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NOTE

From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	7416/18 - COM(2018) - 132 final
Subject:	Proposal for a COUNCIL RECOMMENDATION on access to social protection for workers and the self-employed Statement by the Netherlands

Delegations will find attached a statement by the Netherlands to be inserted in the minutes of the Council.

The Netherlands - Explanation of vote on the Council Recommendation Access to social protection for workers and the self-employed

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.

The Secretariat General of the Council is kindly requested to include this statement to the respective minutes of the EPSCO.
