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## OUTCOME OF THE COUNCIL MEETING

3706th Council meeting

**Employment, Social Policy, Health and Consumer Affairs**

### **Employment and Social Policy**

Brussels, 24 October 2019

Presidents

**Timo Harakka**

Minister for Employment of Finland

**Aino-Kaisa Pekonen**

Minister for Social Affairs and Health of Finland

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<sup>1</sup> • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.  
• 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

**Conclusions on the Economy of Wellbeing**

Ministers adopted conclusions on the Economy of Wellbeing ([13171/19](#)). The Economy of Wellbeing is the Finnish priority theme in the EPSCO area. The conclusions call upon the Commission and member states to systematically take into account the wellbeing perspective when designing policy measures.

Earlier this year the Finnish presidency invited the OECD to draft a background note on the issue ([10414/19 ADD1](#)), which shows that wellbeing and sustainable and inclusive economic growth are mutually reinforcing.

The concept of Economy of Wellbeing requests to go beyond GDP, which is limited to measure economic performance and not the wellbeing of people. The concept's primary claim is that while people's wellbeing is a central value of its own, it is also vital for ensuring sustainable long-term economic growth.

The Economy of Wellbeing favours a cross-sectoral approach to policy-making, on a sound knowledge base, taking into account the fact that sustainable long-term economic growth depends on:

- **more inclusive social protection**, which may lead to higher GDP growth
- **improved gender equality**, which could lead to increasing GDP by up to 9.6% by 2050
- **better health care**, which can reduce the number of people dying each year in the EU due to non-communicable diseases (550 000 death cases resulting in EUR 115 billion in economic potential lost annually)
- **more accessible education and training**. Estimates show that in OECD countries, highly educated people live on average 6 years longer than low-educated people

[See press release](#)

**Enhancing anti-discrimination in the European Union - public debate**

The aim of the debate, based on a presidency steering note ([12907/19](#)), was to take stock of the current situation and to identify challenges and possible ways of advancing the EU's fight against discrimination beyond the field of employment. Currently, EU legislation covers the four main grounds for discrimination - religion or belief, disability, age or sexual orientation only in the area of employment and occupation.

Surveys show that one in five people in the European Union experience discrimination or harassment on different grounds or on a combination of grounds<sup>1</sup>. Some groups, such as minorities within minorities, for example transgender persons with an immigrant background, risk becoming victims of discrimination, sexual harassment and violence more frequently than others.

Before the discussion, representatives of the EU Agency for Fundamental Rights, Equinet and Social Platform, provided information on the latest developments in the area of non-discrimination. They also presented numerous cases of discrimination on different grounds in the EU.

The ministerial debate focused around three questions:

1. How would you explain the fact that, despite existing legislation and the strong political commitment of the European Union and its Member States to combat it, discrimination is still a major challenge in European societies?
2. What is your government planning to do in order to intensify the fight against discrimination?
3. Bearing in mind the deadlock in the negotiations on the proposed Equal Treatment Directive, what in particular should the European Union and the incoming European Commission do to resolve the situation with a view to increasing the efficiency of anti-discrimination measures and filling in the gaps in anti-discrimination legislation?

Many ministers and the European Commission expressed their disappointment that the directive on equal treatment is not yet adopted. The majority of the participants in the discussion recognised that homophobia, racism and hate speech were on the rise in Europe. The lack of common understanding among member states on the areas covered by the EU anti-discrimination legislation was also identified among the problematic issues.

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<sup>1</sup> European Commission (2015), Special Eurobarometer 437: Discrimination in the EU in 2015.

The following actions or measures were highlighted during the debate:

- improving the collection of data on cases of discrimination
- strengthening law enforcement
- taking into account anti-discrimination in all EU policies
- launching more awareness raising campaigns
- addressing member states concerns about EU financing to prevent and fight discrimination

### **Communication on more efficient decision-making in social policy**

The Commission presented its communication on more efficient decision-making in social policy ([8799/19](#) + [8799/19 ADD1](#)), which identifies some specific social policy areas for moving to qualified majority voting and/or to the ordinary legislative procedure. The communication encourages moving to qualified majority voting or using the ordinary legislative procedure in areas still governed by unanimity or requiring the special legislative procedure. The Commission encourages a enhanced use of the so-called "general passerelle clause" under Article 48(7) of TEU on non-discrimination and adopting recommendations on social security and social protection of workers (except in cross-border situations).

The presentation by the Commission was followed by a lunch debate on the same topic.

### **Conclusions on "The Future of Work: the European Union promoting the ILO Centenary Declaration"**

The Council adopted conclusions which aim at promoting the International Labour Organisation (ILO) centenary declaration on the future of work ([12765/19](#)). The declaration was adopted by the International Labour Conference on 21 June 2019. The future of work is at the heart of one of the flagship initiatives launched by the ILO on the occasion of its 100th anniversary.

**Matching skills and labour market needs in the changing world of work - policy debate**

Ministers held a policy debate entitled "Matching skills and labour market needs in the changing world of work - strategic approach on continuous lifelong learning" ([12766/19](#)). With both labour market needs and upskilling needs rapidly and continuously changing, the Finnish presidency considered that it was very important and timely for employment ministers to debate the issue of life-long learning. The discussion was steered by a presidency paper, in which investing in education and training is identified as one of the main ways to enhance competitiveness, productivity and social inclusion in Europe.

Ministers were invited to discuss the topic by providing answers to the following questions:

1. How should lifelong learning be improved, so that people have real possibilities to upskill and reskill themselves continuously throughout their careers taking into account the needs of the labour market? How should the responsibility for skills development best be shared between the public and private sectors and individuals?
2. How can the participation of disadvantaged groups of people in lifelong learning be improved?

A summary of the debate, prepared by the presidency, will be provided as an input for the work of the next European Commission.

Ministers and the Commission broadly agreed that improving skills is a shared responsibility of member states, companies and citizens. It was stressed that a modern strategy for lifelong learning is needed. Ministers also highlighted the importance of using EU funds and reaffirmed the key role of reskilling and upskilling for achieving social inclusion.

**European Semester**

The Employment committee (EMCO) and the Social protection committee (SPC) presented the key messages from their annual reviews on the employment and the social situation in the EU and the policy developments in the member states in their specific areas ([12589/19](#) and [12590/19](#)). These messages were endorsed by the Council ahead of the publication of the autumn economic package by the Commission. This package will include the Annual Growth Survey (AGS), the draft Joint Employment Report (draft JER) and the Alert Mechanism Report (AMR). Their publication will mark the beginning of the 2020 European semester exercise.



**Other business**

1. The Commission briefed ministers on the conference on advancing lesbian, gay, bisexual, transgender and intersex (LGBTI) equality in the EU (Brussels, 23-24 September 2019) ([13238/19](#)).
2. The presidency and the Commission provided information on the tripartite social summit (Brussels, 16 October 2019).

**OTHER ITEMS APPROVED**

**EMPLOYMENT AND SOCIAL POLICY**

**Regulation amending Regulation (EU) No 1309/2013 on the European Globalisation Adjustment Fund (2014-2020)**

The Council adopted a regulation broadening the scope of the European Globalisation Adjustment Fund (EGF) in relation to Brexit ([13152/19](#)).

The aim of this legislative act is to support workers made redundant and self-employed persons whose activity has ceased as a result of economic disruptions caused by the withdrawal of the United Kingdom from the EU without a withdrawal agreement. The regulation will apply from the day following that on which the Treaties cease to apply to the UK if there is no withdrawal agreement in place. However, this regulation will not apply if an agreement is concluded by the date of the UK's withdrawal.

**FOREIGN AFFAIRS**

**Sanctions against Burundi**

The Council renewed the EU restrictive measures against Burundi for one year, until 31 October 2020. These measures consist of a travel ban and asset freeze against four persons. The Council considered that the absence of progress in the situation regarding the four persons subject to restrictive measures justified the prolongation of the sanctions.

The EU imposed targeted restrictive measure against those undermining democracy or obstructing the search for a political solution in Burundi on 1 October 2015.

[Burundi: EU renews sanctions until 31 October 2019, 25/10/2018](#)

[Council Decision concerning restrictive measures in view of the situation in Burundi, 1/10/2015](#)

[Sanctions: how and when the EU adopts restrictive measures](#)

**Sanctions against leadership of the Transnistrian region of Moldova**

The Council extended the EU restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova for one year, until 31 October 2020.

The sanctions consist of travel restrictions, but currently do not target specific persons. The measures will be subject to a review before 30 April 2020.

[Council Decision concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova, 27/09/2010](#)

[Sanctions: how and when the EU adopts restrictive measures](#)

**Sanctions against the Republic of Guinea**

The Council extended the EU restrictive measures against the Republic of Guinea for one year, until 27 October 2020. The sanctions include an asset freeze and a travel ban against the members of the government.

The EU introduced targeted restrictive measures against the Republic of Guinea on 27 October 2009 in response to the violent crackdown by security forces on political demonstrators in Conakry.

[Council Decision concerning restrictive measures against the Republic of Guinea, 25/10/2010](#)

[Sanctions: how and when the EU adopts restrictive measures](#)

**Framework Agreement for the participation of the Palestinian Authority in Union programmes**

The Council adopted a Framework Agreement on the general principles for the participation of the Palestinian Authority in EU programmes.

On 18 June 2007, the Council issued directives to the Commission to negotiate Framework Agreements with Algeria, Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority, Tunisia, and Ukraine, on the general principles for their participation in Community programmes.

[Office of the European Union Representative \(West Bank and Gaza Strip, UNRWA\)](#)

**COMMON SECURITY AND DEFENCE POLICY**

**Signature and conclusion on the status of EUCAP Somalia**

The Council approved the agreement regarding the status of the European Union Capacity Building Mission in Somalia (EUCAP Somalia). The agreement has been negotiated between the EU and Somalia.

[EUCAP Somalia](#)

**European Security and Defence College's budget for 2020**

The Council adopted a budget of € 1 893 598 for the European Security and Defence College (ESDC) for the period from 1 January 2020 to 31 December 2020.

The ESDC provides EU-level training and education in the field of the Union's Common Security and Defence Policy (CSDP). It aims to develop and promote a common understanding of CSDP among civilian and military personnel. The Council established the ESDC in 2005.

[European Security and Defence College](#)

**DEVELOPMENT COOPERATION**

**EDF contributions for the third instalment for 2019**

The Council adopted the individual financial contributions to be paid by member states to the Commission and the European Investment Bank (EIB) to finance the European Development Fund (EDF), including the third instalment for 2019.

The EDF supports actions in developing countries and territories to promote economic, social and human development, as well as regional cooperation. The EDF is not part of the EU general budget. It is funded by the member states, is subject to its own financial rules and is managed by a specific committee.

**EDF contributions for the upcoming years**

The Council adopted the individual financial contributions to be paid by Member States to the Commission and the European Investment Bank (EIB) to finance the European Development Fund (EDF). They include the ceiling for 2021, the annual amount for 2020, the first instalment for 2020 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2022 and 2023.

The EDF supports actions in developing countries and territories to promote economic, social and human development, as well as regional cooperation. The EDF is not part of the EU general budget. It is funded by the member states, is subject to its own financial rules and is managed by a specific committee.

**HEALTH****Conclusions on cross-border healthcare**

The Council adopted conclusions in response to the European Court of Auditors' Special Report No 7/2019 entitled "EU actions for cross-border healthcare: significant ambitions but improved management required" ([12913/19](#)).

The Council takes note of the main findings of the Court presented in the report and of its recommendations to the Commission, in particular those that concern the need to provide further support and guidance for National Contact Points towards better communication on cross-border healthcare to patients.

**JUSTICE AND HOME AFFAIRS**

**Europol - Deputy executive director**

The Council appointed Jürgen Ebner as Deputy Executive Director of Europol for the period from 1 November 2019 to 31 October 2023 ([12933/19](#)).

The Council selected Mr Ebner for this post on 18 July 2019, following which the European Parliament Civil Liberties, Justice and Home Affairs Committee (LIBE Committee) held a hearing on 5 September. On 18 October 2019, the Council was informed of the opinion adopted by the LIBE Committee.

**Visa facilitation - Cape Verde**

The Council adopted a decision authorising the Commission to open negotiations with Cape Verde on the amendment of the visa facilitation agreement ([12898/19](#)). The changes to the agreement will reflect the recent amendments to the EU visa code.

The visa facilitation agreement with Cape Verde entered into force on 1 December 2014 and it applies to the issuing of visas to citizens of Cape Verde for a stay in the Schengen area of no more than 90 days per any period of 180 days.

**Eurojust-Serbia cooperation agreement**

The Council adopted an implementing decision ([10334/19](#)) approving the conclusion by Eurojust of an agreement on cooperation between Eurojust and Serbia.

The 2002 Council decision setting up Eurojust provides that the agency may conclude agreements with third states, in particular concerning the exchange of information, including personal data, and the secondment of liaison officers or liaison magistrates to Eurojust.

**ENERGY**

**Conclusions on wind and solar power for electricity generation**

The Council adopted conclusions ([12964/19](#)) on the European Court of Auditors' [Special Report 08/2019](#) entitled "Wind and solar power for electricity generation: significant action needed if EU targets to be met". The Council thanks the European Court of Auditors for the report and takes good note of its conclusions and recommendations.

**INTERNAL MARKET AND INDUSTRY**

**Amendment of Regulation (EC) No 1126/2008 on the adoption of certain international accounting standards**

The Council decided not to oppose the adoption of a Commission regulation amending regulation (EC) No 1126/2008 on the adoption of certain international accounting standards.

The regulation amends:

- international accounting standards (IAS) 1, 8, 34, 37 and 38;
- international financial reporting standards (IFRS) 2, 3 and 6;
- interpretations 12, 19, 20, 22, 32.

The amendments align the above with what was agreed at the International Accounting Standards Board on 29 March 2018.

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

[11667/19](#) + [ADD 1](#)

**Amendment of Commission regulation (EC) No 1126/2008 on the adoption of certain international accounting standards**

The Council decided not to oppose the adoption of a Commission regulation amending regulation (EC) No 1126/2008 on the adoption of certain international accounting standards (IAS).

The regulation amends IAS 1, 8, 10, 34 and 37 in order to align them with those published on 31 October 2018 by the International Accounting Standards Board in the framework of the Board's Better Communication in Financial Reporting project.

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

[11666/19](#) + [ADD 1](#)

**EUROPEAN ECONOMIC AREA****EEA Agreement - Incorporation of EU legislation**

The Council adopted a decision establishing the EU position to be taken in the Joint Committee of the European Economic Area (EEA) concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms ([12638/19](#)).

The aim of the decision is to extend the cooperation of the contracting parties to the following regulations:

- regulation 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework;
- regulation 2018/842 on binding annual greenhouse gas emission reductions by member states from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement;
- regulation 2018/1999 on the Governance of the Energy Union and Climate Action;
- certain provisions of regulation 525/2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change; and
- Commission implementing regulation 749/2014 on structure, format, submission processes and review of information reported by member states pursuant to regulation 525/2013.

The extended cooperation forms part of action by Iceland and Norway to fulfil their emissions reduction targets of at least 40 % reduction of greenhouse gas emissions by 2030 compared to 1990 levels.



**TRANSPARENCY**

**Public access to documents**

On 24 October 2019, the Council approved the reply to confirmatory application No 25/c/01/19 (doc. 11807/19).

On 24 October 2019, the Council approved the reply to confirmatory application No 24/c/01/19 (doc. 11750/19).

**FISHERIES**

**Brexit contingency proposal adopted**

The Council approved the European Parliament's position on new rules amending regulation 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters ([PE-CONS 94/19](#)).

The legislative act is therefore adopted.

The regulation is aimed at ensuring that the EU can grant UK vessels access to EU waters until the end of 2019, under the condition of reciprocal action by the UK. It also includes a simplified authorisation procedure valid for both parties.

After being signed by the President of the European Parliament and the President of the Council, the new regulation will be published in the Official Journal of the European Union.

**EU- Seychelles: opening of negotiations on access for fishing vessels**

The Council adopted a decision authorising the opening of negotiations between the EU and the Republic of Seychelles for the conclusion of an agreement on access for fishing vessels flying the flag of the Seychelles to waters and marine biological resources of Mayotte (and related negotiating directives).

The Council also decided not to publish the decision in accordance with Article 17(2)(b) of its Rules of Procedure, but will inform the European Parliament in accordance with Article 218(10) TFEU.

**EU-São Tomé and Príncipe: Protocol on the implementation of the Fisheries Partnership Agreement**

The Council adopted a decision on the signing of a Fisheries Partnership Agreement between the EU and the Democratic Republic of São Tomé and Príncipe ([12198/19](#)), and the related Implementation Protocol ([12202/19](#)).

The Council also reached agreement in principle on a decision on the conclusion of the above agreement ([12199/19](#)), and will forward it together with the text of the Implementation Protocol to the European Parliament for its consent, after the signing of the Protocol by the parties.

Finally the Council adopted a regulation on the allocation of fishing opportunities under the Fisheries Partnership Agreement between the EU and the Democratic Republic of São Tomé and Príncipe and its Implementation Protocol ([12200/19](#)).

## **AGRICULTURE**

### **Honeybees: assessment of the impact of plant protection products**

The Council decided not to oppose the adoption of a Commission regulation amending regulation 546/2011 as regards the assessment of the impact of plant protection products on honeybees ([11556/19](#)).

Commission regulation 546/2011<sup>2</sup> lays down uniform principles for evaluation and authorisation of plant protection products, including for the assessment of the impact of plant protection products on honeybees.

The new rules modify existing principles in the light of the most recent developments in scientific and technical knowledge, in particular to provide uniform principles which consider different exposure routes in the assessment of contact toxicity to bees.

## **TRADE**

### **GATT Article XXVIII Agreement with Switzerland on seasoned meat**

The Council adopted a decision on the signing of an agreement in the form of an exchange of letters between the EU and Switzerland in connection with the negotiations under Article XXVIII of the GATT 1994 on the modification of Switzerland's WTO concessions on meat not further prepared than seasoned.

The Council will inform the European Parliament in accordance with Article 218(10) TFEU and will transmit to it the Council Decision on the signing of the agreement.

Finally the Council decided to forward the draft decision on the conclusion of the agreement to the European Parliament for its consent.

**ENVIRONMENT**

**Environmental noise**

The Council decided not to oppose the adoption of a Commission directive concerning environmental noise (12591/19, 11626/19 + ADD 1).

The directive concerns the establishment of assessment methods for harmful effects of environmental noise.

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

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