

Employment, Social Policy, Health and Consumer Affairs **Brussels, 6 and 7 December 2018**

The Council meeting on 6 and 7 December 2018 will be chaired by **Beate HARTINGER-KLEIN**, Federal Minister of Labour, Social Affairs, Health and Consumer Protection of Austria.

The session on 6 December begins at **09.30** with a discussion in public session on a proposal for a Regulation on establishing a **European Labour Authority** with the aim of reaching a general approach.

Ministers will hold a policy debate on the **European Semester 2019**. The Commission will present the **Annual Growth Survey (AGS)**, the **Alert Mechanism Report (AMR)**, the draft **Joint Employment Report (JER)** and a draft **Recommendation on the economic policy of the euro area**. The Council is expected to approve its contribution on the employment and social policy-related aspects of the Euro Area Recommendation. Ministers will endorse the key messages prepared by the Employment Committee (EMCO) and the Social Protection Committee (SPC) following the thematic reviews on the **Social Aspects of Digitalisation** and **Digitalisation and Robotisation of Work**. They will also endorse the key messages from the review by EMCO of the implementation of the Recommendation on **long-term unemployment** and will aim at reaching a political agreement on a Council recommendation on **access to social protection for workers and the self-employed**.

The Council will aim to reach a general approach on the Directive on **carcinogens or mutagens at work**.

Over lunch, ministers will hold a debate on **MFF investment in people: contribution of EU funds and programmes to convergence, fairness and competitiveness**.

During the afternoon session, beginning at 14.30, the Council will examine a set of conclusions on **gender equality, youth and digitalisation**. Ministers will also examine a progress reports on a proposal for a Regulation on the **European Globalisation Adjustment Fund (EGF)** and a proposal for a Directive on **equal treatment**.

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

A press conference by minister **HARTINGER-KLEIN** and Commissioners **Thyssen and Jourova** will be held at **17.00 (tbc.)** in the Europa building press room.

The Council meeting on 7 December 2018, starting at **09.30**, will deal with **Health** matters. Ministers will adopt a recommendation on **strengthened cooperation against vaccine-preventable diseases**. They will also exchange views on **Tackling vaccine hesitancy at EU and national level: Challenges and possibilities in a digitalised world**.

A press conference by minister **HARTINGER-KLEIN** and Commissioner **Vytenis Andriukaitis** will be held at **13.15 (tbc.)** in the Europa building press room.

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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: <https://europa.eu/!hM79kk>

European Labour Authority

The Council will discuss a proposal for a Regulation of the European Parliament and of the Council on establishing a European Labour Authority (ELA) ([14583/18](#)). The aim is to reach a general approach (the Council's position).

The goal of the regulation, proposed by the Commission in March this year ([7203/18](#)), is to create a new agency which would support Member States in implementing EU legislation in the fields of cross-border labour mobility and social security coordination, including free movement of workers, posting of workers and highly mobile services. ELA will in particular:

1. facilitate access to information on rights and obligations in cases of cross-border mobility for employees, employers and national administrations;
2. support coordination between Member States in the cross-border enforcement of relevant Union law, including facilitating concerted and joint inspections;
3. mediate between MS authorities in order to resolve cross-border disputes;
4. facilitate cooperation between relevant Union and national stakeholders in order to find solutions in case of labour market disruptions affecting more than one Member State;
5. support cooperation between Member States in tackling undeclared work.

Member States are requested to second National Liaison Officers to the ELA. Their task would be to act as contact points for Member States administrations and to facilitate the collaboration between and within Member States, following the examples of EUROPOL and EUROJUST.

The establishment of the ELA will not extend substantive Union law. Its tasks will be limited to the support of Member States in the implementation of the existing relevant Union legislation. Member States will participate in most of the ELA's activities, such as inspections, mediations, peer reviews, on a voluntary basis.

The Council proposes that ELA pools the technical and operational tasks of several existing EU bodies (EURES European Coordination Office, Technical Committee on the Free Movement of Workers, Committee of Experts on Posting of Workers and the European Platform on Tackling Undeclared Work). This should establish a permanent structure with a view to achieving improved and more efficient output on the basis of a strengthened forum for cooperation and joint investigative activities.

European Semester 2019

Ministers will also hold a policy debate on the European Semester 2019, based on a Presidency steering note ([14412/18](#)). The Commission will present the **Annual Growth Survey (AGS)** ([14443/18](#)), the **Alert Mechanism Report (AMR)** ([14444/18](#)), the draft **Joint Employment Report (JER)** ([14442/18](#)) and a draft Council **Recommendation on the economic policy of the euro area** ([14445/18](#)). The Council is expected to approve its contribution to the employment and social policy-related aspects of the Recommendation ([14533/18](#)).

The 2019 **AGS** 'For a stronger Europe in the face of global uncertainty' aims at encouraging sustained economic and social convergence on the basis of the so-called virtuous triangle of economic policy priorities: relaunching investment, pursuing structural reforms and ensuring responsible public finances. In the context of sustained, but less dynamic economic growth in Europe, the 2019 AGS sets the following priorities to guide national reform plans and efforts at EU level:

- high-quality investment and targeting investment gaps in research and innovation, in education, training and skills and infrastructure
- reforms that increase productivity growth, inclusiveness and institutional quality
- ensuring macroeconomic stability and sound public finances

The **AMR** is the starting point of the annual cycle of the macroeconomic imbalance procedure. It uses a set of indicators and additional relevant information with the aim of identifying and addressing imbalances that hinder the smooth functioning of the economies of Member States or the economy of the EU and may jeopardise the proper functioning of the economic and monetary union. The AMR to be presented to ministers at the meeting initiates the eighth annual round of the macroeconomic imbalance procedure.

The **JER** provides an annual overview of the main employment and social developments, as well as Member States' reform actions, in line with the Guidelines for the Employment Policies of the Member States. The reporting on these reforms focuses on:

- boosting demand for labour
- enhancing labour supply and improving access to employment, skills and competences
- enhancing the functioning of labour markets and the effectiveness of social dialogue
- promoting equal opportunities for all, fostering social inclusion and combatting poverty

The Joint Employment Report also monitors Member States' performance in relation to the Social Scoreboard accompanying the European Pillar of Social Rights. The report looks at the main labour market and social trends in the European Union, the main results from the analysis of the social scoreboard associated to the European Pillar of Social Rights and provides a detailed cross-country description of key indicators (including from the social scoreboard) and policies implemented by Member States to address the Guidelines for Employment Policies.

The **Recommendation on the economic policy of the euro area** contains recommendations to euro area Member States to take action, individually and collectively within the Eurogroup, in the period 2019–2020 with a view to deepening the Single Market, achieving progress on completing the Economic and Monetary Union, improving the business environment and strengthening the education systems and investment in skills.

Ministers will approve the contribution of the Council to the employment and social policy aspects of the Recommendation.

Ministers will endorse the key messages prepared by the Employment Committee (EMCO) and the Social Protection Committee (SPC) following the thematic reviews on the "**Social Aspects of Digitalisation**" and "**Digitalisation and Robotisation of Work**" ([14411/18](#)). They will also endorse the EMCO key messages on the implementation of the **Recommendation on long-term unemployment** ([14409/18](#)).

In the key messages from thematic reviews on "Social Aspects of Digitalisation" (SPC) and "Digitalisation and Robotisation of Work" (EMCO), the committees recognise that increasing digitalisation, robotisation, and the development of the digital platform economy drive changes in the labour market. On the basis of the described risks, challenges and opportunities, the committees list the key aspects to be considered when devising topical policies in different fields. As one of the key factors determining the access of certain types of jobs to social protection relate to the self-employment status or to the contractual relationship between employer and employee, one of the key messages invites the Member States to adjust relevant laws and regulations, if the existing frameworks prove to be inadequate.

The EMCO key messages on the Implementation of the Recommendation on long-term unemployment refer to the Council recommendation on the integration of the long-term unemployed into the labour market of 15 February 2016. It recommends to Member States notably to enhance the registrations of job seekers with employment services, to provide personalized guidance, to offer job-integration agreements and to foster links with employers. EMCO, in close cooperation with the SPC, is charged with monitoring the implementation of this recommendation.

Proposal for a directive on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

The Council will discuss a proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work ([14579/18](#)). The aim is to reach a general approach (the Council's position).

The proposal, presented by the Commission on 5 April 2018 ([7733/18](#)), aims to improve the protection of workers health by reducing the levels of occupational exposure for five carcinogenic chemical agents: cadmium, beryllium, arsenic acid, formaldehyde and 4,4' methylene-bis (MOCA).

The position of the Council provides for a transitional period of 3 years for Formaldehyde. It also suggests that no later than 5 years after the entry into force of the Directive the Commission should assess the option of amending Directive 2004/37/EC to include a combination of an airborne OEL and a biological limit value for cadmium and its inorganic compounds.

Recommendation on access to social protection for workers and the self-employed

Ministers will discuss a proposal for a Council recommendation on access to social protection for workers and the self-employed ([14582/18](#)) with the aim of reaching a political agreement.

The proposed Recommendation aims at encouraging the Member States to:

- close formal coverage gaps by allowing all workers and the self-employed to adhere to social protection schemes;
- foster adequate effective coverage by taking measures allowing all workers and the self-employed to build up and take up social benefits as members of a scheme and facilitating the transfer of social protection benefits between schemes.

The proposal applies to the social protection branches for unemployment, sickness and healthcare, maternity and paternity, invalidity, old age and survivors' benefits and accidents at work and occupational diseases. It will contribute to the implementation of principle 12 of the Social Pillar which states that "regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed have the right to adequate social protection". At the same time, this proposal will also contribute to the implementation of other principles of the Social Pillar such as the principles on "secure and adaptable employment", "unemployment benefits", "access to healthcare" and "old-age income and pensions".

The European Pillar of Social Rights (Social Pillar) was solemnly proclaimed by the European Parliament, the Commission and the Council at the EU Social Summit in Gothenburg on 17 November 2017.

MFF investment in people: contribution of EU funds and programmes to convergence, fairness and competitiveness

Over lunch ministers will hold a debate on MFF investment in people: contribution of EU funds and programmes to convergence, fairness and competitiveness. The debate will be based on a presidency steering note ([14596/1/18](#)). It will take place at a crucial moment as policy priorities are shaped for the years 2020 to 2027 within the context of the discussions on the EU's long-term budget, the multiannual financial framework (MFF). These priorities will also be considered in the context of the European Pillar of Social Rights.

The debate will focus on how EU funds can best contribute to convergence, fairness and competitiveness. The most important of these Funds is the ESF+. In order to streamline the design and implementation of EU funding in the social field, the Commission proposed to combine a number of currently independent funds - hence the "plus" at the end of the ESF name. The Parliament's position should be available in early 2019 and the inter-institutional negotiations are expected to start with the new Parliament in late autumn 2019.

Proposal for a Regulation on the European Globalisation Adjustment Fund (EGF)

The Council will take note of a progress report on the proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (EGF) ([14246/18](#)). The proposal aims to ensure that the EGF continues to operate beyond 2020.

The objective of the EGF is to improve the skills and employability of workers who lost their jobs. Under the new proposal workers could be eligible for support when their dismissals are due not only to changing trade patterns or consequences of the financial and economic crisis, but also for restructuring related to new challenges on the labour market, such as automation and digitalisation.

Council conclusions on Gender Equality, Youth and Digitalisation

The Council will examine a set of conclusions on Gender Equality, Youth and Digitalisation ([14580/18](#)), with a view to their adoption if there is a consensus. The conclusions have been prepared as part of the annual review of the implementation of the Beijing Platform for Action by the EU and its Member States. The Beijing Platform for Action is the UN agenda for gender equality and women's empowerment established in 1995.

The conclusions are based on a comprehensive report from the European Institute for Gender Equality (EIGE). The text includes a set of indicators that focus on the topic of digitalisation.

Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

Ministers will take note of a progress report on the proposal for a Directive on equal treatment ([14253/18](#)). The proposal covers religion and belief, disability, age and sexual orientation. It seeks to fill a gap in EU legislation, extending the protection against discrimination beyond employment, to areas such as access to goods and services.

The proposal of the Commission dates back to 2008 ([11531/18](#)). The European Parliament 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. The EP will therefore have to be re-consulted before the Directive can be adopted. The adoption by the Council requires unanimity.

Recommendation on strengthened cooperation against vaccine-preventable diseases

The Council will adopt a Recommendation on strengthened cooperation against vaccine-preventable diseases ([14152/1/18](#)). The document sets out a number of actions to be undertaken by Member States and the Commission, within their respective competencies, in particular as regards vaccination plans, establishment of a European Vaccination Information Sharing system, monitoring of benefits and risks of vaccinations, strengthening of vaccine supply, as well as communication and education activities relating to the benefits of vaccination and to counteracting vaccine hesitancy.

The Recommendation also calls on both Member States and the Commission to engage in activities that aim to tackle vaccine hesitancy by using digital tools to provide objective, transparent and updated information in order to counter online misinformation on vaccination and vaccines.

Tackling vaccine hesitancy at EU and national level: Challenges and possibilities in a digitalised world

Ministers will hold an exchange of views on Tackling vaccine hesitancy at EU and national level: Challenges and possibilities in a digitalised world. The debate will be based on a presidency steering note ([14302/1/18](#)) inviting ministers to share best practices to increase vaccination coverage, consider ways of fighting disinformation on vaccines and vaccination in particular on the Internet and provide their views on the reasons for the variations in vaccine hesitancy between Member States.

Overall vaccination coverage differs markedly across EU Member States, with many falling below the target of 95% coverage which is needed to ensure herd immunity for measles. Only six EU/EEA countries achieved at least 95% vaccination coverage for both doses of measles-containing-vaccine in 2017.

A number of EU Member States and neighbouring countries are therefore currently facing unprecedented outbreaks of vaccine-preventable diseases. In 2017 alone, over 14,000 persons in the EU contracted measles - more than three times the number reported in 2016. In the past two years, more than 57 persons died due to measles and two due to diphtheria. Europe is failing to eliminate measles in line with agreed WHO targets.

Another effect of insufficient vaccination coverage is that the risk of poliovirus reintroduction in the EU persists, putting the Union's polio-free status at risk.

There are around 33 000 cases of cervical cancer detected each year and about 15 000 deaths from this form of cancer in the EU each year. Most cases of cervical cancer are caused by infections with human papilloma virus (HPV). The number of HPV infections could be dramatically reduced through HPV vaccination.

Any other business (06/12/2018)

1. Ministers will be briefed by the Presidency and the Commission on the Tripartite Social Summit, which took place on 16 October 2018 in Brussels.
2. The Presidency will provide information on several current legislative proposals:
 - Carcinogens and mutagens (2nd batch)
 - Rules governing EU Agencies
 - Accessibility Act
 - Work-life balance
 - Transparent and predictable working conditions
 - Coordination of Social Security Systems
3. The Commission will provide information on the following Commission activities:
 - EU Framework for National Roma Integration Strategy ([14325/18](#))
 - Conference Future of Work (April 2019)
 - Union for the Mediterranean (UfM): Ministerial meeting (April 2019) ([14326/18](#))
4. Ministers will be briefed on events organised by the Presidency on the following topics ([14316/18](#)):
 - Digitalisation of work
 - Fight against occupational cancer
 - Gender equality
5. The Presidency will provide information on the Joint Declaration "Gender Equality as a Priority of the European Union today and in the future" ([14309/18](#))

6. The delegation of Malta will provide information in relation to the Commission's list of actions to advance LGBTI equality. Malta has led the preparation and organised the signing of a Joint Declaration on the Future of the Commission's "List of Actions on LGBTI equality" ([14314/18](#)).
7. Ministers will be informed on the work programme of the incoming Romanian presidency in the areas of Employment and Social Policy.

Any other business (07/12/2018)

1. Ministers will take note of a progress report on the proposed Regulation on Health Technology

Assessment ([14694/18](#)). The proposal of the Commission ([5844/18](#)) creates a framework for joint assessment at EU level by Member States' bodies of the relative clinical effectiveness of certain medicines and medical devices. Such joint assessment would need to be considered when a health technology assessment is performed at national level.

2. Information from the Commission on the state of health in the EU ([14722/18](#))

On 22 November the Commission launched the second State of Health in the EU cycle with the publication of the report "Health at a Glance: Europe 2018" ([Commission report](#)). The report presents comparative analyses of the health status of EU citizens and the performance of the health systems of the 28 EU Member States, 5 candidate countries and 3 EFTA countries.

3. Information from the Commission and the Presidency on WHO Framework Convention on Tobacco Control (FCTC) ([14861/18](#))

The Commission and the Presidency will provide information on WHO Framework Convention on Tobacco Control (FCTC) - Eighth session of the Conference of the Parties (COP8) (Geneva, 1-6 October 2018). An important result of the session is the adoption, at the initiative of the EU, of a decision to highlight that novel and emerging tobacco products fall under the remit of the Convention and should be comprehensively regulated.

4. Implementation of Directive 2011/62/EU on falsified medicinal products - information from the Commission ([14721/18](#))

The Directive lays down measures to prevent falsified medicines from entering into the legal supply chain. The Commission will inform ministers on the preparation for the application of this Directive that is due to begin on 9 February next year. From this date economic operators throughout the supply chain, including pharmacies and hospitals, will need to scan medicine packages to verify their authenticity.

5. Challenges ahead in the medical device sector - Information from the Danish and the Spanish delegations (15172/18)

Both delegations will inform ministers on the implementation of the two new Regulations on medical devices, adopted in 2017. They will in particular highlight the challenges and the opportunities in relation to the rapid development of new types of innovative devices, the importance of the timely implementation of the new database Eudamed and the timely designation of Notified Bodies.

6. Information on two conferences organised by the Presidency ([14609/18](#)):
 - Matching Health Needs and Pharmaceutical Research: How to set the research agenda for public health (Vienna, 25 September 2018)
 - People's food - people's health: Towards healthy and sustainable European Food Systems (Vienna, 22-23 November 2018)
7. Information from the Presidency on the outcome of the Informal meeting of Health Ministers (Vienna, 10-11 September 2018) ([14606/18](#))
8. Nomination of the Regional Director of the European Region of the World Health Organisation - information from the Presidency ([15043/18](#))

A new Regional Director of the European Region of the WHO will be appointed in September 2019. Candidates should be proposed to the WHO not later than 15 February 2019. The Presidency will draw the attention of Member States to the possibility to propose candidates.

9. Ministers will be informed on the work programme of the incoming Romanian presidency in the area of health
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