



European  
Social  
Charter

Charte  
sociale  
européenne



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

6 October 2021

**Case Document No. 2**

**European Trade Union Confederation (ETUC), Netherlands Trade Union  
Confederation (FNV) and National Federation of Christian Trade Unions (CNV)  
v. the Netherlands**  
Complaint No. 201/2021

**OBSERVATIONS BY THE GOVERNMENT  
ON ADMISSIBILITY**

**Registered at the Secretariat on 16 September 2021**



European Committee of Social Rights  
Att. Mr Henrik Kristensen  
Deputy Executive Secretary

By e-mail: DGI-ESC-Collective-Complaints@coe.int

**Legal Affairs Department  
International Law Division**

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Date 16 September 2021  
Re European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions in the Netherlands (CNV) v. the Netherlands - Complaint No. 201/2021

Dear Mr Kristensen,

In reply to your letter of 5 august 2021 concerning the above complaint before the European Committee of Social Rights ('the Committee') under the 1995 Additional Protocol ('the Protocol') to the European Social Charter ('the Charter'), I have the honour, on behalf of the Government of the Kingdom of the Netherlands, to make the following observations.

The Government does not wish to contest that the admissibility conditions are fulfilled and would leave the assessment of the question of admissibility to the Committee's discretion.

In this respect, the Government notes that part of the complaint, namely the judgments of the Supreme Court of the Netherlands concerning Article 6§4 of the Charter, has already been addressed through the regular reporting procedure. The Government acknowledges that this does not in itself constitute an impediment to the admissibility of the complaint in view of paragraph 31 of the explanatory report to the Protocol which states, inter alia:

*- the fact that the substance of a complaint has been examined as part of the "normal" government reports procedure does not in itself constitute an impediment to the complaint's admissibility. It has been agreed to give the Committee of Independent Experts a sufficient margin of appreciation in this area.*

For the record, the Government wishes to recall its 11<sup>th</sup> national report<sup>1</sup> and the Committee's conclusion after examination of the report that the situation in the Netherlands is in conformity with Article 6§4 of the Charter.<sup>2</sup>

**Date**  
16 September 2021

**Our ref.**  
Complaint No 201/2021

Yours sincerely,



Babette Koopman  
Agent of the Government of the Kingdom of the Netherlands

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<sup>1</sup> European Social Charter, 11th National Report on the implementation of the European Social Charter submitted by The Government of the Netherlands, AP/RCh/NLD/11(2018)

<sup>2</sup> European Committee of Social Rights, Conclusions 2018, March 2018