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European Union

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(OR. en)

15066/15

PV/CONS 71
SOC 709
EMPL 462
SAN 431
CONSOM 217

DRAFT MINUTES

Subject: **3434th** meeting of the Council of the European Union (**EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS**), held in Brussels on 7 December 2015

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1. **Adoption of the agenda**

14689/15 OJ/CONS 71 SOC 693 EMPL 452 SAN 408 CONSOM 206

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

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

14912/15 PTS A 96

The Council adopted the list of "A" items as set out in 14912/15.

Ireland made a statement on item 1. as set out in the Annex.

EMPLOYMENT AND SOCIAL POLICY

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 on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures [First reading]**

(Legal basis proposed by the Commission: Article 157 of the TFEU)

Interinstitutional File: 2012/0299 (COD)

– General approach ^(•)

16433/12 SOC 943 COMPET 708 DRS 130 CODEC 2724

14343/15 SOC 681 GENDER 28 ECOFIN 887 DRS 70 CODEC 1551

+ COR 1 (fr)

The Council was unable to reach an agreement on a general approach and invited the preparatory bodies to continue their work on the file.

NON-LEGISLATIVE ACTIVITIES

4. Draft Council conclusions on equality between women and men in the field of decision-making

- Adoption
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]*)
14325/15 SOC 679 GENDER 26 SPORT 63 CULT 81
+ ADD 1

The Council adopted the Council conclusions on equality between women and men in the field of decision-making. MT and PL entered statements for inclusion in the minutes of the Council as set out in the Annex. The final version of the conclusions is to be found in doc. 14327/15.

5. Strategic commitment to gender equality (2016-2019)

- Commission contribution
- Exchange of views
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]*)
14746/15 SOC 697 GENDER 31
14251/1/15 SOC 672 GENDER 25 REV 1

The Council held an exchange of views on the Commission's Strategic commitment to gender equality 2016-2019. Many delegations regretted the informal nature of the Strategic commitment and called for the adoption of a formal Commission Strategy. The five priorities set out in the Strategic commitment were broadly endorsed.

LEGISLATIVE DELIBERATIONS

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

6. 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)

- State of play
11531/08 SOC 411 JAI 368 MI 246
13877/1/15 SOC 649 ANTIDISCRIM 13 JAI 841 MI 703 FREMP 253 REV 1

The Council took note of the Presidency's Progress Report (13877/1/15 REV 1).

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency] for items 7 to 10)

7. European Semester 2016

- Presentation by the Commission
- Exchange of views

14221/15 SOC 671 EMPL 439 ECOFIN 863 EDUC 298

(a) Annual Growth Survey 2016, draft Joint Employment Report (JER) and Alert Mechanism Report (AMR)

14270/15 ECOFIN 875 UEM 415 SOC 676 EMPL 441 COMPET 519
ENV 705 EDUC 300 RECH 279 ENER 391 JAI 873

14694/15 EMPL 453 SOC 694 ECOFIN 934 EDUC 313 JEUN 116

14272/15 ECOFIN 877 UEM 416 SOC 677 EMPL 442

(b) Recommendation for a Council Recommendation on the economic policy of the euro area

- Approval of the employment and social aspects of the recommendation for the euro area

14291/15 ECOFIN 882 UEM 421 SOC 678 EMPL 443 COMPET 520
ENV 709 EDUC 301 RECH 280 ENER 394 JAI 883

14860/1/15 ECOFIN 942 UEM 427 SOC 704 EMPL 459 COMPET 552
ENV 759 EDUC 317 RECH 297 ENER 414 JAI 957 REV 1

+ADD1 REV1

The Council held an exchange of views following a presentation by the Commission of the autumn economic package regarding the 2016 European Semester. The discussion was guided by a Presidency note covering all the above-mentioned documents.

The Council also approved the employment and social aspects of the Council Recommendation on the economic policy of the euro area. The DE delegation maintains a general scrutiny reservation on this text.

8. Draft Council conclusions on social governance for an inclusive Europe

- Adoption

14129/15 SOC 668 EMPL 438 ECOFIN 853 POLGEN 166

The Council adopted the Council conclusions on social governance for an inclusive Europe.

The final version of the conclusions is to be found in doc. 15070/15.

9. Proposal for a Council Recommendation on the integration of the long-term unemployed into the labour market

(Legal basis proposed by the Commission: Article 292 of the TFEU)

– Political agreement

14361/15 SOC 683 EMPL 444 EDUC 303 ECOFIN 896

The Council reached a political agreement on the proposal for a Council Recommendation on the integration of the long-term unemployed into the labour market.

10. Draft Council conclusions on the promotion of the social economy as a key driver of economic and social development in Europe

– Adoption

13766/15 SOC 643 EMPL 423

+ REV 2 (pl)

+ REV 2 COR 1 (pl)

The Council adopted the Council conclusions on the promotion of the social economy as a key driver of economic and social development in Europe. The final version of the conclusions is to be found in doc. 15071/15.

11. Any other business

(a) List of measures to advance equal treatment for LGBTI people

– Information from the Commission

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

**(b) European Pact for Youth launched at the Enterprise 2020 Summit
(Brussels, 16 and 17 November 2015)**

– Information from the Commission

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

(c) **Current legislative proposals**

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

(i) **Proposal for a Decision of the European Parliament and of the Council on establishing a European Platform to enhance cooperation in the prevention and deterrence of undeclared work [First reading]**

Interinstitutional File: 2014/0124 (COD)

– Information from the Presidency

The Council was informed about the agreement reached in the negotiations with the European Parliament.

BE underlined the comprehensive approach of the Platform to be established and stressed the importance of combating undeclared work and social dumping associated with undeclared work.

(ii) **Proposal for a Regulation of the European Parliament and of the Council on a European Network of Employment Services, workers' access to mobility services and the further integration of labour markets (EURES) [First reading]**

Interinstitutional File: 2014/0002 (COD)

– Information from the Presidency

The Council was informed about the agreement reached in the negotiations with the European Parliament.

Supporting the proposal in general and in particular its focus on increasing labour mobility, PL recalled its concerns about the obligation of the Member States, under Article 26(1), to collect data disaggregated by gender.

(iii) **European Accessibility Act**

– Information from the Commission

14799/15 SOC 700 MI 770 ANTIDISCRIM 15
+ ADD 1-3

The Council took note of the Commission's presentation of the proposal on a European Accessibility Act.

(d) **Presidency conferences/initiatives**

– Information from the Presidency

14802/15 SOC 701 EMPL 456

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

(e) **Work programme of the incoming Presidency**

– Information from the Netherlands delegation

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

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency] for items 12 to 15)

12. Draft Council conclusions on an EU strategy on the reduction of alcohol-related harm

- Adoption
14391/1/15 SAN 389 REV 1

The Council adopted the Council conclusions as set out in doc. 15050/15. The text will be published in the EU Official Journal.

13. Draft Council conclusions on personalised medicine for patients

- Adoption
14393/15 SAN 390

The Council adopted the Council conclusions as set out in doc. 15054/15. The text will be published in the EU Official Journal.

14. Draft Council conclusions on supporting people living with dementia: improving care policies and practices

- Adoption
14395/15 SAN 391

The Council adopted the Council conclusions as set out in doc. 15055/15. The text will be published in the EU Official Journal.

15. Draft Council conclusions on Lessons learned for Public Health from the Ebola outbreak in West Africa – Health Security in the European Union

- Adoption
14751/15 SAN 409 PROCIV 75 DEVGEN 248

The Council adopted the Council conclusions as set out in doc. 15056/15. The text will be published in the EU Official Journal.

16. 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 on the state of play

14493/12 PHARM 71 SAN 215 MI 597 COMPET 600 CODEC 2305

+ COR 1

14499/12 PHARM 72 SAN 216 MI 598 COMPET 599 CODEC 2312

+ COR 1

14215/15 PHARM 48 SAN 383 MI 729 COMPET 517 CODEC 1535

The Council took note of the information provided by the Presidency as set out in doc. 14215/15. The negotiations on the two proposals will be further pursued by the incoming Netherlands Presidency.

(b) **Presidency conferences on public health**

– Information from the Presidency

14953/15 SAN 423

The Council took note of the information provided by the Presidency in doc. 14953/15.

(c) **Report from the Commission to the European Parliament and the Council regarding trans fats in foods and in the overall diet of the Union population**

– Information from the Commission

14867/15 DENLEG 157 SAN 416 AGRI 631

The Council took note of the presentation of the report by the Commission.

The Commission announced that it would rapidly launch a public consultation and carry out an impact assessment to analyse the impact of different options to limit the presence of industrial trans fatty acids (TFA) in foods. Several delegations supported further action, in particular the option of legal limits for industrial TFAs.

(d) **Work programme of the incoming Presidency**

– Information from the Netherlands delegation

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

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 1: **Council Regulation opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016 to 2018**
= **Adoption**

STATEMENT BY IRELAND

"Ireland supported the Commission proposal for this regulation and the effort of the presidency in coming to a satisfactory agreement for this file given the diverse opinions, whilst also acknowledging that the processing sector has supply needs requiring product from outside the Union.

However, Ireland is not in a position to support the compromise as we believe that it is not balanced and we will, therefore, abstain.

The final compromise, we believe, provides preferential access for imported product beyond what is required to fill gaps in the EU's internal supply. This will be to the detriment of EU primary producers and the ancillary industries in coastal communities dependent on fisheries. We have concerns in particular about the spiced herring tariff reduction, which must be seen in conjunction with the generous access afforded Norway for this product in the EEA Financial Mechanism, as well as the reintroduction of the Article 3 safety mechanism which we believe is excessive."

Ad "B" item 4: **Draft Council conclusions on equality between women and men in the field of decision-making**

STATEMENT BY MALTA
regarding paragraph 21 of the Council Conclusions on Equality between women and men in the field of decision-making

"With regard to possible future work within the Council on critical areas of concern under the Beijing Platform of Action, Malta affirms its right to oppose the development of indicators which could in any way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities."

STATEMENT BY POLAND
on paragraph 32 of the Council conclusions on equality between women and men in the field of decision-making

"With regard to any future discussions on the positioning of women and men on party lists, especially through introduction of a 'zipper' system, Poland declares that they will not affect electoral law in Poland."
