

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



4 May 2004

**Collective Complaint No. 25/2004
Centrale générale des services publics (CGSP)
v. Belgium**

Case Document No. 2

**OBSERVATIONS FROM THE BELGIAN GOVERNMENT
ON THE ADMISSIBILITY**

registered at the Secretariat on 16 April 2004

(TRANSLATION)

Subject - Collective complaint No. 25/2004 - Centrale Générale des Services Publics (CGSP) v. Belgium

Mr President,

In reply to your letter of 5 March 2004, Belgium indeed wishes to make a number of observations as to the admissibility of the collective complaint which the CGSP has lodged against it with the European Committee of Social Rights.

In particular, in paragraph 1.3 the CGSP states that, in accordance with Article 20 of the CGSP's statute, its permanent secretariat decided to lodge the collective complaint at the meeting it held on 6 February 2004.

The permanent secretariat's decision, which is appended to the complaint, makes express reference to paragraph e) of Article 20 of the statute.

It can but be noted that the CGSP's statute, excerpts from which are appended to the complaint, provides, in Article 20, that it is for the permanent secretariat and the Federal Executive Bureau to decide, inter alia, to initiate proceedings and take action before the *Cour d'Arbitrage* and the *Conseil d'Etat* and to represent the CGSP in those courts (see paragraph e) of Article 20).

It accordingly follows from the very statute of the CGSP that a decision to file a complaint must be taken by both the permanent secretariat and the Executive Bureau.

We note that this was not the case, since, in the light of the brief excerpt from the minutes of the permanent secretariat's meeting of 6 February 2004, the decision to lodge the collective complaint was taken by that body alone, with no parallel decision by the Executive Bureau.

In our opinion, it must therefore be concluded that the decision to lodge the collective complaint was not taken by the competent bodies of the CGSP in accordance with its statute.

We believe this justifies a finding that the collective complaint is inadmissible on this ground.

In the alternative, we consider that the particularly brief extract from the minutes of the permanent secretariat's meeting of 6 February 2004 gives no indication of the circumstances in which the decision was taken (agenda, quorum, members present, voting). The validity of Mr Biamont's authority to represent the CGSP accordingly cannot be verified.

I remain,

Yours faithfully,

The Government Agent,
Director General

JAN DEVADDER