



Employment, Social Policy, Health and Consumer Affairs Council Brussels, 6 and 7 December 2021

The Council meeting will take place on Monday 6 and Tuesday 7 December. The employment and social policy session on the first day will be chaired by Janez Cigler Kralj, Minister of Labour, Family, Social Affairs and Equal Opportunities. Janez Poklukar, Minister of Health, will chair the health session on the second day.

On 6 December, the Council meeting will start at 9.30. The presidency aims to reach a general approach on a directive on adequate minimum wages and on a directive on binding pay transparency measures. The ministers will also adopt conclusions on sustainable work over the life course and hold a debate on the autumn package in the context of the European Semester.

Over lunch, ministers will discuss the future of social protection and of the welfare state.

The afternoon session, which will start at 15.00, will include the expected approval of conclusions on the impact of AI on gender equality in the labour market and a policy debate on a 'Europe of Equality'.

On 7 December, ministers will convene at 9.30. In the morning they will be asked to give guidance on the Council regulation on the emergency framework regarding medical countermeasures. Ministers will also exchange views on the COVID-19 situation. (The EMA executive director and ECDC director will attend for this agenda point.) Finally, the Council is expected to approve conclusions on strengthening the European Health Union.

The lunch discussion will address the planned International Treaty on Pandemics.

The agenda for the afternoon session, which will begin at 14.30, includes information from the presidency on the state of play of several regulations in the European Health Union package.

The meeting will be held in public session, except for the adoption of the agenda, the approval of non-legislative A items and the lunchtime discussion.

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

Press conferences

- 6 December:
 - with minister Cigler Kralj at approximately 13.00 (also attended by Commissioner Schmit)
 - with minister Cigler Kralj at approximately 18.00 (also attended by Commissioner Dali)
- 7 December: with minister Poklukar at approximately 16.45 (also attended by Commissioner Kyriakides)

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[Press conferences and public events by video streaming](#)

[Video coverage in broadcast quality \(MPEG4\) and photo gallery](#)

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EMPLOYMENT AND SOCIAL POLICY

Minimum wages

The European Commission proposal was put forward to the two co-legislators on 28 October 2020. The goal of the draft law is to ensure that workers in the EU are protected by an adequate minimum wage. It puts forward a set of obligations for member states, i.e. to:

- promote collective bargaining, in particular on wage setting
- respect a number of procedural obligations, if and when member states set/update statutory minimum wages and assess their adequacy
- take measures to enhance effective access to minimum wage protection of workers who are entitled to a minimum wage under national law
- collect data and report it to the Commission, so that the coverage and adequacy of minimum wage protection can be monitored

The proposal was discussed in detail by member state experts, based on several compromise proposals prepared by the Portuguese and Slovenian presidencies. Delegations insisted in particular on respect for the limits set out by the treaties, which safeguard the member states' competence to set minimum wages. It was essential to member states that the final text allow for sufficient flexibility, taking into account the differences in national labour market models and wage-setting systems.

The presidency aims to reach a general approach at the upcoming EPSCO Council meeting in order to enter into negotiations with the European Parliament.

Pay transparency

On 4 March 2021, the Commission issued a proposal for a directive on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms. The aims of the proposal include empowering workers to enforce their right to equal pay through a set of binding measures on pay transparency, and strengthening the transparency of pay systems. The relevant Council working party started to examine the proposal on 22 March, less than three weeks after its publication.

Ministers will aim to reach a general approach at the upcoming EPSCO Council meeting. Based on this common position, the Council will be able to enter into negotiations with the European Parliament to agree on a final text.

Directive on equal treatment

In 2008, the Commission published a proposal for a Council directive to extend protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside employment. (The area of employment is covered by other EU legislation.) The proposed directive would prohibit discrimination on the abovementioned grounds in the following areas: social protection, including social security and healthcare; education; and access to goods and services, including housing. While a large majority of delegations have welcomed the proposal in principle, it has so far not been possible to reach the required unanimity.

In May 2021, the Portuguese presidency tabled an updated compromise text but concluded in a progress report for the EPSCO Council meeting on 14 June that further technical work and political discussion would be needed before the required unanimity could be reached in the Council.

During the Slovenian presidency, delegations have continued the discussion on the proposal based on a steering note. The presidency will present a progress report to the Council on 6 December.

European Semester

Ministers will hold a policy debate about the European Semester 2022. The European Semester is an instrument of economic, fiscal, labour and social policy coordination at both EU and member state level.

Following the debate, the Commission will present a number of surveys, reports and recommendations related to the yearly European Semester exercise, in particular the 2022 annual sustainable growth survey alert mechanism report, the draft joint employment report, and the draft recommendations on the economic policy of the euro area.

Ministers are also planning to endorse the key messages of the [Employment Committee](#)'s review of the Youth Guarantee. The [Youth Guarantee](#) is a commitment by all EU member states to guarantee that all young people under the age of 30 receive a good-quality offer of employment, continued education, apprenticeship or traineeship.

The final agenda point under the European Semester is an [update](#) from the chair of the Social Protection Committee on the national plans under the Council recommendation on access to social protection for workers and the self-employed. The Employment Committee and Social Protection Committee are preparatory bodies for the Employment and Social Policy Council.

Towards a Europe of Equality

Ministers will hold a broad policy debate on equality, based on a steering note by the presidency. Against the background of the Commission's [Gender Equality Strategy 2020-2025](#) and the ongoing implementation of the [European Pillar of Social Rights](#), the debate will reflect one of the presidency's key priorities in the field of social policy: promoting equality between women and men, and empowering women in the labour market and society. A particularly important aspect is the need to ensure the resilience and inclusiveness of the labour market, sustainable employment and a life-course approach.

Sustainable work over the life course

Ministers aim to approve conclusions on sustainable work over the life course. Sustainable work is one of the Slovenian presidency's priorities and is understood as living and working conditions that allow people to engage and remain in work throughout an extended working life. Sustainable work is an essential component of the economy of well-being and an important driver of increased labour force participation, productivity, economic performance and social inclusion. This approach to the future of work is vital in the context of the EU's shrinking working-age population and takes into account the changing nature of the world of work.

One of the prerequisites for work to be sustainable is occupational health and safety. Moreover, [investing in occupational safety and health pays off](#): the return is almost two euros for every euro invested, while [work-related injuries and diseases cost society](#) the equivalent of more than 3.3% of EU GDP. Other preconditions include providing opportunities for reskilling and upskilling, and ensuring fair working conditions, including flexibility, social dialogue and equal opportunities.

In order to make work more sustainable, the Council is inviting member states to take a number of steps, including:

- updating, as appropriate, their national legal frameworks and current occupational and health strategies
- strengthening the effectiveness of labour inspections and other enforcement and supervisory mechanisms
- stepping up efforts to improve working conditions, social protection and access to lifelong learning for those in non-standard employment

The impact of AI on gender equality in the labour market

Artificial intelligence (AI) can have a different impact on women than on men, and so it is important to adopt a gender perspective regarding its consequences for the labour market. How can we unlock women's full potential in the digital field? How can we ensure women and men benefit equally from the new opportunities? There are also potential downsides to the use of AI in the labour market, including the risk of opaque decision-making, the possible perpetuation of stereotypes, and the danger of algorithmic discrimination based on sex.

Meanwhile, the shrinking of the workforce as a result of demographic developments within the EU makes it necessary for the labour market to attract and retain highly trained specialists, especially women. Digitalisation and new technologies, including AI, can also play a critical role in improving the full and equal participation of women.

Against this background, the Council is expected to approve conclusions on the impact of AI on gender equality in the labour market. The Council is thus calling upon member states to:

- take concrete steps to improve awareness of gender equality issues in AI research and in all sectors where AI is designed, developed and used
- encourage girls and young women to learn digital skills and achieve proficiency in programming during primary and secondary education and training and to choose education, training and career paths in science, technology, economics and mathematics
- incorporate ethics and gender equality aspects into AI study programmes
- ensure that when AI is used for the management of human resources, it promotes transparency and gender equality, particularly in the areas of pay, training, access to promotion, and career progression
- ensure algorithmic transparency and address the problem of historically biased input data in the use of AI

Other business

The presidency will provide information on the state of play of a number of legislative proposals:

- Regulation on the coordination of social security systems

In December 2016, the Commission presented a proposal to update two EU laws related to the coordination of social security systems. These laws guarantee that EU citizens can benefit from free movement within the EU (for example to work in a country other than their home country) without losing their social security rights. In June 2018 the Council agreed on its position and started talks with the European Parliament to reach an agreement. Discussions with the European Parliament are still ongoing (on a limited scope of the proposal).

- Directive on carcinogens and mutagens at work

In September 2020, the European Commission put forward its fourth update of an EU law which protects workers from the risk of exposure to carcinogens and mutagens at work. This update proposes exposure limits for acrylonitrile and nickel compounds and revises the limits for benzene. The Council agreed on its position on 25 November 2020 and, following a first round of talks with the European Parliament, revised its negotiating mandate in November 2021. Negotiations with the Parliament are ongoing.

- Directive on gender balance on company boards

This draft EU law was put forward by the European Commission on 14 November 2012. It aims to improve the gender balance among non-executive directors of companies listed on stock exchanges. In order 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 of 40% for the proportion of the under-represented sex on the boards of listed companies. The companies would be obliged to work towards that objective, including by introducing procedural rules on the selection and appointment of non-executive board members. Within the Council, the draft law has been discussed repeatedly at expert level and several amendments to the original proposal have been proposed. But while all delegations are in principle in favour of improving the gender balance on company boards, a number of delegations continue to prefer national measures (or non-binding measures at EU level).

The European Commission will inform delegations about its ALMA initiative, a cross-border youth mobility scheme for disadvantaged young people aged 18-30 who are not in employment, education or training, and give an update on the high-level group on the future of social protection and the welfare state.

Additional 'other business' points include information from the Slovenian delegation on its presidency conferences, and information from the French delegation on the work programme of the incoming presidency.

HEALTH

Emergency framework regarding medical countermeasures

On 16 September 2021, the European Commission established a European health emergency preparedness and response authority (HERA). The goal of this Commission body is to gather intelligence about threats and potential health crises and to build the necessary response capacities. When an emergency hits, HERA should ensure the development, production and distribution of medicines, vaccines and other medical countermeasures (e.g. gloves and masks).

HERA is complemented by a proposed regulation on the emergency framework regarding medical countermeasures. It will put a framework in place for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency.

To reach this goal the draft law provides for:

- the establishment of a Health Crisis Board whose role is to coordinate the necessary medical countermeasures
- mechanisms to monitor, activate emergency funding for, procure and purchase countermeasures and raw materials
- the activation of EU FAB facilities, a network of 'ever-warm' production capacities for vaccine and medicine manufacturing
- the activation of emergency research and innovation plans

The presidency has held numerous meetings about the draft law at technical level and presented several compromise proposals. The presidency will now be seeking guidance from ministers on the next steps as well as their views on the presidency proposals.

COVID-19

In light of an epidemiological situation in the EU of high or very high concern and the detection of the Omicron variant, ministers will be invited to exchange views on the current COVID-19 situation. They will in particular address measures to contain the spread of the Omicron variant, the validity of COVID-19 vaccination certificates in view of the administration of booster doses, the roll-out of vaccine boosters, adult and paediatric vaccinations, and the procurement of COVID-19 therapeutics. The ECDC director and the EMA executive director will be invited to attend the discussion.

Strengthening the European Health Union

The Council is planning to approve conclusions on strengthening the European Health Union. The conclusions highlight the need for strategic investments in health systems and better collaboration internally and with other countries. Although European health systems, under the enormous pressure of the COVID-19 pandemic, have demonstrated their capacity to innovate, the EU nevertheless wants to draw on lessons learnt during the crisis and create better conditions for responding to future challenges (such as rising antimicrobial resistance). This need is also underlined by the fact that non-communicable diseases account for 87% of the disease burden in the EU. The ongoing pandemic has shown that the availability, affordability and accessibility of medicinal products are a cornerstone of the preparedness and resilience of a European Health Union.

It is in this context that ministers put the focus on four areas to strengthen the European Health Union. A first angle is through innovative solutions for resilient health systems. Here the Council notably invites member states to facilitate and encourage collaboration with each other for the external peer evaluation of health system innovations and to support collaborative research and partnerships with each other on transforming health and care systems.

A second area is improving the accessibility and availability of medicinal products and medical devices, for instance by further developing and piloting a 'pull' incentive mechanism for antibiotic procurement in the EU, and training health workers in the human, animal and environment sectors in antimicrobial resistance and infection prevention and control. The Commission is also invited to develop joint research capacities and analyse the market implications of organising manufacturing facilities at EU level.

In the third area, beating cancer, member states and the Commission are invited to collaborate on the implementation of Europe's Beating Cancer Plan, to invest in health promotion and disease prevention, and to make the best use of available funding.

Lastly, as regards the role of the EU in global health, ministers are asking member states and the Commission to demonstrate leadership in global health, for example by negotiating an important instrument on pandemic preparedness and response.

Other business

The presidency will update ministers on the state of play of a number of current legislative proposals:

- Extended mandate of the European Medicines Agency (EMA)

The extended EMA mandate was part of a trio of draft rules to establish a European Health Union. This package was put forward by the European Commission on 11 November 2020. The objectives of the updated EMA mandate include monitoring and mitigating potential and actual shortages of medicinal products and medical devices, and ensuring the development of medicinal products that are needed to address public health emergencies. After the Council agreed on its position in June 2021 it entered into negotiations with the European Parliament, with which it concluded a deal on 28 October. After a final vote in the Parliament, scheduled for the beginning of 2022, the Council is expected to adopt the final text in early 2022.

- Extended mandate of the European Centre for Disease Prevention and Control (ECDC)

The objective of strengthening the mandate of the ECDC is to reinforce the ECDC's work in the areas of surveillance, early warning, preparedness and response. After the Council agreed on its general approach on 23 July it entered into negotiations with the European Parliament, which were concluded on 29 November. The final adoption process is ongoing.

- Regulation on serious cross-border threats to health

The third of the European Health Union regulations is about ensuring a coordinated response to threats from communicable diseases, but also those of chemical, biological and environmental origin. The Council reached an agreement on its position on 23 July and is currently in talks with the Parliament to agree on a final text.

- In vitro diagnostic medical devices

On 15 October 2021, the Commission submitted to the Council and to the European Parliament a proposal to amend Regulation 2017/746 as regards transitional provisions for certain in vitro diagnostic medical devices and deferred application of requirements for in-house devices. The aim of the proposal is to extend the existing transitional period for certain devices. In the absence of such transitional measures, the current shortage of notified body capacity would lead to a significant disruption in the supply of a multitude of in vitro diagnostic medical devices on the market both for health institutions and for the public. In view of this, the Council agreed to proceed with an accelerated legislative procedure in order to ensure a smooth transition to the new regulatory framework for in vitro diagnostic medical devices. The Council has decided not to amend the text proposed by the Commission and will therefore approve the EP's first reading position if it also decides to adopt the regulation as put forward by the Commission.

The Commission will inform ministers about a report on the implementation of a regulation concerning biocidal products and the pharmaceutical strategy for Europe.

Both the presidency and the Commission will update delegates on Europe's Beating Cancer Plan, the special session of the World Health Assembly on pandemic preparedness and response, and the ninth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

The French delegation will provide information about the work programme of the incoming presidency.