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European Union

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SOC 412
EMPL 273
SAN 256
CONSOM 147

DRAFT MINUTES

Subject: **3474th** meeting of the Council of the European Union (**EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS**), held in Luxembourg on 16 and 17 June 2016

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1. **Adoption of the agenda**

10006/16 OJ CONS 33 SOC 397 EMPL 263 SAN 243 CONSOM 143

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Approval of the list of "A" items**

10052/16 PTS A 50

The Council adopted the "A" items listed in 10052/16.

LEGISLATIVE DELIBERATIONS

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

3. **Approval of the list of "A" items**

10051/16 PTS A 49

The Council 2016 adopted the "A" items listed in 10051/16.

Details on the adoption of these items are set out below.

1. **Draft Directive of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC [First reading]**

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

9715/16 CODEC 800 TRANS 209 MAR 158

+ ADD 1

7532/16 TRANS 93 MAR 105 CODEC 370 (eI)

7532/1/16 REV 1 TRANS 93 MAR 105 CODEC 370

(bg,cz,da,de,en,es,et,fi,fr,hr,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv)

+ ADD 1

approved by Coreper, Part 1, on 08.06.2016

The Council approved its position at first reading, with the UK Delegation abstaining, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. The Council took note of the following statement. (Legal basis: Article 91(1) TFEU).

Statement by the United Kingdom

"The United Kingdom fully supports the aims and objectives of the proposal for a Directive laying down technical requirements for inland waterway vessels, and believes that the proposal will lead to significant improvements in safety.

However, the United Kingdom believes that the final adoption of a delegated act is disproportionate and that an implementing act would be more appropriate given that the issue at stake is the implementation of international standards, and not the supplementation or amendment of a non-essential part of the legislation. Consequently, the United Kingdom is abstaining against the Directive laying down technical requirements for inland waterway vessels."

2. Draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferral of delegated and implementing powers on the Commission for the adoption of certain measures [First reading]

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

9994/16 CODEC 850 STATIS 38 COMPET 364 UD 122

8536/16 STATIS 22 COMPET 200 UD 92 CODEC 573

+ ADD 1

approved by Coreper, Part 1, on 15.06.2016

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Article 338(1) TFEU).

3. Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites [First reading]

= Political agreement

9465/16 TELECOM 97 CONSOM 119 MI 380 CODEC 742

9464/16 TELECOM 96 CONSOM 118 MI 379 CODEC 741

approved by Coreper, Part 1, on 08.06.2016

The Council reached a political agreement on the text of this Directive proposal as set out in 9464/16.

NON-LEGISLATIVE ACTIVITIES

4. European Semester 2016: Contribution to the European Council (Brussels, 28-29 June 2016)

- = Policy debate
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*)
9675/16 SOC 366 EMPL 253 ECOFIN 525 EDUC 219

The Council held a policy debate on the Country Specific Recommendations (CSRs), in the context of the European Semester. Ministers were guided by questions set out in the Presidency note (9675/16). They acknowledged that, despite some economic recovery, employment and social challenges remain, and that it is important that all policies, especially economic policies, take the social dimension into account. Poverty and social exclusion remain of utmost concern, and an integrated, multidimensional approach is needed to combat their causes. More investment is needed in human capital; skills, education and training require special attention and are an important tool in changing labour markets. However, for upskilling/reskilling to be effective, economies need to create jobs.

On the process, Ministers positively evaluated the further streamlining of the Semester, and particularly the longer timelines, the extensive consultations and cooperation, the increased analytical underpinning and CSRs focussing on priority issues.

a) Draft Council Recommendations on the National Reform Programmes 2016 to each Member State and draft explanatory note

- = Approval
9327/16 ECOFIN 487 UEM 229 SOC 341 EMPL 237 COMPET 314 ENV 355
EDUC 210 RECH 200 ENER 217 JAI 474
9187/1/16 ECOFIN 443 UEM 190 SOC 307 EMPL 203 COMPET 277 ENV 322
EDUC 177 RECH 169 ENER 185 JAI 431 REV 1
9148/16 ECOFIN 437 UEM 187 SOC 301 EMPL 197 COMPET 274 ENV 318
EDUC 174 RECH 166 ENER 179 JAI 424
9677/16 ECOFIN 526 UEM 237 SOC 367 EMPL 254 COMPET 342 ENV 373
EDUC 220 RECH 214 ENER 227 JAI 500

The Council approved the employment and social policy related aspects of the recommendations (listed in 9187/1/16 REV 1) and the accompanying explanatory document (9327/16).

PL and BG entered statements into the Council minutes, as set out in the Annex.

b) Assessment of the 2016 Country-specific Recommendations (CSRs) and the implementation of the 2015 CSRs

= Endorsement of the opinions of the Employment Committee (EMCO) and the Social Protection Committee (SPC)
9684/16 SOC 368 EMPL 255 ECOFIN 530 EDUC 221

The Council endorsed the EMCO and SPC opinions contained in the above-mentioned document.

5. Draft Council conclusions on a new start for a strong social dialogue

= Adoption
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*
9891/16 SOC 384 EMPL 259

The Council adopted the Conclusions on a new start for a strong social dialogue without modifications. The final version of the conclusions is to be found in 10449/16.

6. Proposal for a Council Directive implementing the Agreement concluded between the General Confederation of Agricultural Cooperatives in the European Union (COGECA), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises (EUROPÊCHE) of 21 May 2012 as amended on 8 May 2013 concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation

= Progress report
(*Public deliberation in accordance with Article 8(1) of the Council's Rules of Procedure*)
8535/16 SOC 214 EMPL 131 PECHE 150
+ ADD 3
9687/16 SOC 369 EMPL 256 PECHE 194 IA 34
+ ADD 1
+ ADD 2

The Council took note of the Progress Report as set out in 9687/16 + ADD 1 + ADD 2.

LEGISLATIVE DELIBERATIONS

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

7. **Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services [First reading]**

Interinstitutional file: 2015/0278 (COD)

= Progress report

14799/15 SOC 700 MI 770 ANTIDISCRIM 15 AUDIO 34 CODEC 1774

+ COR 1 - COR 2

+ ADD 1 + COR 1

+ ADD 2 + COR 1

+ ADD 3 + COR 1

9627/1/16 SOC 361 MI 398 ANTIDISCRIM 33 AUDIO 72 CODEC 777 REV 1

The Council took note of the Progress Report as set out in 9627/1/16 REV 1.

8. **Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work [First reading]**

Interinstitutional file: 2016/0130 (COD)

= Progress report

8962/16 SOC 255 EMPL 158 SAN 187 IA 23 CODEC 666

+ REV 1 (mt)

+ ADD 1

9625/1/16 SOC 360 EMPL 251 SAN 232 IA 33 CODEC 776 REV 1

The Council took note of the Progress report as set out in 9625/1/16 REV 1.

9. **Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services [First reading]**

Interinstitutional file: 2016/0070 (COD)

= Progress report

= Update by the Commission on the state of play

6987/16 SOC 144 EMPL 97 MI 142 COMPET 118 CODEC 279

9949/16 SOC 394 EMPL 261 MI 428 COMPET 359 CODEC 835 JUSTCIV 164

The Council took note of the Progress report as set out in 9949/16, and was informed by the Commission about the state of play on the examination of the reasoned opinions from the national parliaments (yellow card).

10. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation
Interinstitutional file: 2008/0140 (CNS)

- = Progress report
11531/08 SOC 411 JAI 368 MI 246
9336/16 SOC 343 ANTIDISCRIM 30 JAI 476 MI 369 FREMP 87
+ COR 1

The Council took note of the Progress report set out in 9336/16 + COR 1.

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items 11 to 13)

11. Equality

- a) **Draft Council conclusions: Response to the Commission's strategic engagement for gender equality**
b) **Draft Council conclusions: Response to the Commission's list of actions to advance LGBTI equality**

- = Adoption
9947/16 SOC 392 GENDER 25 ANTIDISCRIM 38 FREMP 106
9948/16 SOC 393 GENDER 26 ANTIDISCRIM 39 FREMP 107

- a) The Council adopted the Conclusions entitled "Response to the Commission's strategic engagement for gender equality" without modifications. The final version of the document is set out in 10416/16.
b) The Council adopted the Conclusions entitled "Response to the Commission's list of actions to advance LGBTI equality" without modifications. The final version of the document is set out in 10417/16.

SE together with DK, AT, BE, LU, MT, IE, EL and PT, as well as PL and HU (which abstained) issued statements to the Council minutes, as set out in the Annex.

12. Skills package

- = Presentation by the Commission
10038/16 EDUC 231 SOC 400 EMPL 264 MI 435 ECOFIN 575 JEUN 46
SPORT 28
10205/16 EDUC 240 SOC 413 EMPL 274 MI 448 ECOFIN 608 DIGIT 72
JEUN 45 SPORT 27
10209/16 EDUC 241 SOC 414 EMPL 275 MI 449 ECOFIN 609

The Council took note of the presentation of the "New Skills agenda for Europe" by the Commission.

13. Draft Council conclusions on combating poverty and social exclusion: An integrated approach

= Adoption

9273/16 SOC 336 EMPL 232 ECOFIN 477 SAN 206 EDUC 207

The Council adopted the Conclusions on an integrated approach for combating poverty and social exclusion without modifications. The final version of the conclusions is to be found in 10434/16.

14. Any other business

a) Follow-up to the Commission on the Status of Women (CSW)

= Information from the Commission

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

b) "Migration Compact"

= Information from the Italian delegation

10123/16 SOC 406 EMPL 269 MIGR 114

The Council took note of the information provided by the Italian delegation.

c) International dimension of employment and social policies

= Information from the Commission

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

d) Work programme of the incoming Presidency

= Information from the Slovak delegation

The Council took note of the information provided by the Slovak delegation.

HEALTH

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items 15 to 17)

15. Draft Council conclusions on food product improvement

= Adoption

9484/16 DENLEG 56 AGRI 295 SAN 219

+ COR 1

The Council adopted the draft conclusions without modification. The final version is set out in 10277/16 and will be published in the EU Official Journal.

16. Draft Council conclusions on the next steps under a one health approach to combat antimicrobial resistance

= Adoption

9952/16 SAN 241 AGRI 312 VETER 58

The Council adopted the draft conclusions without modification. The final version is set out in 10278/16 and will be published in the EU Official Journal.

17. Draft Council conclusions on strengthening the balance in the pharmaceutical system in the EU and its Member States

= Adoption

10086/16 PHARM 36 SAN 247

The Council adopted the draft conclusions without modification. The final version is set out in 10315/16 and will be published in the EU Official Journal.

18. Any other business

a) **Current legislative proposal**

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

- **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)

= Information from the Presidency

9490/16 PHARM 33 SAN 223 MI 383 COMPET 323 CODEC 746

The Council took note of the information by the Presidency set out in 9490/16 and comments by delegations.

b) **Outcomes of conferences organised by the Netherlands Presidency**

= Information from the Presidency

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

c) **Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control**

- i) **Commission report on milk-based drinks and similar products intended for young children**

7489/16 DENLEG 24 AGRI 158

- ii) **Commission report on food intended for sports people**

10309/16 DENLEG 64 AGRI 346

= Presentation by the Commission

The Council took note of the presentation of two reports by the Commission and comments by delegations.

d) **Commission support to Member States' response to Zika**

= Information from the Commission

9593/16 SAN 228

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

e) **Helping Member States in their use of Health System Performance Assessment (HSPA)**

= Information from the Commission
9597/16 SAN 229

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

f) **Endocrine disruptors**

= Information from the Commission
10194/16 SAN 257 ENV 416 AGRI 332 CONSOM 152 CHIMIE 40 MI 456

The Council took note of the information provided by the Commission and comments by delegations.

g) **The state of health in the EU**

= Information from the Commission
9589/16 SAN 226

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

h) **European Fund for Strategic Investments and the Investment Plan for Europe**

= Information from the Commission
9590/16 SAN 227

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

i) **Standardisation of healthcare services**

= Information from the Polish delegation
9487/16 SAN 221

The Council took note of the information provided by the Polish delegation and comments by delegations.

j) **Election of the WHO Director-General**

= Information from the French delegation

The Council took note of the information provided by the French delegation.

k) **Work programme of the incoming Presidency**

= Information from the Slovak delegation

The Council took note of the oral information provided by the incoming Slovak Presidency.

STATEMENTS FOR THE COUNCIL MINUTES

- Ad "B" item 4:** **European Semester 2016: Contribution to the European Council
(Brussels, 28-29 June 2016)**
- a) **Draft Council Recommendations on the National Reform
Programmes 2016 to each Member State and draft explanatory
note**
- = **Approval**

STATEMENT BY THE REPUBLIC OF BULGARIA

"Referring to the EU subsidiarity principle and the member states' sovereignty in the field of social and fiscal policies; abiding by the Stability and Growth Pact legal framework,

Bulgaria declares that, due to lack of fiscal space, it is not realistic to expect increasing the scope and adequacy of the guaranteed minimum income as stipulated in the Country Specific Recommendation 3. We consider such a recommendation unacceptable as it would imply re-allocation of more productive expenditure towards areas that don't generate sustainable growth. This would also impede the achievement of government priorities and commitments undertaken at international, European, or national level. Such a measure will have also a demotivating effect on the long-term unemployed and inactive persons, and would impact the efforts towards labor market activation of those vulnerable groups of population. In the long run, this may put fiscal sustainability at risk."

STATEMENT BY POLAND

"With reference to the proposal for a Recommendation on the 2016 national reform programme of Poland (CSR): Poland does not agree with the last part of the last sentence of recital 11 concerning the "special protection of older workers from layoffs", which is seen as a reason for the limited number of open-ended contracts. Poland is on the opinion that resignation of special protection of workers from layoffs within four years period before reaching the retirement age, if the employment period would enable them to receive a retirement pension upon reaching this age, will not lead to an increase in the number of open-ended contracts what is the purpose of recommendation no. 2. In Poland's view this special protection is justified and its aim is to protect workers belonging to an age group which faces substantial difficulties in finding new employment."

Ad "B" item 11:

Equality

- b) **Draft Council conclusions: Response to the Commission's list of actions to advance LGBTI equality**
= **Adoption**

STATEMENT BY HUNGARY

"Hungary remains dedicated to ensure human rights to everyone without discrimination on the basis of the Fundamental Law. In this context Hungary states that the Commission's List of Actions to advance LGBTI Equality cannot be interpreted as imposing on Member States any obligation to introduce into their national legal systems institutions that are not in conformity with their constitutional order or to extend the scope of provisions peculiar to marriage.

Hungary invokes the Fundamental Law of Hungary under which marriage is the union of a man and a woman established by voluntary decision. For this reason we state that the understanding of marriage exclusively as a union between a man and a woman and its preferential treatment as opposed to other forms of partnership may not be considered discriminatory.

The Hungarian national legal system ensures wide-ranging rights for LGBTI persons in accordance with basic human rights and the framework of the most fundamental values and principles of the European Union, as confirmed by the latest report of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) from May 2016."

STATEMENT BY POLAND

"Poland ensures the enjoyment of human rights by LGBTI people within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. We remain dedicated to ensure the fundamental human rights to everyone without discrimination on the basis of the fundamental law. In this context Poland states that the term "LGBTI people and their families" is not justified under the EU law, as the family law falls within the exclusive competences of the Member States, thus cannot be interpreted as imposing on Member States an obligation to introduce into their national legal systems institutions that are not in conformity with their constitutional order. Poland invokes Article 18 of the Constitution of the Republic of Poland under which marriage is the conjugal union of a man and a woman on their voluntary and mutual consent, within the framework of the Polish legal system. For these reasons Poland states that the understanding of the marriage exclusively as a union between a man and a woman and its preferential treatment as opposed to other forms of living together (de facto couples including the same-sex couples) may not be considered discriminatory. As family law belongs to the exclusive competences of the Member States, and in accordance with the principle of conferral and subsidiarity – as well as the constitutional traditions common to Member States – no activities of the European Union may impose on countries protecting the understanding of marriage as a union between a man and a woman, any obligations that would force the countries either to extend the scope of provisions peculiar to marriage to same-sex couples, also if they were registered in another Member State or that would force the countries to introduce their recognition in accordance with the rights existing in their country of origin."

**STATEMENT BY SWEDEN, DENMARK, AUSTRIA AND BELGIUM JOINED BY
LUXEMBOURG, MALTA, IRELAND, GREECE AND PORTUGAL**

"We welcome the fact that the Council has for the first time adopted Conclusions concerning equal rights for LGBTI persons within the EU. However, we would have preferred a more ambitious and stronger message concerning the enjoyment of human rights by LGBTI-persons.

Therefore, on the basis of these Conclusions, it is even more important than before to continue to work within and outside the EU for equal rights and opportunities for everyone, regardless of sexual orientation or gender identity, and to ensure that cultural, traditional or religious values cannot be invoked to justify any form of discrimination, including discrimination against LGBTI persons.

We hope to continue this struggle together with other member states."
