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CONSOM 393

## DRAFT MINUTES

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Subject: **3583rd** meeting of the Council of the European Union  
(**Employment, Social Policy, Health** and Consumer Affairs),  
held in Brussels on 7 and 8 December 2017

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## MEETING ON THURSDAY 7 DECEMBER 2017 (10:00)

### 1. Adoption of the agenda

The Council adopted the agenda set out in 14944/17.

### 2. Approval of the list of "A" items

#### a) Non-legislative list

14945/17

The Council adopted the "A" items listed in 14945/17.

14946/17

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

## Employment and Social Policy

### 1. Directive on protection of workers from exposure to carcinogens or mutagens at work: exposure limit values



14776/2/17 REV 2  
PE-CONS 45/17

*Adoption of the legislative act*

approved by Coreper, Part 1, on 29.11.2017

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Croatian, UK and Polish delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union.

(Legal basis: Article 153(2)(b) TFEU, in conjunction with Article 153(1)(a), thereof).

## Economic and Financial Affairs

### 2. Transitional arrangements as regards the regulatory capital impact of IFRS 9 and for the large exposures exemption for certain exposures



15135/17  
PE-CONS 59/17

*Adoption of the legislative act*

approved by Coreper, Part 2, on 06.12.2017

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

3. **Ranking of Unsecured Debt Instruments in Insolvency Hierarchy (BRRD-CR)**



15140/17  
PE-CONS 57/17

*Adoption of the legislative act*

approved by Coreper, Part 2, on 06.12.2017

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

**General Affairs**

4. **CPR Technical adjustment**



15139/17  
PE-CONS 53/17

*Adoption of the legislative act*

approved by Coreper, Part 2, on 06.12.2017

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 177 TFEU).

**Foreign Affairs**

5. **IcSP - capacity building in support of security and development (CBSD) amendment**



15138/17 + ADD 1  
PE-CONS 54/17

*Adoption of the legislative act*

approved by Coreper, Part 2, on 06.12.2017

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 212(2) TFEU).

**Declaration concerning sources of funding of assistance measures under Article 3a of Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace**

"The European Parliament, the Council and the Commission agree that capacity building in support of development and security for development should be financed within Heading IV of the multiannual financial framework for the years 2014-2020, primarily through redeployments, while preserving the financial balance among all instruments to the maximum extent possible. Furthermore, without prejudice to the prerogatives of the budgetary authority in the annual budgetary procedure, such redeployments should not include use of appropriations allocated to measures under Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020."

## EMPLOYMENT AND SOCIAL POLICY

### Non-legislative activities

3. **European Semester 2018** 14990/17  
*Exchange of views*
- a) **Annual Growth Survey (AGS), Alert Mechanism Report (AMR), draft Joint Employment Report (JER), draft Employment Guidelines (EGL) and draft Recommendation on the economic policy of the euro area** 14826/17  
14824/17  
14812/17  
14805/17 + ADD 1  
14823/17  
*Presentation by the Commission*
- b) **Recommendation on the economic policy of the euro area** 15092/17  
*Approval of the contribution on the employment and social aspects*

The Council held an exchange of views on the Autumn Economic Package, based on the presentation by the Commission and guided by a Presidency note. It approved the contribution on the employment and social aspects of the draft Recommendation on the economic policy of the euro area.

### Legislative deliberations

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

4. **Directive on the accessibility requirements for products and services** 15096/17  
14799/15  
*General approach* + ADD 1–3

The Council reached the general approach on the basis of 15096/17. The outcome of the Council's proceedings are set out in 15586/17.



The UK delegation abstained and submitted a statement to the Council minutes; the Spanish, Italian and Finnish delegations made statements. All these are to be found in the Annex to this document.

5. **Revision of Regulations on coordination of social security systems (883/04 and 987/09)**  14958/17  
*Partial general approach*  15642/16  
+ COR 1  
+ ADD 1 REV 1

The Council reached a partial general approach on the text as set out in Annexes I and II of 15514/17.

The Slovak delegation submitted a statement and the Swedish, Finnish and Latvian delegations also submitted a joint statement to the Council minutes. All these are to be found in the Annex to this document.

### Non-legislative activities

6. **Directive on Maritime Labour Convention (implementing a Social Partner Agreement)**  14150/1/17 REV 1  
(Legal basis proposed by the Commission: Article 155(2) TFEU) (\*) 11579/17  
*Political agreement* 

The Council reached a political agreement on the draft Directive as set out in the Annex to 14150/1/17 REV1.


### Legislative deliberations

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

7. **Directive on work-life balance**  14280/17  
*Progress report*  8633/17  
+ COR 1  
+ ADD 1

The Council took note of the Progress Report as set out in 14280/17 + COR 1 + COR 2.


## Non-legislative activities

8. **Council conclusions on enhanced measures to reduce horizontal gender segregation in education and employment**  14624/17  
*Adoption* + ADD 1

The Council adopted the Conclusions as set out in 15468/17. The executive summary of the report entitled "Gender segregation in education, training and the labour market" prepared by the European Institute for Gender Equality (EIGE) as set out in ADD 1 was submitted to the Council for information.


## Legislative deliberations

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

9. **Directive on equal treatment (Art. 19)**  14867/17  
*Progress report* 11531/08

The Council took note of the progress report as set out in 14867/17.

## Non-legislative activities

10. **Council conclusions on the future of work: Making it e-Easy**  14954/17  
*Adoption*


The Council adopted the Conclusions as set out in 15506/17.

11. **Council conclusions on enhancing community-based support and care for independent living**  14636/17  
*Adoption*

The Council adopted the Conclusions as set out in 15563/17.



## Any other business

12. a) **Social Summit (Gothenburg, 17 November 2017)**  15163/17  
*Information from the Swedish delegation and the Commission*


The Council took note of the information provided by the Swedish delegation and the Commission.

- b) **EU Action Plan 2017-2019 on tackling the gender pay gap**  
*Information from the Commission*

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

- c) **Concluding the year of focused actions to eliminate gender-based violence**   
*Information from the Commission*

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

- d) **Work programme of the incoming Presidency**   
*Information from the Bulgarian delegation*

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

## MEETING ON FRIDAY 8 DECEMBER 2017 (10:00)

### HEALTH

#### Non-legislative activities

- 13. Council conclusions on digital health**  14078/17  
*Adoption* + COR 1

The Council adopted the conclusions on digital health set out in the Annex to 14078/17 + COR 1 and decided to have the conclusions published in the *Official Journal of the European Union*.

- 14. Council conclusions on cross-border aspects in alcohol policy**  14082/17  
*Adoption*

The Council adopted the conclusions on cross-border aspects in alcohol policy set out in the Annex to 14082/17 and decided to have the conclusions published in the *Official Journal of the European Union*.

The Italian Delegation submitted a statement for the Council minutes set out in the addendum to that document.

- 15. Pharmaceutical policy in the EU – current state and future perspectives**  14574/17  
*Exchange of views*

The Council held an exchange of views on "Pharmaceutical policy in the EU - current state and future perspectives" on the basis of the Presidency questions set out in 14574/17.

## Any other business

16. a) **Report on the State of Paediatric Medicines in the EU**  13779/17  
– 10 years of the EU Paediatric Regulation  
*Information from the Commission*

The Council took note of the information provided by the Commission and of interventions by delegations on this subject in the exchange of views on Pharmaceutical policy in the EU.

- b) **Issues related to European patients' access to treatment** '2/17  
*Information from the Romanian delegation*

The Council took note of the information provided by the Romanian delegation and of interventions by delegations on this subject in the exchange of views on Pharmaceutical policy in the EU.

- c) **Lack of drug availability in Greece**  14517/17  
*Information from the Greek delegation*

The Council took note of the information provided by the Greek delegation and of interventions by delegations on this subject in the exchange of views on Pharmaceutical policy in the EU.

- d) **Valproate and teratogenic medicinal products**  14709/17  
*Information from the Belgian delegation*

The Council took note of the information provided by the Belgian delegation and of the interventions by the United Kingdom delegation and by the Commission.

- e) **State of Health in the EU** 17/17  
*Information from the Commission, OECD and the European  
Observatory on Health Systems and Policies* 10/17

The Council took note of the information provided by the Commission, by the Organisation for Economic Co-operation and Development and by the European Observatory on Health Systems and Policies.

- f) **Annual Growth Survey 2018** 14826/17  
*Information from the Commission on health specific  
aspects*

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

- g) **Steering Group on Health Promotion, Disease  
Prevention and Management of Non-Communicable  
Diseases** 14595/17  
*Information from the Commission*

The Council took note of the information provided by the Commission and of the interventions by the German, Polish and Slovenian delegations.

- h) **Outcome of the High Level Meeting "AMR: One  
Health Action Plan and evidence-based policy-  
making"  
(Brussels, 23 November 2017)** 15134/17  
*Information from the Presidency*

The Council took note of the information provided by the Presidency and of the interventions by the Danish, Spanish, Netherlands', Swedish and United Kingdom delegations and by the Commission.

i) **Work programme of the incoming Presidency**



*Information from the Bulgarian delegation*

The Council took note of the oral information provided by the incoming Bulgarian Presidency and of the intervention by the Commission.



First reading



Public deliberation (Article 8(1) of the Council's Rules of Procedure)



Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)



Item based on a Commission proposal

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**STATEMENTS FOR THE COUNCIL MINUTES**

**Ad "B" item 4:**      **Directive on the accessibility requirements for products and services**  
*General approach*

**STATEMENT BY FINLAND**

"The Finnish Government is strongly committed to improving the quality of life for persons with disabilities and functional limitations. For decades, Finland has been making significant efforts to promote the rights and equal opportunities of persons with disabilities.

Committee on the Rights of Persons with Disabilities required under the UN Convention on the Rights of Persons with Disabilities (CRPD) has been established in Finland as early as in 1986. The purpose of this Committee is to ensure that the rights of persons with disabilities are taken into consideration in all administrative branches. Through legislative measures, the Finnish Government has significantly transformed operational environments in order to promote the quality of life, independence and equal opportunities in society of persons with disabilities. The employment and employability of persons with disabilities has also been a special focus of Government.

Finland is strongly committed to fulfilling its obligations under the CRPD and continuing its work in line with the Convention.

Finland supports the objectives of the proposed Accessibility Act, it is improving the quality of life and possibilities for independent living for persons with disabilities.

However, we are not absolutely certain that the proposed internal market directive, which appears rather palpably and ambiguously worded and broad in scope, would promote the quality of life for persons with disabilities in the desired manner.

The proposed obligations placed on companies and authorities would be difficult to implement. The model for monitoring the implementation of the proposed directive would be rather difficult to put to practice and could set considerable challenges for the activities of national authorities.

We consider it apt to take the questions relevant to the implementation and practicability of the directive very seriously.

The impacts of the directive are not appropriately known. At worst, it may obstruct the operating conditions of companies and oversight authorities while creating significant legal uncertainty in the internal market. The cost impacts of implementing the directive could also be high, without achieving the additional benefits aimed for. In the prevailing difficult economic situation, it is difficult to see this as justified. We also think that the Directive should be more technology neutral and clearly facilitate innovation.

However, we would like to extend our thanks to the Estonian Presidency as well as its predecessors, Malta, Slovakia and the Netherlands, for their considerable efforts during the negotiations. The Presidencies' professional approach and willingness to compromise have brought about significant improvements in the proposal during the negotiations."

## STATEMENT BY ITALY

"Italy supports the European Accessibility Act but expresses regret for the exclusion of the emergency services from the scope."

## STATEMENT BY SPAIN

"Spain has strongly supported the proposal for a Directive of the European Parliament and of the Council on accessibility requirements for products and services since it was presented in December 2015.

We welcome and value the work carried out to date by various presidencies, in particular that of the Estonian Presidency, which has achieved significant progress in the last few months.

That said, the proposal before this Council is not as comprehensive or balanced as we would have wished. We particularly regret the fact that '112' emergency calls have not been included in the scope of the future Directive.

Nevertheless, Spain **votes in favour** of the Presidency's proposal on the general approach, as submitted to this Council."

## STATEMENT BY THE UK

"The UK was unable to support the General Approach on the European Accessibility Act at EPSCO on 7<sup>th</sup> December 2017, but neither does the UK oppose its adoption. The UK has therefore abstained.

The UK believes in robust legislation on accessibility and has always supported the aims of the European Accessibility Act in improving the accessibility of a range of products and services for persons with disabilities. The UK ratified the United Nations Convention on the Rights of Persons with Disabilities in 2009 and is committed to the progressive realisation of the rights for disabled people that it sets out. The UK Equality Act 2010 already prohibits discrimination on grounds of disability and imposes a duty on providers of goods and services to make "reasonable adjustments" to prevent this.

Despite the improvements that had been made during Council negotiations, the UK considered that the text was not yet ready to be adopted. The UK was particularly concerned about the potential that prescriptive requirements would hamper innovation, to the detriment of future accessibility provision. In addition, the lack of clarity in some parts of the text and the risk of overlap with sectoral legislation were cause for concern.

The UK recognises the challenges of negotiating such an important and technically detailed file. We would like to thank the Presidency for continuing to work with Member States to address the long-standing issues with the text."

**Ad "B" item 5:        **Revision of Regulations on coordination of social security systems  
(883/04 and 987/09)**  
*Partial general approach***

**JOINT STATEMENT BY SWEDEN, FINLAND, LATVIA**

"Sweden, Finland, Latvia can accept this partial general approach, agree with the Commission and the Presidency that the amended provisions regarding long-term care benefits do not entail any change in the scope of the Regulation and thank the Presidency for all the work they have done to clarify this. Accordingly, the amended provisions are corresponding to the scope in Sweden's, Finland's, Latvia's declaration on the scope of this Regulation pursuant to Article 9 of Regulation (EC) No 883/2004."

**STATEMENT BY THE SLOVAK REPUBLIC**

"The Slovak Republic appreciates the efforts made by the Estonian Presidency on the draft amendments to the long-term care benefits and family benefits provisions and recognizes the Presidency's objective to reach a partial general approach. The text prepared by the Estonian Presidency significantly improves many aspects of the original Commission's proposal. However, the compromise still lacks justification on impacts as well as clarity with regard to the application of the new rules on family benefits. The Slovak Republic cannot therefore support the partial general approach on the family benefits chapter.

The Slovak Republic underlines that the new Article 68b of the Regulation 883/2004 and limitation of derived right in respect of certain family benefits can have negative consequences on the income of mobile workers' families. Furthermore, those impacts may lead to a situation where the choice of these families as regards the sharing of care responsibilities would be limited. It may also influence the decision of the mobile workers' families to make use of the freedom of movement as guaranteed by the Treaties. The Slovak Republic also reiterates its doubts whether the newly introduced individual right to family benefits in cash intended to replace income during the period of child-raising fully respects the objective of the family benefits provided for in Article 1(z) of the Regulation 883/2004 and the principle of one family contained in Article 60(1) of the Regulation 987/2009.



Finally, the Slovak Republic has pointed out several times the possible unintended consequences of the new category of family benefits, set out in Article 68b of the Regulation 883/2004, for the calculation of the differential supplement pursuant to Article 68 of the Regulation 883/2004, especially in the light of the *Wiering* judgment. The Slovak Republic has been concerned about the risk of a possible comparison of the benefits intended to provide additional income during the child-raising period with another category of family benefits with a different objective, if the former benefits were not included in the new Annex XIII. This would have far-reaching consequences for calculation of the amount of family benefits to be provided to families of mobile workers. For this reason and in the light of the improved definition, the Slovak Republic has asked for including its parental benefits in the new Annex XIII, although it has still doubts about the basic underlying principle which is the individualisation of rights to certain family benefits. In this context, we welcome the changes introduced by the Estonian Presidency seeking to improve legal clarity with regard to the calculation of the differential supplement pursuant to Article 68 of the Regulation 883/2004.

To conclude, the Slovak Republic would have preferred the preservation of *status quo* as regards the derived right to all family benefits."

**Ad "B" item 14:      Council conclusions on cross-border aspects in alcohol policy**  
*Adoption*

**STATEMENT BY ITALY**

"Italy appreciates the intention of the Estonian Presidency to address this so relevant issue for public health policies, that is the fight against some aspects of the harmful use of alcohol and therefore Italy does not intend to hinder the adoption of the Conclusions proposed.

However, Italy wants to express its regret that in the text of these Council Conclusions some aspects that it considers important have not been neither included nor strongly highlighted.

The Italian experience, notwithstanding some worrying trends especially among young people, shows an average consumption among the lowest in Europe, basically limited to a moderate and responsible use of low-alcohol drinks, in the context of a healthy diet and lifestyle.

Therefore, we think it should be highlighted how a moderate, not harmful consumption does not necessarily lead to a significant increase in health risks, in line with the indications of international organizations such as WHO, that always refer to the harmful use of alcohol not simply to the consumption.

Italy also believes that, in order to guarantee the effectiveness of prevention and communication policies, especially those addressed to youngsters, it is essential to adopt a multi-sectoral approach, with the involvement of all stakeholders.

Furthermore, Italy considers that the adoption of fiscal measures is not necessarily an effective measure; on the contrary it could stimulate illicit supply, also through alternative channels, putting at risk the safety and health of consumers.

Italy also believes that it is premature to deal with the issue of labelling while still waiting for the proposals that could come from the industrial sector in the first months of the next year.

Italy deems it important to reiterate that any national labelling initiative must not violate the principles of free movement of goods between Member States, as provided for in the Treaties."

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