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## REPORT

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From: Council General Secretariat  
To: Permanent Representatives Committee (Part I) / Council (EPSCO)

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Subject: Proposal for a Council Decision establishing the Social Protection Committee and repealing Decision 2004/689/EC

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1. On 23 January, the Presidency tabled a draft Council Decision<sup>1</sup> on the above subject to the Social Questions Working Party.
2. The Presidency's initiative finds its origin in the Joint opinion<sup>2</sup> of the Employment Committee and the Social Protection Committee of October 2014 on the mid-term review of the Europe 2020 Strategy, including the evaluation of the European Semester, stating that both Committees have an essential role to play to support the EPSCO Council throughout all stages of the European Semester. Within their respective areas of competence, they should continue to take the responsibility for all instruments at EPSCO's disposal. In order to effectively deliver on their Treaty mandate and to improve cooperation between them, both Committees would reflect on a revision of their rules of procedure and governance arrangements.

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<sup>1</sup> 5126/15.

<sup>2</sup> 13809/14.

3. Reflecting the changes in the implementation of the European Semester since 2010, the proposal's objectives are strengthening the role of the Committee in the Semester Process and enhancing the efficiency. In order to ensure better coordination of employment and social policies in this context, it also improves the Committee's cooperation with the Employment Committee, as requested by the European Council in its Conclusions of June 2013<sup>3</sup>. Furthermore, it enhances the cooperation with the ECOFIN committees in ensuring consistency in the coordination of economic, employment and social policies as requested by the European Council in its Conclusions of October 2013<sup>4</sup>.
4. The proposed Council Decision also provides the chairperson the possibility to be re-elected once in order to ensure adequate continuity in the Semester process. It furthermore caters for a series of technical amendments and rewording required after the entry into force of the Lisbon Treaty.
5. The legal assessment of the proposal was carried against the objectives and the content of the draft. Given that the entire current Decision is to be replaced, Article 160 TFEU is the only adequate legal base, as it allows for provisions concerning the establishment of the Committee. This legal base had also been chosen for the 2004 amending Decision. The new Decision is complemented by new tasks that have emerged since the year 2000. In order to ensure legal certainty, the legal evaluation also includes a verification of the compliance with the Treaty mandate. Article 160 TFEU requires simple majority and consultation of the European Parliament, which is underway.
6. An overwhelming majority of delegations supports the Presidency's initiative right from the beginning. In the second meeting of the SQWP on 9 February 2015, the text was further fine-tuned and finalised. The DE delegation maintained its general reservation, the UK delegation its Parliamentary scrutiny reservation.
7. Against this background, the Permanent Representatives Committee is invited to recommend to the Council:
  - to agree on a general approach on this proposal on the basis of the latest Presidency compromise text, contained in Addendum 1.

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<sup>3</sup> EUCO 104/2/13.

<sup>4</sup> EUCO 169/13.