

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

DECISION ON ADMISSIBILITY

16 March 2026

**European Organisation of Military Associations and Trade Unions (EUROMIL)
v. France**

Complaint No. 253/2025

The European Committee of Social Rights, a committee of independent experts established under Article 25 of the European Social Charter (“the Committee”), during its 354th session, in the following composition:

George THEODOSIS, Vice-President
Kristine DUPATE, General Rapporteur
Karin Møhl LARSEN
Yusuf BALCI
Mario VINKOVIC
Miriam KULLMANN
Carmen SALCEDO BELTRÁN
Franz MARHOLD
Alla FEDOROVA
Grega STRBAN
Olivier DE SCHUTTER
Kristina KOLDINSKA
Carmen-Constantina NENU

Assisted by Henrik KRISTENSEN, Executive Secretary,

Having regard to the complaint registered on 20 October 2025 as number 253/2025, lodged by the European Organisation of Military Associations and Trade Unions (EUROMIL) against France and signed by its President, Emmanuel Jacob, and 1st Vice-President, Jörg Greiffendorf, requesting the Committee to find that the situation in France is not in conformity with Articles 5 and 6 of the Revised European Social Charter (“the Charter”);

Having regard to the documents appended to the complaint;

Having regard to the Charter, and in particular to Articles 5 and 6, which read as follows:

Article 5 – The right to organise

Part I: “All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.”

Part II: “With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.”

Article 6 – The right to bargain collectively

Part I: “All workers and employers have the right to bargain collectively.”

Part II: “With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

1. to promote joint consultation between workers and employers;
2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes

and recognise

4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.”

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints (“the Protocol”);

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and last revised on 11 September 2024 at its 343rd session (“the Rules”);

Having deliberated on 16 March 2026;

Delivers the following decision, adopted on this date:

1. EUROMIL alleges that in France, several provisions of the Law No. 2005-1550 of 12 December 2005 effectively limit the professional military associations' participation in the Higher Council of the Military Function (CSFM) and deprive military personnel from representing their economic and social interests, in violation of Article 5 of the Charter. EUROMIL also alleges that CSFM is not an adequate platform for social dialogue and collective bargaining due to its composition as National Military Professional Associations (APNMs) constitute only one third of the delegation and military personnel cannot engage through them in consultations with their social partners, in violation of Article 6§1 of the Charter. EUROMIL further alleges that there are no structured mechanisms for collective bargaining on matters such as remuneration, working conditions or disciplinary procedures for military personnel, in violation of Article 6§2 of the Charter. EUROMIL also asserts that there is no appropriate machinery for the settlement of labour disputes, as in case of a conflict between the APNMs and the Government, the former must file a complaint to the *Conseil d'État*, in violation of Article 6§3 of the Charter. Finally, EUROMIL alleges that professional military associations are prohibited from exercising the right to strike, in violation of Article 6§4 of the Charter.

2. The Government did not submit any observations on the admissibility of the complaint.

THE LAW

As to the admissibility conditions set out in the Protocol and the Committee's Rules

3. The Committee observes that, in accordance with Article 4 of the Protocol, which was ratified by France on 7 May 1999 and entered into force for this State on 1 July 1999, the complaint has been submitted in writing and concerns Articles 5 and 6 of the Charter, provisions accepted by France when it ratified the treaty on 7 May 1999. France is bound by these provisions since the entry into force of this treaty in its respect on 1 July 1999.

4. The Committee notes that, in accordance with Articles 1 (b) and 3 of the Protocol, EUROMIL is an international non-governmental organisation holding participatory status with the Council of Europe. It is included on the list, established by the Governmental Committee of the European Social Charter and the European Code of Social Security of international non-governmental organisations entitled to lodge complaints before the Committee.

5. The Committee has already found the particular competence of the complainant organisation in the context of the collective complaints procedure within the meaning of Article 3 of the Protocol in respect of promoting the social and professional interests of military personnel of all ranks in Europe (see, for example, EUROMIL v. Spain, Complaint No. 219/2022, decision on admissibility of 12 September 2023, §5). In view of the scope of the activities of EUROMIL, it considers that the condition is also fulfilled for the purpose of the present complaint.

6. The Committee notes that the grounds of the complaint are indicated, detailing in what respect EUROMIL considers that France has not ensured the satisfactory application of the Charter. It therefore considers that the complaint meets the requirements of Article 4 of the Protocol and is admissible in this respect.

7. Finally, the Committee notes that the complaint is signed by Emmanuel Jacob, President of EUROMIL, and Jörg Greffendorf, 1st Vice-President of EUROMIL. According to Article 19 of the Statute of EUROMIL, the President and the Vice-President or another member of the Board are entitled to represent EUROMIL in legal proceedings. The Committee therefore considers that the complaint complies with Rule 23 of its Rules in this respect.

8. For these reasons, the Committee, on the basis of the report presented by Carmen SALCEDO BELTRÁN, and without prejudice to its decision on the merits of the complaint,

UNANIMOUSLY DECLARES THE COMPLAINT ADMISSIBLE.

Pursuant to Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the Respondent State of the present decision, to transmit it to the parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter, and to publish it on the Council of Europe's Internet site.

Invites the Government to make written submissions on the merits of the complaint by 26 May 2026.

Invites EUROMIL to submit a response to the Government's submissions by a deadline which the Committee shall determine.

Invites the Parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter to notify by 26 May 2026 any observations they may wish to submit.

Pursuant to Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the European Social Charter to make observations by 26 May 2026.



Carmen SALCEDO
BELTRÁN
Rapporteur



George THEODOSIS
Vice-President



Henrik KRISTENSEN
Executive Secretary