This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►**B**

COUNCIL DIRECTIVE 97/80/EC
of 15 December 1997
on the burden of proof in cases of discrimination based on sex

(OJ L 14, 20.1.1998, p. 6)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 98/52/EC of 13 July 1998	L 205	66	22.7.1998

▼B

COUNCIL DIRECTIVE 97/80/EC

of 15 December 1997

on the burden of proof in cases of discrimination based on sex

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Agreement on social policy annexed to the Protocol (No 14) on social policy annexed to the Treaty establishing the European Community, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the Economic and Social Committee [2],

Acting, in accordance with the procedure laid down in Article 189c of the Treaty, in cooperation with the European Parliament [3],

(1) Whereas, on the basis of the Protocol on social policy annexed to the Treaty, the Member States, with the exception of the United Kingdom of Great Britain and Northern Ireland (hereinafter called 'the Member States'), wishing to implement the 1989 Social Charter, have concluded an Agreement on social policy;

(2) Whereas the Community Charter of the Fundamental Social Rights of Workers recognizes the importance of combating every form of discrimination, including discrimination on grounds of sex, colour, race, opinions and beliefs;

(3) Whereas paragraph 16 of the Community Charter of the Fundamental Social Rights of Workers on equal treatment for men and women, provides, *inter alia*, that 'action should be intensified to ensure the implementation of the principle of equality for men and women as regards, in particular, access to employment, remuneration, working conditions, social protection, education, vocational training and career development';

(4) Whereas, in accordance with Article 3(2) of the Agreement on social policy, the Commission has consulted management and labour at Community level on the possible direction of Community action on the burden of proof in cases of discrimination based on sex;

(5) Whereas the Commission, considering Community action advisable after such consultation, once again consulted management and labour on the content of the proposal contemplated in accordance with Article 3(3) of the same Agreement; whereas the latter have sent their opinions to the Commission;

(6) Whereas, after the second round of consultation, neither management nor labour have informed the Commission of their wish to initiate the process — possibly leading to an agreement — provided for in Article 4 of the same Agreement;

(7) Whereas, in accordance with Article 1 of the Agreement, the Community and the Member States have set themselves the objective, *inter alia*, of improving living and working conditions; whereas effective implementation of the principle of equal treatment for men and women would contribute to the achievement of that aim;

---

[1] OJ C 332, 7. 11. 1996, p. 11 and OJ C 185, 18. 6. 1997, p. 21.
[2] OJ C 133, 28. 4. 1997, p. 34.
[3] Opinion of the European Parliament of 10 April 1997 (OJ C 132, 28. 4. 1997, p. 215), Common Position of the Council of 24 July 1997 (OJ C 307, 8. 10. 1997, p. 6) and Decision of the European Parliament of 6 November 1997 (OJ C 358, 24. 11. 1997).