



**Employment, Social Policy, Health and Consumer Affairs Council
(Employment and Social Policy issues)
Monday 23 October 2017 in Luxembourg**

The Council will start at 9.30, chaired by Mr Jevgeni Ossinovski, Minister for Health and Labour and Mrs Kaia Iva, Minister for Social Protection of Estonia. Most of the meeting will be public and can be followed by video streaming at <http://video.consilium.europa.eu/>.

The Council aims at reaching a general approach on **posting of workers** directive.

It is also expected to reach a partial general approach on the **coordination of social security systems** regulation. The partial agreement concerns the chapters on access of economically non-active citizens to social assistance and on applicable legislation provisions.

The Council will be called on to approve a proposal for an interinstitutional proclamation on the **European Pillar of social rights**.

On **European Semester**, the Council is due to endorse the main messages of the Employment and Social Protection Committees.

Over lunch, ministers are invited to have a debate on improving cooperation in cross-border labour mobility to fight fraud and abuse.

A Presidency press conference will be held at the end of the meeting.

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Press conferences and public events by video streaming: <http://video.consilium.europa.eu>

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

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

Posting of workers

The Council aims at reaching a [general approach](#) on posting of workers directive.

The aim of the revision of the directive is to facilitate the provision of services across borders within a climate of fair competition and respect for the rights of posted workers, who are employed in one member state and sent to work temporarily in another by their employer. More specifically, the initiative aims to ensure fair wage conditions and a level playing field between posting and local companies in the host country while maintaining the principle of free movement of services.

The Estonian presidency continued the discussions on the basis of the Maltese presidency's last compromise proposal, with the objective to fine-tune the text and achieve a broader and more balanced compromise.

During the relevant working party meetings, the main technical matters that were elaborated upon were the following:

- deletion from the hardcore list of 'conditions of accommodation' (but adjusted recital kept);
- clarification of the wording on allowances and reimbursement of costs to cover travel, board and lodging expenses;
- content of the negative list in long-term posting (exclusions);
- additional elements on the calculation of remuneration (in the recitals);
- reference in the recitals to the 'Undeclared work platform' / fraud and abuses related to posting of workers;
- reference to taking into account incomplete or inaccurate information on the single website when determining penalties in the event of infringements;
- transposition period reduced to 2 years (from 3);
- increased information requirements on temporary agency work.

Despite long discussions and Presidency's efforts, outstanding political issues remain:

- **long-term posting:** the number of months after which rules on long term posting apply (recitals 8 and 9, article 3.1(-a)) has been bracketed at [24] months. Several delegations consider that 24 months strikes a good balance, with some additionally calling for possible exceptions to exceed this period. Other delegations consider 12 months, or even less, to be more adequate.
- the **date of application** of the amending directive has been bracketed at [3] years after the entry into force (article 2.1); there are differing views on how long this period should be.

Concerns have also been expressed regarding the issue of combatting fraud and abuse, which for some delegations should have a more prominent role, and differing views have been expressed on the issue of road transport.

European Parliament

The Employment Committee presented a draft report in January and discussions followed at an extraordinary session in February. The presentation and consideration of over 500 amendments took place in March.

The Committee position was adopted on 16 October and it would thereafter go to the Plenary in the week of 23 October.

Coordination of social security systems

The Council is expected to reach a partial [general approach](#) on the revision of regulation 883/2004 on the **coordination of social security systems** and its implementing regulation 987/2009.

The general objective of the proposed regulation is to continue the modernisation of EU social security coordination rules by making them clearer and fairer, easily enforceable, facilitating thus the free movement of persons within the EU.

In particular, the proposal focuses on five areas:

- unemployment benefits
- long-term care benefits
- economically inactive mobile citizens' access to certain social benefits (i.e. equal treatment)
- family benefits, and
- applicable legislation for posted and sent workers and persons working in two or more member states

The Estonia presidency held extensive discussions and made considerable progress, in the relevant Council working party, on provisions concerning equal treatment and access of economically inactive mobile citizens to certain social benefits, and the applicable legislation.

The partial agreement concerns the chapters on access of economically non-active citizens to social assistance (equal treatment) and on applicable legislation provisions.

Pillar of social rights

The Council will be called on to approve a proposal for an interinstitutional proclamation on the European Pillar of social rights.

In March 2016, the Commission launched a consultation on a European pillar of social rights running until the end of 2016.

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.

EPSCO ministers had an exchange on the draft social pillar at the informal meeting held in Amsterdam in April. The discussions focused on equal opportunities and access to the labour market, fair working conditions, and adequate and sustainable social protection.

The EPSCO Council in June endorsed the joint opinion of the EMCO and SPC on the European pillar of social rights ([12605/16](#)).

European Semester 2017

The Council is due to endorse the main messages of the Employment and Social Protection Committees (12563/17, 12741/17).

As the 2018 European Semester is under preparation and expected to be launched in November, the above Committees have transmitted their key messages to the Council.

Both Committees have produced their annual reviews on the employment and the social situation in the EU respectively and the policy developments in the member states in their specific areas. The objective is to draw Ministers' attention to key employment and social challenges to be tackled.

According to the Committees findings on **employment**:

- In 2016, the EU employment rate (20-64) continued to increase and reached 71.0%, surpassing the pre-crisis level for the first time since 2008. Latest figures show that this positive trend has continued, with the rate reaching 71.7% in the first quarter of 2017. If the employment rate continues increasing at the same pace as in 2016, the EU would be broadly on course to meet the Europe 2020 employment rate target of 75%. This welcome news should not obscure disparities: six member states have employment rates considerably below their pre-crisis levels.
- Education, training, skills, and lifelong learning must all remain a key focus.
- A number of member states also continue to experience a high incidence of youth unemployment and /or NEETs, underlining the need for ongoing commitment to the Youth Guarantee.

On the **social situation and priorities for social policy reforms at EU level**, it is noted for instance that there is/are:

- Rises in household disposable income along with reductions in the risk of poverty or social exclusion driven by significant reductions in the severe material deprivation rate and the share of the population living in (quasi-)jobless households;
- strong signs of reductions in long term unemployment and in youth exclusion, reflecting improvements in the labour market;
- continued deterioration of the depth and persistence of poverty in a number of member states, and signs of gaps in the adequacy of social benefits as evidenced in the rise in the poverty risk for people living in (quasi-) jobless households.

Any other business

Tripartite Social Summit (Brussels, 18 October 2017)

- The presidency and the Commission will inform the Council about the Social Summit on 18 October.

New Skills Agenda for Europe

- The Commission will inform the Council about the New Skills Agenda for Europe.

European Institute for Gender Equality (EIGE) - new edition of the gender equality index

- The EIGE will present to the Council the new edition of the gender equality index.

Tallinn Digital Summit (29 September 2017)

- The presidency will inform the Council about the Digital Summit held on 29 September 2017 in Tallinn.
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