



Council of the
European Union

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13238/16

PV/CONS 48
EMPL 417
SOC 620
SAN 353
CONSOM 242

DRAFT MINUTES

Subject: **3489th** meeting of the Council of the European Union
(Employment, Social Policy, Health and Consumer Affairs),
held in Luxembourg on 13 October 2016

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1. **Adoption of the agenda**

12879/16 OJ CONS 47 EMPL 391 SOC 589 SAN 345 CONSOM 232

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

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

12905/16 PTS A 74

The Council adopted the "A" items listed in 12905/16.

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 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)

= General approach

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

+ REV 1 (mt)

+ ADD 1

12883/16 SOC 590 EMPL392 SAN346 IA81 CODEC1381

The Council reached a general approach on the text set out in 12883/16 + COR 1. Eight delegations (AT, BE, DE, DK, FR, LT, NL and PT) submitted a joint statement to the Council minutes which was supported by the LU Minister. The statement is to be found in the Annex.

The final version of the general approach is set out in 13324/16.

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items 5 to 10)

4. **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 (EUROPÉCHE) 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**

(Legal basis proposed by the Commission: Article 155(2) of the TFEU)

= Political agreement

(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

12713/16 SOC 577 EMPL381 PECHE 346 IA78

+ ADD 1

+ ADD 2

The Council reached political agreement on the text set out in 12713/16. While no Member State opposed this agreement, BG and HR abstained. Furthermore, BG, EE and UK issued statements to the Council minutes, as set out in the Annex.

5. **New Skills Agenda for Europe**

= Policy debate

12483/16 SOC 550 EMPL 361 ECOFIN 823 EDUC 292 JEUN 62

a) **Opinion of the Employment Committee (EMCO)**

= Endorsement

12485/16 SOC 551 EMPL 362 ECOFIN 824 EDUC 293 JEUN 63

b) **Commission proposal on the revision of the Europass framework for the provision of better services for skills and qualifications**

= Presentation by the Commission

The Council held a policy debate on the New Skills Agenda on the basis of the Presidency note as set out in 12483/16. The Commission presented its new proposal concerning Europass.

The Council endorsed also the EMCO Opinion "New Skills Agenda for Europe", set out in 12485/16.

6. **European Semester 2017: Contributions in view of the Autumn Economic Package**
- a) **Employment Performance Monitor (EPM) - Report on key employment challenges and main messages from EMCO**
 12486/16 SOC 552 EMPL 363 ECOFIN 825 EDUC 294
 12488/16 SOC 553 EMPL 364 ECOFIN 826 EDUC 295
 12490/16 SOC 554 EMPL 365 ECOFIN 827 EDUC 296
- b) **Social Protection Performance Monitor (SPPM) - Report on key social challenges and main messages from SPC**
 12606/16 SOC 565 EMPL 375 ECOFIN 837 EDUC 302
 + COR 1 (de)
 12607/16 SOC 566 EMPL 376 ECOFIN 838 EDUC 303
- = Endorsement

The Council endorsed the monitors, reports and main messages from EMCO and SPC, as contained in the above-mentioned documents.

7. **Follow-up of specific employment-related issues**
- a) **Communication from the Commission on the Youth Guarantee and Youth Employment Initiative three years on**
 = Presentation
 12749/16 EMPL 386 SOC 583 ECOFIN 860 EDUC 312 JEUN 68
- b) **Implementation of the Council Recommendation on Long-Term Unemployment (LTU)**
 = Exchange of views
 12492/1/16 SOC 555 EMPL 366 ECOFIN 828 EDUC 297 REV 1
 = Endorsement of the EMCO key messages on the integrating of long term unemployed into the labour market
 12493/16 SOC 556 EMPL 367 ECOFIN 829 EDUC 298
 + ADD 1
 + ADD 2
- c) **Public Employment Services (PES) Network: Bench-learning**
 = Presentation by the Commission and the Vice-Chair of the PES Network
 12498/16 SOC 557 EMPL 368 ECOFIN 830 EDUC 299

The Commission presented its Communication on the Youth Guarantee and the Youth Employment Initiative.

The Council held an exchange of views on long-term unemployment. Ministers recalled that LTU particularly affects certain vulnerable groups of society and represents a large part of total unemployment. Addressing it is therefore an urgency, with prevention remaining the best strategy. A multidimensional approach is required, covering health, education and training, and economic policy.

The Council endorsed the key messages of EMCO on the integration of the long-term unemployed into the labour market, as set out in 12493/16.

The Commission and the Vice-Chair of the PES Network presented the bench-learning initiative of the PES Network.

8. **Social dialogue**

a) **Tripartite Social Summit (Brussels, 19 October 2016)**

= Preparation

b) **Joint statement on "A new start for a strong social dialogue"**

= State of play

12111/16 SOC 511 EMPL 335

The Council took note of the information by the Commission and by the Presidency on the preparations for the next **Tripartite Social Summit** to take place on 19 November.

The Council also took note of the joint statement (12111/16) signed on 22 June 2016 and of recent developments concerning the new start of social dialogue.

9. **Draft Council conclusions on the "Report from the European Court of Auditors on EU policy initiatives and financial support for Roma integration"**

= Adoption

12225/16 FIN 559 SOC 526 EMPL 347 ANTIDISCRIM 55 FSTR 60
FC 51 REGIO 75

The Council adopted the Conclusions as set out in 12225/16.

10. **European Pillar of Social Rights: state of play and views on the way forward**

= Endorsement of the joint opinion of the EMCO and the SPC

12605/16 SOC 564 EMPL 374 ECOFIN 836

The Council generally endorsed the joint opinion of the EMCO and the SPC set out in 12605/16, with HU opposing the endorsement.

This opinion was submitted to the Council in the context of the ongoing public consultation process on the European Pillar of Social Rights.

The Presidency concluded that this opinion does not prejudge the Member States' position and is not binding the Council in future discussions on the pillar.

11. Any other business

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)

a) Current files

- i) Blue Card for highly skilled employment**
- ii) Action Plan on the integration of third country nationals**
12348/16 SOC 538 MIGR 161
- iii) Collaborative Economy**
= Information from the Presidency

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

b) Collective bargaining and the future of work: update on the negotiations process on labour market reforms in Greece

- = Information from the Greek delegation
12715/16 SOC 578 EMPL 382 ECOFIN 855

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

STATEMENTS FOR THE COUNCIL MINUTES

Ad "B" item 3: 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)
= General approach

JOINT STATEMENT BY AUSTRIA, BELGIUM, DENMARK, FRANCE, GERMANY, LITHUANIA, THE NETHERLANDS AND SWEDEN

"The general approach on the amendment of the Directive on Carcinogens and Mutagens constitutes a step forward in improving the health and safety at the workplace.

However, to reach an acceptable level of protection in the European Union against the exposure to carcinogens, we recognise that further progress needs to be made on the limit value for Chromium VI.

In view of scientific findings, we consider that the proposed limit value for Chromium VI should be lower to offer even better protection for workers: the residual cancer risk associated with the proposed value is too high. Therefore, all efforts to lower the value for Chromium VI in the work ahead are strongly encouraged and supported."

Ad "B" item 4: **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**
(Legal basis proposed by the Commission: Article 155(2) of the TFEU)
= **Political agreement**
(Public deliberation in accordance with Article 8(1) of the Council's Rules of Procedure)

STATEMENT BY BULGARIA

"Bulgaria takes into account the strive for achieving a level playing field in the EU sea fishing sector by complying with minimum standards for the improvement of living and working conditions and for the protection of the health and safety of the workers in the sector. Bulgaria votes "abstain" on the proposal due to the fact that the latter envisages most of its requirements to be implemented by all fishing ships, irrespective of their length.

Nearly 95% of the fishing ships, operating under Bulgarian flag are less than 12 meters of length and are conducting small scale coastal fishing, most of them being at sea for no more than 24 hours at a time. In 2015 the average age of the Bulgarian fishing ships stood at around 20 years. Taking into account the age and the length of the ships, it will be difficult to make the necessary refurbishments in order to comply with all the requirements of the Directive. In this respect, the implementation of the measures included in the Agreement will result in a considerable increase of the financial burden shouldered by the ship owners in the sea fishing sector and in loss of competitiveness which, for its part, creates a risk that a number of employed in the sector move to working outside of a contractual employment relationship.

Bearing in mind the above and the scope of the proposal for a Directive, conditions for an unequal interpretation and, hence, for an unequal implementation of the measures in the Agreement are created.

The lack of possibility to amend the text of the Agreement does not allow for flexibility and for taking into account regional specificities."

STATEMENT BY ESTONIA

"On 29 April 2016, the Commission presented a 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.

Estonia fully recognises the importance of improving the working and living conditions of fishermen on board fishing vessels. We value the social partners' right to initiate a consolidated legal framework for the EU fishing sector. However, the proposal's scope is very extensive, covering all types of fishing boats and fishermen.

The vast majority of Estonian fishing vessels are open boats of less than 12 metres in length, and are intended for use on short fishing trips. Our fisheries sector consists predominantly of small-scale coastal fisheries, with most of the fishermen going to sea for only a few hours at a time.

Estonia has around 3700 km of coastline. This makes it difficult to ensure that the responsible authorities are provided with crew lists of all fishermen on vessels under 12 metres prior to departure. This is mainly due to the fact that the place of departure may not be a port with the infrastructure needed to present a crew list. On average, a fishing trip with vessels of less than 24 metres in length lasts just 2 to 3 hours. Certain obligations, for example the obligation to carry food and water, are therefore unreasonable.

We consider it of the utmost importance to preserve flexibility for EU Member States when implementing the measures and setting control mechanisms and sanctions on the basis of needs and risk-based assessment. This enables the specificities and characteristics of each Member State to be taken into account. Therefore we also find it reasonable that the Agreement allows the use of different derogations."

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom agrees that the Work in Fishing Convention 2007 applies to self-employed persons. It is therefore appropriate that the Council Directive implementing the Social Partner Agreement on this Convention should also apply to the self-employed. However, the United Kingdom does not accept that Article 155 of the Treaty can provide a legal basis for measures intended to apply to self-employed persons. The UK's support for the Council Directive (and the associated Social Partners Agreement) consequently does not constitute an acceptance that Article 155 of the Treaty applies to self-employed persons.

The United Kingdom agrees that it is appropriate for social partners to agree minimum standards for crew accommodation. However, the United Kingdom does not accept that provisions on crew accommodation not relating to the health and safety of workers (such as separation of sleeping rooms for officers and crew, or provisions of storage, desk and chairs) are a matter of EU competence. The United Kingdom's support for the Council Directive (and the associated Social Partners Agreement) consequently does not constitute an acceptance that these aspects of crew accommodation fall within EU competence."