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

DECISION ON ADMISSIBILITY

13 September 2011

**European Council of Police Trade Unions (CESP)
v. France**

Complaint No. 68/2011

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter (“the Committee”), during its 252nd session attended by:

Mr Luis JIMENA QUESADA, President
Mrs Monika SCHLACHTER, Vice-President
Mr Jean-Michel BELORGEY, General Rapporteur
Mrs Csilla KOLLONAY LEHOCZKY
Messrs Andrzej SWIATKOWSKI
Lauri LEPPIK
Mrs Birgitta NYSTRÖM
Messrs Rüçhan IŞIK
Petros STANGOS
Alexandru ATHANASIU
Mrs Jarna PETMAN
Elena MACHULSKAYA
Mr Giuseppe PALMISANO
Mrs Karin LUKAS

Assisted by Mr Régis BRILLAT, Executive Secretary

Having regard to the complaint dated 17 May 2011, registered on 18 May 2011 as number 68/2011, lodged by the European Council of Police Trade Unions ("CESP") and signed by its President, Mr Branko PRAH, requesting the Committee to find that France is not in conformity with Article 4§2 of the Revised European Social Charter ("the Revised Charter");

Having regard to the notification addressed to the French Government ("the Government") on 14 June 2011;

Having regard to the documents appended to the complaint;

Having regard to the Revised Charter, and in particular to Article 4§2 which reads as follows:

Article 4 – The right to a fair remuneration

Part I : " All workers have the right to a fair remuneration sufficient for a decent standard of living for themselves and their families."

Part II : " With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

(...)

2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

(...)"

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints ("the Protocol");

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and revised on 12 May 2005 at its 207th session, on 20 February 2009 at its 234th session and on 10 May 2011 at its 250th session ("the Rules");

Having deliberated on 13 September 2011;

Delivers the following decision, adopted on the above-mentioned date:

1. The CESP claims that the regulations introduced by the French Government since April 2008 are in violation of Article 4§2 on the ground that they do not provide for compensation for overtime by members of the national police command corps.

THE LAW

2. The Committee observes that, in accordance with Article 4 of the Protocol, which was ratified by France on 7 May 1999 and entered into force for this state on 1 July 1999, the complaint has been submitted in writing and concerns Article 4§2 of the Revised Charter, provisions accepted by France when it ratified this treaty on 7 May 1999 and to which it is bound since the entry into force of this treaty in its respect on 1 July 1999.
3. Moreover, the grounds for the complaint are indicated.
4. The Committee also observes that, in accordance with Articles 1 b) and 3 of the Protocol, the CESP is an international non-governmental organisation with participatory status with the Council of Europe. It is included on the list, established by the Governmental Committee, of international non-governmental organisations that are entitled to lodge complaints.
5. The Committee has already considered that the CESP has particular competence in the areas of the complaint within the meaning of Article 3 of the Protocol (CESP v. Portugal, complaint No. 11/2001, decision on admissibility of 17 October 2001, §5; CESP v. France, complaint No. 54/2008, decision on admissibility of 17 February 2009, §6; CESP v. France, complaint No. 57/2009, decision on admissibility of 7 September 2009, §5). It confirms this decision since no significant change has taken place.
6. The complaint is signed by Mr Branko PRAH, who is President of the CESP. The Committee therefore considers that the complaint complies with Rule 23.
7. For these reasons, the Committee, without finding it necessary to invite the Government to submit observations on admissibility (Article 6 of the Protocol and Rule 29§3), on the basis of the report presented by Mr Andrzej SWIATKOWSKI and without prejudice to its decision on the merits of the complaint,

DECLARES THE COMPLAINT ADMISSIBLE

In application of Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the Respondent State of the present decision, to transmit it to the parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter, and to make it public.

Requests the Executive Secretary to publish the decision on the Internet site of the Council of Europe.

Invites the Government to make written submissions on the merits of the complaint by 28 October 2011.

Invites the CESP to submit a response to the Government's submissions by a deadline which it shall determine.

Invites parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter to make comments by 28 October 2011, should they so wish.

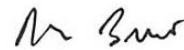
In application of Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the Charter to make observations by 28 October 2011.



Andrzej SWIATKOWSKI
Rapporteur



Luis JIMENA QUESADA
President



Régis BRILLAT
Executive Secretary