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## OUTCOME OF THE COUNCIL MEETING

3548th Council meeting

**Employment, Social Policy, Health and Consumer Affairs**

**Employment, Social Policy and Health issues**

Luxembourg, 15 and 16 June 2017

Presidents

- Evarist Bartolo**  
Minister for education and employment
- Helena Dalli**  
Minister for EU affairs and equality
- Michael Falzon**  
Minister for family and social solidarity
- Chris Fearn**  
Minister for health

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<sup>1</sup>

- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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**OTHER ITEMS APPROVED**

*none*

## **ITEMS DEBATED**

### **EMPLOYMENT AND SOCIAL POLICY**

#### **European Semester 2017**

The Council held a [policy debate](#) on the employment and social policy aspects of the 2017 European Semester exercise, adopting relevant documents.

Ministers acknowledged that the EU is now on a steady path of recovery, however efforts need to be maintained to keep up economic growth, ensuring that this growth is inclusive and equitable. Member states generally welcomed the 2017 country specific recommendations package and found that overall it was well-balanced and corresponded to their national priorities. Most Ministers welcomed the increased focus on employment and social issues, stressing that economic reforms must go hand in hand with social justice. Several member states highlighted the need to work further on long-term unemployment, reskilling, and finding a balance between adequate social assistance and activation measures. Real reforms take time and policy designs should be aimed at long-term goals.

#### **- Country specific recommendations (CSRs)**

The Council approved the employment and social policy aspects of the draft recommendations on the 2017 national reform programmes of each member state.

The overall objective of the 2017-2018 recommendations is to deliver more jobs and faster growth, while taking social fairness more fully into account. This year, special emphasis was put on the recognition of the crucial role of the social partners, notably in collective bargaining, in line with national practices; the involvement of the social partners in the design and implementation of relevant policies and reforms is essential for increasing their ownership and effectiveness.

- **Assessment of the 2017 employment and social challenges**

The Council endorsed [opinions](#) of the Employment Committee (EMCO) and the Social Protection Committee (SPC).

These opinions provide for an assessment of the employment and social protection/inclusion challenges in the 2017 national reform programmes, focusing on the implementation of the 2016 CSRs. They also focus on horizontal issues and support the political dimension of multilateral surveillance and of the implementation of the CSRs.

- **EMCO opinion on labour-market integration of refugees**

The Council also endorsed the EMCO [opinion](#) on the labour-market integration of refugees. The unprecedented number of refugees entering the EU in the past years has focused political attention on how to integrate them into their new countries of residence.

Bearing in mind the importance of the link between labour market participation and integration into society at large, and given that the socio-economic outcomes for refugees are worse than those for other third-country migrants, EMCO has looked in particular at the issue of their labour market integration.

## **Pillar of social rights**

The presidency reported back in public session on the outcome of the lunch debate on the European Pillar of social rights as follows:

"The Pillar is our chance to reconnect the EU with its citizens. Having all member states standing together on a set of common social values offers a unique opportunity to show that we deliver on a fairer and more social Europe, as foreseen by the Treaty. Our debate today has brought important clarifications about objectives and the way forward on the Pillar. We all agreed together to improve employment and social conditions. But we also all agreed that the process should take into account that we have different starting points, different national circumstances and that we will move at different speeds. We should aim for agreement on the inter-institutional Proclamation before the end of the year."

In April 2017, the Commission adopted a new initiative entitled "the European Pillar of social rights". The package contains general documents, concrete legislative proposals and stocktaking exercises including a communication establishing the Pillar, a new social scoreboard, a proclamation and explanatory fiches on the 20 rights and principles, a proposal for a work-life balance directive and an interpretative communication on the working time directive.

The main political element of the package is the proposed "interinstitutional proclamation" on the Pillar, which the Commission hopes to sign together with the Parliament and the Council before the end of the year. It is a set of 20 key principles and rights to support fair and well-functioning labour markets and welfare systems. The Commission also acknowledges the diversity of situations and the varying means available to achieve these common goals.

Delivering on the principles and rights enshrined in the Pillar is the joint responsibility of the EU institutions and the member states (most of the tools required being in the hands of national, regional and local authorities) as well as social partners and civil society at large.

The Council endorsed the [joint opinion of the SPC and EMCO on the Pillar of social rights](#).

According to this opinion, the Social Pillar initiative is an important milestone in putting employment and social protection at the forefront of EU decision-making. It seeks to strike a balance between ambition and realism, while at the same time addressing the employment and social policy challenges that Europe faces in the 21st century.

## **Carcinogens or mutagens at work**

The Council reached a [general approach](#) on a revised directive protecting workers from the risks related to exposure to carcinogens or mutagens at work.

This directive sets limit exposure values and skin notations for five carcinogens, as well as skin notations independently of limit values for two more carcinogens, covering 7 carcinogens in total.

The substances covered are certain polycyclic aromatic hydrocarbon (PAH) mixtures, mineral oils, trichloroethylene, 4,4'-methylenedianiline, epichlorohydrin, ethylene dibromide and ethylene dichloride.

The retained limit values are based on an analysis of the economic, social and environmental impacts of the different policy options for each chemical agent, using the effectiveness, efficiency and coherence criteria from the scientific advice of the scientific committee on occupational exposure limits (SCOEL). The limit values were also agreed on by the advisory committee on health and safety at work (ACSH).

## **Posting of workers**

The Council took note of a [progress report](#) on the [posting of workers directive](#).

The revised directive is aiming at ensuring a level playing field for service providers and at the same time protecting posted workers. According to the Commission, the twenty-year-old directive needs to be updated in the light of developments since 1996 and the current labour market situation, e.g. a considerably increased wage differentiation between member states.

### **The work in the Council working party**

The Maltese presidency held intensive negotiations and considerable progress was made towards bridging member states' positions.

Discussions focused on the following elements:

- the concept of remuneration,
- long-term posting, for which the presidency suggested that all the terms and conditions of employment in the member state where the work is carried out should apply, other than the exception listed,
- the concept of subcontracting, which the presidency suggested omitting,
- providing for more time for enacting transposition measures and their entry into force.

### **Accessibility of goods and services**

The Council took note of a [progress report](#) on the [proposal for a European Accessibility Act \(EAA\)](#) which aims to remove internal market barriers to the free circulation of a targeted set of products and services, so as to support the full participation of people with disabilities in society.

The proposal also seeks to help member states in their efforts to achieve their national commitments under the United Nations Convention on the rights of persons with disabilities (UNCRPD) in a harmonised manner.

The discussion that took place during the Maltese presidency and the main changes suggested by the presidency are outlined in the progress report.

### **Coordination of social security systems**

The Council took note of a [progress report](#) on the revision of regulation 883/2004 on the coordination of social security systems and its implementing regulation 987/2009.

The general objective of the proposal is to continue the modernisation of EU social security coordination rules by making them clearer and fairer, and by improving their enforceability, thus facilitating the free movement of persons within the EU. In particular, the proposal focuses on five areas:

- unemployment benefits
- long-term care benefits
- economically inactive mobile citizens' access to certain social benefits
- family benefits, and
- applicable legislation for posted and sent workers and persons working in two or more member states

The Maltese presidency held extensive discussions and made considerable progress, in the relevant Council working party, on provisions concerning equal treatment and access of economically inactive mobile citizens to certain social benefits, and concerning the applicable legislation. The main changes suggested by the Presidency are outlined in the progress report.



### **Women on company boards**

The Council took note of a [progress report](#) on a directive on improving the gender balance in boardrooms.

Aiming to address the serious problem of women's under-representation in economic decision-making at the highest level, the proposed directive would set a quantitative objective for the proportion of the under-represented sex on the boards of listed companies of 40% by 2020. SMEs would be exempted. Companies would be obliged to work towards that objective, inter alia, by introducing procedural rules on the selection and appointment of non-executive board members.

Companies which have not reached the 40% target would be required to continue to apply the procedural rules, as well as to explain what measures they had taken and intended to take in order to reach it. For member states that choose to apply the objective to both executive and non-executive directors, a lower target (33%) would apply.

The Maltese presidency adjusted the implementation calendar, the target dates, the reporting deadlines and the sunset clause contained in the directive by adding two years. In particular, the original deadline for achieving the quantitative targets has been changed to 2022 (instead of 2020).

A majority of delegations supported the proposal and were willing to accept the presidency's text. However, others were unable to support the draft directive, notably on the grounds that it did not respect the principles of subsidiarity and proportionality.

### **Equal treatment directive**

The Council took note of a [progress report](#) on a directive implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation. The proposed directive has been on the Council's agenda since 2008. Its adoption requires unanimity in the Council.

During the Maltese presidency, the discussions in the relevant working party focused, in particular,

- on the inclusion of a recital on discrimination on the grounds of sex or gender identity as a compounding factor and multiple discrimination, as well as

- on the inclusion in the scope of statutory supplementary pension schemes and legal benefits depending on marital status,

Further discussion is also needed on the scope, as certain delegations are opposed to the inclusion of social protection and education. Other outstanding issues include the division of competences and subsidiarity, and legal certainty regarding the obligations that would be established by the directive.

### **Towards making-work-pay strategies**

The Council adopted [conclusions on "Towards making-work-pay strategies"](#).

The conclusions highlight the kind of strategies which can be an effective instrument for promoting growth and generating quality jobs, and reducing poverty, inequality, social exclusion and, crucially, long-term benefit dependency.

They are based on input from the [Employment Committee](#) and the [Social Protection Committee](#).

### **Assessment of the Youth guarantee and the youth employment initiative**

The Council adopted conclusions following the European Court of Auditors' report on: "[Youth unemployment - have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative](#)".

The report assesses the effectiveness and the implementation of the youth guarantee (YG) and the youth employment initiative (YEI), based on country visits to 7 member states and data submitted by the member states covering the period April 2013 - May 2016.

In its conclusions the Council welcomes the Court's report and takes note of its recommendations aimed at enhancing the implementation and effectiveness of these flagship programmes.

### **Any other business**

#### ***– European Social Fund***

The Commission informed the Council about the state of play.

#### ***– Work programme of the incoming presidency***

The Estonian delegation informed the Council about its work programme.

## **HEALTH**

### **Childhood obesity**

The Council adopted conclusions to contribute towards halting the rise in childhood overweight and obesity as set out in [10380/17](#).

### **Voluntary cooperation between health systems**

The Council adopted the conclusions on "Encouraging Member State driven Voluntary Cooperation between Health Systems" as set out in [10381/17](#).

### **European pillar of social rights**

The Council exchanged views on the health aspects of the [European pillar on social rights](#). The European pillar of social rights is intended to provide guidance for an upward convergence towards better working and living conditions in Europe.

EU health ministers welcomed the Commission's proposal for a European pillar of social rights. They agreed with the objective of providing timely access to affordable, preventive and curative health care of good quality, provided that member states' competencies in health policy are respected. Ministers emphasised the importance of taking into account different national traditions and specificities when selecting indicators for member states' health systems.

**Any other business**– ***EU action on vaccination***

The [Commission](#) informed ministers of the outcomes of the workshop "Seeking new partnerships for EU action on vaccination" held on 31 May 2017 in Brussels.

– ***Health Symposium***

The Austrian delegation [9336/17] informed ministers about the Health Symposium of the European Forum in Alpbach to be held on 20-22 August 2017.

– ***Round table meetings for Health Ministers and pharmaceutical companies***

The [presidency](#) informed ministers about the round table meetings for EU Health Ministers and heads of Europe-based pharmaceutical companies on 9 May in Malta.

– ***Fast-track the end of AIDS in the EU***

The [presidency](#) informed ministers about the HIV conference organised in collaboration with the European Centre for Disease Prevention and Control on 30 and 31 January in Malta.

– ***Pharmaceuticals in the environment***

Following a request by the Swedish delegation, supported by the UK, Belgian, Finnish and Danish delegations [9737/1/17 REV1], the Commission informed the Council about its measures against pollution of water and soil by pharmaceutical residues.

– ***Traceability system for tobacco products***

The [French delegation](#), supported by the Hungarian, Belgian, Lithuanian, Italian, Croatian, Czech, Slovak, Danish, Polish and German delegations, shared concerns on the implementation of the traceability system for tobacco products set out in the tobacco products directive.

– ***Work programme of the incoming presidency***

The Estonian delegation informed ministers about its work programme in the field of health as the incoming Presidency of the Council of the EU.

**OTHER ITEMS APPROVED**

none

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