



**COUNCIL OF
THE EUROPEAN UNION**

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(OR. en)**

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ADD 1 REV 1**

**PV/CONS 63
SOC 1028
SAN 516
CONSOM 221**

DRAFT MINUTES

Subject: **3280th** meeting of the Council of the European Union
**(EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER
AFFAIRS)** held in Brussels on 9 and 10 December 2013

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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).

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

1. Proposal for a Regulation of the European Parliament and of the Council on the sound level of motor vehicles [First reading] (LA)

= Political agreement

16956/13 ENT 327 ENV 1123 MI 1084 CODEC 2746

approved by Coreper, Part 1, on 04.12.2013

The Council reached a political agreement on the above Regulation proposal.

"B" ITEMS

4. Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures [First reading]

Interinstitutional file: 2012/0299 (COD)

– Progress report

16433/12 SOC 943 COMPET 708 DRS 130 CODEC 2724

16437/13 SOC 956 EGC 24 ECOFIN 1034 DRS 202 CODEC 2633

+ COR 1

The Council took note of the progress report as set out in doc. 16437 13 REV 1 + COR 1.

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

Interinstitutional file: 2008/0140 (COD)

– Progress report

11531/08 SOC 411 JAI 368 MI 246

16438/13 SOC 957 EGC 25 JAI 1025 MI 1045 FREMP 187

The Council took note of the Progress report set out in doc. 16438/13.

6. Proposal for a Decision of the European Parliament and of the Council on enhanced co-operation between Public Employment Services (PES) [First reading]

Interinstitutional file: 2013/0202 (COD)

– General approach

11474/13 SOC 534 MI 579 CODEC 1581

+ REV 1 (pl)

17001/13 SOC 996 MI 1101 CODEC 2763

17071/13 SOC 999 MI 1106 CODEC 2776

The Council reached a general approach on the Presidency text (doc. 17071/13). It agreed to enter a 'Statement by the Council of the European Union and by the Member States of the European Union on the establishment of a PES Network' into the Council minutes (doc. 17001/13 - as set out hereafter).

**Statement by the Council of the European Union and by the Member States of the European Union
on the establishment of a network for public employment services (PES)**

"The Council of the European Union:

1. WELCOMES the Commission's proposal for a Decision of the European Parliament and the Council on enhanced co-operation between PES as an additional tool that can positively contribute to the wider on-going efforts to make existing structures more effective in tackling unemployment;
2. UNDERSCORES the pertinence of strengthening the cooperation between the PES via a formalisation of the current European Network of Heads of PES (HoPES);
3. RECALLS that Article 149 TFEU provides that the European Parliament and the Council may adopt incentive measures designed to encourage cooperation between Member States;
4. RECOGNISES that the real added value of the Network resides in the participation of all Member States, thus enabling the development and implementation of benchmarking systems and mutual learning activities with a view to developing an appropriate benchlearning process.

The Member States of the European Union, in the light of the above, hereby declare that they are committed to the establishment of such a Network, and that, in order to allow for it to function effectively and to provide real added value, they express their intention to take part in such a Network."

7. 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]

Interinstitutional file: 2012/0061 (COD)

– General approach

8040/12 SOC 224 MI 193 COMPET 168 CODEC 833

+ COR 1

17075/13 SOC 1000 MI 1107 COMPET 881 CODEC 2777

+ ADD 1

The Council reached a general approach on the text of the draft Directive as set out in doc. 17611/13 and agreed to enter a statement for the Council Minutes as set out hereafter:

Statement by the Commission
ad Article 3(2)(e)

"The fact whether or not the post to which the posted worker is temporarily assigned to carry out his/her work in the framework of the provision of services was filled by the same or another (posted) worker during any previous periods constitutes only one of the possible elements to be taken into account while making an overall assessment of the factual situation in case of doubt.

The mere fact that it can be one of the elements should in no way be interpreted as imposing a ban on the possible replacement of a posted worker by another posted worker or hampering the possibility of such a replacement, which may be inherent in particular to services which are provided on a seasonal, cyclical or repetitive basis."

12. Proposal for a Regulation of the European Parliament and of the Council on medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 [First reading]

Interinstitutional file: 2012/0266 (COD)

and

Proposal for a Regulation of the European Parliament and of the Council on *in vitro* diagnostic medical devices [First reading]

Interinstitutional file: 2012/0267 (COD)

– Progress report

– Exchange of views

16609/13 PHARM 67 SAN 465 MI 1061 COMPET 862 CODEC 2672

16610/13 PHARM 68 SAN 466 MI 1062 COMPET 863 CODEC 2673

The Council took note of the progress report as set out in doc. 16609/13.

The Council held an exchange of views on the legislative files mentioned above on the basis of the questions set out in doc. 16610/13.

All delegations intervened to reaffirm the need to reinforce surveillance measures in order to avoid incidents and restore consumers confidence. Stricter requirements should be established to notified bodies; high risk medical devices should be subject to a scrutiny mechanism; ensuring traceability of implantable devices to contribute to guaranteeing their safety.

Delegations supported the approach of the Commission regarding the provisions proposed on the reprocessing of medical devices: the processor should assume the obligations of the manufacturer. Nevertheless, Member States would like to keep the possibility to forbid the use of reprocessed medical devices within their territory.

NON LEGISLATIVE ACTIVITIES - ADOPTIONS

(In accordance with Article 9(1) of the Council's Rules of Procedure)

"A" ITEMS

7. **Council Regulation amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff regarding autonomous suspension of customs duties on imports of jet fuel CN code 2710 19 21**

16241/13 TDC 19

The Council adopted the above Regulation (Legal basis: Article 31 of the Treaty on the Functioning of the European Union).

8. **Council Regulation amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff regarding autonomous suspension of customs duties on imports of sanitary articles**

16243/13 TDC 20

+ REV 1 (lt)

The Council adopted the above Regulation (Legal basis: Article 31 of the Treaty on the Functioning of the European Union).

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(In accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

"B" ITEMS

8. Draft Council conclusions on the "Effectiveness of institutional mechanisms for the advancement of women and gender equality"

- Adoption
15905/13 SOC 913 EGC 18

The Council adopted conclusions as set out in the above-mentioned document. The final version of the text is to be found in doc. 17605/13.

9. Proposal for a Council Recommendation on effective Roma integration measures in the Member States

- Adoption
11738/13 SOC 552 POLGEN 128 JAI 577 EDUC 281 FREMP 99
COHOM 143 FSTR 67 FC 34 REGIO 139
16802/13 SOC 982 EGC 27 POLGEN 238 JAI 1063 EDUC 447 FREMP 196
COHOM 264 FSTR 156 FC 90 REGIO 281
16790/13 SOC 981 EGC 26 POLGEN 237 JAI 1061 EDUC 446 FREMP 195
COHOM 263 FSTR 155 FC 89 REGIO 280

The Council adopted the Recommendation as set out in doc. 16790/13.

10. Annual Growth Survey 2014 (AGS), draft Joint Employment Report (JER) and Alert Mechanism Report (AMR)

- Presentation by the Commission
 - Exchange of views
15803/13 ECOFIN 984 SOC 904 COMPET 781 EDUC 425 ENV 1025
RECH 509 ENER 502 FISC 214 JAI 1039
+ COR 1
16348/13 SOC 953 EMPL 19 ECOFIN 1030 EDUC 442 JEUN 114
15808/13 UEM 376 ECOFIN 985 SOC 905
+ COR 1 (en)
16843/13 SOC 983 EMPL 21 ECOFIN 1071 EDUC 449
+ ADD 1
- (a) Scoreboard of employment and social indicators - Chapter 3 of the JER**
- Approval of the scoreboard
16844/13 SOC 984 EMPL 22 ECOFIN 1072 EDUC 450 JEUN 116

- (b) **Employment Performance Monitor and Benchmarking**
 - Endorsement of the updated EMCO report
16845/13 SOC 985 EMPL 23 ECOFIN 1073 EDUC 451
+ COR 1
- (c) **SPC work on ex ante coordination of major social policy reforms**
 - Report of the Chair
16890/13 SOC 989 ECOFIN 1102

After a presentation by the Commission, the Council held an exchange of views on the Annual Growth Survey, the draft Joint Employment Report and the Alert Mechanism Report. Delegations welcomed the analysis provided by the Commission in the Annual Growth Survey and generally agreed with the continuation of the policy priorities for 2014. It was recognised that the employment situation remains worrying and that economic growth needs to be job-rich for the fragile recovery to have tangible effects on the labour market. Focus on particular groups such as youth was further highlighted.

On the new employment and social scoreboard, presented in the draft Joint Employment Report, the Council approved the current scoreboard (doc. 16844/13) whilst noting that further work in refining the instrument and integrating it into the existing framework of employment and social governance needs to continue to realise its full potential. The Council endorsed the Employment Performance Monitor (doc. 16845/13).

11. Youth Employment

- (i) **Commission proposal for a Council Recommendation on "Quality framework for traineeships"**
 - Presentation by the Commission
17367/13 SOC 1017 EMPL 25 ECOFIN 1111 EDUC 458 JEUN 119
- (ii) **Implementation of the Youth Guarantee /Youth Employment Initiative**
 - State of play

The Commission presented its proposal for a Council Recommendation on a "Quality Framework for Traineeships" (doc. 17367/13), which delegations welcomed as an additional contribution towards fighting youth unemployment. Member States held an exchange of views where they concurred on the gravity of the youth unemployment situation in the EU. Emphasis was put on the complexity of setting-up a youth guarantee scheme and for the necessary coordination of all actors in the process. Following a note circulated by the Spanish delegation (doc. 17191/13), difficulties were expressed regarding the financing of the Youth Employment Initiative, in particular the issue of the advanced payments under the ESF.

Member States called for simplified and transparent procedures for the delivery of funding. The compatibility of budgetary efforts to deliver the youth guarantee with the fulfilment of deficit objectives was also tackled. The Council welcomed the on-going work of the Employment Committee regarding the monitoring of the youth guarantee and youth-related CSRs.

13. Draft Council conclusions on the "Reflection process on modern, responsive and sustainable health systems"

– Adoption

16570/13 SAN 462

The Council adopted the Conclusions as set out in doc. 16570/13. The text of the conclusions will be published in the EU Official Journal.
