Strasbourg, 22 December 2017

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EUROPEAN SOCIAL CHARTER

GOVERNMENTAL COMMITTEE

REPORT CONCERNING CONCLUSIONS XXI-1 (2016) OF THE 1961 EUROPEAN SOCIAL CHARTER

(Croatia, Czech Republic, Denmark, Germany, Greece, Iceland, Latvia, Luxembourg, Poland, Spain, "The former Yugoslav Republic of Macedonia" and United Kingdom)

Detailed report of the Governmental Committee established by Article 27, paragraph 3, of the European Social Charter[1]

Written information submitted by States on Conclusions of non-conformity is the responsibility of the States concerned and was not examined by the Governmental Committee. This information remains either in English or French, as provided by the States.

[1] The detailed report and the abridged report are available on www.coe.int/socialcharter.

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I. INTRODUCTION

1. This report is submitted by the Governmental Committee of the European Social Charter and the European Code of Social Security (hereafter "The Governmental Committee") made up of delegates of each of the forty-three states bound by the European Social Charter or the European Social Charter (revised)[2]. Representatives of the European Trade Union Confederation (ETUC) and International Organisation of Employers (IOE) attended the meetings of the Governmental Committee in a consultative capacity.

2. Since a decision of the Ministers' Deputies in December 1998, the other signatory states were also invited to attend the meetings of the Governmental Committee (Liechtenstein, Monaco, San Marino and Switzerland).

3. The supervision of the application of the European Social Charter is based on an examination of the national reports submitted at regular intervals by the States Parties. According to Article 23 of the Charter, the Party "shall communicate copies of its reports […] to such of its national organisations as are members of the international organisations of employers and trade unions". Reports are made public on www.coe.int/socialcharter.

4. Responsibility for the examination of state compliance with the Charter lies with the European Committee of Social Rights (Article 25 of the Charter), whose decisions are set out in a volume of "Conclusions". On the basis of these conclusions and its oral examination, during the meetings, of the follow-up given by the States, the Governmental Committee (Article 27 of the Charter) draws up a report to the Committee of Ministers which may "make to each Contracting Party any necessary recommendations" (Article 29 of the Charter).

5. In accordance with Article 21 of the Charter, the national reports to be submitted in application of the European Social Charter concerned Croatia, Czech Republic, Denmark, Germany, Greece, Iceland, Luxembourg, Poland, Spain and the United Kingdom. Reports were due by 31 October 2015. The Governmental Committee recalls that it attaches a great importance to the respect of the deadline by the States Parties.

6. Conclusions XXI-1 (2016) of the European Committee of Social Rights were adopted in December 2016 (as regard Croatia, Czech Republic, Denmark, Germany, Greece, Iceland, Poland, Spain and the United Kingdom). Luxembourg submitted its report with a significant delay; therefore no conclusions were adopted in 2016.

7. The Governmental Committee held two meetings in 2017 (135th Meeting on 15-19 May 2017, 136th Meeting on 25-29 September 2017) with Mr Joseph FABER (Vice Chair, Luxembourg) in the Chair. In accordance with its Rules of Procedure, the Governmental Committee at its autumn meeting elected Mr Joseph FABER (Luxembourg) as its Chair. It also elected a new Bureau, which is now composed of Ms Karolina KIRINCIC ANDRITSOU (1st Vice-Chair, Greece), Ms Odete SEVERINO (2nd Vice-Chair, Portugal), Ms Natalia POPOVA (Ukraine) and Ms Cristel VAN TILBURG (Netherlands). The Chair and the Bureau were elected for a two year period starting on 1 January 2018.

8. The Governmental Committee took note of the current priorities with respect to the Turin Process, which notably refer to:

- The organisation of high-level meetings in the member States with a view to promoting a greater acceptance of the Charter's treaty system;
- The opinion of the Secretary General on the European Union Pillar of Social Rights;
- The need for more synergies and coordination between European Union law and the European Social Charter;
- The organisation of events concerning the Charter and the Turin process objectives in the framework of the forthcoming Chairmanships of the Committee of Ministers;

9. The Governmental Committee took note of the initiative undertaken in 2017 with respect to the Turin Process. A Conference has been organised on 24 February in Nicosia (Cyprus), in the framework of the

[2] List of the States Parties on 1 December 2017: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom.

Cypriot CM Chairmanship of the Council of Europe, to debate on the role of domestic and European Courts to safeguard social rights in Europe.

10. Following a request from the Committee of Ministers the Governmental Committee on 15 September 2017 adopted an Opinion on the PACE recommendation 2112 (2007) "The Turin Process: reinforcing social rights.

11. The state of signatures and ratifications on 1 December 2017 appears in Appendix I to the present report.

II. EXAMINATION OF CONCLUSIONS XXI-1 (2016) OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

12. The abridged report for the Committee of Ministers only contains summaries of discussions concerning national situations in the eventuality that the Governmental Committee proposes that the Committee of Ministers adopt a recommendation or renew a recommendation. No such proposals were made in the current supervisory cycle. The detailed report is available on www.coe.int/socialcharter.

13. The Governmental Committee applied the rules of procedure adopted at its 134th meeting (26 – 30 September 2016). According to the decision taken by the Committee of Ministers at its 1196th meeting on 2 April 2014, the Governmental Committee debated orally only the Conclusions of non-conformity as selected by the European Committee of Social Rights.

14. The Governmental Committee examined the situations not in conformity with the European Social Charter listed in Appendix II to the present report. The detailed report which may be consulted at www.coe.int/socialcharter contains more extensive information regarding the cases of non-conformity

15. The Governmental Committee also took note of the Conclusions deferred for lack of information or because of questions asked for the first time, and invited the States concerned to supply the relevant information in the next report (see Appendix III to the present report for a list of these Conclusions).

16. During its examination, the Governmental Committee took note of important positive developments in several State Parties, as also listed by the European Committee of Social Rights 2016 Activity Report. (See Appendix IV to the present report).

17. The Governmental Committee asked Governments to continue their efforts with a view to ensuring compliance with the European Social Charter and urged them to take into consideration any previous Recommendations adopted by the Committee of Ministers.

18. The Governmental Committee was informed of the 2016 findings of the European Committee of Social Rights on the follow-up to decisions on collective complaints with respect to 2 States (Croatia, and the Czech Republic and concerned a total of 9 decisions on the merits (actually 11, but Croatia did not submit a report on the two decisions in its respect), and a total of 21 violations. After an exchange of views the Governmental Committee welcomed the 2016 findings and agreed that reflection should continue with the European Committee of Social Rights with a view to improving the reporting system; it also encouraged the Secretariat to continue to organise training and awareness-raising activities on the complaints procedure aimed at those organisations which are potential users of the procedure.

19. The Governmental Committee proposed to the Committee of Ministers to adopt the following Resolution:

> **Resolution on the implementation of the European Social Charter during the period 2011-2014 (Conclusions XXI-1 (2016)), provisions related to the thematic group "Employment, training and equal opportunities"**
>
> *(Adopted by the Committee of Ministers on ....*
> *at the .... meeting of the Ministers' Deputies)*
>
> The Committee of Ministers,[3]

[3] At the 492nd meeting of Ministers' Deputies in April 1993, the Deputies "agreed unanimously to the introduction of the rule whereby only representatives of those states which have ratified the Charter vote in the Committee of Ministers when the

Referring to the European Social Charter, in particular to the provisions of Part IV thereof;

Having regard to Article 29 of the Charter;

Considering the reports on the European Social Charter submitted by the Governments of Croatia, Czech Republic, Denmark, Germany, Greece, Iceland, Luxembourg, Poland, Spain and the United Kingdom;

Considering Conclusions XXI-1 (2016) of the European Committee of Social Rights appointed under Article 25 of the Charter;

Following the proposal made by the Governmental Committee established under Article 27 of the Charter,

Recommends that governments take account, in an appropriate manner, of all the various observations made in the Conclusions XXI-1 (2016) of the European Committee of Social Rights and in the report of the Governmental Committee.

latter acts as a control organ of the application of the Charter". The states having ratified the European Social Charter or the European Social Charter (revised) are (1 December 2016):
Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine and United Kingdom.

III. EXAMINATION ARTICLE BY ARTICLE4

1961 EUROPEAN SOCIAL CHARTER

Article 1§1 - Policy of full employment

ESC 1§1 GREECE 135 meeting

The Committee concludes that the situation in Greece is not in conformity with Article 1§1 of the 1961 Charter on the ground that employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

1. The Secretariat said that the situation was not in conformity since 2006.

2. The representative of Greece recalled that deep recession and the policy ensued since 2010 resulted in the GDP shrinking by 26 % in her country, with businesses shutting down and unemployment rising. The corresponding decline in economic activity created a situation in the labor market characterized by an increase of long-term unemployment.

3. However, despite this overall difficult economic situation, the main statistics of the labor market showed some improvement. Whereas there had been a fall of the employment rate from 2009 to 2013, it increased constantly since 2014. Likewise, the unemployment rate fell since 2014 each year.

4. The representative of Greece said that in 2015 the Government redesigned its employment programs and adopted actions to increase employment and to combat unemployment.

5. The key measures were the following:

- To reinforce labour demand addressed to businesses aiming to cover their needs and to provide incentives in the form of subsidizing part of the labor costs;
- To reinforce labour supply aimed at covering the needs of the unemployed so that they may reintegrate into the labour market (for example the youth guarantee program);
- To strengthen the effectiveness of employment policies by reforming the administrative procedures of the relevant Authorities.

6. In summary, the representative of Greece said that her Government had made significant efforts to combat unemployment, to promote job creation, to redesign employment programs and adopt necessary new legislation and administrative reforms.

7. The GC took note of the information provided, asked the Government of Greece to provide the relevant information in the next report and decided to await the next ECSR's assessment.

[4] State Parties in English alphabetic order

ESC 1§1 SPAIN 135 meeting

The Committee concludes that the situation in Spain is not in conformity with Article 1§1 of the 1961 Charter on the ground that employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

8. The Secretariat said that the situation was not in conformity for the first time.

9. The representative of Spain said that the activation rate showed again a positive trend since 2014 along with a 17% increase in expenditure on activation measures.

10. As regards the degree of effectiveness of the various measures adopted since 2012, it should be emphasized that Spain adopted not only internal flexibility measures. It also adopted measures to support growth and job creation, in particular with the law of 2013 (Act No. 11/2013 of 26 July 2013) on support for job creation, which included specific provisions for job creation of the younger generation.

11. After all, combatting youth unemployment combined efforts with respect to recruitment of young workers as well as strengthening their professional performance. These measures required a sufficiently long period to evaluate the 'efforts' deployed.

12. The representative of the International Organization of Employers (IOE) said the reforms undertaken in 2012 needed still time to show the full effectiveness.

13. The representative of ETUC was concerned about the rising number of workers not covered by collective agreements.

14. The GC took note of the information provided, asked the Government of Spain to provide the relevant information in the next report and decided to await the next ECSR's assessment.

Article 1§2 - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

ESC 1§2 ICELAND 135 meeting

The Committee concludes that the situation in Iceland is not in conformity with Article 1§2 of the 1961 Charter on the ground that that the legislation prohibiting discrimination in employment on grounds other than sex is inadequate.

15. The representative of Iceland informed the GC that on the 4th of April this year, the Minister of Social Affairs and Equality submitted a bill to the Icelandic Parliament which is intended to implement Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation. The bill is intended to ensure equal treatment in the labour market regardless of a person´s race, ethnic origin, religion, belief, disability, age, sexual orientation or gender identity. The bill is currently under discussion in the Judicial Affairs and Education Committee of the Parliament.

16. The representative of Iceland indicated that she will be looking forward to provide the GC with updated information on this bill at the next meeting in September 2017.

17. The representative of ETUC underlined the fact that already in 2008 when the GC examined the situation on this matter; a similar bill was announced in the Parliament which has never been adopted.

18. The representative of Ukraine invited the GC to welcome the positive developments and to wait for the next assessment of the ECSR.

19. C. GIAKOUMOPOULOS, Director, Directorate General Human Rights and Rule of Law, suggested that this matter could be discussed again during the September meeting of the GC.

20. The Chair concluded that, in order to examine the updated information on the above mentioned bill, this point will be discussed during the September meeting of the GC and instructed the Secretariat to include it on the agenda of that meeting.

ESC 1§2 ICELAND 136 meeting

The Committee concludes that the situation in Iceland is not in conformity with Article 1§2 of the 1961 Charter on the ground that that the legislation prohibiting discrimination in employment on grounds other than sex is inadequate.

21. The representative of Iceland provided the following information:

As I stated in my intervention on the situation of non-conformity regarding Article 15(2) of the Charter, with regard to the bill which was intended to implement Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation, the Parliament was not able to complete its discussion of the bill before the end of the 146th parliamentary session in June of this year. Just to be clear, the bill in question would prohibit discrimination in employment on the grounds of race, ethnic origin, religion, belief, disability, age, sexual orientation and gender identity. It therefore proposes that the necessary legislative amendments be made to bring the situation in Iceland into conformity with Articles 1(2) and 15(2), by explicitly prohibiting discrimination in employment on grounds other than sex, for example on the ground of disability.

A new parliamentary session, the 147th session of Alþingi, began on the 12th of September and on the 14th of September, the bill was again submitted to the Parliament by the Minister of Social Affairs and Equality.

As I already mentioned, however, it remains to be seen whether the Parliament will discuss the bill during this session, as one of the three coalition parties withdrew from the government on the 15th of September, causing the government to lose its parliamentary majority so that elections need to be held again. Like I said, the Parliament has expressed an interest in completing its discussion of a select number of bills before the election is held next month, on the 28th of October, but has not yet reached a decision on which bills will be selected in that regard.

22. The Secretariat recalled that the discussion of this situation was postponed to the September meeting by the GC in light of pending discussions on a bill prohibiting discrimination.

23. The Chair noted that there is a will to change the situation. The GC decided to take note of this information and urged the Icelandic authorities to remedy the long standing situation of non-conformity and decided to wait for the next assessment.

ESC 1§2 SPAIN 135 meeting

The Committee concludes that the situation in Spain is not in conformity with Article 1§2 of the 1961 Charter on the ground that the restrictions on the employment to the public service of nationals of other States Parties to the Charter are excessive which constitutes a discrimination on grounds of nationality.

24. The representative of Spain informed the GC of the amendments brought to Law 7/2007 of 12 April 2007 on the general status of civil servants by Royal Legislative Decree 5/2015 of 30 October 2015 approving the consolidated text of the Law on the general status of civil servants. Article 57 on access by nationals of other States to posts in the public service provides as follows:

"1. Nationals of the Member States of the European Union shall have access to public service posts as civil servants under the same conditions as Spanish nationals, with the exception of those involving, directly or indirectly, the exercise of public authority or functions whose object is the safeguarding of the interests of the State or public interest. […]

3. Access to public service posts as officials shall be extended to persons falling within the scope of international treaties concluded by the European Union and ratified by Spain, providing for the free movement within the conditions set out in paragraph 1 of this Article.

4. Foreign nationals referred to in the preceding paragraphs, as well as foreigners lawfully resident in Spain, shall have access to employment in public authorities as contract staff under the same conditions as Spanish nationals."

25. The Spanish delegation provided additional information showing that nationals of other countries that are not members of the EU or included in the scope of international treaties concluded by the European Union and ratified by Spain, have access to posts of different professional categories in a wide variety of ministries and public institutions. The delegation further provided a list of the ministries/public bodies which in 2016 had opened positions of all kinds and professional categories to be accessed by permanent staff in the public sector.

26. The Committee took note of the information provided and invited the Spanish authorities to provide all the relevant information in the next report. Meanwhile, it decided to await the next assessment of the ECSR.

Article 1§3 - Free placement services

ESC 1§3 SPAIN 135 meeting

The Committee concluded that the situation in Spain is not in conformity with Article 1§3 of the 1961 Charter on the ground that the measures taken during the reference period did not make it possible for public employment services to function in an effective manner.
The Secretariat indicated that the Committee has deferred its decision in 2008 and then found a non-conformity situation in its conclusion 2012 due to lack of information.

27. The representative of Spain informed the GC that in response to the questions raised in this paragraph, it should be pointed out that databases of jobseekers, private management of vacancies, proposed jobs and support for individuals and companies are the responsibility of the Public Employment Services of the Autonomous Communities.

28. Moreover, the National Public Employment Service (SEPE) coordinates the information system in which the data of all the Public Employment Services of the Autonomous Communities are registered. As of 31 December 2016 there were 8371 persons working in SEPE.

29. In addition it was stressed that, as regards the effectiveness and the involvement of the social partners, it should be emphasized that their participation is guaranteed by Royal Legislative Decree no. 3/2015 of 23 October 2015.

30. Taking into account the data entered in this information system, it will be possible to include in the next report the information requested by the ECSR, in detail, for each reference year.

31. The representative of the International Organisation of Employers asked more detailed information on the cooperation between public and private employment services.

32. The representative of Spain referred to a very recent agreement concluded in 2016 between the two services and that difficulties may arise from the decentralized employment services offered by the Autonomous Communities. However, reforms undertaken recently by the Government are expected to give positive effects.

33. The GC took note of the information provided and requested the Spanish authorities to provide all the relevant information in the next report. Meanwhile, it decided to await the next assessment of the ECSR.

34. At the end of the examination of conclusions of non-conformity on Article 1§1, 1§2 and 1§3 the Chair and the ETUC representative congratulated the Secretariat for the excellent work and in particular on the quality of the working document.

Article 10§4 – Encouragement for the full utilisation of available facilities

ESC 10§4 DENMARK 136 meeting

The Committee concludes that the situation in Denmark is not in conformity with Article 10§4 of the 1961 Charter on the ground that non-EEA nationals are subject to a length of residence requirement of two years to be eligible for the State Educational Grant and Loan Scheme (SU).

35. The representative of Denmark provided the following information:

The subject of the criticism is the Educational Grant and Loan Scheme. The scheme supports the living costs of students following full time youth education programs and students enrolled in full time higher education courses. The scheme, we understand, is criticised for, in certain circumstances, requiring non-Danish nationals to have resided in Denmark for two years before they have the opportunity for receiving financial support for education and training.

The rules governing qualification for receiving Danish financial support for education and training describes two circumstances in which there is a two years' residency requirement. The residency requirement is combined with either marriage to a Danish citizen or with having had employment for at least 30 hours of work a week.

However, meeting one of these requirements is not the only way to qualify for receiving the financial support for education and training. A majority of foreign nationals – including nationals from non-EU-countries – qualify under one of the other seven provisions that are enumerated in our regulations. Notably most non-EU-nationals who have obtained a permanent residence permit in Denmark – or reside lawfully in Denmark in order to obtain a permanent residence permit – are subject to the Act of Integration of Aliens in Denmark and are thus eligible for financial support on the same terms as Danish nationals. In addition non-Danish-nationals who entered Denmark with their parents before the age of 20 and have since then had permanent residence in Denmark also qualify for the financial support for education and training.

Article 10, paragraph 4, point b, of the European Social Charter states, that economical support must be provided whenever it is appropriate. Thus, it is our understanding that Article 10, paragraph 4, point b, allows for a certain amount of flexibility, and that, besides legal residency, additional conditions can be established in order to become eligible for support. These conditions must of course fall within the category of what can be considered "appropriate".

As we see it, people who have resided in Denmark for two years and who, during that period, have either been married to a Danish citizen or have been part of the Danish labour marked have obtained a better understanding of Denmark and Danish conditions and thereby have also obtained closer ties to Denmark. This – seen in connection with the other 7 provisions – is an interpretation that we construe as "appropriate".
This must be seen in connection with the fact that Denmark provides a very high level of educational support - both in terms of free education and financial support. We welcome young people from other countries coming to Denmark to receive an education. However, in recent years there has been an increasingly number of foreign students with access to Danish student aid in Denmark. This has increased the economic burden on the Danish Educational Grant and Loan Scheme further.

The Danish national budget cannot bear the burden that would be involved if everyone could receive financial support for education and training in Denmark.

A political consequence of eliminating the residence requirements we discuss today, would be that Denmark will have to generally degrade the support we offer students today.

It is therefore necessary that Denmark establish certain restrictions, and we find it natural that one such restriction can be requiring applicants to have a certain degree of integration in Denmark.

Furthermore these restrictions have to be as objective as possible due to the reality of mass administration. The Danish students support authorities receive thousands of applications each year and the administration is to a large extend based on digital self-service. It is therefore important that most decisions are based on clear, objective criteria that can be obtained and processed digitally. Both residence requirements fulfill this specification.

To conclude, it is our conviction that this residency requirement does not represent an expression of discrimination. As mentioned earlier the limitations that have been criticized are not broad in scope. The flexibility that, according to our understanding, exists in the word appropriate is in fact only used to an extremely limited extent.

36. The Chair noted that as discussed in the case of Austria the issue relating to the interpretation of the word 'appropriate' will be put on the agenda of the joint bureau meeting. The Chair also recalled that the categories of foreign nationals concerned by the requirement of equal treatment were not the students who enter with the sole purpose of pursuing an education but other persons, who arrive with the purpose of employment or family ties.

37. The representative of France also underlined that due to the differences in national situations, uncertainty may remain as to what is implied by ‘lawfully resident or regularly working’ in different national contexts. Therefore, the Governments could be asked to provide a description of their situation as to how ‘lawful residence’ is interpreted.

38. The GC decided that at the joint bureau meeting two issues will be raised in relation to Article 10.5

- interpretation of the notion ‘appropriate’ (Austria, Denmark)
- implications of ‘lawful residence’ in different national jurisdictions.

39. The GC took note of the information provided and invited the Danish authorities to provide detailed information in the next report and decided to await the next assessment of the ECSR.

Article 15§1 - Vocational training for persons with disabilities

ESC 15§1 ICELAND 136 meeting

The Committee concludes that the situation in Iceland is not in conformity with Article 15§1 of the 1961 Charter on the ground that there is no legislation explicitly prohibiting discrimination in education and training on the ground of disability.

40. The Secretariat pointed out the main requirements assessed under Article 15, namely the existence in the law of guarantees against discrimination and the effective integration (as documented by statistical data) of persons with disabilities in mainstream education and training (Article 15§1), in employment (Article 15§2) and in the different sectors of society (Article 15§3).

41. As regards in particular the situation of Iceland, it was recalled that the ECSR had found since 2007 (Conclusions XVIII-2 (2007), XIX-1 (2008), XX-1 (2012), XXI-1 (2016)) that the situation was not in conformity because of the lack of legislation explicitly prohibiting discrimination in education and training on the ground of disability. Draft legislation had reportedly been under examination since then, but had not been adopted yet. As to the general prohibition of discrimination contained in the Constitution, the ECSR had noted that no judgment had been issued by the Supreme Court during the reference period on cases regarding the right to education of persons with disabilities.

42. The representative of Iceland referred to the information provided in writing and reiterated that under Article 65 of the Icelandic Constitution all persons shall be equal before the law and enjoy human rights without regard to sex, religion, opinion, national origin, race, colour, financial status, parentage and other status. This fundamental rule applies in all fields, including education and vocational training, as the Supreme Court of Iceland confirmed in its judgment from 1999 in case no. 177/1998. In that case, the Supreme Court awarded damages with reference to Article 65 of the Icelandic Constitution to a disabled woman, who claimed that she had been forced to withdraw from her studies at the University of Iceland since she had not received the assistance and facilities necessary because of her handicap. The Supreme Court thus concluded that the University of Iceland had not fulfilled its obligations to ensure equality to persons with disabilities with regard to the right to education.

43. Furthermore, the Administrative Procedure Act, No. 37/1993, which applies to state and municipal administration when such authorities take decisions regarding the rights or obligations of individuals, provides for a principle of equality in Article 11. It reads as follows: “In deciding cases a public authority shall make every effort to ensure that, legally, it is consistent and observes the rule of equal treatment. The parties to a case may not be discriminated against on the grounds of their ethnic origin, sex, colour, nationality, religion, political conviction, family, or other comparable considerations.“ Therefore, according to the representative of Iceland, the principle of equality applies to all decisions made on the basis of the Labour Market Measures Act as well as legislation that applies to the Icelandic school system.

44. The representative of Iceland recalled that the main legislation in the field of education guarantees equal access for children with or without disabilities. Thus, Regulation 585/2010, concerning students with special education needs, provides that students with special learning difficulties, including persons with disabilities, are entitled to special assistance in their studies in accordance with confirmed special needs. Students with disabilities should as far as possible continue their studies in mainstream classes, with appropriate support, i.e. either an individualized study program or special support provided under the ordinary school curriculum. In line with this, Regulation 230/2012, on pupils with special needs in upper secondary schools, for example states that pupils shall have equal opportunities to pursue studies, without discrimination, to the extent possible.

45. She also emphasised that on the 23rd of September 2016, Iceland ratified the UN Convention on rights of Persons with Disabilities, thus undertaking the obligations provided by Article 24 and 27 of the Convention, on education and on work and employment. As a result, amendments were made in 2012 to the Higher Education Act, No. 63/2006, to give effect to the aforementioned Article 24 of the Convention, concerning education.

46. Moreover, the Minister of Social Affairs and Equality submitted a bill on services for disabled persons to the Icelandic Parliament on the 3rd of April 2017, which aimed to give effect to various provisions of the Convention, including Article 27 on work and employment. The bill proposes a comprehensive review of the Act on the Affairs of Disabled Persons, No 59/1992, as well as amendments to the Municipalities Social Services Act, No 40/1991, and contains inter alia revised provisions on the rights of disabled persons concerning employment and vocational training. Another bill, intended to implement Council Directive 2000/78/EC to prohibit discrimination in employment and occupation on grounds of disability, was also submitted in April 2017 to the Parliament by the Minister of Social Affairs and Equality. As the Parliament had not completed its discussion of either of these bills before the end of the parliamentary session, they were submitted again to the Parliament at the beginning of the new parliamentary session, on 14 September 2017.

47. On 15 September 2017, however, one of the governments´ three coalition parties withdrew from the government, causing the government to lose its parliamentary majority. Therefore, the decision has been made to hold new elections on 28 October 2017. The representative of Iceland indicated that the Parliament had expressed an interest in completing its discussion of a select number of bills before the election was held, but had not reached a decision on which bills would be selected. Therefore, it remained to be seen whether the Parliament would discuss the two bills at issue.

48. The representative of Iceland indicated that further information on this legislative reform would be provided in the next report.

49. In response to a question by the Chair, the representative of Iceland confirmed that the draft legislation referred to in the Conclusions 2016 had been automatically withdrawn as a consequence of the end of the parliamentary session, and must therefore be submitted again for discussion in a subsequent parliamentary session.

50. The Secretariat asked whether, apart from the Supreme Court's judgment of 1999 there was any more recent case law, showing that Article 65 of the Constitution could be effectively invoked in cases concerning discrimination on grounds of disability in the field of education and training, or in the field of employment. The representative of Iceland indicated that there was no other example of case law, but pointed out that the case of 1999 was still considered a reference as regards protection against discrimination in Iceland, noting that the judgement in question was made by the Supreme Court of Iceland.

51. The representative of France requested some clarifications concerning the draft legislation under examination. In response, the representative of Iceland indicated that the first bill was more general and did not contain a specific prohibition of discrimination, while the second one contained such a prohibition as regards access to employment and occupation. She however reiterated that it could not be anticipated which bills would be selected for submission to Parliament.

52. The representative of ETUC shared the concern expressed by the representative of France, as regards the uncertainty of the situation of the draft legislation at issue and pointed out that, given the unstable political situation, there was no indication that the draft legislation would effectively be examined. He recalled that this was a longstanding case, where the efforts had not so far brought the expected results.

53. The representative of Iceland expressed some confidence that on the subject of disability all political forces would come to an agreement, and therefore that there was no apparent reason why these bills should not be brought before Parliament.

54. The representative of Ukraine invited the GC to take note of the information provided and to invite Iceland to take measures to improve the situation.

55. The representative of France commented that the position of the GC should be more firm, in light of the fact that, despite the ratification of the UN Convention on the Rights of Persons with disabilities, antidiscrimination legislation had not been adopted yet in Iceland.

56. The representative of Denmark argued that the real issue was rather whether, apart from the existence of specific legislation, guarantees against discrimination existed in practice and suggested to wait for the next ECRS's assessment.

57. The GC took note of the information provided, but expressed some concern at the fact that the situation had not been remedied yet in a satisfactory way. Therefore, it asked the Icelandic authorities to provide updated information in the next report, and decided to wait for the next assessment.

Article 15§2 - Employment of persons with disabilities

ESC 15§2 GREECE 136 meeting

The Committee concludes that the situation in Greece is not in conformity with Article 15§2 of the 1961 Charter on the ground that persons with disabilities are not guaranteed effective access to the open labour market.

58. The Secretariat said that the situation was not in conformity for the first time.

59. The representative of Greece provided the following information:

The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement
(para2) The contracting parties undertake to take adequate measures for the placing of disabled persons in employment, such as specialized placing services, facilities for sheltered employment and measures to encourage employers to admit disabled persons to employment
Since the negative conclusion raises several issues, I will try to address some of them by the observations that follow.

NEW LEGISLATION (anti - discrimination legislation and general legislation on the rights of persons with disabilities)

First of all, as regards the antidiscrimination legislation, there are two pieces of newly adopted legislation related to the rights of persons with disabilities.

The one piece of legislation was adopted in 2016 and the Committee apparently has not yet been informed of it.

Law 4443/2016 replaced Law 3304/2005 and now forms the main and coherent body of law as to the principle of equal treatment in employment. By the said Law, EU directives on equal treatment[5] have been transposed into national law in a coherent manner and the existing legislative framework for the implementation of equal treatment and non-discrimination in employment has been improved and strengthened. A wider scope of application of the principle of equal treatment has been developed, as new grounds for discrimination have been introduced.

I will focus on the provisions of this law that are related to the rights of persons with disabilities.

- *The concept of disability, as grounds for discrimination, is supplemented by that of "chronic disease".*
- *Persons with HIV belong to the category of persons with disability or chronic disease and enjoy the relevant protection of the law.*
- *"Discrimination on grounds of relationship" is considered discrimination for the purposes of this law*
- *The refusal of the employer to provide for “reasonable accommodation” for persons with disabilities is considered discrimination.*
- *The said law also entrusts the "Ombudsman" with the responsibility of monitoring and promoting the implementation of the principle of equal treatment, for both the public and the private sector.*

The other piece of legislation is a very recently adopted Law – it was adopted on September - (Law 4488/13-09-2017 on Public pensions and other insurance provisions, strengthening workers protection, the Rights of Persons with Disabilities and Other Provisions), which, in its part Four,

[5] Council Directive 2000/78/EC of 27 November 2000 *establishing a general framework for equal treatment in employment and occupation* , COUNCIL DIRECTIVE 2000/43/EC of 29 June 2000 *implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* and DIRECTIVE 2014/54/EU of the European parliament and of the council of 16 April 2014 on *measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers*

introduces a series of reforms aiming at promoting equal treatment for persons with disabilities and the full enjoyment of fundamental rights on their part. The aim of the law is to remove the obstacles to the full and equal participation of persons with disabilities to social, economic and political life of the country.

In this context, the provisions of the law aim at specifying and assisting the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities.
Among the reforms introduced by the relevant provisions of this law are the following:

- *The definition of the phenomenon of disability is developed in line with the preamble to the United Nations Convention on the Rights of Persons with Disabilities and Article 1 thereof.*
- *The law sets out the obligation to integrate the disability dimension into public policies on an horizontal basis, as well as the associated obligations for administrative bodies and authorities.*
- *The law establishes an obligation on the part of the administrative bodies and authorities to respect the principles of universal design, aimed at ensuring a priori accessibility for all.*
- *It also establishes an horizontal obligation for the bodies involved in the law-making process to take into account the rights of persons with disabilities at the drafting stage and to consult with these persons, their representative organizations and individuals or groups of people*
- *The said law also establishes an obligation for the Hellenic Statistical Authority, as well as for the services and institutions under the Hellenic Statistical System, to develop, produce and disseminate official statistics for persons with Disabilities.*

The said law also contains guiding and organizational provisions for the implementation of the UN Convention on the Rights of Persons with disabilities. It establishes a new coordination mechanism within the Government, defines a central focal point within the government for monitoring the implementation of the Convention as well as an independent mechanism for the promotion, protection and monitoring of the implementation of the Convention.

<u>STATISTICAL DATA</u>

As to the existence of statistical data on the employment of persons with disabilities, please note the following:

There are no available data on persons with disabilities for the period of reference of the report under examination (2011 to 2014).

However, the Hellenic Statistical Authority (ELSTAT) recognized the necessity of statistics focused on disability and the development of specific indicators and worked with the National Confederation of Persons with Disabilities (ESAmeA) in order to include, in the household surveys it conducts, questions focused on persons with disabilities. Statistics were collected on trial for the years 2015 and 2016, with questions proposed by the National Confederation of Persons with Disabilities. These data are not available because they show large sampling errors and are considered unreliable.
The Hellenic Statistical Authority (ELSTAT) remains in constant collaboration with the National Confederation of Persons with Disabilities, as well as with other State bodies handling relevant issues, in order to review the questions concerning persons with disabilities which are going to be used into other surveys.

May I also remind you that by the provisions of the newly adopted law, as described before, the development, production and dissemination of official statistics for persons with disabilities by the Hellenic Statistical Authority forms an obligation.

EMPLOYMENT of persons with disabilities

As far as programs for the employment of persons with disabilities are concerned, I can refer to some of them which were recently planned:

The Manpower Employment Organization implements a new Program (as of the end of August) of assistance to employers and enterprises for the recruitment, on an either part – time or full – time basis, of 2,000 unemployed persons belonging to Vulnerable Social Groups [persons detoxified from addictive substances and persons released from prison, juvenile delinquents or Young People at Social Risk] including Persons with Disabilities.
The program subsidizes employment for twelve (12) months with the option of extending for another twelve (12) months and then for another twelve (12) months.

Private enterprises as well as local government enterprises that participate in the said program can also be part of a Program for the Ergonomic Settlement of the workplace. By the said program the access of disabled persons to the workplace is facilitated.

The Manpower Employment Organization also operates two Structures for Special Education for persons with disabilities, one in Athens (people with physical and mental disabilities) and one in Thessaloniki (people with mental retardation) with a capacity of around 400 trainees per year. The Schools aim at the professional qualification of unemployed people with disabilities and consequently their employment in the various sectors of the economy.

At the same time, trainees receive psychosocial and counselling assistance from specialists. The programs last about 900 hours per year and provide skills and competencies in areas such as Carpentry - Pottery – textiles etc.

60. The representative of Ukraine invited the GC to welcome the positive changes in legislation and in practice and await the ECSR's next assessment.

61. The GC took note of the information provided and decided to await the ECSR's next assessment.

ESC 15§2 ICELAND 136 meeting

The Committee concludes that the situation in Iceland is not in conformity with Article 15§2 of the 1961 Charter on the ground that there is no legislation explicitly prohibiting discrimination in employment on the ground of disability.

62. The Secretariat indicated that this finding of non-conformity was, like the one previously examined in respect of Article 15§1, related to the lack of legislation explicitly prohibiting discrimination in employment on the ground of disability and lack of specific requirements to ensure reasonable accommodation in employment. As previously noted, the ECSR had found a non-conformity on this ground since 2007 (Conclusions XVIII-2 (2007), XIX-1 (2008), XX-1 (2012), XXI-1 (2016)).

63. The representative of Iceland referred to the information already provided in the context of the examination of Article 15§1 (information available in writing), concerning in particular the draft legislation (in particular, as regards the bill which was intended to implement Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation), which was resubmitted to the Parliament at the beginning of the 147th parliamentary session of Albingi on 14 September 2017..

64. The GC took note of the information provided and expressed the hope that the draft legislation at issue would be soon adopted. It decided in the meantime to await the next ECSR's assessment.

Article 18§2 - Simplifying existing formalities and reducing dues and taxes

ESC 18§2 ICELAND 136 meeting

The Committee concludes that the situation in Iceland is not in conformity with Article 18§2 of the 1961 Charter on the ground that the formalities for issuing work and residence permits have not been simplified.

65. The Secretariat recalled that under Article 18§2, States Parties are required to simplify formalities for the granting of work permits, notably by ensuring the possibility of completing such formalities in the country of destination as well as in the country of origin and obtaining, within a reasonable time, the residence and work permits at the same time and through a single application. In the light of these criteria, the Committee had found in 2012 (Conclusions XX-1) that the situation was not in conformity in Iceland because two distinct procedures were needed to obtain a residence permit and a work permit. In 2016 (Conclusions XXI-1), it noted on the one hand that this situation had not changed. On the other hand, it also noted that the law required applications to be submitted from abroad, thus obliging applicants who were already in Iceland to leave the country in order to introduce their applications. For these reasons it reiterated its finding of non-conformity.

66. The representative of Iceland informed the GC that an extensive legislative reform had taken place (written information available) and that detailed information would be provided in the next report.

67. In particular, she stated that the legislation on residence permits (Act on Foreign Nationals, No 96/2002) had been repealed and replaced by a new Act on Foreign Nationals, No 80/2016, which entered into force on the 1st of January 2017. Moreover, Regulation No. 53/2003, on Foreign Nationals, had also been repealed and replaced at the end of May 2017 by a new Regulation No 540/2017, on the same subject. In this connection, various amendments had also been made to the legislation on work permits (Foreign Nationals´ Right to Work Act, No 97/2002).

68. As regards the existence of two distinct procedures for issuing work and residence permits, the representative of Iceland said that steps had been taken to merge and simplify the application procedure for residence and work permits as far as possible into a single procedure, in the spirit of a "one stop shop" system, while nevertheless maintaining an active role of both institutions (the Directorate of Immigration and the Directorate of Labour) in the application process. Thus, Article 19(1) of the Foreign Nationals´ Right to Work Act, as amended by Act No 80/2016, which entered into force on the 1st of January 2017, now explicitly stated that an application for a temporary work permit shall be submitted to the Directorate of Immigration, which then forwards it to the Directorate of Labour for processing. The explanatory notes to this provision state that this applies whether an application for a work permit is being submitted for the very first time or whether it's an application for the renewal of a work permit. Furthermore, the explanatory notes state the the purpose of this amendment was to clarify in law that this is in fact the procedure, as it has been the practice for decades that all applications for temporary work permits in Iceland are submitted to the Directorate of Immigration, not the Directorate of Labour.

69. So, once the Directorate of Immigration receives an application for a work permit, it sends the application electronically to the Directorate of Labour along with all the relevant documents, thus avoiding the need to submit applications to two different governmental institutions. Correspondingly, one single certification is issued by the Directorate of Immigration, in consultation with the Directorate of Labour, for work and residence permits.

70. The representative of Iceland indicated that in the view of the Icelandic government, the expertise of both the Directorate of Labour is necessary in the application process. It therefore considers important that both institutions maintain an active role in the application process, while ensuring that the process is based on a one-stop shop system for the applicant´s convenience. The representative of Iceland added that, as long as an application had been completed correctly and the necessary documents were submitted along with the application, the total processing time for both applications, which used to be around 90 days, was now generally between 50-60 days (including the processing time of the Directorate of Labour, which is generally about 10 days), and that applications that were submitted with all the necessary documents were given priority to make their processing time as short as possible.

71. As regards the finding that foreign nationals were not allowed to file their application in Iceland, the representative of Iceland informed the GC that a new rule had been introduced in this respect under Article 51 of the new Foreign Nationals Act, which entered into force on the 1st of January 2017, according to which applicants for residence permits for work requiring expert knowledge, residence permits for athletes or residence permits for qualified professionals on grounds of collaboration and service contracts, can now file their application while they are in Iceland, provided that the applicant has permission to stay in the country on the basis of a valid visa or while the applicant enjoys an exemption from needing a visa for entry into Iceland. The same applies if the applicant is exempt from needing a visa for entry into Iceland, if the person is the spouse or cohabiting spouse or child of an Icelandic or Nordic national or a foreign national who has a residence permit or if cogent considerations of fairness so demand.

72. Moreover, she indicated that an amendment had been made to Article 19(1) of the Foreign Nationals´ Right to Work Act, by Act No. 80/2016, which entered into force on the 1st of January 2017. The provision now states that an application for a temporary work permit can be submitted while the foreign national in question is in Iceland if he already has a residence permit to stay in Iceland. The explanatory notes to this provision state that the aim of this amendment was, inter alia, to make it easier for employers to hire foreign nationals already staying in Iceland, for example in cases where the person has come to Iceland for an interview, so that the person does not have to leave the country for the sole purpose of the application being filed.

73. The GC took note of the information concerning the new legislation adopted and decided to await the ECSR’s next assessment.

ESC 18§2 UNITED KINGDOM 136 meeting

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 18§2 of the 1961 Charter on the ground that the fees charged for work permits are excessive.

74. The Secretariat recalled that under Article 18§2, States Parties are required on the one hand to simplify formalities for the granting of work permits and, on the other hand, to set the level of fees and other charges at a reasonable level. While this provision explicitly requires fees and charges to be progressively reduced or abolished, the ECSR had interpreted it in the sense that a rise in the fees was not necessarily contrary to the requirements of the Charter if the level of fees remained reasonable and in line with the administrative costs of processing the applications (Conclusions 2008, Finland). However, in the case of the United Kingdom, the European Committee of Social Rights had already found in 2012 (Conclusions XX-I) that the fees charged for work permits were excessive and, while taking note of the fact that some reductions applied to applicants from States Parties to the Charter, it reiterated the same finding in 2016 (Conclusions XXI-1) because the situation had not changed (the fees ranged between €266 and €1536).

75. The representative of the Unites Kingdom explained that the UK's immigration arrangements took into account the need for British employers who were unable to source specific skills from the UK labour market to recruit workers with those skills from outside the European Economic Area. To this effect, the UK government could rely on the advice of an independent panel of internationally recognised labour market experts - the Migration Advisory Committee – which is regularly reviewing which skills are in shortage, in order that priority can be given to applications from people in those occupations. Employers seeking to recruit skilled workers from outside the EEA are furthermore required to first register for this purpose, so as to restrict access to the system to only those employers that will comply with their obligations as employers, while enabling them to sponsor the admission of skilled workers with a minimum of bureaucratic obstacles. The representative of the UK added that this comprehensive system facilitated intra-company business mobility of workers (of the 54,000 Tier 2 visas issued by the UK in 2016, two-thirds were for intra-company transfers between branches of multinationals, i.e. more than any other OECD country, apart from the United States).

76. The representative of the UK also stressed that the UK visa application process was swift, transparent and offered a high level of certainty to both workers and employers: in the year ending March 2017, the average processing time for a visa globally was less than 7 days. In the same period, 99% of visa applications were decided within the standard 15 working days processing time. The transparency of the system was ensured by the fact that all requirements and criteria relating to the admission of skilled non-EEA workers (for employers and applicants) were available on the website; in addition, the representative noted that the UK maintain a very extensive global network of over 300 visa application centres which allow migrant workers the chance to apply for UK visas and receive expert advice in person (these centres have achieved Customer Service Excellence accreditation). These arrangements, according to the representative of the UK, have enabled the UK to manage the admission of a high volume of skilled non-EEA workers each year (over 54,000 visas were issued to skilled non-EEA workers under Tier 2 of the Points Based System in 2016). They also ensure that approved employers are able to sponsor the admission of such workers with a high degree of certainty as to

outcomes – 91% of all work related visa applications were granted in 2016. According to the representative of the UK, the funding required for maintaining such a quality service was funded partly,by the fees charged for visas.

77. Regarding Government powers to set fees, the representative of the UK referred to the Immigration Act 2014, as the primary legislation which gives the competent government department named the Home Office statutory powers to set fees for immigration applications. The Act requires the Home Office to lay an affirmative statutory instrument named a Fees Order, which is debated by the UK Parliament. A Fees Order states the maximum fee levels for different categories of application; this limits the amount that can then be charged in subsequent fees regulations. Once a Fees Order has been agreed by Parliament, regulations are laid which detail the specific fees for each individual immigration and nationality product offered.

78. If no specific legislation restricts the Government's power to set a fee, in respect of some application types, the fees are determined according to the criteria set by the Immigration Act 2014. Pursuant to Section 68(9) of this Act, when setting immigration fees the Secretary of State may only consider:

(a) the costs of running the visa and immigration systems (to this effect, an extensive research base is compiled, that looks at the indicative unit cost for providing a visa, including the costs involved for running the wider system, for example the cost of enforcing the UK immigration system);
(b) the promotion of economic growth in the UK (the fees to be charged are determined by assessing the economic benefits that each visitor or migrant to the UK is expected to bring to the country, in order to protect so called 'growth routes' from higher increases);
(c) fees charged by or on behalf of governments of other countries in respect of comparable functions (fees charged in other countries are monitored to ensure that the UK remain a globally attractive country for skilled workers);
(d) international agreements (reduced application fees apply to all countries who have ratified the Council of Europe Social Charter), and
(e) benefits that the Secretary of State thinks are likely to accrue to any person who applies for a UK visa (depending on the type of visa granted, the range of benefits to which the person is entitled can vary, for example, the highest fees are charged for visas that provide migrants with benefits allowing them to settle permanently, after a certain period, bring their family and have access to certain public services).

79. All of these factors are considered when setting individual work visa fees. The representative of the UK added that, at present, the fees charged, for example for visas and passports, did not cover the costs of running the system, as this was still partly funded through general taxation, but the government intended, on the long term, to reduce the contribution from the taxpayer to the point whereby the system would be fully funded by those who use it.

80. The representative of the UK indicated that the fees charged in the UK compared favourably with key competitor countries and offered good value, particularly when considering the benefits and entitlements of a successful application. For example, in 2016 the fees for Tier 2 were significantly cheaper than those charged by other countries such as Australia, Canada, New Zealand and the United States. For potential applicants, according to the representative, the cost of the fees was not an obstacle, compared to other elements to be taken into account, such as the costs of flights, accommodation, other cost of living etc. She added that, according to independent research, the UK was one of the most desirable destinations in the world for visitors and students and that the government continually monitored the fees to ensure that they remained competitive with similar endorsement types offered in other countries and so they don't inhibit UK ability to attract the brightest and the best from around the world.

81. The representative of ETUC thanked the representative of the UK for the comprehensive information provided, but noted that the situation had not changed and seemed unlikely to change, he asked in this connection what might happen in the future in relation to the Brexit.

82. The representative of the UK indicated that constructive negotiations were under way, that a technical note would be published soon and that the government had been clear about the intention to continue protecting the rights of EU citizens in the UK.

83. The representative of France requested clarifications about Tier 2. She also asked what the amount of the fees are charged and whether such amount had increased since 2016.

84. The representative of the UK answered that there were in the UK immigration system some 80 different types of visas, with different fees. The representative of the UK informed the GC that fees for each type of visa are available on the government website. Tier 2 is the most common visa entry route and, according to the information available, the fees had gone up, but slightly.

85. The Secretariat pointed out that the ECSR, when assessing whether the level of the fees was reasonable, took into account the level of the fees in the States parties and, according to the latest interpretations, whether the fees were justified by the actual administrative costs incurred for issuing the visas or not. In response to some questions from the representative of Denmark, the Secretariat explained that the ECSR took into account, for each reference period, the general trend in the evolution of fees in the States Parties to the Charter which had accepted article 18, in the light of the evolution of applications (which is examined under Article 18§1).

86. The representative of the UK provided details about the costs incurred, which included costs related to ensuring the security of the country, and indicated that they considered immigration in a wider sense, with comparison to competitor countries, which had a comparable level of demands of visas.

87. The GC took note of the information provided, it invited the British authorities to present detailed information in the next report about the fees charged and how they were determined, in particular with a view to allowing the ECSR to assess the relation between the fees charged for visas and the costs incurred for issuing them.

Appendix I

List of participants

(1) 135th meeting, Strasbourg, 15-19 May 2017
(2) 136th meeting, Strasbourg, 25-29 September 2017

List (1) 135th meeting, Strasbourg, 15-19 May 2017

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Appendix II

Table of signatures and ratifications – situation at 1 December 2017

MEMBER STATES	SIGNATURES	RATIFICATIONS	Acceptance of the collective complaints procedure
Albania	21/09/98	14/11/02	
Andorra	04/11/00	12/11/04	
Armenia	18/10/01	21/01/04	
Austria	07/05/99	20/05/11	
Azerbaijan	18/10/01	02/09/04	
Belgium	03/05/96	02/03/04	23/06/03
Bosnia and Herzegovina	11/05/04	07/10/08	
Bulgaria	21/09/98	07/06/00	07/06/00
Croatia	06/11/09	**26/02/03**	26/02/03
Cyprus	03/05/96	27/09/00	06/08/96
Czech Republic	04/11/00	**03/11/99**	04/04/12
Denmark *	03/05/96	**03/03/65**	
Estonia	04/05/98	11/09/00	
Finland	03/05/96	21/06/02	17/07/98 **X**
France	03/05/96	07/05/99	07/05/99
Georgia	30/06/00	22/08/05	
Germany *	29/06/07	**27/01/65**	
Greece	03/05/96	18/03/16	18/06/98
Hungary	07/10/04	20/04/09	
Iceland	04/11/98	**15/01/76**	
Ireland	04/11/00	04/11/00	04/11/00
Italy	03/05/96	05/07/99	03/11/97
Latvia	29/05/07	26/03/13	
Liechtenstein	**09/10/91**		
Lithuania	08/09/97	29/06/01	
Luxembourg *	11/02/98	**10/10/91**	
Malta	27/07/05	27/07/05	
Republic of Moldova	03/11/98	08/11/01	
Monaco	05/10/04		
Montenegro	22/03/05	03/03/10	
Netherlands	23/01/04	03/05/06	03/05/06
Norway	07/05/01	07/05/01	20/03/97
Poland	25/10/05	**25/06/97**	
Portugal	03/05/96	30/05/02	20/03/98
Romania	14/05/97	07/05/99	
Russian Federation	14/09/00	16/10/09	
San Marino	18/10/01		
Serbia	22/03/05	14/09/09	
Slovak Republic	18/11/99	23/04/09	
Slovenia	11/10/97	07/05/99	07/05/99
Spain	23/10/00	**06/05/80**	
Sweden	03/05/96	29/05/98	29/05/98
Switzerland	**06/05/76**		
«the former Yugoslav Republic of Macedonia»	27/05/09	06/01/12	
Turkey	06/10/04	27/06/07	
Ukraine	07/05/99	21/12/06	
United Kingdom *	07/11/97	**11/07/62**	
Number of States 47	**2**+ 45 = 47	**9** + 34 = 43	15

The **dates in bold** on a grey background correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

***** States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a decision taken by the Committee of Ministers, this Protocol is already applied.

X State having recognised the right of national NGOs to lodge collective complaints against it.

Appendix III

List of Conclusions of non-conformity examined orally following the proposal of the European Committee of Social Rights

ESC 1§1 GREECE
ESC 1§1 SPAIN

ESC 1§2 ICELAND
ESC 1§2 SPAIN

ESC 1§3 SPAIN

ESC 10§4 DENMARK

ESC 15§1 ICELAND
ESC 15§2 GREECE, ICELAND

ESC 18§2 ICELAND, UNITED KINGDOM

Appendix IV

List of deferred Conclusions

POLAND	ESC 1§2, 1§3
DENMARK	ESC 1§3
GREECE	ESC 1§3, 1§4
GERMANY	ESC 1§4
SPAIN	ESC 1§4
UNITED KINGDOM	ESC 1§4
SPAIN	ESC 2§4
GERMANY	ESC 9
GREECE	ESC 10§1, 10§2, 10§3, 10§4
SPAIN	ESC 10§3,
UNITED KINGDOM	ESC 10§3, 10§4,
UNITED KINGDOM	ESC 15§1
UNITED KINGDOM	ESC 18§3

Appendix V

Examples of positive developments in State Parties:

Greece

Article 10§1

Law No. 4186 of 17 September 2013 restructures the adult training system. In the educational framework outside the formal education system – initial vocational training – pupils can obtain certificates which are recognised at national level following initial and in-house vocational training and the general training of adults.

Article 15

Law No. 4115 of 30 January 2013 provides for the conversion of special education and training schools into special education and training support centres and the establishment of a school network for education and support. Law No. 3996/2011 on reforming the Labour Inspectorate, regulating Social Security matters and other provisions, which came into force on 5 August 2011, set up the body of labour inspectors who are henceforth responsible for monitoring the implementation of the principle of equal treatment with regard to persons with disabilities, for advising employers and employees in this field and for ensuring that they comply with the reasonable accommodation obligation.

Law 4443/2016 replaced Law 3304/2005 and now forms the main and coherent body of law as to the principle of equal treatment in employment. By the said Law, EU directives on equal treatment have been transposed into national law in a coherent manner and the existing legislative framework for the implementation of equal treatment and non-discrimination in employment has been improved and strengthened. A wider scope of application of the principle of equal treatment has been developed, as new grounds for discrimination have been introduced.

Law 4488/13-09-2017 on Public pensions and other insurance provisions, strengthening workers protection, the Rights of Persons with Disabilities and Other Provisions, which, in its part Four, introduces a series of reforms aiming at promoting equal treatment for persons with disabilities and the full enjoyment of fundamental rights on their part. The aim of the law is to remove the obstacles to the full and equal participation of persons with disabilities to social, economic and political life of the country.

Spain

Article 10§1

Since 2006 when the Organic Law of Education entered into force a total of 148 vocational education qualifications have been developed of which 108 were developed during 2011-2014.

Article 15

Royal Decree 10/2011 of 26 August 2011 on urgent measures to promote youth employment, support job stability and maintain vocational retraining programmes for those who have exhausted their unemployment benefits is aimed at improving the skills of young people.

The United Kingdom

Article 15

The Children and Families Act 2014 received Royal Assent on 13 March 2014. Part 3 of the Act applies to England only and sets out a new framework for children and young people who have special educational needs and disabilities.

Appendix VI

Warning(s) and Recommendation(s)

Warning(s)[6]

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Recommendation(s)

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Renewed Recommendation(s)

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[6] If a warning follows a notification of non-conformity, it serves as an indication to the state that, unless it takes measures to comply with its obligations under the Charter, a recommendation will be proposed in the next part of a cycle where this provision is under examination.