



**Employment, Social Policy, Health and Consumer Affairs Council
(Employment, Social Policy and Health issues)
Thursday 7 and Friday 8 December 2017 in Brussels**

Thursday 7 December: Employment and Social Policy session

The Council will start at 10.00, 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 will seek to reach a general approach on the **accessibility for products and services** directive.

It is expected to agree a partial general approach on the **coordination of social security systems** regulation. The partial agreement concerns the chapters on long-term care benefits and family benefits.

The Council is due to reach a political agreement on a directive on **maritime labour convention** protecting the working conditions of seafarers.

It will take stock of progress on **equal treatment** and on the **work-life balance** directives.

Ministers will exchange views on the **European Semester 2018**, following the economic package presented by the Commission in November.

The Council is expected to adopt conclusions on:

- The future of work: Making it e-Easy;
- Enhancing community-based support and care for independent living;
- Enhanced measures to reduce horizontal gender segregation in education and employment.

Over lunch, ministers will have a debate on "fostering digital transformation while safeguarding social protection".

A Presidency press conference will be held at the end of the meeting (+/- 18.00).

Friday 8 December: Health session

The Council will start at 10.00 and it will be chaired by Mr Jevgeni Ossinovski, Minister for Health and Labour of Estonia.

Health ministers will exchange views on the **pharmaceutical policy** in the EU, focusing on future perspectives.

The Council is due to adopt conclusions on **digital health** and on **cross-border aspects in alcohol policy**.

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

Most of the meeting will be public and can be followed by video streaming at <http://video.consilium.europa.eu/>.

A press conference will take place at +/- 14.00.

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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.

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Employment and Social Policy

Accessibility for products and services

The Council will seek to reach a general approach on the accessibility for products and services directive ([15096/17](#)).

The directive aims at making various products and services in the EU more accessible for persons with disabilities by removing internal market barriers.

Its scope covers 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 Presidency aimed at a balance between the following elements:

- following as closely as possible the **new legislative framework** (NLF) for products, so that the economic operators dealing with products as well as market surveillance authorities can follow the NLF approach;
- for **services**, the Presidency has followed the Commission's proposal that is "inspired" by the NLF but with a degree of flexibility for the organisation of the market surveillance system for services;
- keeping the **accessibility requirements** for products and services at the **functional level** (annex I). A new annex Ia gives clear examples on how the accessibility requirements in annex I could be achieved or what the aimed result could be;
- Article 12 on **Fundamental alteration and disproportionate burden** has been amended according to the wishes of delegations in order to clarify the procedure and to provide clear guidance to economic operators and market surveillance authorities. A new annex IV with benchmarks for assessing the disproportionate burden has been added into the text;
- **microenterprises providing services**, which often are new enterprises and lack resources, are fully exempted from the requirements of the European Accessibility Act;
- the text has been reorganised to improve **legal clarity** (e.g. by separating the parts of the directive dealing with products, services or both of these).

The proposal seeks also to help member states to implement 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.

European Parliament voted on its amendments in September and is therefore ready to enter into 1st reading negotiations as soon as the Council has finalised its position.

[Commission proposal](#)

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 ([14958/17](#)).

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 made considerable progress on two more chapters i.e. provisions on **long-term care benefits** and **family benefits** which concern this partial agreement.

The regulation devotes a distinct chapter to this new category of benefits as the long-term care sector is growing due to ageing of the population.

In many member states, family benefits are being granted to working parents who, for some time, lose their income due to child raising. The regulation acknowledges these benefits as an individual right.

Maritime labour convention

The Council is due to reach a political agreement on a **maritime labour convention** (MLC) directive which improves the working conditions of seafarers ([14150/1/17 REV 1](#)).

This directive implements the agreement negotiated and agreed between EU-level social partners in the maritime sector which brings amendments to the MLC.

It expands seafarers' protection, as many of them aboard ships are facing today abandonment without pay, often for several months, and without regular food supplies, medical care, or the means to return home.

Also compensation procedures get easier and more effective; an obligation to carry documentary evidence of the financial security system on board ships is also foreseen.

The Commission submitted the proposal in July 2017 to update the Council directive 2009/13/EC with the 2014 amendments to the MLC and to ensure the effective enforcement of the amendments to the MLC through the application of the enforcement directive on flag State responsibilities (directive 2013/54/EU).

Work-life balance

The Council will take note of progress on the **work-life balance** directive ([14280/17](#)).

The general objective of the proposal is to improve access to work-life balance arrangements such as leaves and flexible working arrangements, as well as to increase the take-up of family-related leaves by men, thus contributing to increasing female labour-market participation.

In particular, the proposal would update the minimum standard on (i) parental leave, and introduce new minimum standards on (ii) paternity leave and (iii) carers' leave.

During the Estonian Presidency, the Council working party on social questions discussed this dossier in several meetings, focusing on the most contentious articles: paternity leave, carers' leave and parental leave, together with the article on remuneration. Although considerable progress has been made, the idea of defining the minimum level of allowances in the directive and tying it to the sick-pay level (article 8) is a major issue for many member states that could not yet be resolved.

Further discussion is needed for instance on following issues:

- **Paternity leave:** What level of compensation should be the benchmark for paternity leave? Should there be a possibility for Member States to set a ceiling on compensation during paternity leave? If so, within what limits?
- **Carers' leave:** What should be the **scope** of carers' leave? At what level should it be compensated?
- **Parental leave:** What should the reference age of the child for the purpose of granting parental leave be? How many months should be non-transferable? At what level should parental leave be compensated? Should there be a possibility for member states to set a ceiling on compensation during parental leave? If so, within what limits?

Equal treatment

The Council will take stock of progress on equal treatment directive ([14867/17](#)). The draft directive implements the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation.

During the Estonian Presidency, the discussions in the relevant working party focused, in particular on following main issues:

- **multiple discrimination:** The Presidency sought to clarify the notion of multiple discrimination, which had been previously introduced into the text, in order to provide better protection to victims of discrimination. The Presidency emphasised that multiple discrimination was common in practice, yet very difficult to prove, and that, moreover, the specific discrimination grounds involved in cases of multiple discrimination.
- **equality data:** In its drafting suggestions, the Presidency had reworded the requirements pertaining to the collection of statistics, seeking to provide greater flexibility to the member states.

Although real progress has been made under the Estonian Presidency on the issues discussed, further political discussion is needed before the required unanimity can be reached in the Council.

European Semester 2018

Ministers will exchange views on the **European Semester 2018** on the basis of a Presidency steering note ([14990/17](#)).

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.

Ministers are invited to present their views on the 2018 European Semester Autumn package, with particular focus on:

- Whether the common targets and objectives are set correctly or would they need further balancing?
- Whether priorities outlined in the annual growth survey and draft joint employment report are adequate and guarantee sustainability?

The employment and social situation in the EU is improving. The EU is witnessing again higher levels of employment rate, unemployment levels are declining toward pre-crisis levels, standing at 7.6% in the EU-28 (second quarter 2017) compared to last year's 8.5%.

However, wage-growth remains low, and, although declining, youth and long-term unemployment remain high and are decreasing only slowly. Gender employment and pay gaps also persist. Income inequality continues to be high, showing only small signs of improvement.

The at-risk-of-poverty-or-social-exclusion rate is still at an unacceptably high level. While growth has reached all member states, regional disparities persist. It is therefore clear: we need to persevere and continue structural reforms to boost investment and ensure a more stable, inclusive, productive and resilient economy.

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

The future of work: Making it e-Easy

The Council is expected to adopt conclusions on the future of work: Making it e-Easy ([14954/17](#)).

These conclusions shed light on the impact of digitalisation on working conditions, social protection as well as education and skills.

They call upon different stakeholders to embrace the changes on the labour market and adapt the systems to seize the opportunities brought by these changes.

The Presidency organized a high-level conference in Tallinn on 13-14 September, dedicated to the impact of digitalisation. The various background of the participants allowed to share diverse views and ideas on the topic. The draft conclusions took these contributions into account, and further integrated the many suggestions from the member states.

Community-based support and care for independent living

The Council will adopt conclusions on 'enhancing community-based support and care for independent living' ([14636/17](#)).

The conclusions highlight the importance of taking action at different levels to enhance community-based support and care with the aim to enable independent living and invite different stakeholders to actively engage in this endeavour.

The main elements around this topic have been subject of the Conference "Dignity + Independent living = DI" which was organised on 12 - 13 October 2017 in Tallinn.

Horizontal gender segregation in education and employment

The Council will adopt conclusions on enhanced measures to reduce horizontal gender segregation in education and employment ([14624/17](#)).

The conclusions focus on the subject of horizontal gender segregation in education and employment, which spans four critical areas ("Education and training of women", "The Girl Child", "Women and the Environment" and "Women and the Economy").

ANY OTHER BUSINESS

- **EU action plan 2017-2019 on tackling the gender pay gap**
The Commission will inform the Council about the EU action plan 2017-2019 on tackling the gender pay gap.
- **Concluding the year of focused actions to eliminate gender-based violence**
The Commission will inform the Council about focused actions to eliminate gender-based violence.
- **Social Summit (Gothenburg, 17 November 2017)**
The Swedish delegation and the Commission will inform the Council about the Gothenburg Social Summit.
- **Work programme of the incoming Presidency**
The Bulgarian delegation will inform the Council about its work program.

Health

Pharmaceutical policy in the EU

Health ministers will exchange views on the pharmaceutical policy in the EU, focusing on future perspectives ([14574/17](#)). The debate will be guided by following questions prepared by the Presidency:

- What kind of actions, in addition to those that are already ongoing, which include voluntary cooperation between member states, are needed in order to achieve a comprehensive approach towards balanced pharmaceutical systems?
- Do you see a need for changes to the current EU legislative framework in order to improve continuous access, availability and affordability of medicines in all member states, including on economically less attractive markets?
- In which areas do you see a need for reinforced cooperation? In what form should such cooperation be taken forward?

Member states have the overall responsibility for their health policy and the organization of health systems. Pharmaceutical policy is an indispensable component of health systems in ensuring continuous access to effective, safe and high quality medicinal products and should contribute to creating a basis for their supply.

While the internal market creates opportunities, it also poses challenges, as not all national markets in the EU are economically attractive for the pharmaceutical industry. Several health ministers have recently raised concerns in relation to equal access and availability of medicines across Europe, emphasising the need for a comprehensive approach and a common vision for sustainable solutions within the pharmaceutical systems to the benefit of patients.

Currently, medicines are not equally affordable and available to all EU member states and to all persons living in the EU.

Shortages of medicines, a growing problem in Europe, is another aspect of availability of medicinal products that needs appropriate policy responses to address the challenges across the supply chain.

In June 2016, the Council adopted conclusions on strengthening the balance in the pharmaceutical systems in the EU and its member states.

Building on the June conclusions, three round table meetings have been held to bring together EU health ministers, leaders of the pharmaceutical industry, innovative and generic industry associations, as well as patients' organizations, to promote a broader dialogue on the main challenges in the pharmaceutical realm.

The last three Presidencies, i.e The Netherlands, Slovakia and Malta, drafted a long-term Agenda for EU and member states to drive voluntary cooperation on pharmaceutical policy 2017-2020.

The aim of this Agenda is to ensure that by 2020, significant progress should have been made in re-balancing the pharmaceutical systems in the EU and its member states so that they will be sustainable and future-proof. The Agenda has the objective of promoting voluntary cooperation between member states bilaterally, regionally and at EU level.

Alcohol policy

The Council is expected to adopt conclusions on cross-border aspects in alcohol policy ([14082/17](#)).

Tackling the harmful use of alcohol is one of the priorities of the Estonian Presidency in the area of health and was one of the main items for discussion at the EU Health ministers informal meeting held in Tallinn on 20 and 21 July.

The main cross-border aspects covered by the conclusions are the issues related with advertising, namely when transmitted through new social media and addressed to young people, with cross-border transport of alcoholic beverages and with the labelling of alcoholic beverages.

Digital health

The Council is due to adopt conclusions on "Health in the digital society – making progress in data-driven innovation in the field of health" ([14078/17](#)).

These Council conclusions are based on input from the informal meeting of Ministers in Tallinn in July, and take into account the outcome of the high-level conference in Tallinn in October.

The Council conclusions are aligned to the Estonian Presidency overarching priority for 'A digital Europe and the free movement of data'.

ANY OTHER BUSINESS

- State of Health in the EU

The Commission will inform the Council about the state of health in the EU.

- Annual growth survey 2018

The Commission will inform the Council about the annual growth survey 2018.

- Report on the "State of paediatric medicines in the EU - 10 years of the EU paediatric regulation"

The Commission will inform the Council about the report on the "State of paediatric medicines in the EU - 10 years of the EU paediatric regulation".

- Issues related to European patients' access to treatment

The Romanian delegation will inform the Council about issues related to European patients' access to treatment.

- Outcome of the high level meeting " Antimicrobial resistance: One health action plan and evidence based policy-making" (Brussel, 23 November 2017)

The Presidency will inform the Council about the outcome of the high level meeting on antimicrobial resistance.

- Valproate and teratogenic medicinal products

The Belgian delegation will inform the Council about valproate and teratogenic medicinal products.

- Lack of drug availability in Greece

The Greek delegation will inform the Council about the lack of drug availability in Greece.

- Work programme of the incoming Presidency

The Bulgarian delegation will inform the Council about its work program.