

13560/17

(OR. en)

PRESSE 55
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OUTCOME OF THE COUNCIL MEETING

3569th Council meeting

Employment, Social Policy, Health and Consumer Affairs

Employment and Social Policy issues

Luxembourg, 23 October 2017

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¹ • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 • Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
 • Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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ITEMS DEBATED

Posting of workers

The Council reached a [general approach](#) on the posting of workers directive. The new proposal revises certain parts of the original 1996 directive.

The aim of the directive is to facilitate the provision of services across the EU whilst respecting fair competition as well as the rights of workers who are employed in one member state and sent by their employer to work temporarily in another (posted workers). The directive will ensure fair remuneration and a level playing field between posting and local companies in the host country.

The new directive provides for:

- the remuneration of posted workers in accordance with the law and practices of the host member state
- long-term posting of twelve months that can be extended by six months (18 months in total) on the basis of a motivated notification by the service provider
- the application of universally applicable collective agreements to posted workers across all sectors
- equal treatment of temporary agency workers and local workers
- as regards the transport sector, the provisions of the amending directive will apply from the date of entry into force of the forthcoming sector-specific legislation
- three-year transposition period plus one more year before the application of the directive.

All rules on remuneration which apply to local workers will also have to apply to posted workers. Remuneration will not only include the minimum rates of pay, but also other elements such as bonuses or allowances.

The Platform against undeclared work will be used to fight fraud and abuses and improve the exchange of information and administrative cooperation between member states.

With this agreement the Council can start negotiations with the European Parliament.

Coordination of social security systems

The Council reached a partial [general approach](#) on the revision of regulation 883/2004 on the coordination of social security systems and its implementing regulation 987/2009.

The partial agreement concerns the chapters on the access of economically non-active citizens to social assistance (equal treatment) and on the applicable legislation provisions. This agreement in particular:

- strengthens the administrative cooperation in case of doubts about the validity of issued documents;
- clarifies the determination of applicable legislation in case of activities in more than two member states;
- introduces an obligation for a prior affiliation of 3 months in the sending country and sets out a mandatory period of 2 months between consecutive postings of the same worker.

The ministers also agreed that there will be no codification of the recent case law on the access of economically non-active citizens to social assistance.

The general objective of the proposed regulation is to continue the modernisation of EU social security coordination rules by making them clearer, fairer and easily enforceable, thereby facilitating the free movement of persons within the EU.

In particular, the proposal focuses on five areas:

- unemployment benefits
- long-term care benefits
- the access of economically inactive mobile citizens to certain social benefits (i.e. equal treatment)
- family benefits, and
- the legislation applicable to posted and sent workers and persons working in two or more member states.

European Semester 2017

The Council endorsed the main messages of the Employment and Social Protection Committees ([12563/17](#), [12741/17](#)).

In preparation for the 2018 European Semester to be launched in November with the Commission's Autumn economic package, the Employment Committee (EMCO) and the Social Protection Committee (SPC) have summarised the findings of their 2016 multilateral surveillance exercise in key messages.

These forward-looking messages highlight the most important issues outlined in the annual reports: from the EMCO this is the employment performance monitor and from the SPC, the annual review of the protection performance monitor.

In their annual reviews the Committees monitor the employment and the social situation in the EU, policy developments in the member states, as well as the implementation of the country-specific recommendations issued to member states in the previous year. These reports and messages draw Ministers' attention to the key employment and social challenges to be tackled and lay the groundwork for the next cycle of the European Semester in 2018.

Some findings in the field of employment:

- In 2016, the EU employment rate continued to increase and reached 71.0%, surpassing the pre-crisis level for the first time since 2008. If the employment rate continues to increase at the same pace as in 2016, the EU will be broadly on course to meet the Europe 2020 employment rate target of 75%. However, disparities remain: six member states have employment rates considerably below their pre-crisis levels;
- A number of member states also continue to experience a high incidence of youth unemployment and/or NEETs, underlining the need for ongoing commitment to the Youth Guarantee.

Regarding the social situation and the priorities for social policy reforms at EU level, it is noted for instance that there is:

- Rise in disposable household income along with reductions in the risk of poverty or social exclusion driven by significant reductions in the severe material deprivation rate and the share of the population living in (quasi-) jobless households;
- Continued deterioration in the depth and persistence of poverty in a number of member states, and signs of gaps in the adequacy of social benefits.

Any other business

– *Tripartite Social Summit (Brussels, 18 October 2017)*

The presidency and the Commission informed the Council about the Social Summit on 18 October.

– *European Pillar of Social Rights*

The Council approved the interinstitutional proclamation on the European Pillar of Social Rights ([13129/17](#)).

– *New Skills Agenda for Europe*

The Commission informed the Council about the New Skills Agenda for Europe.

– *European Institute for Gender Equality (EIGE) - new edition of the gender equality index*

The EIGE presented to the Council the new edition of the gender equality index.

– *Tallinn Digital Summit (29 September 2017)*

The presidency informed the Council about the Digital Summit held on 29 September 2017 in Tallinn.

OTHER ITEMS APPROVED

SOCIAL POLICY

Proclamation of the European Pillar of Social Rights

The Council approved the text of the Proclamation of the European Pillar of Social Rights and gave the authorisation to sign it on behalf of the member states at the Gothenburg Summit ([13129/17](#)).

The Pillar aims at strengthening the social acquis and delivering more effective rights to citizens. It focuses on employment and social aspects and at making the European social model fit for the challenges of the 21st century.

For more information, see [press release](#) dated 23 October 2017

FOREIGN AFFAIRS

Sanctions against the Republic of Guinea

The Council renewed the EU restrictive measures in view of the situation in the Republic of Guinea until 27 October 2018. The restrictive measures consist of a travel ban and an asset freeze against five individuals linked to the violent crackdown by security forces on political demonstrators in Conakry on 28 September 2009. Those restrictive measures have been in place since October 2009.

Sanctions against the leadership of the Transnistrian region of Moldova

The Council extended the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova until 31 October 2018. Those sanctions include a travel ban . They were introduced by the Council in October 2010.

Sanctions against Burundi

The Council prolonged EU restrictive measures against Burundi until 31 October 2018. The Council considered that the absence of any progress in the situation in Burundi justified the renewal of the sanctions for another year. The measures in place consist of a travel ban and asset freeze against four persons whose activities are deemed to be undermining democratic governance and obstructing the search for a peaceful political solution in Burundi. Those activities include acts of violence, repression or incitement to violence.

The EU remains profoundly concerned by information concerning continuing extrajudicial executions, arbitrary arrests and detentions, forced disappearances, torture and cruel, inhuman or degrading treatment, and gender-based violence, including sexual violence committed in Burundi since April 2015. The EU has repeatedly and continuously called on all parties to refrain from and to firmly condemn any acts of violence and to end the cycle of impunity of perpetrators. Respect for the rule of law, founded on effective, accountable and inclusive institutions, is essential to achieving a lasting political solution to the crisis.

[Burundi and the EU](#)

[Council Decision on measures against Burundi \(1 October 2015\)](#)

JUSTICE AND HOME AFFAIRS

Visas - Armenia

The Council adopted a decision establishing the EU position within the joint committee set up under the EU-Armenia agreement on the facilitation of the issuance of visas, with regard to the adoption of common guidelines for the implementation of the agreement ([12376/17](#)).

ECONOMIC AND FINANCIAL AFFAIRS

Markets in financial instruments - Payment accounts

The Council decided not to object to Commission regulations:

- amending Regulation (EU) [2017/571](#) supplementing Directive [2014/65/EU](#) on markets in financial instruments with regard to regulatory technical standards on the authorisation, organisational requirements and publication of transactions for data reporting services providers ([12874/17](#) + [12603/17](#));
- supplementing Directive [2014/92/EU](#) on payment accounts with regard to regulatory technical standards for the standardised terminology for most representative services linked to a payment account ([12855/17](#) + [12716/17](#)).

The two regulations are delegated acts pursuant to Article 290 of the Treaty on the Functioning of the European Union. They can now enter into force, unless the European Parliament objects.

EUROPEAN ECONOMIC AREA

Amendment to Protocol 31 to the EEA agreement

The Council adopted a decision on the position to be adopted, on behalf of the EU, in the EEA joint committee concerning an amendment to Protocol 31 to the EEA agreement ([12934/17](#)).

By this decision, EEA EFTA States can participate in the Union's preparatory action on defence research. As Liechtenstein and Iceland did not express their interest in participating in this preparatory action, the decision therefore concerns only Norway.

FISHERIES

EU and international measures on the conservation of Atlantic tunas

The Council adopted a regulation laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT - [PE-CONS 31/17](#)).

The European Parliament and the Council had reached a political agreement on how to incorporate the ICCAT provisions during a trilogue on 31 May 2017 (see [press release](#)).

EU and Mauritius fishing opportunities

The Council decided on the signature, on behalf of the European Union, the provisional application and the conclusion of a protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ([12475/17](#) and [1246/17](#)).

The Council also adopted a regulation on the allocation of the fishing opportunities under the protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ([12477/17](#)).

The previous protocol expired on 27 January 2017 and the new one will be valid for four years.

ENVIRONMENT

Hazardous substances in electrical and electronic equipment

The Council adopted a directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([PE-CONS 40/17](#)).

The new directive revises the scope of [Directive 2011/65/EU](#) (RoHS 2). It includes amendments aimed at establishing equal treatment of products covered by the Directive, excludes a particular product: pipe organs; and specifically, addresses concerns arising from the 'open-scope' product group.

The legislative act will enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

For more information, see [press release](#) dated 21 June 2017.

TRANSPORT

Ship safety

The Council adopted three directives which revise passenger ship safety rules and standards ([PE-CONS 34/17](#)), digitalise the registration of ship passengers ([PE-CONS 35/17](#)) and create a clear framework for the inspection of ro-ro ferries and high-speed passenger craft ([PE-CONS 36/17](#)). An informal agreement with the European Parliament on these proposals was reached in June this year.

[Council adopts three sets of rules to make travelling by sea safer](#) (press release)

Single European railway area

The Council decided not to object to a Commission decision replacing Annex VII to Directive [2012/34/EU](#) establishing a single European railway area ([11932/17](#) + ADD 1).

Considering that railway infrastructure is essential for the provision of rail transport services, the infrastructure manager has to allocate this capacity on a non-discriminatory basis. For this reason, the objective of this delegated act is to provide for a better use of the available rail infrastructure. Two processes are implemented for achieving this: firstly, increasing the flexibility and predictability of timetabling, and secondly, reducing the need to change train paths once allocated, in particular for cross-border train services.

The annex has been replaced in its entirety for reasons of legal clarity and on account of the number of amendments that needed to be made.

The Commission decision is a delegated act pursuant to Article 290 of the Treaty on the Functioning of the EU. The act can now enter into force, unless the European Parliament objects.
