**EXPLANATORY MEMORANDUM TO**

**THE SOCIAL SECURITY (MATERNITY ALLOWANCE) (PARTICIPATING WIFE OR CIVIL PARTNER OF SELF-EMPLOYED EARNER) REGULATIONS 2014**

**2014 No.**

**1.** This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

This instrument implements Article 8 of the European Directive 2010/41/EU. It provides an entitlement to maternity allowance of 14 weeks for women who participate in their spouse's or civil partner's self-employed business, but for which they receive no income.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None

**4. Legislative Context**

- Implementing EU legislation

4.1 The EU Directive 2010/41/EU http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:180:0001:0006:EN:PDF sets out the principle of equal treatment between men and women engaged in activity in a self-employed capacity. It is also known informally as the "Self-Employed" Directive. Article 8 specifically deals with maternity benefits. This Directive also repeals Council Directive 86/613/EEC http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31986L0613:EN:HTML. The scope of Directive 86/613/EEC was not very effective in ensuring equal treatment between men and women engaged in self-employment or those contributing to activities relating to self-employment or providing protection during pregnancy and motherhood. This was reconsidered and addressed in EU Directive 2010/41. The Directive was adopted at 2nd reading on 24 June 2010.

4.2 The United Kingdom (UK) abstained from voting on the grounds that it should be for Member States to decide whether to legislate and how best to provide social protection and a maternity allowance for women who participate in their spouse's or civil partner's self-employed business. The UK did, however, successfully lobby Members of the European Parliament (MEPs) and other Member States prior to 2nd reading to resist the further widening of access to other social security benefits for participating spouses or civil partners.

4.2 The proposal for the Directive was considered by the House of Commons European Scrutiny Committee and was reported on in the Committee's First and Thirty Second Reports of the 2008-2009 sessions. www.publications.parliament.uk/pa/cm200809/cmselect/cmeuleg/19xxx/1908.htm. The House of Lords European Union Select Committee considered and reported on the Directive's proposals in November 2009. Despite the UK's views, the Directive was adopted and the Committee was given an update on the adoption in July 2010.

4.3 The Commission's transposition request stated the new Directive was effective from 4 August 2010. The initial deadline for implementation of the Directive as a whole by Member States was 5 August 2012. The Commission agreed however, that, the sheer volume of domestic reform that has been undertaken by the Department for Work and Pensions (DWP) since the Directive was adopted was sufficient to justify delaying implementation until 5 August 2014. Article 16(2) of the Directive allows Member States an additional two years to implement Directive 8 as regards persons mentioned in Article 2(b) where this is justified by particular difficulties. The Transposition Note is attached at Annex A.

4.4 These regulations provide that women who participate in the activities of their self-employed spouse or civil partner and perform the same tasks or ancillary tasks can receive a maternity allowance where they would not normally satisfy the requirements under the UK scheme.

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## 5. Territorial Extent and Application

5.1 This instrument applies to all of Great Britain. It includes consequential amendments to other primary legislation which applies to Great Britain (GB).

5.2 In addition, the instrument includes consequential amendments that are required to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (www.legislation.gov.uk/ukpga/2003/1/part/10/chapter/5), This Act includes references to Northern Ireland (NI) legislation. Any changes required to this Act, can only be made through GB legislation, including those for NI.

5.3 Parallel provision to implement Article 8 of EU Directive 2010/41 will be made separately by the Department for Social Development in Northern Ireland.

## 6. European Convention on Human Rights

The Minister of State for Pensions, Steve Webb MP has made the following statement regarding Human Rights:

> "In my view the provisions of the Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations 2014 are compatible with the Convention rights"

## 7. Policy background

• ***What is being done and why***

7.1 Directive 2010/41/EU ensures the application in Member States of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, or who contribute to the pursuit of such activity, and ensures the protection of self-employed women during pregnancy and motherhood.

7.2 The UK already complies with most of the Directive through existing equality legislation, primarily the Equality Act 2010. However, Article 8 provides that Member States must grant a maternity allowance to a group of women defined by Article 2(b) of the Directive as:

*'the spouses of self-employed workers or, when and in so far as recognised by national law, the life partners of self- employed workers, not being employees or business partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks'.*

That group of women is informally referred to as "assisting spouses".

7.3 The current UK scheme provides a maternity allowance (MA) for those women who are self-employed and satisfy the relevant qualifying conditions. The qualifying conditions are based on employment and earnings in a test period. It does not provide a MA for spouses or civil partners of the self-employed earner who participate in activities related to the self-employed business but receive no income.

7.4 MA is paid for a maximum period of 39 weeks to those women who qualify. It is paid at a standard rate, currently £136.78 per week or at a rate equal to 90% of the woman's average weekly earnings if this rate is less than standard rate MA. The minimum payment is £27 per week.

7.5 Women who habitually participate in their self-employed spouse's or civil partner's business may become eligible for MA and other social protection by becoming partners in, or employees of, the business. This is easy to arrange under the Income Tax and National Insurance systems and there are strong business and social incentives for doing so, including tax benefits for the business and greater social protection for the woman herself.
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7.6 For women who choose not to take the steps described in paragraph 7.5 above, it is necessary to amend domestic legislation in order to enable payment of a MA to this group of women who would not currently be eligible for MA under existing legislation. These regulations, which amend primary legislation, therefore enable MA to be paid to women who habitually participate in their spouse's or civil partner's business but who are outside the National Insurance system.

7.7 The Government is committed to avoid "gold-plating" of EU legislation, consequentially, the benefit will be paid:

- for the minimum duration allowed by the Directive, being 14 weeks, specified by Article 8(1); and

- at the minimum rate which meets the sufficiency criteria under Article 8(3)(a) i.e. deems an income equivalent to "*any other family related allowance established by national law, subject to any ceiling laid down under national law"*. Therefore, we intend to pay this benefit at a rate equivalent to the lowest MA rate in payment, currently £27 per week; and

- only to women who are spouses or civil partners of the self-employed worker. It excludes women who may be living with their partners as if they were married or as if they were civil partners.

- The change will affect those women with an expected date of confinement on or after 27 July 2014.

**Consolidation**

7.8 Informal consolidation of this instrument will be included in due course in the Department's "The law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: www.dwp.gov.uk/advisers/docs/lawvols/bluevol/

## 8. Consultation outcome

Legislative changes to implement this policy have been brought about as a result of a European Directive. This change only affects pregnant women who participate in their spouse's or partner's self-employed business and DWP has no scope to influence the policy. It is usually desirable under the guiding principles of EU legislation for consultation to be undertaken. If the scope of the exercise is very narrow, however, and the level of interest highly specialised it may not be the most effective or proportionate way of seeking input from interested parties. This applies to this change. Therefore a formal consultation exercise was not carried out. However, an informal consultation with small businesses informed the Department's handling of the transposition and a number of options were considered. See Transposition Note at Annex A.

## . 9. Guidance

Internal guidance will be amended to inform DWP staff of the change. Customer facing products, which include the claim form and leaflet NI17A on Maternity Benefits (available on-line) will be updated to reflect the change as will Gov.UK. HMRC will ensure any guidance that refers to entitlement to MA is updated.

## 10. Impact

10.1 There is no impact on business or civil society organisations.

10.2 The impact on the public sector is an estimated cost to the public purse of £500,000 pa, based on an estimate that the potential claimant pool will be approximately 1,300 per annum. HM Treasury has agreed to this increased expenditure. Delivery costs are estimated to be around £30,000 per annum which will be absorbed within the current Departmental allocations.

10.3 An Impact Assessment has not been prepared for this instrument.

## 11. Regulating small business

The legislation does not regulate small business.

## 12. Monitoring & review

12.1 The Directive provides that Member States shall communicate all available information concerning the application of this Directive to the Commission by 5 August 2015.

12.2 The Department will monitor any increase in claims and costs and inform Treasury officials of any evidence of an increase greater than forecast.

## 13. Contact

Prabhavati Mistry, at the Department for Work and Pensions. Tel: 020 7449 5585 or email: Prabhavati.Mistry@dwp.gsi.gov.uk can answer any queries regarding the instrument.

## ANNEX A

## DIRECTIVE 2010/41/EU- EXPLANATION OF UK COMPLIANCE

### Implementation of Directive 41/2010/EU on the application of the principle of equal treatment between men and women engaged in a self-employed capacity

Directive 41/2010 legislates for equal treatment for self employed persons and their 'assisting spouses'[1], notably in the area of maternity allowance. Whilst the Directive directly covers areas of responsibility of varied government departments, the Department for Work and Pensions (DWP) has responsibility for transposing the remaining area of the Directive that has not already been implemented by UK law.

### History of Directive including UK vote and perspective

The Directive was passed by the European Parliament in June 2010, on second reading. The UK abstained from the vote, with little support from other Member States. The UK's main issue was that it should be for Member States to decide best how to provide social protection, and to legislate that Member States must provide a social protection and maternity allowance to assisting spouses was against that principle.

### Implementation stages

An informal consultation with small businesses informed the Department's handling of the transposition and a number of options were considered, including the introduction of a redefinition of the contribution conditions to extend eligibility to spouses outwith the tax/NI systems, extending existing maternity allowance provision to assisting spouses on an equal basis to women who are self employed in their own right and paying an allowance as a lump sum to eligible women. After careful consideration, DWP opted to extend maternity pay provision to assisting spouses at the minimum period specified by the Directive (14 weeks) at the lower rate of 90% of the small earnings exception rate (equating to £27, the lower rate of that rate being £30). This would be paid on a weekly basis, mirroring the provision for other recipients of maternity allowance.

A number of meetings took place between DWP, GEO, HMRC, BIS and Cabinet Office in order to clarify the ownership of several articles of the Directive and to provide assurance that such articles were already covered by domestic legislation. The result of those discussions is in the table below.

**These regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.**

[1] When referring to 'assisting spouses' we are referring to the spouses of self-employed workers or, when and in so far as recognised by national law, the life partners of self- employed workers, not being employees or business partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks

| Articles | Objectives | Implementation | Responsibility |
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| *Article 1* | This Directive lays down a framework for putting into effect in the Member States the principle of equal treatment between men and women engaged in an activity in a self- employed capacity, or contributing to the pursuit of such an activity, as regards those aspects not covered by Directives 2006/54/EC and 79/7/EEC.<br><br>The implementation of the principle of equal treatment between men and women in the access to and supply of goods and services remains covered by Directive 2004/113/EC. | None necessary – the article provides background only. | DWP has overall responsibility in collaboration with GEO, BIS & HMRC |
| *Article 2*<br>**Scope** | This Directive covers<br><br>a) Self employed workers, namely all persons pursuing a gainful activity for their own account, under the conditions laid down by national law<br>b) The spouses of self-employed workers or, when and in so far as recognised by national law, the life partners of self-employed workers, not being employees or business partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks. | None necessary - the terms used in the article are those generally understood in UK legislation. | None required |
| *Article 3*<br>**Definition** | **Definitions**<br>For the purposes of this Directive, the following definitions shall apply:<br>(a) 'direct discrimination': where one person is treated less favourably on grounds of sex than another is, has been or would be, treated in a comparable situation;<br>(b) 'indirect discrimination': where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary | http://www.legislation.gov.uk/ukpga/2010/15/contents (**Equality Act 2010**)<br><br>(a) **Section 13** of the **Equality Act 2010**: A person (A) discriminates against another (B) if, because of sex, A treats B less favourably than A treats or would treat others.<br><br>(b) **Section 19** of the Equality Act 2010: A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in | GEO |

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| | (c) 'harassment': where unwanted conduct related to the sex of a person occurs with the purpose, or effect, of violating the dignity of that person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment;<br>(d) 'sexual harassment': where any form of unwanted verbal, non-verbal, or physical, conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. | relation to B's sex.<br>(c) **Section 26(1)** of the Equality Act 2010: A person (A) harasses another (B) if – (a) A engages in unwanted conduct related to sex, and (b) the conduct has the purpose or effect of – (i) violating B's dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.<br>(d) **Section 26(2)** of the Equality Act 2010: A also harasses B if – (a) A engages in unwanted conduct of a sexual nature, and (b) the conduct has the purpose or effect of – (i) violating B's dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B. | |
| *Article 4*<br>**Principle of equal treatment** | 1. The principle of equal treatment means that there shall be no discrimination whatsoever on grounds of sex in the public or private sectors, either directly or indirectly, for instance in relation to the establishment, equipment or extension of a business or the launching or extension of any other form of self-employed activity.<br>2. In the areas covered by paragraph 1, harassment and sexual harassment shall be deemed to be discrimination on grounds of sex and therefore prohibited. A person's rejection of, or submission to, such conduct may not be used as a basis for a decision affecting that person.<br>3. In the areas covered by paragraph 1, an instruction to discriminate against persons on grounds of sex shall be deemed to be discrimination. | 1. The **Equality Act 2010** prohibits sex discrimination within the meaning of Article 3 as regards access to employment, vocational training and promotion, and working conditions and in the access to and provision of goods, facilities and services, in the disposal and management of premises, in education, when exercising public functions and by associations (such as private clubs).<br>2. **Section 26** of the Equality Act 2010: This provision prohibits harassment related to sex and sexual harassment – see Article 3(d). Section 26(3): A also harasses B if – (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.<br>3. **Section 111** of the Equality Act 2010: A person (A) must not instruct another (B) to do in relation to a third person (C) anything which contravenes Part [,,,] 5.<br>**Note**: Part 5 covers sex discrimination in work (which | GEO |

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| | | includes employees and applicants, contract workers, partnerships etc). | |
| *Article 5* **Positive action** | Member States may maintain or adopt measures within the meaning of Article 157(4) of the Treaty on the Functioning of the European Union with a view to ensuring full equality in practice between men and women in working life, for instance aimed at promoting entrepreneurship initiatives among women. | **Section 158** of the Equality Act 2010 allows the use of positive action measures to alleviate disadvantage experienced by a person because of his or her sex, to reduce their under-representation in relation to particular activities, and meet their particular needs. This includes measures such as training to enable women, or men, to gain employment. | GEO |
| *Article 6* **Establishment of a company** | Without prejudice to the specific conditions for access to certain activities which apply equally to both sexes, the Member States shall take the measures necessary to ensure that the conditions for the establishment of a company between spouses, or between life partners when and in so far as recognised by national law, are not more restrictive than the conditions for the establishment of a company between other persons. | Establishment of a company is covered by Part 2 of the **Companies Act 2006**, Section 7 to 16, and Section 154 and 155.<br><br>http://www.legislation.gov.uk/ukpga/2006/46/section/155<br><br>There is no condition which makes establishment of a company between spouses/civil partners more restrictive than between other persons. | BIS |
| *Article 7* **Social protection** | 1. Where a system for social protection for self-employed workers exists in a Member State, that Member State shall take the necessary measures to ensure that spouses and life partners referred to in Article 2(b) can benefit from a social protection in accordance with national law.<br>2. The Member States may decide whether the social protection referred to in paragraph 1 is implemented on a mandatory or voluntary basis. | Spouses and life partners referred to in Article 2(b) can access non-contributory means-tested social protection in their own right, on the same basis as other persons who do not pay contributions, depending on their circumstances and in accordance with UK law.<br><br>A basic overview can be found here: http://www.direct.gov.uk/en/moneytaxandbenefits/benefitstaxcreditsandothersupport/on_a_low_income/index.htm | DWP |
| *Article 8* | 1. The Member States shall take the necessary measures to ensure that | These regulations implement a new type of Maternity | DWP |

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| **Maternity benefits** | female self-employed workers and female spouses and life partners referred to in Article 2 may, in accordance with national law, be granted a sufficient maternity allowance enabling interruptions in their occupational activity owing to pregnancy or motherhood for at least 14 weeks.<br>2. The Member States may decide whether the maternity allowance referred to in paragraph 1 is granted on a mandatory or voluntary basis.<br>3. The allowance referred to in paragraph 1 shall be deemed sufficient if it guarantees an income at least equivalent to:<br>(a) the allowance which the person concerned would receive in the event of a break in her activities on grounds connected with her state of health and/or;<br>(b) the average loss of income or profit in relation to a comparable preceding period subject to any ceiling laid down under national law and/or;<br>(c) any other family related allowance established by national law, subject to any ceiling laid down under national law.<br>4. The Member States shall take the necessary measures to ensure that female self-employed workers and female spouses and life partners referred to in Article 2 have access to any existing services supplying temporary replacements or to any existing national social services. The Member States may provide that access to those services is an alternative to or a part of the allowance referred to in paragraph 1 of this Article. | Allowance payment which will be accessible by the spouses and life partners referred to in Article 2(b). | |
| *Article 9* | **Defence of rights**<br>1. The Member States shall ensure that judicial or administrative proceedings, including, where Member States consider it appropriate, conciliation procedures, for the enforcement of the obligations under this Directive are available to all persons who consider they have sustained loss or damage as a result of a failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.EN L 180/4 Official Journal of the European Union 15.7.2010<br>2. The Member States shall ensure that associations, organ- isations and other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that this Directive is complied with may engage, either on behalf or in support of the complainant, | **Section 120** of the **Equality Act 2010**: An employment tribunal has […] jurisdiction to determine a complaint relating to – (a) a contravention of Part 5 (work); (b) a contravention of section 108 […] that relates to Part 5.<br><br>**Note**: **Section 108** prohibits, in certain circumstances, discrimination and harassment which take place after the relationship in which the discrimination is alleged to have occurred has ended.<br><br>**Section 8(1)(e)** of the **Equality Act 2006**: The Commission for Equality and Human Rights (which operates under the name "Equality and Human Rights | GEO |

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| | with his or her approval, in any judicial or administrative proceedings provided for the enforcement of obligations under this Directive. 3. Paragraphs 1 and 2 shall be without prejudice to national rules on time limits for bringing actions relating to the principle of equal treatment. | Commission" (EHRC)), is under a duty to enforce the Equality Act 2010.<br><br>**Equality Act 2006**:<br>http://www.legislation.gov.uk/ukpga/2006/3/contents<br><br>**Sections 20 to 32** of the Equality Act 2006 give the EHRC enforcement powers including the power to conduct investigations, issue unlawful act notices, make applications to the court of its own accord and provide legal assistance to individuals.<br><br>Claimants can also be represented by solicitors and Trade Unions.<br><br>**Section 28** of the Equality Act 2006 enables the EHRC to give legal assistance to claimants in proceedings relating to the Equality Act 2010, and **section 30** of the Equality Act 2006 enables the EHRC to institute or intervene in legal proceedings relating to matters with which the EHRC is concerned.<br><br>The Civil Procedure Rules also enable individuals or organisations with an interest in or a connection with a claim to apply to the court to be added to the proceedings as a party. | |
| *Article 10*<br>**Compensation or reparation** | The Member States shall introduce such measures into their national legal systems as are necessary to ensure real and effective compensation or reparation, as Member States so determine, for the loss or damage sustained by a person as a result of discrimination on grounds of sex, such compensation or reparation being dissuasive and proportionate to the loss or damage suffered. Such compensation or reparation shall not be limited by the fixing of a prior upper limit. | **Section 124** of the **Equality Act 2010** provides that if an employment tribunal finds that there has been a contravention of Part 5 (work), it may award a declaratory order as to the respective rights of the complainant and respondent; and/or order the respondent to pay compensation and/or a make a recommendation that the respondent take specified steps to obviate or reduce the adverse effect of any matter related to the proceedings. The | GEO |

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| | | amount of compensation that can be awarded is uncapped. | |
| *Article 11*<br>**Equality bodies** | 1. The Member States shall take the necessary measures to ensure that the body or bodies designated in accordance with Article 20 of Directive 2006/54/EC are also competent for the promotion, analysis, monitoring and support of equal treatment of all persons covered by this Directive without discrimination on grounds of sex.<br>2. The Member States shall ensure that the tasks of the bodies referred to in paragraph 1 include:<br>(a) providing independent assistance to victims of discrimination in pursuing their complaints of discrimination, without prejudice to the rights of victims and of associations, organisations and other legal entities referred to in Article 9(2);<br>(b) conducting independent surveys on discrimination;<br>(c) publishing independent reports and making recommendations on any issue relating to such discrimination;<br>(d) exchanging, at the appropriate level, the information available with the corresponding European bodies, such as the European Institute for Gender Equality | **Section 1** of the **Equality Act 2006** established the EHRC. Sections 3 and 8 to19 of this Act set out the duties of the EHRC which include encouraging good practice in relation to equality and diversity, promoting equality of opportunity, working towards eliminating unlawful discrimination and harassment, monitoring the effectiveness of law on equality, and human rights, monitoring progress on equal opportunities and publishing reports on progress towards identified outcomes. Section 28 of this Act empowers the EHRC to assist individuals in legal proceedings under the Equality Act 2010.<br><br>**Note**: Section 11 of the Equality Act 2006 requires the EHRC to monitor the effectiveness of the Equality Act 2010.<br><br>Section 13 of the Equality Act 2006 gives the EHRC the power to publish or disseminate ideas and information, give advice and guidance, undertake research and provide education or training. | GEO |
| *Article 12*<br>**Gender mainstreaming** | The Member States shall actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to in this Directive | In 2011, the UK government undertook a large public consultation *(Strengthening Women's Voices in Government*) with women and women's organisations which attracted over 1,200 responses. This consultation identified the issues which women and their organisations wanted to priorities such as promoting work-life balance and tackling violence against women and girls; in addition, the findings from the consultation are informing the design of a new programme of direct engagement with women's organisations to ensure women's voices are heard within government.<br><br>**Section 149** of the Equality Act 2010 requires public bodies listed in Schedule 19 to the Act, in exercising their functions, to have due regard to the need to eliminate sex discrimination and harassment, to advance equality of | GEO |

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| | | opportunity between men and women and to foster good relations between men and women. The section also imposes this duty on others that exercise public functions, but only in respect of their public functions.**Section 150(5)** of this Act provides that for the purposes of the Act, public functions are "functions of a public nature" within the meaning of the Human Rights Act 1998. The types of things that would be considered to be public functions include the policy-making decisions of local authorities and government organisations, | |
| *Article 13* **Dissemination of information** | The Member States shall ensure that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force, are brought by all appropriate means to the attention of the persons concerned throughout their territory | Guidance to be issued with respect to any new provisions adopted pursuant to this Directive. | DWP |
| *Article 14* **Level of protection** | The Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment between men and women than those laid down in this Directive.<br>The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the fields covered by this Directive | In conjunction with review of parental leave and pay policy. | DWP |
| *Article 15* **Reports** | 1. Member States shall communicate all available information concerning the application of this Directive to the Commission by 5 August 2015.<br>The Commission shall draw up a summary report for submission to the European Parliament and to the Council no later than 5 August 2016. That report should take into account any legal change concerning the duration of maternity leave for employees. Where appropriate, that report shall be accompanied by proposals for amending this Directive.<br>2. The Commission's report shall take the viewpoints of the stakeholders into account. | | |
| *Article 16* | 1. The Member States shall bring into force the laws, regulations and | The UK Government has exercised the provision in 16(2) to | |

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| **Implementation** | administrative provisions necessary to comply with this Directive by 5 August 2012 at the latest. They shall forthwith communicate to the Commission the text of those provisions.<br>When the Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.<br>2. Where justified by particular difficulties, the Member States may, if necessary, have an additional period of two years until 5 August 2014 in order to comply with Article 7, and in order to comply with Article 8 as regards female spouses and life partners referred to in Article 2(b).<br>3. The Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | take additional time to comply with Article 8 as regards female spouses and life partners referred to in Article 2(b). | |
| *Article 17*<br>**Repeal** | Directive 86/613/EEC shall be repealed, with effect from 5 August 2012.<br>References to the repealed Directive shall be construed as references to this Directive. | | |
| *Article 18* | **Entry into force**<br>This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*. | | |
| *Article 19* | **Addressees**<br>This Directive is addressed to the Member States.<br>Done at Strasbourg, 7 July 2010<br>*For the European Parliament The President* | | |