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Employment, Social Policy, Health and Consumer Affairs

Employment, Social Policy and Health issues

Luxembourg, 13 and 14 June 2019

Presidents **Marius-Constantin Budăi**
Minister for Labour and Social Justice
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ITEMS DEBATED

EMPLOYMENT AND SOCIAL POLICY

European Semester 2019

Ministers held a public policy debate on the employment and social policy aspects of the European Semester 2019, based on a note prepared by the Employment Committee (EMCO) and the Social Protection Committee (SPC) ([9879/19](#)). The outcome of the discussions will contribute to a note for the European Council discussions on 21-22 June.

The debate was steered by a presidency note containing three questions ([9878/19](#)):

1. Is the European Semester an effective tool for ensuring that Member States improve their employment and social performance in a coordinated manner, including by achieving the Europe 2020 targets?
2. How could the Semester process be further adjusted to enhance its social dimension, including by ensuring that social considerations are properly taken into account in other policy areas?
3. Through which measures could Member States increase ownership of the European Semester process in order to enhance the effective and coordinated implementation of the CSRs and national reforms?

Most of the delegations highlighted that the semester remained an important tool for assessing reforms in the areas of employment and social policy. Ministers stressed the importance of the integration of the European pillar of social rights into the European semester process. They also highlighted that the implementation of the pillar should continue to take into account national specificities. In the context of record employment rates in the EU and sustainable economic growth, ministers agreed that reforms should continue, but also stressed the importance of assessing their social impact. They also recognized that reforms should be aimed at achieving upward social convergence, inclusive growth and inclusive labour market.

The discussion focused on more general employment and social policy aspects of the European semester. This was due to the fact that the Commission delayed the publication of the proposals on the country-specific recommendations (CSR's) because of the European elections. This did not allow sufficient time for member states to coordinate their positions and for EMCO and SPC to examine the proposals before the Council meetings on 13-14 June and European Council on 21-22 June. Therefore, as an exception to the established practice, the June EPSCO did not discuss the CSR's and did not approve the national reform programmes. This, along with the adoption of guidelines, is expected to take place at an additional EPSCO meeting, scheduled for the beginning of July under the Finnish presidency.

Directive on Equal Treatment

The Council took note of a progress report on the proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ([9567/1/19 REV 1](#)).

The aim of the proposal is to extend the protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside employment. The proposed directive would prohibit discrimination on the above-mentioned grounds in the following areas:

- social protection, including social security and healthcare
- education
- access to goods and services, including housing

The Romanian presidency reported on the progress achieved on a number of issues, including discrimination on multiple grounds, discrimination by assumption and by instruction, proportionate differences in treatment, and accessibility.

A large majority of delegations support the proposal and welcome its aim to complete the existing legal framework by encompassing all four grounds of discrimination. However, a number of delegations consider that the proposal infringes on national competences in certain areas. They also continue to question the inclusion of social protection and education within its scope. All delegations have maintained scrutiny reservations on the text.

The European Parliament (EP) adopted its opinion under the consultation procedure on 2 April 2009. Following the entry into force of the Lisbon Treaty on 1 December 2009, the proposal now falls under Article 19 of the Treaty on the Functioning of the European Union, which means that unanimity in the Council is required and that the EP will have to be re-consulted before the directive can be adopted.

Conclusions on Closing the Gender Pay Gap: Key Policies and Measures

The Council adopted conclusions on Closing the Gender Pay Gap: Key Policies and Measures ([9804/19](#)).

Closing the gender pay gap is a priority for the Romanian presidency and also remains a priority at EU and national level. The conclusions recognise that equality between men and women is a fundamental principle of the European Union enshrined in the Treaties. They also take note that according to Eurostat, the gender pay gap in the EU is still approximately 16% and is only very slowly decreasing or is even increasing in some Member States. Further to that, the gender overall earnings gap indicator shows that the gender gap is around 40% in the EU-28.

Against this background, the conclusions call on member states, in accordance with their competences and taking into account national circumstances, to examine and improve all available measures or to introduce new ones with a view to:

- ensure the effective enforcement of the legal principle of equal pay for equal work or work of equal value at the national level
- promote equality in education and employment in order to address labour market segregation
- facilitate the reconciliation of work, family and private life for both women and men

The conclusions also call on member states and the Commission to take measures such as eliminating gender stereotypes, improving pay transparency, facilitating more women to apply for management positions or encouraging employers to support men in taking up parental leave and other family-related leaves.

Conclusions on the changing world of work

Ministers also adopted conclusions on The changing world of work: reflections on new forms of work and implications for the safety and health of workers ([9686/19](#)).

The conclusions focus on occupational health and safety in relation to the new forms of work, in particular due to digitalisation, robotisation, use of artificial intelligence and the development of the digital platform economy. They recognise that in this context new forms of work emerge, contributing to social inclusion, but also presenting serious challenges for traditional employment arrangements, as well as for ensuring adequate levels of workers' protection.

Against this background, the Council conclusions call on member states and the Commission to undertake a range of actions to ensure decent work and fair working conditions, as well as high levels of occupational safety and health in the framework of new forms of work, such as:

- to examine the impact of new forms of work on working conditions and on workers' safety and health
- to explore complementary procedures and tools to traditional inspection and control procedures for compliance with occupational safety and health and labour law rules
- to explore how digital technologies can be better exploited to support employers, workers, labour inspectorates and in particular micro and small enterprises, in managing the changes in work organisation in the best interest of workers

Conclusions on the European Court of Auditors' Special Report No 5/2019

Ministers adopted conclusions on the European Court of Auditors' Special Report No 5/2019: "FEAD - Fund for European Aid to the Most Deprived: Valuable support but its contribution to reducing poverty is not yet established" ([9575/19](#)).

The Council notes three recommendations by the ECA:

- better targeting of FEAD aid
- safeguarding of social inclusion measures for recipients of basic material assistance
- improvements to the assessment of the social inclusion of FEAD end recipients.

The Council considers that these concluding recommendations should be taken into account, where and as far as relevant, including in knowledge sharing and peer learning in relation to FEAD measures.

The FEAD provides €3.8 billion of EU funding for the programme period 2014-2020. Between 2014 and 2017 the FEAD supported on average 12.7 million persons per year. It is for Member States to define those most exposed to poverty ("most deprived") to whom FEAD support should be provided through operational programmes at national level.

ELA seat selection

In the margins of the Council, representatives of member states selected Bratislava (Slovakia) to host the seat of the future European Labour Authority (ELA). The decision reflected the outcome of a vote held according to a procedure agreed by member states' representatives in March 2019 ([7491/19](#)).

Four EU countries sent offers to the Council to host the seat of the future European Labour Authority in the following cities:

- Sofia (Bulgaria)
- Nicosia (Cyprus)
- Riga (Latvia)
- Bratislava (Slovakia)

Any other business

– ***Gender balance on company boards***

The Commission briefed ministers on the issue of gender balance on company boards. The data presented confirmed the positive impact of gender diversity in management on business performance, but also highlighted that the EU still scored low when it came to equality in decision-making, and that the gap between member states was widening ([9823/19](#)).

– ***Current legislative proposals***

The Presidency provided information on two current legislative proposals:

- Regulation on European Social Statistics
- Revision of the Regulations on Coordination of Social Security Systems (883/04 and 987/09)

An agreement on the proposal for a regulation on European social statistics between the Romanian presidency and the European Parliament was reached in March. It is expected that the adoption procedure will be finalised in autumn 2019.

The provisional agreement achieved with the European Parliament on the revision of the regulations on coordination of social security systems has not been acceptable to a qualified majority of member states. Negotiations will continue under the Finnish presidency once the new EP is ready to work on legislative files.

– ***Presidency conferences***

The presidency informed about the following conferences, held in the past six months in Romania ([9822/19](#)):

- Labour Mobility, a key element in ensuring balance of labour market, 2-3 April 2019, Bucharest
- Occupational safety and health in the new world of work. Experiences and practices in Member States, 9 April 2019, Bucharest
- Children's Participation in Decision-Making and Policy-Making at the European Union level, 6-7 May 2019, Bucharest

- The Role and Status of Women in Modern Society- Between Empowerment, Leadership and Gender Discrimination, 29-30 May 2019, Bucharest

- ***EU - Western Balkans ministerial meeting***

The presidency also briefed ministers on the outcome of the first EU - Western Balkans ministerial meeting on employment and social affairs, which took place on 12 June.

The presidency informed that the discussion revolved around the important topics of promoting inclusive labour markets and fostering skills developments.

- ***EU - Arab High Level Meeting on Disability Rights***

The Maltese delegation provided information on the outcome of the first EU - Arab High Level Meeting on Disability Rights (Malta, 25 April 2019) ([9733/19](#)).

- ***Prioritization of gender budgeting in the future multiannual financial framework***

The Maltese delegation also informed about the prioritization of gender budgeting in the future multiannual financial framework (MFF) ([9824/19](#)), stressing that gender budgeting should imperatively feature as a horizontal policy in the entire MFF and its funding programmes.

- ***Work programme of the Finnish presidency***

The Finnish delegation presented the priorities of the incoming presidency in the areas of employment and social affairs:

- economy of well-being
- gender equality in the EU
- the future of work
- inclusive labour markets
- European Globalisation Adjustment Fund

The incoming presidency will also take over important legislative files, such as the regulation on European social statistics and the revision of the regulations on coordination of social security systems (883/04 and 987/09).

The first EPSCO Council meeting under the Finnish presidency will take place in the beginning of July. The main items on the agenda will be the assessment of the country-specific recommendations and the adoption of Council recommendations on the 2019 national reform programmes and of guidelines for the employment policies of member states.

HEALTH

Conclusions on the next steps towards making the EU a best practice region in combatting antimicrobial resistance

Ministers adopted Council conclusions on the next steps towards making the EU a best practice region in combatting antimicrobial resistance (AMR) ([9765/19](#)). The conclusions are based on the outcome of a conference, organised on 1 March 2019 in Bucharest by the Romanian presidency in a broader framework of implementing the 2017 European One Health Action Plan against antimicrobial resistance and on discussions held in the Council preparatory bodies.

Among the main aspects covered by the conclusions are:

- encouraging close cooperation and solidarity among member states to support actions aimed at combating AMR
- implementing and expanding research agendas with the aim of developing new antimicrobials, vaccines, alternatives to antimicrobials, improved rapid diagnostics and renewed and better use of old antibiotics
- establishing national targets, including reduction in the overall use of antimicrobials and monitoring progress towards reducing spread of AMR
- encouraging research and development of new antimicrobial and alternatives and antibiotics
- increasing awareness and understanding of the AMR by the public, health professionals, farmers and veterinarians

During the exchange of views in relation to the adoption of the conclusions it was stressed that AMR caused close to 100 deaths in the EU every day. It was also recognized that to combat AMR more joint efforts were needed.

Facilitating investments to transform and improve health systems - exchange of views

Ministers held an exchange of views on ways to ensure that funding made available through EU funds is best used for health-related investments ([9769/19](#)). The presidency had prepared the debate in the context of discussions on a new set of EU funding tools that will be set-up under the next multi-annual financial framework (MFF).

To steer the discussions, the presidency proposed the following questions:

1. Based on the past experience, what could be done to optimise the use of financing instruments and funds (including Cohesion policy funds) and match them to investment priorities in the health sector?
2. What would be the most appropriate means of ensuring synergies between the different EU support instruments available for the health sector?

Ministers stressed that it was very important to respect national competences and that financial support from the EU should be based on the needs of different member states. Therefore it was crucial to involve member states in identifying investment priorities. Some delegations highlighted the need to allocate EU funds in accordance with priorities, such as fighting antimicrobial resistance or developing innovative medicines.

Ministers broadly agreed that EU funds were a valuable tool to improve national healthcare systems.

Any other business

– ***Regulation (EU) 2017/745 on medical devices***

The Irish and German delegations provided information on the implementation of Regulation (EU) 2017/745 on medical devices (MDR) ([9774/19](#)). As a response many delegations raised concerns about the readiness to implement the regulation by May 2020. It was stressed that one of the main problems was the slow pace of designation of notified bodies. Only 2 notified bodies were designated at the time of the debate. The Commission intervened forecasting that 20 notified bodies will be designated until the end of 2019 and insisting that May 2020 was still a reasonable deadline for the implementation of the regulation.

– ***Regulation on health technology assessment***

The presidency briefed ministers on the state of play in relation to the proposed regulation on health technology assessment ([9770/19](#)).

– ***Informal meeting of health ministers***

The presidency informed about the outcome of the informal meeting of health ministers (Bucharest, 14-15 April 2019) and of other meetings ([9775/19](#)).

– ***Measles situation in EU/EEA***

The Commission briefed ministers on the measles situation in the EU and the European Economic Area (EEA) ([9913/19](#)). It considered that the situation deserved serious attention as in 2017, only 4 out of 30 EU/EEA countries had achieved the target of 95% vaccination coverage with two doses of measles-containing vaccine. By comparison, in 2007, 14 out of 30 countries had reached this target.

– ***Work programme of the Finnish presidency***

Ministers were also informed about the work programme of the incoming Finnish presidency in the area of health.

The economy of wellbeing was presented as the key theme with the incoming presidency stressing that human wellbeing and economic growth were interlinked and mutually reinforcing.

The key files in the next 6 months in the area of health will be the following:

- Regulation on health technology assessment
- Drinking water directive

Another priority for the incoming presidency will be to strengthen the EU contribution to global health in international fora.

OTHER ITEMS APPROVED

EMPLOYMENT AND SOCIAL POLICY

Directive on transparent and predictable working conditions

The Council adopted Directive on transparent and predictable working conditions in the European Union. The new law introduces new minimum rights and new rules on the substance, form and timing of information provided to workers on their working conditions. Its main aim is to respond to the labour market challenges triggered by demographic developments, digitalisation and new forms of employment triggered in particular by the expansion of the 'platform economy'.

For more details, see [press release](#)

Regulation establishing a European Labour Authority

The Council adopted a Regulation establishing a European Labour Authority (ELA). The aim of this new body is to support compliance and coordination between member states in the enforcement of EU legal acts in the areas of labour mobility and social security coordination. It will also provide information to individuals and employers in cross-border labour mobility situations.

For more details, see [press release](#)

Directive on work-life balance

The Council adopted Directive on work-life balance for parents and carers. The aim of the directive is to increase the participation of women in the labour market and the take-up of family-related leaves and flexible working arrangements by men.

For more details, see [press release](#)

FOREIGN AFFAIRS

Relations with Jordan

The Council adopted the EU's common position in view of the 13th EU-Jordan Association Council, to be held in Luxembourg on 17 June 2019.

[EU-Jordan Association Council, 17/06/2019](#)

AGRICULTURE

New regulation on transparent scientific studies on food safety

The Council adopted a review of the "General Food Law regulation" that has its roots in the European Citizens' Initiative on glyphosate. The new regulation, that also amends eight legislative acts dealing with specific food chain sectors, aims to make scientific information supporting risk assessment in the food chain, and decisions on food safety and pesticides more transparent and easier to access for the citizens ([PE-CONS 41/19](#)).

For more details, see [press release](#)

FISHERIES

Regulation on technical measures in fisheries

The Council adopted a regulation on the conservation of fisheries resources and the protection of marine ecosystems through technical measures ([PE-CONS 59/19](#)). The regulation sets out the practices and conditions under which fisheries activities can be carried out across all EU waters.

The adopted measures cover issues such as the taking and landing of fisheries resources, fishing gears and mesh sizes, closed areas and seasons. They are intended to minimise the impact of fishing activities on the marine ecosystem and environment, but also to bring simplification and decision-making closer to fishermen and coastal communities, through enhanced regionalisation and a bottom up approach.

For more details, see [press release](#)

ENVIRONMENT

Persistent organic pollutants

The EU is toughening the rules on persistent organic pollutants, the UN-agreed list of dangerous substances. The regulation adopted by the Council today ensures that people and the environment are better protected against these chemicals.

For more details, see [press release](#)

CO2 emission standards for heavy-duty vehicles

Trucks on Europe's roads will be cleaner from 2025. The Council today adopted Europe's first-ever CO2 emission standards for trucks and other heavy-duty vehicles. Under the new rules, manufacturers will be required to cut carbon dioxide emissions from new trucks on average by 15% from 2025 and by 30% from 2030, compared with 2019 levels.

For more details, see [press release](#)

INTERNAL MARKET AND INDUSTRY

Directive on digital tools and processes in company law

The Council approved the European Parliament's position at first-reading on a draft directive aimed at facilitating and promoting the use of online tools in the contacts between companies and public authorities throughout their lifecycle.

The directive is therefore adopted in the wording which corresponds to the position of the European Parliament ([PE-CONS 25/19](#)).

For more details, see [press release](#)

Quotas for certain agricultural and industrial products

The Council adopted a regulation aimed at updating the list of autonomous tariff quotas for certain agricultural and industrial products. Within those tariff quotas, products can be imported into the Union at reduced or zero duty rates ([9337/19](#)).

Suspension of autonomous common customs tariff duties

The Council adopted a regulation aimed at updating the list of products for which autonomous Common Customs Tariff ('CCT') duties are suspended. Products for which CCT duties have been suspended can be imported into the Union at reduced or zero duty rates ([9340/19](#)).

TRANSPORT

Clean vehicles

The Council adopted a directive on the promotion of clean and energy-efficient road transport vehicles ([9425/19](#) + [9425/19 ADD 1](#); [PE-CONS 57/19](#)).

The Czech Republic, Germany, Poland and the Slovak Republic voted against, and Austria, Estonia and Latvia abstained.

For more details, see [press release](#)

European Maritime Single Window

The Council adopted a regulation establishing a European Maritime Single Window environment ([9423/19](#); [PE-CONS 38/19](#)).

For more details, see [press release](#)

TELECOMMUNICATIONS

World Radiocommunication Conference 2019

The Council adopted a decision on the position to be taken on behalf of the EU in the International Telecommunication Union (ITU) World Radiocommunication Conference 2019 (WRC-19). The conference will take place from 28 October to 22 November 2019 in Sharm el-Sheikh, Egypt.
