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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(**Employment**, **Social Policy**, **Health** and Consumer Affairs)
6 and 7 December 2018

In doc. 15261/18 INIT, page 15, the statement from the Netherlands delegation should read as follows:

STATEMENT BY THE NETHERLANDS

"The Netherlands supports the goals of the Council Recommendation to provide access to adequate social protection.

Taking into account article 153(4) TFEU which refers to the rights of Member States to define the fundamental principles of their social security systems, the government of the Netherlands interprets the recommendation as follows:

- Article **10** of the recommendation refers to national circumstances, which entails that Member States can make exceptions in light of these circumstances, for instance with regard to the application of the recommendation to workers and self-employed. This is in line with standard treaties of the International Labour Organization (ILO) and Council of Europe (ILO 102 and European Code of Social Security) in which groups can be excluded.
- Article **12** of the recommendation also refers to national circumstances, which entails that the elements of the article which are not applicable to the Dutch social protection system due to the fundamental distinction that is made between the level of protection needed for employees and self-employed, does not hinder the Netherlands in complying with the recommendation. The recommendation gives sufficient flexibility to take these country specific characteristics of social protection systems into account."