



Employment, Social Policy, Health and Consumer Affairs Council

Thursday 15 and Friday 16 June in Luxembourg

The Council will begin on **Thursday at 9.30** with employment and social policy issues and will continue on **Friday at 10.00** with health items. With the exception of the non-legislative and any other business items the whole meeting will be public and can be followed by [video streaming](#).

Employment and Social Policy

The Council meeting will be chaired by Evarist Bartolo, Minister for Education and Employment, Helena Dalli, Minister for EU affairs and equality and Michael Falzon, Minister for family and social solidarity.

The Council will hold a policy debate on the employment and social policy aspects of the **2017 European Semester** exercise, approving relevant documents including the country specific recommendations.

The Presidency will inform the Council about the outcome of the informal lunch debate on the **European Pillar of social rights**.

The Council will be called on to reach a general approach on a directive protecting workers against **carcinogenic** substances. It will take note of progress regarding the **posting of workers** directive.

It will take note of progress on the **accessibility** directive for products and services, and on a revised regulation on the **coordination of social security systems**.

It will also take note of progress on the **company boards** and **equal treatment** directives.

The Council is due to adopt conclusions on "Making-work-pay strategies" and on the European Court of Auditors' report entitled "Youth unemployment - have EU policies made a difference? An assessment of the youth guarantee and the youth employment initiative".

Over lunch ministers will have a discussion on the **European Pillar of social rights**.

The presidency will hold press conferences: +/- 12.45 after the morning session and +/- 17.00 at the end of the meeting.

Health session

The Health part of the Council will be chaired by Chris Fearne, the Maltese Minister for Health.

The Council will adopt conclusions

- to contribute towards halting the rise in childhood obesity
- on voluntary cooperation between health systems

Ministers will also exchange views on the health aspects and implications of the European Pillar of social rights proposed by the Commission.

A press conference will take place at +/- 12.30.

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

EMPLOYMENT AND SOCIAL POLICY

European Semester 2017

The Council will hold a [policy debate](#) on the employment and social policy aspects of the 2017 European Semester exercise, adopting relevant documents.

The policy debate will be steered by the following presidency questions:

- Considering the increased public attention directed at social and employment challenges, do the 2017 country-specific recommendations (CSRs) cover the most pressing challenges in the employment and social fields?
- What can be done to enhance the implementation of CSRs, in order to make the best use of the current macroeconomic upturn in the EU? What do you see as the major obstacles to a better implementation of CSRs?

Country specific recommendations (CSRs)

The Council will approve recommendations to each member state on the national reform programmes 2017 concerning the employment and social policy aspects.

- **Employment Committee and Social Protection Committee**

The Council will endorse [opinions](#) of the Employment Committee (EMCO) and the Social Protection Committee (SPC).

These opinions provide for an assessment of the employment and social protection/inclusion challenges in the national reform programmes 2017 focusing on the implementation of the 2016 CSRs. They also focus on horizontal issues and support the political dimension of multilateral surveillance and of the implementation of the CSRs.

- **EMCO opinion on labour-market integration of refugees**

The Council is also due to endorse the EMCO [opinion](#) + [corrigendum](#) on labour-market integration of refugees. The unprecedented number of refugees entering the EU in recent years has focused political attention on how to integrate them into their new countries of residence.

Bearing in mind the importance of the link between labour market participation and integration into society at large, given that the socio-economic outcomes for refugees are worse than those for other third-country migrants, EMCO has looked in particular at the issue of their labour market integration.

Pillar of social rights

The presidency will inform the Council about the outcome of the informal lunch debate on the **European Pillar of social rights**.

During the lunch, the ministerial debate will be based on a presidency steering note. Ministers will be invited to answer the following questions:

- How can the principles and rights outlined in the Pillar be put into practice at national and European level? What are the most challenging objectives?
- Taking into account the political nature of the Pillar, how can member states strive for a shared commitment towards the interinstitutional proclamation of the Pillar?

In April 2017, the Commission adopted a new initiative entitled "the European Pillar of social rights". The package consists of diverse documents: a Communication establishing the Pillar, a staff working document on the new social scoreboard, explanatory fiches on the rights and principles, a report on the public consultation, implementation reports and stocktaking reports.

The core element of the Pillar is a set of 20 key principles and rights to support fair and well-functioning labour markets and welfare systems. It also acknowledges the diversity of situations and the varying means available to achieve these common goals.

Delivering on the principles and rights enshrined in the Pillar is the joint responsibility of the EU institutions, the member states (most of the tools required being in the hands of national, regional and local authorities) as well as social partners and civil society at large.

The Commission's main objective is the proposed "interinstitutional proclamation" on the Pillar, which the Commission suggests that the Parliament and the Council sign before the end of the year.

The Council is due to endorse the [joint opinion of the SPC and EMCO on the Pillar of social rights](#).

Following this opinion, the Social Pillar initiative is an important milestone in putting employment and social protection at the forefront of EU decision-making. It seeks to strike a balance between ambition and realism, while at the same time addressing the employment and social policy challenges that Europe faces in the 21st century.

EMCO and SPC support the overall objective of sustainable upward convergence in employment and social outcomes. The Committees welcome the overall framework of the Social Pillar and the choice of an approach centred on common rights and principles.

Carcinogens or mutagens at work

The Council will reach a [general approach](#) on a revised directive protecting workers from the risks related to exposure to carcinogens or mutagens at work.

This directive seeks to introduce stricter limit exposure values and skin notations for five additional carcinogens, as well as skin notations independently of limit values for two more carcinogens, covering 7 carcinogens in total.

The mineral oils in question are: certain polycyclic aromatic hydrocarbon (PAH) mixtures, particularly those containing benzo[a]pyrene, trichloroethylene, 4,4'-methylenedianiline, epichlorohydrin, ethylene dibromide or ethylene dichloride.

In annex I, a provision is added on work involving exposure to mineral oils that have previously been used in internal combustion engines to lubricate and cool moving parts within the engines.

Since these oils can be absorbed through the skin, the establishment of a skin notation was strongly recommended. A range of best practices can be used to limit dermal exposure, including, among others, the use of personal protection equipment such as gloves, and the removal and cleaning of contaminated clothing.

In January 2017 the COM submitted the proposed revision, which concerns in particular annexes I and III of directive 2004/37/EC.

The retained limit values are based on an analysis of the economic, social and environmental impacts of the different policy options for each chemical agent, using the effectiveness, efficiency and coherence criteria from the scientific advice of the scientific committee on occupational exposure limits (SCOEL). The limit values were also agreed on by the advisory committee on health and safety at work (ACSH).

This revision follows an earlier Commission proposal which already included 13 carcinogenic agents.

A third package of proposed limit values is expected to be adopted by the Commission at the beginning of next year.

Posting of workers

The Council will take note of a [progress report](#) on the [posting of workers directive](#).

The revised directive is aiming at ensuring a level playing field for service providers and at the same time protecting posted workers. According to the Commission, the twenty-year-old directive no longer properly reflects the developments since 1996 and the current labour market situation, e.g. a considerably increased wage differentiation between member states.

The work in the Council working party

The Maltese presidency held intense negotiations and considerable progress was made towards bridging member states' positions.

Discussions focused on the following elements:

- the concept of remuneration which applies from the first day of the posting
- long-term posting, for which the presidency suggested that all the terms and conditions of employment in the member state where the work is carried out should apply, other than the exception listed
- the deletion of the concept of subcontracting, since it did not gather enough support
- the need for more time for enacting transposition measures and their entry into force

The Commission proposal

Inter alia, the proposed directive

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

Accessibility for goods and services

The Council will take note of a [progress report](#) on the [proposal for a European Accessibility Act \(EAA\)](#) that aims to remove internal market barriers to the free circulation of a targeted set of products and services, so as to support the full participation of people with disabilities in society.

The proposal also seeks to help member states in their efforts to achieve their national commitments under the United Nations Convention on the rights of persons with disabilities (UNCRPD) in a harmonised manner.

The progress report reflects the work done by the Maltese presidency in the relevant working party of the Council where delegations reiterated their broad support for the aim of the proposal.

The main changes to the text are as follows:

Under the scope of **products** covered by the EAA (article 1(1)), self-service terminals such as automated teller machines for banking services, check-in machines for passenger transport services and e-readers have been added.

Regarding **services** covered by the EAA, it has been clarified that these are to be provided to consumers (article 1(2)). The list of services contains electronic communications services, services providing access to audiovisual media services, certain elements of passenger transport services, consumer banking services, e-books and e-commerce. Services for responding to and handling emergency communications have been added to the scope.

A number of **new definitions** have been added to article 2: "consumer terminal equipment with interactive computing capability, used for accessing audiovisual media services", "emergency communication", "public safety answering point", "emergency service", "small and medium-sized enterprises", "consumer terminal equipment", "interactive computing capability", "e-reader", "smart ticketing" and "electronic ticketing".

Coordination of social security systems

The Council will take note of a [progress report](#) 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 proposal is to continue the modernisation of EU social security coordination rules by making them clearer and fairer, and by improving their enforceability, thus contributing to the facilitation of 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
- family benefits
- applicable legislation for posted and sent workers and persons working in two or more member states

The Maltese presidency held extensive discussions in the relevant Council working party focusing on equal treatment and economically inactive citizens' access to social benefits, as well as on the posting of workers provisions. Due to the complexity of the proposal, further examination is required.

Women on company boards

The Council will take note of a [progress report](#) on a directive on improving the gender balance in boardrooms.

Aiming to address the serious problem of women's under-representation in economic decision-making at the highest level, the proposed directive would set a quantitative objective for the proportion of the under-represented sex on the boards of listed companies of 40% by 2020. SMEs would be exempted. (The deadline has been extended to 2022 in the latest text following the Council working party meeting.) Companies would be obliged to work towards that objective, *inter alia* by introducing procedural rules on the selection and appointment of non-executive board members.

Companies that have not reached the 40% target would be required to continue to apply the procedural rules, as well as to explain what measures they had taken and intended to take in order to reach it. For member states that choose to apply the objective to both executive and non-executive directors, a lower target (33%) would apply.

As the proposal had not been discussed since December 2015, the Maltese presidency has placed it back on the Council's agenda. Although there is a broad consensus in Europe regarding the need to improve the gender balance in decision-making, particularly in the economic sphere and at the highest level, progress remains slow and uneven across the EU. In April 2016, in the EU as a whole, just 23% of board members in the largest publicly listed companies, and a mere 7% of board chairs, were women.

The presidency introduced some changes to the proposed directive, in particular adjusting the implementation calendar, the target dates, the reporting deadlines and the sunset clause by adding two years.

A majority of delegations supported the proposal and were willing to accept the presidency's text. However, others were unable to support the draft directive, notably on the grounds that it did not respect the principles of subsidiarity and proportionality.

Equal treatment directive

The Council will take note of a [progress report](#) on a directive implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation. The proposed directive has been on the Council's agenda since 2008.

During the Maltese presidency the discussions in the relevant working party have focused in particular on the inclusion of a recital on discrimination on the grounds of sex or gender identity as a compounding factor and multiple discrimination, as well as on the inclusion in the scope of statutory supplementary pension schemes and legal benefits depending on marital status.

Further discussion is still needed on the scope, as certain delegations are opposed to the inclusion therein of social protection and education. The division of competences and subsidiarity, and legal certainty regarding the obligations that would be established by the directive, also remain outstanding issues.

Since the adoption of the directive requires Council unanimity, work will continue.

Towards making-work-pay strategies

The Council is expected to adopt [conclusions on "Towards making-work-pay strategies"](#).

The conclusions highlight the kind of strategies which can be an effective instrument for promoting growth and generating quality jobs, and reducing poverty, inequality, social exclusion and, very importantly, long-term benefit dependency.

They are based on input from the Employment Committee and the Social Protection Committee.

Assessment of the Youth guarantee and the youth employment initiative

The Council is expected to adopt conclusions following the European Court of Auditors' report on: ["Youth unemployment - have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative"](#).

This is the second report assessing the Youth guarantee and its supporting funds from the youth employment initiative.

The report assesses the effectiveness and the implementation of the Youth guarantee (YG) and the youth employment initiative (YEI), based on country visits to 7 member states and data submitted by the member states covering the period April 2013 - May 2016.

The Court found that the YG implementation programmes lacked strategies with clear milestones and objectives to reach all those who needed offers of employment, education or training, and the overall cost and available funding were not adequately assessed by member states.

The examination of the YEI found that the assessment of its target group had been insufficient, and that there was a risk of EU funding simply replacing national funding rather than providing added value.

Any other business

- European Social Fund

The Commission will inform the Council about the state of play.

- Work programme of the incoming presidency

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

HEALTH

Childhood obesity

The Council will adopt conclusions to contribute towards halting the rise in childhood overweight and obesity.

The [draft conclusions](#) consider the high prevalence of childhood obesity in many member states as a major health challenge. They recall that overweight children have an increased risk of suffering from diabetes, asthma, hypertension and cardiovascular disease and that 60% of them are likely to become overweight adults.

The draft conclusions call for addressing inadequate physical activity and unbalanced nutrition to tackle childhood obesity. They invite member states to take measures to promote physical activity in educational and recreational facilities and to enhance efforts towards a healthy diet for children and adolescents. The draft conclusions call for measures to reduce the exposure of children and adolescents to marketing, advertising in both traditional and social media and sponsorship of foods high in energy, saturated fats, trans-fatty acids, sugar and salt. Dietary guidelines should be developed to provide guidance to parents, carers and food providers in educational facilities on appropriate portion sizes and information that makes it possible to identify nutritious, affordable and convenient food options. Member states should also ensure that the communication and counselling activities promoted by national public authorities are prepared and delivered free from undue commercial influence. To enhance physical activity and a healthy diet, EU countries should strive to create the appropriate conditions and employ a cross-sectoral and inclusive approach that could include legislative measures.

The draft conclusions invite member states and the Commission to address the new challenge of marketing and advertising via online platforms and social media targeted at individual children. EU countries and the Commission should also encourage voluntary food labelling.

Voluntary cooperation between health systems

The Council will adopt conclusions on "Encouraging Member State driven Voluntary Cooperation between Health Systems".

The [draft conclusions](#) consider that strengthening member state cooperation in certain areas can bring better outcomes for patients, healthcare professionals and increase the efficiency of health systems. Voluntary cooperation between member states' health systems could, for instance, improve the availability of skills and resources across the EU, thus tackling shortages in the health workforce more effectively.

Member state cooperation could also help to address challenges such as access to health technologies arising inter alia from therapeutic innovation, in particular in the field of rare diseases, and the development of personalised medicine. Member states are also invited to cooperate in order to increase transparency in the pricing of pharmaceuticals, which should put the member states in a better position when negotiating with the industry.

The draft conclusions invite member states to explore priority areas and appropriate processes for the development of member state driven voluntary cooperation, as a way of increasing the effectiveness, accessibility and resilience of their health systems.

European Pillar of social rights

The Council will exchange views on the health aspects of the [European Pillar of social rights](#). The European Pillar of social rights is intended to provide guidance for an upward convergence towards better working and living conditions in Europe.

The presidency has prepared a note to steer the [discussion](#).

Ministers are invited to consider the following questions:

- In a changing political and social landscape do you believe that at European level the principle on the right for everyone to have timely access to affordable, preventive and curative health care of good quality, as set out in the European Pillar of social rights, provides sufficient guidance for the upward convergence of national health systems?
- What, in your view, are the implications of establishing a commitment at EU level to provide timely access to affordable, preventive and curative health care of good quality?
- Do you believe that the chosen indicators in the social scoreboard relating to health can be used within the context of the European Semester to measure successful outcomes for ensuring overall improvement?

Any other business

- ***EU action on vaccination***

The [Commission](#) will inform ministers on the outcomes of the workshop "Seeking new partnerships for EU action on vaccination" held on 31 May 2017 in Brussels.

- ***Health Symposium***

The Austrian delegation [9336/17] will inform ministers on the Health Symposium of the European Forum in Alpbach to be held on 20-22 August 2017.

- ***Round table meetings for Health Ministers and pharmaceutical companies***

The [presidency](#) will inform ministers on the round table meetings for EU Health Ministers and heads of Europe-based pharmaceutical companies on 9 May in Malta.

- ***Fast-track the end of AIDS in the EU***

[The presidency](#) will inform ministers on the HIV conference organised in collaboration with the European Centre for Disease Prevention and Control on 30 and 31 January in Malta.

- ***Pharmaceuticals in the environment***

Following a request by the Swedish delegation [9737/1/17 REV1] the Commission will inform the Council about its measures against the pollution of water and soil by pharmaceutical residues.

- ***Traceability system for tobacco products***

The [French delegation](#) will inform ministers on the implementation of the traceability system for tobacco products as set out in articles 15 and 16 of the tobacco products directive

- ***Work programme of the incoming presidency***

The Estonian delegation will inform ministers on its work programme in the field of health as the incoming Presidency of the Council of the EU.