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Employment, Social Policy and Health issues

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• Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
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ITEMS DEBATED

EMPLOYMENT AND SOCIAL POLICY

Accessibility requirements for products and services

The Council reached a general approach on the directive on accessibility requirements for products and services([15586/17](#)). On the basis of this mandate, the presidency is ready to start negotiations with the European Parliament.

More than 80 million people in Europe live with some kind of disability and the number is rising as a result of an ageing society. With this legislation, a wide range of products and services will become much more accessible to those with special needs. This means that they will be able to play a fuller and more productive role in society.

The products and services covered by the directive include: consumer computer hardware systems such as personal computers, tablets, smartphones; electronic communications services; e-commerce; e-books; services providing access to audio-visual media products; various transport services (such as ticketing machines and travel information) and banking services (ATMs, websites and mobile device-based banking).

Microenterprises that provide services are exempt from the accessibility requirements, since they are small and often newly established and therefore lack the necessary resources.

The directive also helps member states to implement the UN Convention on the rights of persons with disabilities, which itself includes an obligation to increase the accessibility of products and services. The adoption of the Accessibility Act will lead to harmonised implementation of accessibility requirements across the EU and will prevent the fragmentation of the single market and the additional costs which would arise as a result.

Coordination of social security systems

The Council reached a partial general approach on the revision of regulations 883/2004 and 987/2009 on the coordination of social security systems ([14958/17](#)). The general objective of the regulation is to continue the modernisation of EU social security coordination rules by making them clearer, fairer, and more easily enforceable, thus facilitating the free movement of persons within the EU.

This partial agreement covers the chapters on long-term care benefits and family benefits.

Due to an ageing population and the evolution of member states' social security systems, the long-term care sector is growing rapidly. The partial agreement takes these developments into account by establishing a distinct category of long-term care benefits and by providing for a new definition.

In many member states, family benefits are being granted to working parents who, for a period of time, lose their income due to their parental responsibilities. Among other improvements, the regulation acknowledges these benefits as an individual right.

Maritime labour convention

The Council reached a political agreement on a maritime labour convention (MLC) directive which improves the working conditions of seafarers ([14150/1/17 REV 1](#)).

This directive implements the agreement between EU-level social partners in the maritime sector.

It expands seafarers' protection, which is important since many seafarers currently face abandonment in foreign ports without pay, often for several months, and without regular food supplies, medical care, or the means to return home.

Compensation procedures will also become easier and more effective; in addition, the directive provides for an obligation to carry documentary evidence of the financial security system on board ships.

The Commission submitted the proposal in July 2017 to update Council directive [2009/13/EC](#) in the light of the 2014 amendments to the MLC and to ensure the effective enforcement of these amendments through the application of the enforcement directive on flag State responsibilities ([directive 2013/54/EU](#)).

Work-life balance

The Council took note of progress on the work-life balance directive ([14280/17](#)).

The general objective of the proposal is to improve access to work-life balance arrangements such as leave and flexible working arrangements, and to increase the take-up of family-related leave by men, thus contributing to increasing female labour market participation.

In particular, the proposal aims to update the minimum standards on (i) parental leave and (ii) flexible working arrangements, and to introduce new minimum standards on (iii) paternity leave and (iv) carers' leave.

During the Estonian presidency, the Council working party on social questions discussed the proposal in several meetings, focusing on the most contentious articles: paternity leave, carers' leave and parental leave, together with the article on adequate allowance.

Equal treatment

The Council took note of progress on the equal treatment directive ([14867/17](#)). The directive would provide for equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation in areas outside employment.

During the Estonian presidency, the discussions in the relevant working party focused in particular on issues such as multiple discrimination and equality data.

Although real progress has been made under the Estonian presidency, further political discussion is needed before the required unanimity can be reached in the Council.

European Semester 2018

Ministers exchanged views on the European Semester 2018 ([14990/17](#)) following the economic package presented by the Commission in November. The Council approved the social and employment aspects of the euro area recommendation ([15092/17](#)).

The employment and social outlook is positive. Economic prospects today are better than they have been in years. EU economies are expanding, unemployment levels are decreasing and employment levels have hit new heights. Despite the general positive outlook, youth and long-term unemployment rates in particular are still too high and wage levels have risen only very moderately.

Growing income inequality remains a concern that should be tackled in a comprehensive manner. This year, the European Pillar of Social Rights was adopted in November. A particular emphasis is placed on ensuring social fairness across all priorities, in line with the Pillar's principles.

The future of work: Making it e-Easy

The Council adopted conclusions on the future of work: Making it e-Easy ([14954/17](#)).

These conclusions shed light on the impact of digitalisation on working conditions, social protection, and education and skills.

They call upon stakeholders to embrace the changes in the world of work and adapt the systems to seize the opportunities provided by those changes.

Community-based support and care for independent living

The Council adopted conclusions on 'enhancing community-based support and care for independent living' ([14636/17](#)).

The conclusions highlight the importance of taking action at different levels to enhance community-based support and care aimed at enabling independent living, and invite stakeholders to actively engage in this endeavour.

Horizontal gender segregation in education and employment

The Council adopted conclusions on enhanced measures to reduce horizontal gender segregation in education and employment ([14624/17](#)).

The conclusions call on the member states to tackle gender segregation in education, training and the labour market, with a view to addressing, in particular, the shortage of women in the so-called STEM fields (science, technology, engineering and mathematics) and the shortage of men in the EHW (education, health and welfare) sectors.

ANY OTHER BUSINESS

– *EU action plan 2017-2019 on tackling the gender pay gap*

The Commission informed the Council about the EU action plan 2017-2019 on tackling the gender pay gap.

– *Concluding the year of focused actions to eliminate gender-based violence*

The Commission informed the Council about focused actions taken to eliminate gender-based violence.

– *Social Summit (Gothenburg, 17 November 2017)*

The Swedish delegation and the Commission informed the Council about the outcome of the Gothenburg Social Summit.

– *Work programme of the incoming presidency*

The Bulgarian delegation informed the Council about its work programme.

HEALTH

Pharmaceutical policy in the EU

The Council held an exchange of views on pharmaceutical policy in the EU, with a view to strengthening the balance in pharmaceutical systems ([14574/17](#)), as highlighted in the 2016 Council conclusions ([10315/16](#)).

The debate focused on access to medicinal products at affordable prices throughout the Union. A suggestion to establish a plan for achieving that aim was supported by several delegations. Many delegations referred to ongoing co-operation between groups of Member States in negotiations with industry. Other topics raised concerned the impact of high prices of medicinal products on the sustainability of health systems; the improved availability in recent years of medicinal products for paediatric use, albeit not for treating illnesses specific to children; and the need to provide an uninterrupted supply of medicinal products.

Alcohol policy

The Council adopted conclusions on cross-border aspects in alcohol policy (14082/17) which are published in the [Official Journal](#) of the European Union.

Tackling the harmful use of alcohol is one of the priorities of the Estonian presidency in the area of health and was one of the main items for discussion at the EU health ministers' informal meeting held in Tallinn on 20 and 21 July.

The main cross-border aspects covered by the conclusions are concerns related to advertising, in particular where it is transmitted through new social media and targets young people, to cross-border transportation of alcoholic beverages and to the labelling of alcoholic beverages.

Digital health

The Council adopted conclusions on 'Health in the digital society – making progress in data-driven innovation in the field of health' ([14078/17](#) + COR 1). The [conclusions](#) are published in the Official Journal of the European Union (C 440 2017 page(s) 3-9).

The conclusions emphasise the potential of digital technologies and advanced data analytics to empower citizens and contribute to better targeted, more integrated and safer healthcare, and to a more efficient use of healthcare resources.

ANY OTHER BUSINESS

- ***Report on the 'State of paediatric medicines in the EU - 10 years of the EU paediatric regulation'***

The Commission informed the Council about the report on the 'State of paediatric medicines in the EU - 10 years of the EU paediatric regulation'.

- ***Issues related to European patients' access to treatment***

The Romanian delegation informed the Council about issues related to European patients' access to treatment by medicinal products.

- ***Lack of drug availability in Greece***

The Greek delegation informed the Council about problems with the availability of a specific medicinal product.

- ***Valproate and teratogenic medicinal products***

The Belgian delegation informed the Council about activities aimed at informing patients about risks of birth defects and disorders if certain medicinal products are used during pregnancy.

- ***State of health in the EU***

The Commission informed the Council about the state of health in the EU.

– *Annual growth survey 2018*

The Commission informed the Council about the annual growth survey 2018.

– *Steering group on health promotion, disease prevention and management of non-communicable diseases*

The Commission informed the Council about the role of this group.

– *Outcome of the high-level meeting 'Antimicrobial resistance: one health action plan and evidence-based policy-making' (Brussels, 23 November 2017)*

The Presidency informed the Council about the outcome of the high-level meeting on antimicrobial resistance.

– *Work programme of the incoming presidency*

The Bulgarian delegation informed the Council about its work programme.

OTHER ITEMS APPROVED

EMPLOYMENT/SOCIAL POLICY

Carcinogens or mutagens at work

The Council adopted a directive on the protection of workers from exposure to carcinogens or mutagens at work by setting new exposure limits (see [press release](#)). [PE-CONS 45/17](#)

FOREIGN AFFAIRS

EU-Ukraine Association Council - EU position

The Council adopted the EU position for the 4th meeting of the EU-Ukraine Association Council (Brussels, 8 December 2017)

[EU-Ukraine Association Council, 08/12/2017](#)

Capacity building for security and development

The Council adopted a regulation improving the EU's instrument for contributing to stability and peace (IcSP).

This measure forms part of an EU-wide strategic framework to support security sector reform. It aligns the objectives of the instrument with the commitments made by the EU towards the UN sustainable development goals and the recently agreed new European consensus on development.

The revised instrument introduces the possibility for the EU to finance measures for capacity building in support of security and development (CBSD), specifically the capacity of military actors in partner countries, so as to contribute to sustainable development and in particular the achievement of peaceful and inclusive societies.

ECONOMIC AND FINANCIAL AFFAIRS

Banking: creditor hierarchy - regulatory capital impact of IFRS 9 - large exposures

The Council adopted two legislative acts on banking:

- a directive on the ranking of unsecured debt instruments in insolvency proceedings (bank creditor hierarchy);
- a regulation on transitional arrangements to phase in the regulatory capital impact of the IFRS 9 international accounting standard.

The draft regulation also contains a phase-out of provisions on the large exposures treatment of public sector debt denominated in non-domestic EU currencies.

Agreement was reached with the European Parliament on 25 October 2017. The Parliament approved the texts at first reading on 30 November 2017.

GENERAL AFFAIRS

Case management at the Court of Justice

The Council adopted conclusions on the European Court of Auditors' special report [No 14/2017](#) entitled 'Performance review of case management at the Court of Justice of the European Union' ([14833/17](#)).

REGIONAL DEVELOPMENT

Common provisions regulation - technical adjustments

The Council approved the European Parliament's position at first reading ([PE-CONS 53/17](#)) with a view to introducing several technical changes to regulation (EC) No [1303/2013](#), which lays down common provisions on the European Structural and Investment Funds.

The aim of the amendments is to take into account the most recent statistical data available and to bring the figures in that regulation into line with the outcome of various financial decisions that have already been taken.

AGRICULTURE**Hydrocyanic acid in apricot kernels**

The Council decided not to oppose the adoption of a Commission regulation amending regulation (EC) No 1881/2006 as regards maximum levels of glycidyl fatty acid esters in vegetable oils and fats, infant formula, follow-on formula and foods for special medical purposes intended for infants and young children ([14147/17](#) + [ADD 1](#)).

Commission regulation (EC) No 1881/2006 sets maximum levels for certain contaminants in foodstuffs.

New EU reference laboratories for contamination of bivalve molluscs and transmissible spongiform encephalopathies (TSEs)

The Council did not oppose the adoption of two Commission regulations amending regulation No 882/2004 as regards the EU reference laboratory for:

- monitoring the viral and bacteriological contamination of bivalve molluscs ([13995/17](#)), and
- transmissible spongiform encephalopathies ([13996/17](#) - also amending regulation No 999/2001 establishing the EU reference laboratory for TSEs and its specific tasks).

Regulation (EC) No 882/2004 lays down the general tasks, duties and requirements for EU reference laboratories for food and feed and for animal health. It also includes the list of these laboratories in part I of annex VII.

The designation of the EU reference laboratories for monitoring the viral and bacteriological contamination of bivalve molluscs and for TSEs, located in the United Kingdom, will be discontinued on 31 December 2018 as a consequence of the United Kingdom notification in accordance with Article 50 of the Treaty on European Union.

Thereafter the EU reference laboratories for the analysis and testing of zoonoses (salmonella), the EU reference laboratory for Escherichia coli, including verotoxigenic E. coli (VTEC) and the EU reference laboratory for foodborne viruses, will take over the activities carried out so far by the EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs as regards the analytical tests for salmonella, E. coli and viruses respectively.

The EU reference laboratory for the monitoring of marine biotoxins will take over the activities related to the classification and monitoring of production areas for bivalve molluscs.

The new EU reference laboratory for TSEs is a consortium between the Istituto Zooprofilattico Sperimentale del Piemonte Liguria e Valle d'Aosta (IZSPLVA) and the Istituto Superiore di Sanità (ISS).

Health claims made on foods

The Council decided not to oppose the adoption of a Commission regulation refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health ([13849/17](#) + [ADD 1](#)).

Pursuant to regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission and included in a list of permitted claims. The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the European Food Safety Authority (EFSA).

The objective of the new regulation is to refuse a health claim related to *Lactobacillus plantarum* 299v (Lp299v) and its alleged increase of non-haem iron absorption (Question No EFSA-Q-2015-00696).

Food additives - plastic materials for food - scrutiny of Commission acts

The Council decided not to oppose the adoption of a Commission regulation amending regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food ([13938/17](#) + [ADD 1](#)).

Commission regulation (EU) No 10/2011 establishes an EU list of authorised substances which may be used in plastic materials and articles intended to come into contact with food.

Since the last amendment to regulation (EU) No 10/2011, the European Food Safety Authority (EFSA) has published further scientific opinions on particular substances that may be used in food contact materials (FCM) as well as on the permitted use of already authorised substances. In line with positive opinions delivered by the EFSA, the new regulation amends the list of authorised substances to include additional FCM substances.

FOOD LAW

Update of the list of authorised food additives

The Council decided not to oppose the adoption of three Commission regulations related to regulation 1333/2008 on food additives, namely:

- a Commission regulation amending annex II to regulation 1333/2008 as regards the use of sweeteners in fine bakery wares ([14171/17](#) + [ADD 1](#)), and
- two Commission regulations amending annexes II and III to regulation 1333/2008 and the annex to regulation 231/2012 as regards:
 - specifications for Microcrystalline cellulose (E460(i)) ([13917/17](#) + [ADD 1](#))
 - calcium sorbate (E 203) ([14153/17](#) + [ADD 1](#))

Regulation 231/2012 lays down specifications for food additives listed in annexes II and III to regulation (EC) No 1333/2008.

ENVIRONMENT

Evaluation of surface waters

The Council decided not to oppose the adoption of a Commission decision establishing the values of the member state monitoring system classifications as a result of the intercalibration exercise ([13844/17](#) + [ADD1](#)). This decision is in accordance with [directive 2000/60/EC](#) and repeals [decision 2013/480/EU](#).

Member states are required by [directive 2000/60/EC](#) to protect, enhance and restore all bodies of surface waters with the aim of achieving good ecological and chemical status. The directive sets out the process to ensure the comparability between the biological monitoring results of member states and their monitoring system classifications.

The comparison is carried out through an intercalibration network comprised of monitoring sites in each member state and in each ecoregion of the EU.

A third phase of the intercalibration exercise has been completed to improve the comparability of the intercalibration results in time for the third river basin management plans due in 2021. The results of this third phase of the intercalibration exercise are included in the annex to this Commission decision.

The Commission decision is subject to the so-called 'regulatory procedure with scrutiny'. This means that now that the Council has given its consent, the Commission may adopt the decision, unless the European Parliament objects.

TRANSPARENCY

Public access to documents

On 7 December 2017, the Council approved the reply to confirmatory application No 25/c/01/17 ([12805/17](#) + COR 1).