



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 March 2013

**17485/12
ADD 1**

PV/CONS	67
SOC	993
SAN	323
CONSOM	156

ADDENDUM TO DRAFT MINUTES

Subject: **3206th** meeting of the COUNCIL OF THE EUROPEAN UNION
(**EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER**
AFFAIRS) held in Brussels on 6 and 7 December 2012

PUBLIC DELIBERATION ITEMS¹

Page

AGENDA ITEMS (doc. 16969/12 OJ/CONS 66 SOC 971 SAN 301 CONSOM 149)

Item 3.	Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services [First reading]	3
Item 4.	Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) [First reading]	3
Item 5.	Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation [First reading]	4
Item 6.	Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation	4
Item 7.	Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence	4
Item 8.	Europe 2020 governance and follow-up of European Council conclusions in the field of employment and social policy	5
Item 9.	European Year (2012) on Active Ageing and Solidarity between Generations: The Way Forward	8
Item 10.	Proposal for a Regulation of the European Parliament and of the Council amending Directives 1999/4/EC, 2000/36/EC, 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission [First reading]	8
Item 11.	Proposal for a Decision of the European Parliament and of the Council on serious cross-border threats to health [First reading]	9
Item 12.	Organ Donation and Transplantation	9
Item 13.	Healthy Ageing across the Lifecycle	9

*
* *

¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

3. Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services [First reading]

- Orientation debate
8040/2 SOC 224 MI 193 COMPET 168 CODEC 833 +
+ COR 1
16637/12 SOC 954 MI 767 COMPET 725 CODE 2769
- Progress report
8040/2 SOC 224 MI 193 COMPET 168 CODEC 833 +
+ COR 1
16540/1/12 SOC 947 MI 756 COMPET 713 CODEC 2749 REV 1
+ ADD 1 REV 1

The Council :

- held an orientation debate on Articles 9 and 12 of the proposal on the basis of a Presidency's document. (doc. 16637/12);
- took note of the Progress report as set out in doc. 16540/1/12 REV 1 + ADD 1 REV 1.

4. Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) [First reading]

- Progress report
15440/11 SOC 867 ECOFIN 678 FSTR 56 COMPET 440 CODEC 1672
16035/12 SOC 907 ECOFIN 929 FSTR 72 COMPET 678 AGRI 736 CODEC 2623

The Council took note of the Progress report as set out in doc. 16035/12.

5. Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation [First reading]

- Presidency oral report on state of play
15451/11 SOC 869 ECOFIN 679 COMPET 441 CADREFIN 98 CODEC 1673
+ REV 1((pt))

The Council received briefing from the Presidency which stressed that the negotiations with the Parliament so far had concentrated on two of the three axes of the Commission's proposal: a preliminary agreement on the axis related to Microfinance/Social entrepreneurship had been reached and the discussions on the EURES axis had been launched. There had also been a preliminary exchange of views on governance issues.

The Commission stressed that it would be important to avoid excessive administrative burden for the Programme and promised its support to the negotiations.

6. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

- Progress report
11531/08 SOC 411 JAI 368 MI 246
16063/12 SOC 912 JAI 791 MI 716 FREMP 135

The Council took note of the Progress report set out in doc. 16063/12 and held a brief exchange of views.

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency for items 7 to 9])

7. Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence

- Adoption of Council conclusions
16382/12 SOC 939 JAI 807 FREMP 138 EDUC 351 COHOM 254

The Council adopted the conclusions as set out in doc. 16382/12.

The final version of the conclusions is to be found in doc. 17444/12.

8. Europe 2020 governance and follow-up of European Council conclusions in the field of employment and social policy

- Exchange of views
16095/1/12 SOC 917 ECOFIN 932 EDUC 338 REV 1

The Council held an exchange of views (doc. 16095/12) on the Europe 2020 governance and follow-up of the European Council conclusions in the field of employment and social policy.

The Council agreed with maintaining last year's AGS priorities, whilst a more in-depth analysis remained to be carried out. Delegations stressed that emphasis needs to be put on the implementation of the recommendations. Some delegations noted that the AGS has on certain specific issues a lower social focus (no longer recognises the role of social protection as an automatic stabiliser; presents the pension systems only under their financial sustainability; social protection systems reduced to safety net for the poorest).

Against this first analysis, Ministers expressed that EPSCO should send a message to the European Council to maintain social objectives as part of a future closer economic integration (*social pillar for the EMU*) - the main results of the EPSCO discussion on 6 December 2012 are summarised in a letter dated 10 December 2012 from the EPSCO Chair (Cypriot Minister of Labour) addressed to the GAC / European Council.

The MT delegation (on the Employment Performance Monitor) and the FR delegation (on its proposals to refocus European economic governance on the activity of women) issued statements to the Council minutes (as set out hereafter).

(a) Annual Growth Survey (2013), Joint Employment Report and Alert Mechanism Report

- Presentation by the Commission
16669/12 ECOFIN 984 SOC 959 COMPET 728 EDUC 358 ENV 885 RECH 433
ENER 493 FISC 180
+ ADD 1
+ ADD 2
16671/12 ECOFIN 985 UEM 322 SOC 960

The Council took note of the information provided by the Commission, as set out in docs. 16669 + ADD1 + ADD2, and in doc. 16671/12.

(b) Youth Employment Package

- Presentation by the Commission

The Council took note of the information provided by the Commission.

(c) Employment Performance Monitor and Benchmarks

- Endorsement of the EMCO report
16061/12 SOC 911 ECOFIN 930 EDUC 336

The Council endorsed the report from the Employment Committee, as set out in doc. 16061/12.

Statement by Malta

"Malta believes that Member States should always be compared with their starting positions, and that their respective national circumstances should be taken into consideration given that the dynamics of their economies are very different.

For this reason, Malta considers that comparisons drawn with the 5 best performers is counter-productive, and that any benchmarking exercise should be conducted within parameters as delineated by the respective national targets.

Moreover, if one opts to benchmark Member States against each other, then Malta feels that this should be done against the EU 2020 targets and not the best five performers.

In view of the above, Malta would like to clarify certain figures for Malta in relation to employment for women and older workers and highlight that the main difficulties that it-faces in this regard pertain to attracting into the labour market older women who have never worked before. Although Malta continues to actively encourage female participation in the labour market, it must be recognised that there are considerable difficulties in attracting older women who have never worked in the past, in particular owing to the cultural and historic traditions related to the participation of women in the labour market.

Furthermore, with regard to Malta's Early School Leaving (ESL) rate, as has already been done in recent publications by the European Commission including the Education and Training Monitor 2012, it should be acknowledged that the Maltese series on ESL are under review by the Maltese National Statistics Office and Eurostat. The review concerns the classification of certain qualifications at secondary level and applies to all years covered (2006-2011) and would mean a reduction of about 9 percentage points for the 2011 rate of early school leavers."

Statement by France

Can Europe do without 20% of its growth?

French proposals to refocus European economic governance on the activity of women

"The Organisation for Economic Co-operation and Development (OECD) estimates that a quarter of the economic growth recorded in European Union countries since 1995 has come from women's increased participation in the labour market. A study presented to the Ministers of Equality of the 27 Member States, during a meeting organized in Stockholm in October 2009, showed that the output gap linked to gender inequalities in the EU was in a bracket between 15% and 45% of gross domestic product (GDP), figures that go far beyond all technological progress.

Only 62.1% of women currently participate in the European job market – 13 percentage points below men. This is a massive loss of wealth, just as women today leave the educational system with a higher level of studies than men do. The countries that have employment rates greater than or equal to 70% (Sweden, Denmark, the Netherlands) are all in the leading group in terms of per capita wealth.

For the European economy to follow in the footsteps of these countries, we feel that two evolutions in particular should be prioritized.

➤ Set objectives to mobilize the tools of the new economic governance

France proposes to its partners and to the European Commission the components of an “equality” pillar of the EU’s new economic governance, built around four indicators:

1. the employment rate gap between men and women
2. pay gaps
3. inequality between men and women in terms of retirement
4. compliance with the Barcelona Goals.¹

Monitoring of these indicators should be the subject of an annex to the report on the Annual Growth Survey.

On this basis, we wish that the European Commission would consider with strict attention the reach of these objectives in its recommendations to Member States, in the framework of Country-specific Recommendations.

Dialogue with the European social partners could take place in the framework of European tripartite dialogue, planned in the framework of the European semester. Generally speaking, the role of social partners in the framework of the report on the Annual Growth Survey could be strengthened.

¹ These goals were adopted during the European Council in Barcelona in March 2002, which called on the Member States to “*remove disincentives to female labour force participation and strive, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age*”.

➤ **Use European Union competencies in support of a renewed conception of pay equality**

Under the recast directive 2006/54 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, a difference in pay between men and women can only be justified by the nature of the occupational activities concerned and if the measures taken are legitimate and proportionate.

In order to follow up the application of this text, the European Commission could be asked to elaborate with the specialized agencies the definition of a European tool to assess compared situations making it possible to assess pay gaps in business and determine their causes."

9. European Year (2012) on Active Ageing and Solidarity between Generations: The Way Forward

- Adoption of Council declaration
16592/12 SOC 948 SAN 289

The Council adopted the declaration as set out in doc. 16592/12.

The final version of the declaration is to be found in doc. 17468/12.

HEALTH

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

10. Proposal for a Regulation of the European Parliament and of the Council amending Directives 1999/4/EC, 2000/36/EC, 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission [First reading]

Interinstitutional file: 2012/0075 (COD)

- General approach
16260/12 DENLEG 109 AGRI 759 SAN 279 CODEC 2680
+ COR 1
+ COR 2

The Council agreed by unanimity on a general approach as set out in the above document.

The Commission does not agree with changes agreed by the Council.

11. Proposal for a Decision of the European Parliament and of the Council on serious cross-border threats to health [First reading]

Interinstitutional file: 2011/0421(COD)

- Progress report
16570/12 SAN 288 PHARM 86 PROCIV 193 CODEC 2759

The Council discussed the progress report. The Commission intervened to reiterate its reserves on several points. There was general support for the Presidency work with Article 4 regarding Member States preparedness and response planning as the main point that needs further clarification. The Polish delegation requested the deletion of article 5 on joint procurement.

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(in accordance with Article 8(2) of the Council's Rules of Procedures [proposed by the Presidency] for items 12 and 13)

12. Organ Donation and Transplantation

- Adoption of Council conclusions
16666/12 SAN 291
+ COR 1

The Council adopted the conclusions as set out in doc. 16666/12 + COR 1. The text of the conclusions will be published in the EU Official Journal.

13. Healthy Ageing across the Lifecycle

- Adoption of Council conclusions
16665/12 SAN 290

The Council adopted the conclusions as set out in doc. 16665/12. Many Delegations intervened on the importance of a new EU Alcohol Strategy. The text of the conclusions will be published in the EU Official Journal.

=====