



Council of the
European Union

Brussels, 20 March 2017
(OR. en)

7051/17

PV/CONS 11
SOC 173
EMPL 131
SAN 89
CONSOM 74

DRAFT MINUTES

Subject: **3523rd** meeting of the Council of the European Union
(**Employment, Social Policy**, Health and Consumer Affairs),
held in Brussels on 3 March 2017

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1. **Adoption of the agenda**

6631/17 OJ CONS 11 SOC 143 EMPL 109 SAN 75 CONSOM 59

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

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

6665/17 PTS A 16

The Council adopted the "A" items listed in 6665/17.

Statements related to these items are set out in the Annex.

LEGISLATIVE DELIBERATIONS

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

3. **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 [First reading]**

Interinstitutional file: 2016/0397 (COD)

= Orientation debate

6269/17 SOC 91 EMPL 61 CODEC 207

15642/16 SOC 812 EMPL 549 CODEC 1910

+ ADD 1

+ ADD 1 REV 1 (en, fr, de)

The Council held an orientation debate on the above proposal based on a Presidency steering note.

NON-LEGISLATIVE ACTIVITIES

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

4. **Draft Council conclusions on enhancing the skills of women and men in the EU Labour Market**

= Adoption

6268/17 SOC 90 GENDER 6 EMPL 60 EDUC 45 ANTIDISCRIM 9

The Council adopted the Conclusions as set out in 6889/17.

5. European Semester 2017

= Policy debate

6265/17 SOC 87 EMPL 57 ECOFIN 87 EDUC 42

Ministers concurred that the economic and employment situation has improved but that there is need for further progress, in particular regarding poverty and inequalities. In this sense, the increased focus of the Semester on employment and social aspects was broadly welcomed.

The need to invest in skills, education and life-long learning, as well as ensuring the labour-market integration of youth, the elderly and the long-term unemployed, was underlined.

Ministers agreed that peer-learning activities, exchange of information and best practices is a highly valuable mechanism in the Semester process, and that involving social partners in reform programmes and the European Semester at large is of utmost importance.

The intensification of the dialogue between the Commission and Member States was also welcomed, in particular the Commission's novel approach regarding consulting Member States on the draft Country Reports before their publication. Delegations also called for further transparency and increased national ownership of the European Semester process.

a) **Implementation of the country-specific recommendations: Enhancing labour market access and reducing divergences across the EU**

b) **Priorities for action in the areas of employment and social policies: Political guidance in 2017**

i) Draft Council conclusions on the 2017 Annual Growth Survey and Joint Employment report

6266/1/17 SOC 88 EMPL 58 ECOFIN 88 EDUC 43 REV 1

ii) Draft Joint Employment report

= Adoption

6267/17 SOC 89 EMPL 59 ECOFIN 89 EDUC 44

c) **2017 Country reports**

= Presentation by the Commission

6318/1/17 ECOFIN 92 UEM 22 SOC 93 EMPL 63 COMPET 94 ENV 135
EDUC 48 RECH 40 ENER 45 JAI 115 REV 1

The Council adopted the Conclusions as set out in 6885/17 and the Joint Employment Report as set out in 6887/17. It took note of the information provided by the Commission.

6. **Tripartite Social Summit**

= Presentation by the Presidency and the Commission

The Council took note of the information by the Commission and by the Presidency on the preparations for the next **Tripartite Social Summit** of 8 March.

7. **Any other business**

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

a) **Communication from the Commission on Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy**

= Information from the Commission
5431/17 SOC 27 EMPL 19

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

b) **Follow-up to the communication from the Commission on Investing in Europe's Youth**

= Information from the Commission
6431/17 SOC 102 EMPL 70 EDUC 55 ECOFIN 108 JEUN 25
15420/16 JEUN 112 EDUC 427 EMPL 535 SOC 793 SPORT 89
COHAFA 77 PROCIV 85 COMPET 654 ECOFIN 1175

The Council took note of the information provided by the Commission on the follow-up to the Communication on Investing in Europe's Youth.

c) **2017 Work Programmes of the **Employment Committee (EMCO)** and **Social Protection Committee (SPC)****

= Information from the respective Chairs
6430/17 SOC 101 EMPL 69 ECOFIN 107 EDUC 54
6470/17 SOC 107 EMPL 74 ECOFIN 110 SAN 67

The Council took note of the information provided by the EMCO and SPC Chairs on their Committees' respective work programmes for 2017.

d) **UNECE International Conference "A sustainable society for all ages: Realising the potential of living longer" (Lisbon, 21-22 September 2017)**

= Information from the Portuguese delegation
6605/17 SOC 141 EMPL 107 SAN 72

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

e) **Current legislative proposal**

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

- **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)

= Information from the Presidency on the state of play

The Council took note of the information provided by the Presidency and of the comments made by the Commission and 21 delegations.

f) **Key findings of the study of the European Institute for Gender Equality (EIGE) on "Economic benefits of gender equality in the EU"**

= Information from an EIGE representative

6495/17 SOC 109 GENDER 7 EMPL 76 ANTIDISCRIM 11 EDUC 59

The Council took note of the presentation by the EIGE representative.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 3: **Recommendation for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and protocol with the Republic of Ghana**
= **Adoption**

STATEMENT BY THE COMMISSION

"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis."

STATEMENT BY THE COMMISSION

"Following article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, the Commission fully recognizes the importance of the sustainable exploitation of marine biological resources and the consequent need to ensure a proper implementation of the concept of surplus, as expressed in article 62(2) of the UNCLOS, particularly when Sustainable Fisheries Partnership Agreements and associated protocols rule the access of the EU external fleet to resources distributed in waters of the partner country.

However, regarding article 64 of the UNCLOS and article 31(4) of the R(EU) N° 1380/2013, the Commission considers that the concept of surplus applies to a lesser degree to fishing activities exploiting highly migratory species, where management objectives and management measures – priority access rules, catch, capacity or effort limits, and sharing keys where relevant – have to be primarily fixed at regional or sub-regional levels by the Contracting Parties to competent Regional Fisheries Management Organisations, taking in due account the relevant scientific advice."
