



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 October 2011

**11834/11
ADD 1**

**PV/CONS 41
SOC 582
SAN 129
CONSOM 104**

ADDENDUM to DRAFT MINUTES

Subject: **3099th** meeting of the Council of the European Union (**EMPLOYMENT, SOCIAL POLICY**, HEALTH and CONSUMER AFFAIRS), held in Luxembourg on 17 June 2011

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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).

NON-LEGISLATIVE ACTIVITIES

(Pursuant to Article 8 (1) of the Council's Rules of Procedure)

"A" ITEMS

4. Council Decision on extension of the joint-undertaking status of Hochttemperatur-Kernkraftwerk GmbH (HKG)

- Adoption
10516/11 ATO 47

The Council adopted the above Decision (Legal basis: Article 49 of the Treaty establishing the European Atomic Energy Community).

5. Council Decision on extension of the advantages conferred on the Joint Undertaking Hochttemperatur-Kernkraftwerk GmbH (HKG)

- Adoption
10517/11 ATO 48

The Council adopted the above Decision (Legal basis: Article 48 of the Treaty establishing the European Atomic Energy Community).

LEGISLATIVE DELIBERATIONS

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

AGENDA ITEMS

2. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

- Progress report
13983/08 SOC 575 SAN 217 CODEC 1285
+ COR 1
10541/11 SOC 423 SAN 107 CODEC 875
+ COR 1 (hu)

The Council took note of the Progress report set out in doc. 10541/11.

3. **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
 - 10615/11 SOC 433 JAI 352 MI 276

The Council took note of the Progress report set out in doc. 10615/11.

4. **Proposal for a Decision of the European Parliament and of the Council on the European Year for Active Ageing and Solidarity between Generations (2012)**
- Report from the Presidency
 - 13216/10 SOC 509 SAN 166 CODEC 787

The Council took note of the information provided by the Presidency concerning the agreement reached on this proposal in the first reading with the European Parliament.

5. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (Miscellaneous Amendments 2010)**
- Progress report
 - 5063/11 SOC 7 CODEC 8
 - 11077/11 SOC 459 CODEC 970
 - + ADD 1
 - + **ADD 2 REV 1**
 - + COR 1

The Council took note of the Presidency's Progress report on the proposal for a Regulation amending Regulation (EC) No 883/2004 and its implementing Regulation (EC) No 987/2009 as set out in doc. 11077/11 + COR 1, a Presidency compromise text in ADD 1, and agreed to enter statements by DK, IE and a group of delegations (AT, CY, DK, FI, DE, IE, MT, NL, PT, SK, SI, SE and UK) as set out hereafter and in doc. 11077/11 **ADD 2 REV 1**.

While several delegations (DE, DK, IE, NL, AT, SE, SK, FI, UK) expressed thanks to the Presidency for not having pursued a general approach and required a thorough assessment of the open issues, a number of delegations (ES, FR, IT, LT, PL and PT) and the Commission expressed disappointment and called for a swift adoption of the file under the Polish Presidency.

Joint statement by Austria, Cyprus, Denmark, Finland, Germany, Ireland, Malta, the Netherlands, Portugal, Slovakia, Slovenia, Sweden and the United Kingdom.

"Social security coordination as provided for by Regulation 883/2004 is important for ensuring that the right to free movement of persons can be exercised effectively, in accordance with the provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union. However, the structure, design and entitlement conditions of social security systems are determined at national level, depending on national circumstances and traditions, with due respect to the legislative framework set by European law.

The free movement Directive 2004/38 lays down the conditions governing the exercise of the right of free movement and residence within the territory of the Member States by Union citizens and their family Members. It also sets out the limits placed on these rights on the grounds of public policy, security or health.

Many of these limits have a particular relevance in the context of social security coordination. These include inter alia that Union citizens who are not workers or self-employed according to the criteria laid down by the Directive shall have a right to residence on the territory of another Member State for a period of longer than three months, if they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence, and have comprehensive sickness insurance cover in the host Member State.

Recent discussions in the Administrative Commission have revealed different interpretations at the European level on the interaction of the social security coordination Regulation 883/2004 with other relevant EU instruments, notably the free movement Directive 2004/38, including with regard to the concept of residence.

Against this background, the concept of residence in the context of the interaction of the social security coordination Regulation 883/2004 with other relevant EU instruments, notably the free movement Directive 2004/38, should be further discussed.

We call on all Member States and the European Commission to continue to look into this issue as a matter of priority, including in the Administrative Commission, with a view to considering amendments to the current legislative framework, should these be deemed necessary."

Statement by Denmark

"Denmark would like to underline the importance of free movement of workers within the Union and Regulation (EU) 883/2004 ensuring the necessary coordination of the social security schemes of the individual Member States as an element in the free movement of persons.

Denmark finds that the present proposal is problematic and has during the entire negotiation process made it clear that the proposal is far from a solely technical amendment of the Regulation, but rather a very substantial one. The proposal contains central elements which in the Danish view are very extensive. Denmark has therefore insisted on the proposal being accompanied by an impact assessment. The two parts of the proposal that Denmark considers problematic are:

Applicable legislation (Art. 13) which may impose on Denmark considerable additional public expenses on social security. We do not oppose the purpose of the proposal on simplification of regulations, but it has an uneven implication as regards the different social security schemes.

Unemployment insurance schemes for self-employed frontier workers (Art. 65 a) which in our opinion implies a violation of the basic principles of coordination of the Regulation. The intention behind the proposal is that Member States with unemployment insurance schemes for self-employed persons are to compensate for other countries choosing not to have this insurance facility.

Denmark has proposed that substantial amendments should be based on impact assessments of the proposal. We have therefore asked for more time to deal with the proposal.

Denmark is therefore grateful that a number of Member States have shown understanding for the Danish approach and at the same time welcomes the fact that the Presidency has decided that the proposal cannot at present be submitted for political adoption (general approach).

Denmark will play a constructive part in the clarification of the consequences of the proposal, including the financial and legal ones, in order to ensure that the Council has sufficient basis for adoption of a proposal."

Statement by Ireland

"Ireland would like to underline that social security coordination as provided in Regulation 883/2004, and the Implementing Regulation, is important for ensuring that the right to free movement of persons can be exercised effectively, in accordance with the provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union.

The proposal in question contains a mixture of technical and substantive amendments. While accepting the need to make progress on technical updating, Ireland is concerned that efforts are being to make substantive changes too quickly and has therefore asked for more time to deal with the proposal.

Ireland has consistently and clearly stated during the course of negotiations that this proposal is a substantive one and not solely concerned with technical amendment of the Regulations. Ireland has stressed the importance of such a proposal being accompanied by an impact assessment, particularly in relation to the proposed changes to the rules on applicable legislation. Ireland asks the Commission to examine the position of airline staff and their employers, operating in the different sectors of the industry, in the context of their anticipated Communication on Highly Mobile Workers.

Ireland welcomes the fact that the Presidency has decided that the proposal cannot at present be submitted for political adoption (general approach).

Ireland will continue to play a constructive part in the development of the proposal, particularly in assessing its impact on workers and employers, in order to ensure that the Council has sufficient basis for adoption of a proposal."

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES
(Public debate pursuant to Article 8 (2) of the Council's Rules of Procedure)

7. Implementation of the Europe 2020 Strategy

(a) Contribution to the European Council (23-24 June 2011)

- Policy debate
11283/11 SOC 499 ECOFIN 350 EDUC 142

The Council held a policy debate, based on the Presidency questionnaire (doc. 11283/11), on the Country Specific Recommendations in the context of the European Semester in the implementation of the Europe 2020 Strategy.

The Council welcomed the overall approach of the Commission on the recommendations in general. However, Ministers stressed that dialogue with Member States was necessary to ensure that recommendations take into account specific national circumstances and to ensure ownership by Member States. Many of them regretted that there was not enough time for that dialogue and for proper coordination at national level. Several Ministers thanked the Employment Committee and Social Protection Committee for the work well done under extreme time pressure, stressing that the procedures and especially the timetable should be reviewed for 2012. Given the comprehensive nature and presentation of the recommendations, some Ministers also took the view that all their employment related parts, including the Stability and Growth Pact, should also have been examined by the EPSCO Council.

Similarly, some delegations considered that the employment aspects of the recommendations addressed to Member States whose currency is euro should also have been discussed by the EPSCO Council.

(i) **Recommendations for Council Recommendations on the National Reform Programmes 2011 to each Member State**

- General approach (Article 148 TFEU)
10954/11 UEM 131 ECOFIN 304 SOC 454 COMPET 221 ENV 414 EDUC
112 RECH 142 ENER 140
+ **COR 1**
11657/11 SOC 574 ECOFIN 430 UEM 204 COMPET 325 ENV 546 EDUC
204 RECH 241 ENER 244
+ **COR 1**

The Council reached a general approach on the employment aspects of the recommendations (indicated in bold in the documents listed in doc. 11657/11).

A number of delegations (BG, CZ, ES, LT and PL) could lift their reservations during the session on the basis of the solutions found (see doc. 11851/11 for the list of documents) In addition, the title of the Portuguese recommendation has been corrected. However, three delegations (BE, CY, MT) maintained the reservations on their recommendations.

The UK delegation maintained its parliamentary reservation.

These reservations were outlined in doc. 11819/11 transmitted to the General Affairs Council, in view of the European Council of 23-24 June. The document was also sent to the ECOFIN Council for information.

(ii) **Examination of the 2011 National Reform Programmes**

- Endorsement of the joint opinion of the Employment Committee and of the Social Protection Committee
10664/11 SOC 440 ECOFIN 287 EDUC 105

The Council endorsed the joint Opinion contained in doc. 10664/11.

(iii) **Employment Performance Monitor**

- Endorsement of the Monitor of the Employment Committee
10666/11 SOC 442 ECOFIN 288 EDUC 107

The Council endorsed the pilot version of the Monitor (doc. 10666/11).

- (b) An Agenda for New Skills and Jobs: A European contribution towards full employment
 - Endorsement of the opinion of the Employment Committee
10771/11 SOC 447 EDUC 109 ECOFIN 295

The Council endorsed the Opinion in doc. 10771/11.

8. Youth employment

- (a) **Promoting Youth Employment to achieve the Europe 2020 objectives**
 - Adoption of Council conclusions
11282/11 SOC 498 JEUN 34 ECOFIN 349 EDUC 141
+ REV 1 (lv, de)

The Council adopted the conclusions as set out in doc. 11282/11.

The final version of the conclusions is to be found in doc. 11838/11.

- (b) **Structured dialogue with young people on youth employment**
 - Report from the Presidency

The Council received information by the Presidency, in particular on the Resolution on the structured dialogue with young people on youth employment, adopted at the Council on 19/20 May by Education and Youth Ministers (9048/11 JEUN 25 SOC 344).

9. The Future of the Social Open Method of Coordination (OMC)

- Endorsement of the opinion of the Social Protection Committee
10405/11 SOC 418 ECOFIN 276 SAN 105
 - + REV 1 (el)
 - + REV 1 COR 1 (el)
 - + REV 2 (de)

The Council endorsed the Opinion of the Social Protection Committee on the Future of the Social Open Method of Coordination as set out in doc. 10405/11.

10. **Demographic Change and Family Policies**

- Exchange of views
10732/11 SOC 446

The Council held an exchange of views on the issue of demographic change and family policies on the basis of a Presidency note (10732/11). The Ministers underlined the necessity to implement effective measures for reconciling work and family life.

CZ underlined the freedom of choice, as for the care for children up to 3 years, and felt that the Barcelona targets should be updated in the light of the new Europe 2020 Strategy.

(a) **Reconciling of work and family life in the context of demographic change**

- Adoption of Council conclusions
10324/11 SOC 413
 - + COR 1 (pl)
 - + REV 1 (hu)
 - + REV 2 (el)
 - + REV 3 (lv)

The Council adopted the conclusions set out in 10324/11

The final version of the conclusions is to be found in doc. 11841/11 + REV 1 (el).

(b) **Informal meeting of the Ministers responsible for family affairs**

- Report from the Presidency

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

11. **Tackling child poverty and promoting child well-being**

- Adoption of Council conclusions
10535/11 SOC 422 EDUC 99
 - + REV 2 (lt)
 - + REV 3 (el)

The Council adopted the conclusions set out in doc. 10535/11.

The final version of the conclusions is to be found in doc. 11844/11 + REV 1 (el).

12. **Support of the implementation of the European Disability Strategy 2010-2020**

- Adoption of conclusions of the Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council
10326/11 SOC 414 COHOM 141 MI 268
+ *REV 1 (nl)*

The Council adopted the conclusions set out in doc. 10326/11.

The final version of the conclusions is to be found in doc. 11843/11.

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