



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

30 October 2025

**Case Document No. 1**

**European Organisation of Military Associations and Trade Unions (EUROMIL)  
v. France**  
Complaint No. 253/2025

**COMPLAINT**

**Registered at the Secretariat on 20 October 2025**



## COLLECTIVE COMPLAINT

**European Organisation of Military Association and Trade Unions** (EUROMIL), with registered office at Boulevard du Jardin Botanique 20, 1000 Brussels, Belgium, represented by Emmanuel Jacob, President and Jörg Greiffendorf, 1st Vice-President of EUROMIL

against

**French Republic**, represented by the President of the Republic, Emmanuel Macron

on the grounds of

the violation and inadequate application by the Republic of Article 5 (The right to organise) and Article 6 (The right to bargain collectively) of the Revised European Social Charter (hereafter, Revised Charter)

requests

that Article L4121-4, Article L4126-6 (2), Article R4126-6, and Article R4126-7 of Law No. 2005-1550 of 12 December 2005 (hereafter, Defence Code) as well as any executive act, whether known or unknown, related to, associated with or resulting from the foregoing be declared as not compliant with the abovementioned Articles of the Revised Charter and consequently, that the French Republic bring its legislation into line with the Revised Charter.

### **Admissibility**

The European Organisation of Military Associations and Trade Unions (EUROMIL) is a European non-governmental organisation which has participatory status at the Council of Europe since 2003. EUROMIL is included in the [List](#) of International Non-Governmental Organisations Entitled to Submit Collective Complaints under the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (hereafter, Collective Complaints Protocol).

Founded in 1972, EUROMIL is an umbrella organisation composed of military associations and trade unions. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL has one observer association in France, namely Union of National Military Professional Associations (UNION APNM) which unites APNM Marine, APRODEF, AP3M, APNM-Commissariat, France Armement and GENDXXI military associations.

EUROMIL aims to secure and advance human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe. It promotes the concept of "Citizens in Uniform" as a soldier is entitled to the same



rights and obligations as any other citizen. EUROMIL particularly calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations, and for their inclusion in a regular social dialogue by the national authorities.

The French Republic ratified the European Social Charter on 9 March 1973, the Revised Charter and the Collective Complaints Protocol on 7 May 1999<sup>1</sup>.

### Statement of Facts

On 2 October 2014, in both [Matelly v. France](#) and [ADEFDROMIL v. France](#), the European Court of Human Rights (ECtHR) ruled that France's complete ban on trade union-style associations within the armed forces violated Article 11 (freedom of association) of the European Convention on Human Rights (ECHR). The Court emphasized that although the State can impose legitimate restrictions on armed forces, it *"does not accept restrictions which affect the essential elements of trade union freedom"* and *"the right to form and join a trade union is one of those essential elements"*<sup>2</sup>.

On 18 December 2014, the French Council of State (Conseil d'Etat) submitted a report ([Pêcheur report](#)) to the President of the Republic of France, François Hollande. Based on the report, the President ordered the French Defence Minister, Jean-Yves Le Drian, and the Minister of Internal Affairs, Bernard Cazeneuve, to execute the conclusions of this report and to prepare a bill on the right of association.

On 28 July 2015, after discussing the bill, the French Parliament approved Law No. 2015-917 of 28 July 2015 on updating the military programming for the years 2015 to 2019 which contained various provisions relating to defence. Based on the new legislation, French soldiers could form and join National Professional Military Associations (hereafter, APNM).

On 26 June 2017, APNM-Marine, APRODEF, AP3M, APNM-Commissariat and France Armement military associations formed UNION APNM to work independently in a constructive and responsible manner with respect to military institutions.

On 09 February 2018, the Council of State published Judgement [No. 406742](#) which concluded that *"it is appropriate (...) to annul the provisions of Article 3 of the decree of 21 October 2016 as well as those of I and II of its Article 2 insofar as they set the percentages provided for in Articles R. 4126-6 and R. 4126-7 of the Defence Code beyond 1 January 2021"*.

On 21 December 2021, the Minister of Armed Forces in its Order recognized the representativeness of certain national professional military associations, namely

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<sup>1</sup> Link: <https://rm.coe.int/table-of-signatures-and-ratifications>

<sup>2</sup> Judgement 10609/10, Matelly v. France, paragraph 58



- AP3M, as representative of the military corps serving in the Ministry of the Sea,
- France Armement, as representative under the general directorate of armaments,
- APNM – Commissariat, as representative under the service of the army commissariat,
- APRODEF, as representative under the general directorate of armaments,
- APNM-Marine, as representative of the national navy,
- APNAIR, as representative of the Air and Space Force.

On 3 May 2022, the French National Assembly published its [answer](#) to Jean-Charles Larssonneur's written question about Article 12 of Law No. 2015-917 of 28 July 2015 which states that the report is not presented to the Parliament by the given timeframe due to the lack of implementation of the provisions but "*the work of the Ministry of the Armed Forces to modernize consultation and social dialogue has continued since then, both to support the emergence of APNMs and to strengthen other consultation components and processes in accordance with Decree No. 2020-176 of February 27, 2020.*"

## Statement of Claims

### Regarding Article 5 of the Revised Charter

Art. 5 of the Revised Charter states that "*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 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.*"

Trade union rights are foreseen in Article 8 (1) of the International Covenant on Economic, Social and Cultural Rights, Article 11 of the European Convention on Human Rights, Article 12 (1) and 28 of the Charter of Fundamental Rights of the European Union, Article 22 of the International Covenant on Civil and Political Rights, and Article 23 (4) of the Universal Declaration of Human Rights.

These articles declare that **everyone has the right to form and join trade unions** and no restrictions may be placed on the exercise of these rights other than those "*prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others*".



On 11 April 2006, the Parliamentary Assembly of the Council of Europe published [Recommendation 1742](#) (2006) in which they ask the member states "**to authorise members of the armed forces to join professional representative associations or trade unions** entitled to negotiate matters connected with remuneration and conditions of employment, and to set up consultative bodies at all levels involving the aforementioned associations or trade unions, representing all categories of personnel".

On 24 February 2010, the Committee of Ministers of the Council of Europe published Recommendation [CM/Rec\(2010\)4](#) in which they proposed that "members of the armed forces should have the right **to join independent organisations representing their interests and have the right to organise and to bargain collectively**".

On 2 October 2014, the ECtHR's ruling in both [Matelly v. France](#) and [ADEFDROMIL v. France](#) cases spurred significant shift in French military law. The Court ruled that France violated Article 11 of the ECHR due to its absolute prohibition of military professional associations. The Court emphasized that the State **cannot impose restrictions** on armed forces which affect the freedom to form and join trade unions.

Nevertheless, Article L4121-4 (2) of the Defence Code declares that "**the existence of professional military groups of a trade union nature and, except under the conditions provided for in the third paragraph, the membership of active military personnel in professional groups are incompatible with the rules of military discipline.**"

In this regard, EUROMIL argues that although Article 5 of the Revised Charter allows member states to impose restrictions upon military personnel's right to organise and grants them a wide margin of appreciation, these restrictions **may not go as far** as to suppress entirely the right to organise.

Furthermore, in the Decision on Merits of Complaint No. 199/2021 EUROMIL v. Portugal, the European Committee of Social Rights remarked that "*in the case of military representative associations, a **complete ban** on affiliation to national workers' organisations **is not necessary or proportionate** and therefore does not fulfil the conditions laid down by Article G of the Charter, in particular when the restriction has the factual effect of depriving the representative associations of an effective means of negotiating the conditions of employment on behalf of their members, in so far as national umbrella organisations of workers possess significant bargaining power in national negotiations*".

Article L4121-4 (3) of the Defence Code allows military personnel to "*freely create a national professional association of military personnel (...) join it and exercise responsibilities there.*"



Article L4126-2 of the Defence Code defines the purpose of APNMs as the **preservation and promotion** of the *"interests of military personnel with regard to military condition"*.

Article L4111-1 (4) of the Defence Code declares that military condition **"includes** *statutory, economic, social and cultural aspects likely to have an influence on the attractiveness of the profession and career paths, the morale and living conditions of military personnel and their beneficiaries, the professional situation and environment of military personnel, support for the sick, injured and their families, conditions of departure from the armed forces and associated training, as well as employment conditions after exercising the military profession."*

EUROMIL argues that most of these aspects mentioned in Article L4111-1 (4) of the Defence Code concern the exercise of the military profession and the conditions of access for military personnel to civilian employment. **They have no direct impact on military status, remuneration, or compensation system** as they should have based on Recommendation 1742 (2006).

Article R4126-6 of the Defence Code states that national professional associations of military personnel may be recognized as representative if they have

- compliance with the obligations mentioned in the Defence Code,
- financial transparency,
- minimum seniority of one year from the completion of the formality provided for in the second paragraph of Article L. 4126-5 of the Defence Code, and
- **significant influence**, *"measured according to the number of members [at least 1% of the total number of members of the armed force or the attached formation represented], the contributions received and the diversity of the groups of grades [officers, non-commissioned officers and petty officers, other ranks]"*.

Article R4126-7 of the Defence Code declares that to be considered representative and to sit on the Higher Council of the Military Function (hereafter, CSFM),

- APNMs' members must come from **at least three branches** of the armed forces [army, navy, air and space force, and national gendarmerie], and **at least two of the support services** and organizations,
- the **total number of members** must be equal to **at least 1% of the total number of armed forces** and attached formations represented,
- the **number of members from each of the armed forces** and attached formations must be equal to **at least 1% of the number of members of that armed force** or attached formation, and



- **the number of members in each rank group** must be equal to **at least 1% of the total number of military personnel in that rank group** within the armed forces and attached formations represented.

Article 7 of Order 21 October 2016 declares that from 1,750 to 3,250 members (all ranks and all forces armies or attached formations combined) of the APNMs can delegate 1 person to the CSFM. **Below 1,750 members APNMs cannot be represented, and their seats remain vacant until the next distribution.**

EUROMIL argues that although this rate could appear low, APNMs struggle to reach the threshold. The only way to hit the target rate is to merge APNMs or establish federations, but then the calculation base is broadened depending on the entities represented. Based on the abovementioned criteria, currently, **no APNM or their union hold representative status at the CSFM.**

Regarding the assessment of the number of members, Article 2 of Decree No. 2016-1043 of 29 July 2016 states that *"until 1 January 2018, the number of members are assessed at any time at the request of the national professional association of military personnel or the federation or union concerned."* Since 1 January 2018, the number of members of the APNMs are assessed in every four years.

EUROMIL argues that the abovementioned requirements limit the participation in CSFM which is the "national body for consultation and coordination" and deprives military personnel from representing their economic and social interests and engaging in dialogue with authorities as it is provided by Article 5 and 6 of the Revised Charter.

EUROMIL stresses the importance of promoting the rights of military personnel and remarks that the French Government did not sufficiently fulfil its commitments laid out in the ECtHR's rulings, international legislation and recommendations.

Article L4126-8 III. of the Defence Code expresses that *"the list of representative national professional associations of military personnel is established by the competent administrative authority. It is regularly updated."*

EUROMIL remarks that the last update was provided by Order of 21 December 2021 recognizing the representativeness of certain national professional military associations. The next representativity assessment is scheduled for 12 November 2025, and it is already known that **no second-level APNM will be recognised** as representative at that time as only first-level APNMs can be recognised as representative, allowing them to engage in dialogue solely with their respective branches. EUROMIL regrets that the existing legislation fails to establish an appropriate framework for granting adequate representative rights to military personnel.

Furthermore, Article L4126-6 (2) of the Defence Code states that *"associations are subject to a strict obligation of independence, particularly with regard to the*



*command, political parties, religious groups, employee trade unions and professional employer organizations, companies, as well as States. **They may only form unions or federations among themselves.***"

EUROMIL stresses that based on the ECSR's observation, national umbrella organisations of employees often possess more significant bargaining power in national negotiations. Thus, prohibiting the participation and connection with national and international trade union associations prevents APNMs from building alliances and networks with the broader world of civil trade unionism, could isolate military trade unions and limit their ability to influence general labour policies. Moreover, contradicts the guarantees enshrined in Article 5 of the Revised Charter.

#### Regarding Article 6 of the Revised Charter

**Article 6 (1)** promotes **joint consultation** between workers and employers.

Article R4124-1 of the Defence Code declares that "*the High Council of the Military Function is the **national body for consultation and coordination** of all military personnel in the armed forces and associated units.*"

EUROMIL argues that CSFM is not an adequate platform for social dialogue and collective bargaining due to its composition as APNMs are only one third of the delegation [CSFM has 45 permanent members (42 officers, non-commissioned officers, other ranks and 3 veterans) while only 16 seats are reserved for APNMs] and due to the requirements to hold a seat as mentioned above. This results that military personnel through APNMs cannot engage in consultations with their social partners which deprive them to "*effectively take part in the socio-economic process to promote their interests when it comes to wages, working conditions and social rights*".

Article L4124-1 (2) of the Defence Code states that the CSFM "*expresses its opinion on general questions relating to military conditions.*" Paragraph 4 declares that "*the military service councils in the armed forces and attached formations study any question relating to their armed force or attached formation concerning living conditions, the exercise of the military profession or the organization of work.*" Paragraph 9 underlines that "*the Minister of Defence shall communicate to the competent committees of each parliamentary assembly an annual summary report of the work of the High Council of the Military Function.*"

EUROMIL remarks that as the CSFM is the natural conversation partner of the Minister of the Armed Forces, many texts relating to military personnel have been amended following the recommendations given by the military councils or the CSFM which APNMs are not part of.

**Article 6 (2)** promotes, 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**.





Preamble (8) of the Constitution of 27 October 1946 states that *"every worker shall participate through their delegates in the collective settlement of working conditions and in corporate management"*.

EUROMIL stresses that there are generally no structured mechanisms for collective bargaining on matters such as pay, working conditions, or disciplinary procedures for military personnel.

**Article 6 (3)** promotes the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the **settlement of labour disputes**.

EUROMIL asserts that currently there is no appropriate machinery for the settlement of labour disputes. In case of a conflict between the APNMs and the government, the former must file a complaint to the Council of State to proceed amendments of a law or decree.

**Article 6 (4)** recognises 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.

Preamble (7) of the Constitution of 27 October 1946 states that *"the right to strike is exercised within the framework of the laws that regulate it."*

Article L4121-4 (1) of the Defence Code declares that *"the exercise of **the right to strike is incompatible with military status.**"*

EUROMIL stresses that the right to strike must be considered alongside the right to collective bargaining and should only be used as an instrument of last resort to defend workers' rights. However, it is an essential trade union right that must be guaranteed to all workers as it is the most effective mean to achieve a favourable result from a bargaining process.

EUROMIL argues that an absolute prohibition cannot be justified either by the requirements of military discipline or by the public nature of the service. Nevertheless, restrictions on the right to strike may be acceptable under specific circumstances and conditions, namely when social dialogue and the right of collective bargaining are sufficiently organised and effective. As this is not the case in France, EUROMIL considers that the prohibition of the right to strike prescribed in the Defence Code, is not incompatible with military status and should be replaced by a partial prohibition.

Lastly, EUROMIL would like to emphasize that the right to bargain collectively is essential to promote and protect workers' interest as demonstrated in the following cases.

On 12 November 2008, in [Demir and Baykara v. Turkey](#) case the ECtHR considered that *"the right to bargain collectively with the employer has, in principle, become one of the essential elements of the "right to form and to join trade unions for the protection of [one's] interests" set forth in Article 11 of the*



*Convention, it being understood that States remain free to organise their system so as, if appropriate, to grant special status to representative trade unions."*

On 28 January 2015, the Parliamentary Assembly of the Council of Europe published [Resolution 2033](#) (2015) which declares that *"the rights to bargain collectively and to strike are crucial to ensure that workers and their organisations can effectively take part in the socio-economic process to promote their interests when it comes to wages, working conditions and social rights. "Social partners" should be taken to mean just that: "partners" in achieving economic performance, but sometimes opponents striving to find a settlement concerning the distribution of power and scarce resources."*

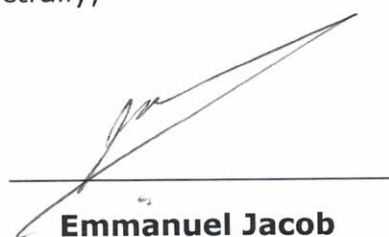
## **Conclusions**

EUROMIL in the light of the circumstances set out above to guarantee the positive implementation of the Revised Charter in France and to protect military personnel requests that the European Committee of Social Rights, acting within the scope of its competence:

- accept and rule admissible this collective complaint filed by EUROMIL,
- Article L4121-4, Article L4126-6 (2), Article R4126-6, and Article R4126-7 of Law No. 2005-1550 of 12 December 2005 is not compliant with Article 5 and 6 of the Revised Charter,
- find that France is violating Article 5 of the European Social Charter because it prohibits professional military associations from exercising activities of a trade union,
- find that France is violating Article 6 of the European Social Charter because it fails to promote effective joint consultations and collective agreements, appropriate machinery for the settlement of labour disputes, and prohibits professional military associations as worker's organisations from exercising the right to strike.

Brussels, 17 October 2025

Respectfully,



**Emmanuel Jacob**

President of EUROMIL



**Jörg Greiffendorf**

1st Vice-President of EUROMIL