



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

28 April 2015

**Case Document No. 2**

**Greek General Confederation of Labour (GSEE) v. Greece**  
Complaint No. 111/2014

**GOVERNMENT'S OBSERVATIONS  
ON ADMISSIBILITY**

**Registered at the Secretariat on 3 April 2015**





HELLENIC REPUBLIC  
MINISTRY OF LABOUR,  
SOCIAL SECURITY & SOCIAL SOLIDARITY  
GENERAL DIRECTORATE OF ADMINISTRATIVE  
SUPPORT & E-GOVERNANCE  
DIRECTORATE OF INTERNATIONAL  
RELATIONS  
SECTION I

Address: 29, Stadiou St  
FAX: 0030 210 5295422

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Athens, 02/04/2015  
Ref. No.: 13715/246

**TO**  
Council of Europe  
General Directorate of Human Rights  
and Rule of Law  
Directorate of Human Rights  
Secretariat of the European Social Charter  
F- 67075 Strasbourg Cedex  
Fax: 0033388413700  
E-Mail: [social.charter@coe.int](mailto:social.charter@coe.int)  
(to the attention of **Mr. Regis Brillat**  
**Secretary General of the ESC**)

**COMM:**

**1) PERMANENT REPRESENTATION OF GREECE  
TO THE COUNCIL OF EUROPE**

21 Place Broglie  
67000 STRASBOURG

[REDACTED]  
[REDACTED]

**2) Ministry of Foreign Affairs  
D3 - Directorate for the Council of Europe  
Vas. Sofias 1, 10027 Athens**

[REDACTED]

{sent via fax & E-Mail}

**Subject: Collective Complaint No111/2014 of the “Greek General Confederation of Labour (GSEE) against Greece”**

The Directorate General of Human Rights of the Council of Europe, in a letter dated 30<sup>th</sup> September 2014, informed the Greek Government of the Collective Complaint submitted by the “Greek General Confederation of Labour (GSEE) against Greece” on 26 September 2014. Subsequently, in a letter dated 13<sup>th</sup> February 2015, the Directorate General of Human Rights of the Council of Europe asked for observations of the Greek Government on the Admissibility of the said Complaint.

In conformity with article 6 of the Additional Protocol to the European Social Charter providing for a system of collective complaints and with Rule 25 para1 of the Rules of Procedure of the European Committee of Social Rights, the observations of the Greek Government on the admissibility of the aforementioned Collective Complaint No111/2014, which was submitted against Greece alleging violation of articles 1, 2, 4, 7, 30 and 31 of the 1961 European Social Charter, as well as of article 3§1 of the 1988 Additional Protocol, are as follows:

1. In accordance with Article 4 of the Protocol, which was ratified by Greece on 18 June 1998 and entered into force on 18 August 1998, the complaint was submitted in writing and concerns Articles 1, 2, 4, 7, 30 and 31 of the Charter of 1961, provisions accepted by Greece when it ratified this Treaty on

6 June 1984 and to which it is bound since the entry into force of this Treaty in its respect on 8 July 1984. The complaint also concerns **article 3§1 of the 1988 Additional Protocol**, which was ratified by Act No2595/1998 (O.G.63A); hence, its provisions are also binding for Greece.

2. Regarding specifically **article 31** (which provides for the need to safeguard the effective application of the provisions of the Charter and introduces the necessary restrictions on the enjoyment of rights provided for by the Charter only when necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals), we would like to point out that, in accordance with the case law of the European Committee of Social Rights and its decisions on the admissibility of Collective Complaints 76, 77, 78, 79 & 80/2012<sup>1</sup>, the GSEE cannot invoke article 31 of the 1961 Charter per se<sup>2</sup>.

3. The grounds for the complaint are indicated.

4. The Greek General Confederation of Labour (GSEE) is a trade union and, as such, is entitled to lodge complaints before the Committee.

On the basis of the above, the Greek Government does not question that Complaint No111/2014 meets the preconditions concerning admissibility, as these are defined in article 1b and in article 4 of the Protocol, as far as articles **1, 2, 4, 7 and 30 of the 1961 European Social Charter**, as well as **article 3§1 of the 1988 Additional Protocol** are concerned. However, it disputes the admissibility of **article 31 of the 1961ESC**.

Finally, as regards the representation of the Greek Government before the European Social Rights Committee, Ms [REDACTED], official of the Ministry of Labour, Social Security and Social Solidarity, Directorate of International Relations, is appointed as representative.



THE GENERAL SECRETARY

  
ANDREAS NEFELOUDIS

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<sup>1</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC76Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC76Admiss_en.pdf)  
[http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC77Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC77Admiss_en.pdf)  
[http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC78Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC78Admiss_en.pdf)  
[http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC79Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC79Admiss_en.pdf)  
[http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC80Admiss\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC80Admiss_en.pdf)

<sup>2</sup> “The Committee recalls that Article 31 of the Charter of 1961 “provides for the conditions under which restrictions on the enjoyment of rights provided for by the Charter are permitted. This Article corresponds to the second paragraph of Articles 8 to 11 of the European Convention on Human Rights. It therefore cannot lead to a violation as such” (Syndicat des Agrégés de l’Enseignement Supérieur (SAGES) v. France, complaint No.6/2004, decision on the merits of 15 June 2005, § 31).”