



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



Ministry of Foreign Affairs

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**

P.O. Box 20061
2500 EB The Hague
The Netherlands
www.government.nl

Contact

Babette Koopman

T+31 6 52503217

babette.koopman@minbuza.nl

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 11th national report¹ 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.²

Date

16 September 2021

Our ref.

Complaint No 201/2021

Yours sincerely,



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

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

² European Committee of Social Rights, Conclusions 2018, March 2018