

Employment, Social Policy, Health and Consumer Affairs Council
(Employment, Social Policy and Health issues)
Thursday 8 December in Brussels

The EPSCO Council will begin at **9.30** with employment and social policy issues and will continue at +/- **16.45** with health items. Most of the meeting will be public and can be followed by video streaming at <http://video.consilium.europa.eu/>.

Employment and Social Policy session

The Council will be chaired by Jan Richter, Slovak Minister for Labour, Social Affairs and Family.

The Council is expected to agree a general approach on new regulations governing the European foundation for the improvement of living and working conditions (**Eurofound**), the European agency for safety and health at work (**EU-OSHA**) and the European centre for the development of vocational training (**Cedefop**).

Ministers will exchange views on the **European Semester 2017**, following the economic package presented by the Commission in November.

The Council will debate the **European pillar for social rights**.

It will take stock of progress on the **posting of workers** directive. The Council will take note of progress on the **accessibility** and on the **equal treatment** directives.

The Council is expected to adopt the following sets of conclusions:

- The implementation of the Youth guarantee and the Youth employment initiative,
- accelerating the process of Roma integration, and
- women and poverty.

Over lunch, ministers will discuss social economy and social innovation: an avenue for job creation and poverty reduction.

A press conference will take place at +/- 16.30.

¹ This note has been drawn up under the responsibility of the press office.

Health session

The Health part of the Council will be chaired by Tomáš Drucker, Slovak Minister for Health.

The Council will exchange views on the public health related part of the Commission's annual growth survey for 2017.

Under any other business ministers will be briefed on several public health items, such as on the availability and accessibility of medicines in the EU, the state of health in the EU, the fight against antimicrobial resistance, the setting up of European reference networks and the WHO framework convention on tobacco control.

A press conference will take place at +/- 19.00.

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Press conferences and public events by video streaming:

<https://tvnewsroom.consilium.europa.eu/permalink/88778>

Video coverage in broadcast quality (MPEG4) and photo gallery on: www.eucouncil.tv.

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Employment and Social Policy

European Agencies: Eurofound, EU-OSHA, Cedefop

The Council is expected to agree a general approach ([15024/16](#) + [ADD 1](#), [ADD 2](#) + [ADD 3](#)) on new regulations governing the European foundation for the improvement of living and working conditions (**Eurofound**), the European agency for safety and health at work (**EU-OSHA**) and the European centre for the development of vocational training (**Cedefop**).

In August 2016, the Commission presented the proposals on the three decentralised EU agencies. The common feature of these agencies is their tripartite nature, reflected both in their governance and functioning: national authorities, trade unions and employer representatives participate in the governing bodies as well as in dedicated advisory committees of the agencies.

The aim of the regulations is mainly to update the respective objectives, tasks and activities in order to better reflect recent societal, institutional and economic developments as well as new needs.

These updates also provide an opportunity to include important provisions which were not foreseen in the current regulations, such as anti-fraud measures, conflict of interest policies, evaluations and reviews, and the establishment of headquarter agreements.

The main new feature of the proposed regulations is a new governance structure, i.e

- a **management board** at the top level, is vested with the necessary powers, such as the adoption of the budget and the approval of the programming documents laying down the strategic priorities for the activities of the respective agency, and appointing authority powers;
- this board is assisted by an **executive board** that prepares management boards' meetings and supports the decision-making and monitoring processes;
- an **executive director** takes care of the overall management of the respective agency according to the strategic direction set by its management board, including day-to-day administrative, financial and human resources management.

With this political agreement the Council can start negotiations with the European Parliament.

European Semester 2017

Ministers will exchange views on the **European Semester 2017** on the basis of a presidency [steering note](#).

The Commission will present to the Council the economic package which includes the annual growth survey, the joint employment report and the alert mechanism [report](#).

The Council will be called on to approve the **employment and social aspects** of the euro area draft [recommendation](#).

The employment and social situation in the EU is gradually improving. The employment rate is once again above the 2008 level. The unemployment rate has kept falling, standing at 8,5% in the EU-28 and 10% in the euro area (September 2016 data).

Growing inequalities need to be tackled and concrete measures need to stop further widening of the gap between the haves and not-haves. Though declining, youth and long-term unemployment rates are still high in some regions and member states. Gender employment and pay gaps remain wide.

The Commission proposes in the [annual growth survey](#) to maintain the main priorities of relaunching investment, pursuing structural reforms and ensuring responsible public finances. A particular emphasis is placed on ensuring social fairness across all three above-mentioned priorities. Economic, employment and social policy should place more emphasis on supporting long-term sustainable and inclusive growth which generates jobs. Where necessary, policy adjustments may be required to achieve this.

Recent economic forecasts point towards moderate growth, with job creation set to continue. Policies and actions need to tackle the challenges in a comprehensive approach. For having a real impact, member states' action are to be taken in different areas, including tax and benefits systems, education and skills, healthcare, as well as wage setting policies, where Social Partners have a central role to play.

Specially important and novel is the call for a positive fiscal stance for the euroarea, departing markedly from previous years, with a standalone communication being adopted on the matter.

The [joint employment report](#) recognises the improvement of the labour market and social situation, with the recovery becoming increasingly more job-intensive. However, it acknowledges that income inequality remains high but stabilised, and that poverty and social exclusion are also high albeit decreasing.

Pillar for social rights

The Council will hold a discussion on the **European Pillar for social rights** on the basis of a presidency [steering note](#). This initiative is part of the work undertaken by the Commission for a deeper and fairer Economic and Monetary Union.

The discussion aims at providing the Commission with strong political messages still in the context of the ongoing consultation process. After having taken stock of the results of the public consultation, the Commission is expected to table specific initiatives under the pillar in March 2017.

The pillar aims at strengthening the focus on employment and social aspects and at making the European social model fit for the challenges of the 21st century. Moreover, the pillar aims at supporting well-functioning as well as fair labour-markets and welfare systems.

The Commission has highlighted that the pillar would be structured around the three following principles: equal opportunities and access to the labour market, fair working conditions and adequate and sustainable protection.

Posting of workers

The Council will take stock of [progress](#) on the posting of workers directive. Following the Commission's decision to maintain the proposal (yellow card procedure), discussions in the Council working party have focused on the Slovak presidency compromise proposals.

Work under the Slovak presidency

The presidency invested considerable efforts to progress on the five following issues: long-term posting, including the anticipated duration of posting, remuneration, collective agreements, subcontracting and temporary agency workers.

The presidency suggested as a main idea the use of a dual system, whereby a worker posted for short period of time would be subject to the current rules, as stipulated by 96/71/EC directive. Once this period has elapsed, the worker would become subject of the host member state labour law, which means that additional terms and conditions of employment, as well as, importantly, all mandatory provisions relating to remuneration would apply. Latter one would be the case for posting of individuals longer than 6 months (effective or anticipated) or posting per worker longer than 3 months, exceeding cumulatively 12 months per service. This approach would be in line with the main objective to tackle the challenges of long-term postings and the related illegal practices, while, at the same time, keeping companies competitive.

Also the presidency suggested a number of recitals making clear the current case-law regarding the minimum rates of pay or the link to other secondary legislation, such as regulation 883/2004 on coordination of social security.

However, there is still a need for further technical work and political discussions on the issues of long-term posting, remuneration and subcontracting.

The Commission proposal

On 8 March 2016, the Commission submitted a proposal amending the 96/71/EC directive. The new directive aims at ensuring a level playing field for service providers and at the same time protecting the posted worker.

According to the Commission, the twenty-year old directive does not no longer reflect properly the developments since 1996 neither the current situation on the labour markets, such as a considerably increased wage differentiation in sending and host countries.

The proposed directive *inter alia*

- does not set time limits to the posting as such, but the rules change once the posting goes beyond 24 months, after the expiry of which the working conditions and law of the host member state are applicable;
- states that where collective agreements, law or administrative provisions provide for, the posted worker should be granted a remuneration with all its components in accordance with applicable law or collective agreements, and not only a minimum rates of pay like in the basic directive;
- clarifies the employment and working conditions for temporary agency workers.

Accessibility

The Council will take note of a progress [report](#) on the **accessibility** directive. The proposed directive covers issues such as products and services accessible to persons with disabilities and functional limitations.

This proposal has a scope covering for instance products and services accessible to persons with disabilities and functional limitations; electronic devices, websites, audio-visual media services, different transport services (f.e ticketing machines and travel information) and banking services (f.e websites, mobile device-based banking).

The aim of the proposal is to enable the implementation of the UN Convention on the rights of persons with disabilities. The Convention contains, *inter alia*, the obligation to increase the accessibility of goods and services.

Most EU member states have already ratified the UN Convention and now need to undertake action to implement it. If that implementation was done by each member state separately, it would lead to divergent legislations. This would fragment the internal market and lead to additional costs.

Work under the Slovak presidency

Presidency suggestions focused on the major concerns of the delegations, including improving legal certainty, reducing the administrative and financial burdens and ensuring that the European Accessibility Act (EAA) does not overlap with other Union acts.

The main horizontal changes to the text suggested by the presidency are as follows:

- **Using the definition of the UN Convention.** The proposal is part of the implementation of the UN Convention on the rights of persons with disabilities.
- **Concentrating on the internal market objective of the proposal.** The new article on "Subject matter" (article -1) sets out the purpose of the draft directive, clarifying in particular the fact that the EAA is meant to eliminate and prevent internal market barriers arising from potentially divergent accessibility requirements set by different member states.
- **Clarifying the voluntary accessibility requirements concerning the built environment.** Member states may decide that for certain services included in the EAA (passenger transport, consumer banking, telephony/electronic communication), the accessibility requirements set by the EAA should also apply to the built environment used by customers of these services.
- **Reducing the financial and administrative burden** for economic operators and relevant authorities, including market surveillance authorities and the Commission.

Equal treatment

The Council will take note of a progress [report](#) on the **equal treatment** directive. This directive aims to extend the protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside employment.

Complementing existing directives [2000/43/EC](#), [2000/78/EC](#) and [2004/113/EC](#) in this area, the proposed horizontal equal treatment directive would prohibit discrimination on the above-mentioned grounds in the following areas: social protection, including social security and healthcare; education; and access to goods and services, including housing.

Work under the Slovak presidency

Discussion in the working party on Social Questions focused in particular on the interplay between the provisions on accessibility for persons with disabilities contained in the proposed directive and in other EU legislation as well as in the proposed European Accessibility Act (EAA).

The working party also examined the exception contained in the proposed horizontal equal treatment directive that would allow more favourable conditions of access to persons belonging to specific age groups.

The discussions also touched upon the remit of the national equality bodies and the question of "universal design".

Tangible progress has been made on the issues discussed. Nevertheless, there is still a need for further work and political discussions before the required unanimity can be reached in the Council.

Youth guarantee and the Youth employment initiative

Increasing youth employment remains a political priority in the EU. Despite more encouraging signs in some of the youth unemployment figures recently, unemployment levels of young people still remain far too high in a number of member states and EU regions.

Therefore the Council is expected to adopt [conclusions](#) on the implementation of the Youth guarantee (YG) and the Youth employment initiative (YEI).

These conclusions constitute the Council's response to the Commission [report](#) on the implementation of the YG and the YEI, published in October.

The report was called upon by the 2013 June European Council conclusions which asked the Commission to "report in 2016 on the implementation of the YG and on the operation of the YEI". The report follows the Commission's recent proposal to extend the budget resources of the YEI and provide an additional €1 billion to the YEI specific budget allocation, matched by €1 billion from the European Social Fund.

The report presents findings on the progress so far, showing that that young people's labour market performance in the EU has overall surpassed expectations (there are 1.4 million less young unemployed in the EU since 2013).

Presidency assumed that programme was generally evaluated positively. Moreover the President of the Commission in his speech on "State of the Union" as well as head of states and prime ministers at Bratislava summit already expressed the wish that Youth Employment Initiative as a programme should continue beyond the horizon of 2016 with an appropriate funding.

On the basis of the report and above-mentioned facts the Slovak presidency presented its draft of Council conclusions that are expected to be adopted by the EPSCO Council.

Roma integration

The Council will adopt [conclusions](#) on accelerating the process of Roma integration.

The Presidency tabled this set of conclusions following the recent Commission communication, which assessed the member states' ongoing efforts in this area.

Despite commendable efforts at the national and EU level, Roma continue to be among the most disadvantaged citizens in the European Union. The EU renews its commitment to support and accelerate the process of Roma integration.

The conclusions also urge the member states to recognise and commemorate the victims of the Roma genocide that took place during World War II. This is the first time that the Council recognises this historical fact.

Women and poverty

The Council will adopt [conclusions](#) on women and poverty.

The conclusions focus on the gender dimension of poverty. They are based on a [report](#) prepared by the European Institute for gender equality.

The conclusions point out that often, women face a higher risk of poverty and are more severely affected by poverty than men. This is especially true for vulnerable groups, such as: long-term unemployed women, single-parents, women with a migrant background, older women living alone, women with disabilities and homeless women.

Much of the Council's work in the area of gender equality takes place within the framework of the Beijing platform for action, an international agenda for women's empowerment established within the UN framework during the fourth World conference on women in 1995.

Any other business

- Youth Initiatives

The Commission will present to the Council initiatives concerning youth.

- Call for a Commission communication on a gender equality strategy

The German and Swedish delegations will present to the Council an information note on this item.

- State of play on i) Omnibus Regulation – EaSI, EGF, FEAD and ii) New skills agenda for Europe

The Presidency will inform the Council on the state of play of two current files which have strong links to employment/social policy issues, though in the remit of other Council formations.

- Outcome of the conferences organised by the Slovak Presidency

Ministers will be informed on the outcome of the conferences held under Slovak presidency.

- Special Olympics World Winter Games

The Austrian delegation will inform the Council on the Special Olympics World Winter Games.

- Work programme of the incoming presidency

The Maltese delegation will inform the Council about its work programme.

Health

Annual growth survey 2017 - public health related part

Ministers will exchange views on the public health related part of the [Commission's annual growth survey for 2017](#).

The discussion will be based on a [presidency note](#) that includes the following questions to steer the exchange of views:

- do you agree that the European semester and the annual growth survey should be the subject of debate in the health part of future meetings of the Council (EPSCO) in order for it to be better involved in the European semester process?
- do you agree that the working party on public health at senior level be instructed to review in what way an increased involvement of the Council (EPSCO) could contribute to improve the European semester process?
- how could the annual growth survey best be used to ensure that health systems are fit for the future?

In its annual growth survey for 2017 the Commission outlined the most pressing economic and social priorities on which the EU and its member states should focus their attention in the coming months.

To slow down the decline in the workforce the Commission recommends member states to ensure access to quality healthcare and long-term care. Health policies should support and reinforce social safety nets and active inclusion strategies, through preventive, but also curative and rehabilitation policies. The Commission therefore advises member states to continue reforming their health systems and ensuring universal access to cost effective public health and healthcare services. The Commission considers it essential to protect the population from falling into poverty or social exclusion due to ill-health and related expenditure.

The Commission expects that due to an ageing population and technological developments public expenditure on health care and long-term care will increase significantly in the coming decades. To safeguard sustainable health systems and support their positive contribution to population health and economic prosperity, further policy action are therefore needed. This should enable citizens to stay healthy for longer, while making health systems more effective, accessible and resilient.

Any other business

- **Availability and accessibility of medicinal products in the EU**
[The Commission will inform ministers](#) on how it intends to respond to a Council invitation from June 2016 to analyse the impact of pharmaceutical incentives and rewards on innovation, availability and accessibility of medicinal products.
 - **Revision of the paediatric medicines regulation**
[The Luxembourg delegation will ask the Commission](#) to put the necessary means in place to further enhance the access of children to innovative medicinal products.
 - **State of health in the EU**
[The Commission will inform ministers on the state of health in the EU](#), a two-year series of analytical products on country-specific and cross-country knowledge in the field of health.
 - **Antimicrobial resistance**
[The Commission will inform ministers](#) on its work to set up a new EU action plan to fight antimicrobial resistance in 2017, as requested by the Council in June 2016.
 - **European reference networks**
[The Commission will inform ministers](#) on the ongoing work to set up European reference networks; as from 2017 these networks will pool expertise of specialist healthcare centres throughout the EU to provide patients affected by a rare disease access to the diagnosis and to high quality treatment.
 - **WHO framework convention on tobacco control**
[The presidency and the Commission will inform ministers](#) about the outcome of the 7th conference of parties of the framework convention on tobacco control held in New Delhi/India from 7 to 12 November 2016.
 - **Labelling of alcoholic beverages**
The Irish delegation will ask the Commission (15000/16 REV 1) to update the Council on its plans for publishing a report on whether there should be an obligation to label the energy value of alcoholic beverages.
 - **Election of the WHO Director-General**
[The Hungarian delegation informed the Council](#) about the decision of the Hungarian government to present the candidature of Dr Miklós Szócska to the post of Director General of the World Health Organisation.
 - **Conferences**
The presidency will inform the Council about the outcome of conferences held during its term of office.
 - **Work programme of the incoming presidency**
The Maltese delegation will inform ministers on its work programme in the field of health and consumer affairs as the incoming Presidency of the Council of the EU.
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