 (b) on "periods of availability", article 4 (a) on the average weekly working time and article 5 (1) on breaks. Moreover, definitions in the national legislation do not conform to the definitions set out in the Directive (articles 3 (a) (1) and 3 (a)(2) on the definition of "working time" , article 3 (c) on the definition of "workstation", article 3 (d) on the definition of "mobile worker", article 3 (e) on the definition of "self-employed driver")¹⁶.

Definitions are always key concepts in the EU legislation.

Parallel to that, we observe that Directive 2002/15/EC was adopted to supplement the Regulation (EEC) No 3820/85 laying down the maximum daily driving time and the minimum duration of the rest periods for truck drivers and to extend the scope of Directive 93/104/EC (replaced today by Directive 2003/88/EC). It seems that those pieces of the *acquis* have not been considered so far¹⁷.

- In the Action Plan 2007, it is also mentioned the accession to the ILO Maritime labour convention of 23 February 2006. In this respect, we note that this convention of which the ratification is encouraged by the EU is not yet in force¹⁸. Other ILO conventions for the protection of seafarers are in force and are not yet ratified by Ukraine (for example, C180 on the working hours and manning of ships, C179 on the placement and recruitment, C178 on labour inspection). Logically, the first step should have been to address the Commission

¹⁵ Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA).

¹⁶ Review on the state of approximation of the legislation of Ukraine to *acquis communautaire* - SDLA (2005).

¹⁷ Objective 47 of the EU-Ukraine Action Plan requires to “introduce and enforce mandatory driving times and rest periods in the international transport sector complying with international standards”.

¹⁸ This Convention will come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 per cent. To date it has been ratified only by Liberia.

Recommendation No 130/1999 on the ratification of certain ILO Conventions for the protection of seafarers.¹⁹

- While, other official sources indicate that a new law on Labour Inspectorate will be passed in 2007, probably together with the adoption of the new Labour Code, the Action Plan 2007 does not mention this key measure. Annual Action Plans for law approximation do not have to limit their scope to measures dealing with the substantive parts of the *acquis*. They should encompass also all other measures for the functioning of the new legislation approximated to that of the EU. Labour law Directives can only be implemented where there is a sufficiently developed system of national labour law, including monitoring mechanisms and appeal procedures. The EU has recently acknowledged that some positive steps have been taken in this respect²⁰.

2.2. Gaps to fill in the national legislation approximated to the EU legislation

For the time being, it seems that the full implementation of the EU legislation in the field of labour law concerns only the Directive 97/81/EC (part-time work)²¹

In addition to the observations made above (section 2.1), further work is needed for the following:

Information and consultation of workers

- The Directive 91/533/EEC (information of employee on contract provisions)²² has been taken into account as regards the implementation of article 2(2) (nature of the information) and article 3 (information in written form). Gaps to bridge relate to expatriates (art. 4), modification of contract (art. 5) and, more importantly, means of redress to pursue claims by judicial process after possible recourse to other competent authorities (art. 8).
- The Directive 98/59/EC (collective redundancies)²³ is partly reflected in the national legislation but provisions not yet implemented are crucial for the functioning of the legislation (definition of “collective redundancies”, notification to the competent authority²⁴).
- Apart from its article 4 reflected in the Labour Code, the Directive 2001/23/EC (transfers of undertakings)²⁵, that consolidated Directive 77/187/EEC as amended by Directive 98/50/EC, is

¹⁹ Commission Recommendation (EC) No 130/1999 of 18 November 1998 on ratification of ILO Convention 180 concerning seafarers' hours of work and the manning of ships, and ratification of the 1996 Protocol to the 1976 Merchant Shipping (Minimum Standards) Convention.

²⁰ The last ENP Progress Report on Ukraine - SEC (2006) 1505/2 of 4 December 2006 - takes stock that efforts have increased in the area of trade union rights and core labour standards and, notably that a Presidential Decree has established a framework for social dialogue.

²¹ Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex : Framework agreement on part-time work.

²² Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

²³ Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.

²⁴ The functioning of the Directive supposes the existence of workers' representatives to conduct a procedure for consultations and the designation of the competent public authority – as a general rule, the Ministry in charge of Labour - to be notified of any projected collective redundancy.

not yet implemented in the national legal framework. Worth mentioning that the application of the information and consultation procedure, provided for in the Directive, necessitates the existence of workers' representatives.

Working conditions

- The basic Directive 2003/88/EC (organisation of working time)²⁶ is mirrored in the national legal framework to a very limited extent. A lot of definitions are missing and articles 9 (free health assessment for night workers) and 11 (notification to the competent authorities of regular use of night workers) are not at all taken into consideration.
- The Directive 99/70/EC (fixed-term work)²⁷ is broadly implemented except clause 5 (measures to prevent abuse) and clause 6 (information on employment opportunities)
- The Directive 96/71/EC (posting of workers)²⁸ is reportedly implemented to a very large extent but fundamental provisions regarding terms and conditions of employment (art. 3) are not yet reflected in the national legal framework. This Directive is linked to the free provision of services and supposes the setting up of a liaison office and the designation of a national authority for monitoring the terms and conditions of employment. Since, there is still some confusion in Ukraine between the right of establishment and the right to provide cross-border services, the implementation of the Directive is mainly hampered by this adverse background.
- The Directive 96/34/EC (parental leave)²⁹ is implemented to a very large extent apart from the provision concerning the right to return to the same or equivalent job.

2.3. Scope of possible future work in the field of labour law

For the sake of monitoring further developments, without any recommendation for prioritisation, we note that the legislative work did not yet start or did not move forward to address the following areas of interest in the EU:

- Involvement of employees in company (decision making process, participation in profits)
- General framework for consultations with employees³⁰
- Directive 1999/95/EC (seafarers' hours of work on board ships calling at Community ports)³¹

²⁵ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.

²⁶ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

²⁷ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

²⁸ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

²⁹ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

³⁰ Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.

³¹ Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports.

- Directive 1999/63/EC (working time of seafarers)³²

3. Continuing law approximation in the field of health and safety at work

3.1. Observations on the sequence for approximation

The framework Directive 89/391/EEC on safety and health of workers at work is the only one to be listed under the “Stage I measures” of the “White Paper on the Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union”. The Ukrainian legal framework is already compatible with this Directive to a large extent with the exception of articles 8(2), 8 (3c) and 10 (2). It is expected that the priority included in the Action Plan 2007 is aiming at achieving the approximation to this Directive.

There is no specific sequence for approximation to recommend as regards individual Directives foreseen in the article 16 of Directive 89/391/EEC. We just note that three of them are prioritised in the Action Plan 2007.

- Directive 89/655/EEC (work equipment) amended by Directives 95/63/EC and 2001/45/EC, for which the alignment of the national legislation is already well advanced.
- Directive 92/58/EEC (safety and/or health signs at work) which is already reflected to a limited extent in the national legal framework.
- Directive 89/654/EEC (workplaces in general) never taken into account so far.

3.2. Gaps to fill in the national legislation approximated to the EU legislation

For the time being, it seems that the full implementation of the EU legislation in the field of health and safety at work concerns only the Directive 91/383/EEC (temporary employment relationship)³³.

In addition to the observations made above (section 3.1), further work is needed for the following:

Workplaces and work equipments

- Directive 89/656/EEC (use of personal protective equipment)³⁴ already taken into account in the national legal framework to a large extent.
- Directive 99/92/EC (explosive atmospheres)³⁵ implemented to a limited extent in the national legal framework.

³² Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST).

³³ Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship.

³⁴ Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Category of workers

- Directive 92/85/EEC (pregnant workers)³⁶ already reflected to a large extent³⁷ in the national legal framework.

Sectors of activities

- Directive 92/57/EEC (mobile construction sites)³⁸ of which some provisions are reflected in the national legal framework to a limited extent³⁹.
- Directive 92/91/EEC (mineral- extracting industries)⁴⁰ broadly introduced in the national legal framework.
- Directive 93/103/EC (work on board fishing vessels)⁴¹ partly implemented in the national legal framework.

Specific risks: chemical, biological and physical agents

- Directive 90/394/EEC (carcinogens)⁴² reflected partially in the national legislation⁴³.
- Directive 98/24/EC (chemical agents)⁴⁴ implemented to a limited extent in the national legal framework⁴⁵.

³⁵ Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

³⁶ Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

³⁷ The provisions of the Directives that are not yet introduced in the national legislation are: article 9 (time off for ante-natal examinations) and article 5 (action further to the results of the assessment revealing a risk).

³⁸ Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

³⁹ Article 12 (consultation and participation of workers) and Annex IV (minimum safety requirements and requirements for construction sites).

⁴⁰ Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

⁴¹ Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

⁴² Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

⁴³ Provisions not yet taken into account or implemented partially are: articles 6, 7 and 8 and Annexes I, V and VI.

- Directive 91/322/EEC (indicative limit values of chemicals)⁴⁶ implemented to a very large extent in the national legal framework⁴⁷.
- Directive 2000/39/EC (indicative occupational exposure limit values from the risk of chemicals)⁴⁸ implemented to a large extent in the national legal framework.
- Directive 2000/54/EC (exposure to biological agents at work)⁴⁹ implemented to a limited extent in the national legal framework⁵⁰.
- **Directive 2002/44/EC** (vibrations)⁵¹ reflected to a limited extent in the national legal framework⁵².

3.3. Scope of possible future work in the field of health and safety at work

For the sake of monitoring further developments, without any recommendation for prioritisation, we note that the legislative work did not yet start or did not move forward to address the following areas of interest in the EU:

- Directive 92/29/EEC (improved medical treatment on board vessels).
- Directive 92/104/EEC (surface and underground mineral extracting industries).
- Directive 90/269/EEC (manual handling of heavy loads).
- Directive 90/270/EEC (visual display units).
- Directives 97/42/EC and 1999/38/EC codified in Directive 2004/37/EC (carcinogens).

⁴⁴ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

⁴⁵ Key provisions not implemented: employers obligations (articles 4, 5, 6, 7 and 8), health surveillance (article 10), Annex II on the biological monitoring of lead concentration in blood, Annex III on the prohibition of use at work of certain chemicals agents.

⁴⁶ Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work

⁴⁷ Provisions of the Directive not yet taken into account relate to occupational exposure limit values of hazardous agents at work and prohibition to use such agents.

⁴⁸ Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work

⁴⁹ Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)

⁵⁰ Provisions not yet taken into account or implemented partially are: articles 2, 5 and 6 and Annexes I, V and VI.

⁵¹ Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

⁵² Provisions not yet taken into account or implemented partially concern mainly article 3 of the Directive (exposure limit values and action values for hand-arm vibration and for whole-body vibration).

- Directive 2003/10/EC (physical agents -noise).
- Directive 2004/40/CE (electromagnetic fields).
- Directive 83/477/EEC last amended by EP and Council Directive 2003/18/EC (asbestos).

4. Continuing law approximation in the field of equal treatment

4.1. Observations on the sequence for approximation

There is no formal indication that the law of September 2005 on equal rights of women and men, welcomed in the last ENP Progress Report on Ukraine, has taken account of the detailed requirements of the Directives 75/117/EEC⁵³ and 76/207/EEC⁵⁴ on gender equality. Those two Directives are listed under the “Stage I measures” of the “White Paper on the Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union”.

4.2. Gaps to fill in the national legislation approximated to the EU legislation

The Action Plan 2007 does not contain any measures for strengthening the national legal framework on the fight against discrimination.

Most of the equality legislation of the EU has been already addressed, at least partially, in the national legal framework:

- Directive 2000/78/EC (general framework for equal treatment in employment and occupation)⁵⁵.
- Directive 2002/73/EC (gender equality in working conditions)⁵⁶.
- Directive 2000/43/EC (anti-discrimination- racial and ethnic origin)⁵⁷.

Nevertheless, the shift of the burden of proof that is contained in the Directives 2000/78/EC and 2000/43/EC and the notion of sexual harassment defined in the Directive 2002/73/EC are not reflected in the national legislation.

More importantly, it seems the institutions and procedures explicitly required by the *acquis* under the Directive 2002/73/EC and the Directive 2000/43/EC are not yet in place⁵⁸.

⁵³ Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.

⁵⁴ Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, amended by Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002.

⁵⁵ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁵⁶ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

⁵⁷ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

4.3. Scope of possible future initiatives in the field of equal treatment

For the sake of monitoring further developments, without any recommendation for prioritisation, we note that the legislative work did not start or did not move forward to address the following areas of interest in the EU:

- Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity and in the protection of self-employed women during pregnancy and motherhood.
- Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between women and men in the access to and supply of goods and services.

⁵⁸ Establishment of equality bodies (this body may form part of agencies charged already at national level with the defence of human rights) to carry out the following tasks: independent assistance to victims of discrimination in pursuing their complaints, conduct of independent surveys and publication of independent reports.