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European Union

Brussels, 19 December 2016
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15377/16

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SOC 786
EMPL 530
SAN 429
CONSOM 312

DRAFT MINUTES

Subject: **3507th** meeting of the Council of the European Union
(**Employment, Social Policy, Health** and Consumer Affairs),
held in Brussels on 8 December 2016

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1. **Adoption of the agenda**

14983/16 OJ CONS 65 SOC 750 EMPL 503 SAN 415 CONSOM 292

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Adoption of the list of "A" items**

15032/16 PTS A 100

The Council adopted the "A" item listed in 15032/16.

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

3. **Adoption of the list of "A" items**

15031/16 PTS A 99

The Council adopted the "A" items listed in 15031/16.

Details on these items are set out below.

1. **Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC [First reading]**

= Adoption of the legislative act

PE-CONS 34/16 ENV 474 ENER 272 IND 152 TRANS 278 ENT 130

SAN 289 PARLNAT 200 CODEC 1014

+ REV 1 (lt)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Danish, Lithuanian, Hungarian, Austrian, Polish and Romanian Delegations voting against and the Croatian Delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 192(1) TFEU).

Declaration by the Commission on the Review of Methane Emissions

"The Commission considers that there is a strong air quality case for keeping the development of methane emissions in the Member States under review in order to reduce ozone concentrations in the EU and to promote methane reductions internationally.

The Commission confirms that on the basis of the reported national emissions, it intends to further assess the impact of methane emissions on achieving the objectives set out in Art. 1 paragraph 2 of the NEC Directive and will consider measures for reducing those emissions, and where appropriate, submit a legislative proposal to that purpose. In its assessment, the Commission will take into account a number of ongoing studies in this field, due to be finalised in 2017, as well as further international developments in this area."

Statement by the Commission

"The Commission underlines that it is contrary to the letter and to the spirit of regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5§4, recourse to subparagraph 2, point b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

Joint statement by Hungary, Poland and Romania

"Hungary, Poland and Romania support the aim to improve air quality thus protecting both human health and the environment. However we wish to express our concerns regarding both the method used for sharing the burden among Member States on the targets under this Directive and the procedure for reaching the agreement in the Council and with the European Parliament. We regret that the distribution of targets among Member States with a comparable situation was set arbitrarily relative to one-another, in a non-transparent and disproportionate manner. We express our dissatisfaction that the method through which the respective reduction targets were established was not presented or explained sufficiently to Member States at the time the decision was taken or since.

We consider that setting the targets under this Directive could have been done without disregarding basic principles of the cooperation in the EU: proportionality, loyal cooperation and equal treatment of Member States. We are convinced that the solidarity among the Member States in the Council is a crucial building block during the whole decision making process. It is particularly important that the qualified majority vote is not, in particular in case of country specific obligations, used in a way that puts unjustified and unacceptable burden on some Member States that are not part of a qualified majority.

We express once again our concern that this mode of negotiation can create a negative precedent for future negotiations in the Council. We are deeply convinced that all negotiations should be fully transparent and result in an outcome which is proportionate and fair for all Member States. In the future the legal acts with country-specific obligations should not be adopted without submitting adequate and timely explanation and without substantive discussions with all Member States.

In view of the above, Hungary, Poland and Romania express their major disappointment on the final compromise on NEC Directive regarding the targets for emissions reduction and will vote against its adoption."

Statement by Croatia

"Croatia welcomes all the efforts made to reach a compromise on the Proposal for a directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC with a view to significantly improve the environment and reduce the adverse health effects of air pollution.

However, due to the revision of the Energy balance and uncertainty of its effects on projections, Croatia is currently finalizing national analysis. Therefore, Croatia continues to express reservations regarding the compromise proposal of the NEC Directive."

2. Regulation of the European Parliament and of the Council amending Regulation (EU) No 952/2013 laying down the Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air (First reading)

= Adoption of the legislative act
PE-CONS 50/16 UD 232 ENFOCUSTOM 184 MI 702 COMER 119
TRANS 420 CODEC 1629

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 TFEU).

3. Directive of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (First reading)

= Adoption of the legislative act
PE-CONS 35/16 EF 230 ECOFIN 701 SURE 24 SOC 459 CODEC 1046

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the UK Delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 53, 62 and 114(1) TFEU).

4. Decision of the European Parliament and of the Council providing further macro-financial assistance to the Hashemite Kingdom of Jordan (First reading)

= Adoption of the legislative act
PE-CONS 45/16 ECOFIN 979 UEM 350 RELEX 904 MED 55
CODEC 1559

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 212 TFEU).

Joint Statement by the European Parliament, the Council and the Commission

"In light of the fiscal challenges and extraordinary circumstances Jordan faces as a result of hosting more than 1,3 million Syrians, the Commission will in 2017, if appropriate, submit a new proposal for extending and increasing MFA to Jordan, upon the successful conclusion of the second MFA and provided that the usual preconditions for this type of assistance, including an updated assessment by the Commission of Jordan's external financing needs, are met. This critical assistance for Jordan would help the country maintain macroeconomic stability while also preserving development gains and continuing with the country's reform agenda."

5. Regulation of the European Parliament and of the Council amending Regulation (EU) No 1286/2014 on key information documents for packaged retail and insurance-based investment products as regards the date of its application (First reading)

= Adoption of the legislative act
PE-CONS 51/16 EF 338 ECOFIN 1031 CODEC 1639

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

EMPLOYMENT AND SOCIAL POLICY

4. a) Proposal for a Regulation of the European Parliament and of the Council establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75 [First reading]

Interinstitutional File: 2016/0256 (COD)

b) Proposal for a Regulation of the European Parliament and of the Council establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) 2062/94 [First reading]

Interinstitutional File: 2016/0254 (COD)

c) Proposal for a Regulation of the European Parliament and of the Council establishing a European Centre for the Development of Vocational Training (CEDEFOP) and repealing Regulation (EEC) No 337/75 [First reading]

Interinstitutional File: 2016/0257 (COD)

= General approach
15024/16 SOC 756 EMPL 506 EDUC 410 CODEC 1771
+ ADD 1–ADD 3
11530/16 SOC 477 EMPL 311 CODEC 1111
11531/16 SOC 478 EMPL 312 CODEC 1112
11532/16 SOC 479 EMPL 313 EDUC 260 CODEC 1113

The Council reached a general approach on the text set out in 15024/16 +ADD 1 to ADD3.

The final versions are set out in documents 15221/16, 15223/16 and 15224/16.

5. **Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services [First reading]**

Interinstitutional file: 2016/0070 (COD)

= Progress report

14368/16 SOC 705 EMPL 484 MI 710 COMPET 582 CODEC 1647
JUSTCIV 296

6987/16 SOC 144 EMPL 97 MI 142 COMPET 118 CODEC 279

The Council took note of the progress report as set out in 14368/16.

6. **Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services [First reading]**

Interinstitutional file: 2015/0278 (COD)

= Progress report

14463/16 SOC 711 MI 718 ANTIDISCRIM 70 AUDIO 124 CODEC 1666

14799/15 SOC 700 MI 770 ANTIDISCRIM 15 AUDIO 34 CODEC 1774

+ COR 1

+ COR 2

+ REV 1 (lt)

The Council took note of the progress report as set out in 14463/16.

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

Interinstitutional file: 2008/0140 (CNS)

= Progress report

14284/16 SOC 687 ANTIDISCRIM 66 JAI 929 MI 701 FREMP 182

11531/08 SOC 411 JAI 368 MI 246

The Council took note of the progress report as set out in 14284/16.

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items from 8 to 13)

8. European Pillar of Social Rights

= Policy debate

14475/16 SOC 712 EMPL 486 ECOFIN 1052

The Council held a policy debate covering the main messages emerging from the still ongoing public consultation on the European Pillar of Social Rights as well as political orientations for follow-up action. The debate was guided by a Presidency steering note containing a set of questions. The Council is looking forward to the forthcoming proposals by the Commission announced for March 2017.

9. Draft Council conclusions on accelerating the process of Roma integration

= Adoption

14294/16 SOC 688 EMPL 471 ANTIDISCRIM 67 GENDER 41 JAI 934
EDUC 364 JEUN 97 FREMP 183 COHOM 141

The Council adopted the conclusions as set out in 15406/16.

10. Draft Council conclusions on women and poverty

= Adoption

14701/16 SOC 732 GENDER 44 ANTIDISCRIM 74 MIGR 200 CONUN 205
DEVGEN 255

The Council adopted the conclusions as set out in 15409/16. Poland submitted a statement to the Council minutes, contained in the Annex.

11. European Semester 2017

- = Exchange of views
14363/16 SOC 701 EMPL 480 ECOFIN 1035 EDUC 373
- a) **Annual Growth Survey (AGS), Alert Mechanism report (AMR), draft Joint Employment Report (JER) and draft Recommendation on the economic policy of the euro area**
 - = Presentation by the Commission
14357/16 ECOFIN 1032 UEM 361 SOC 698 EMPL 478 COMPET 580
ENV 708 EDUC 371 RECH 311 ENER 382 JAI 937
 - 14359/16 UEM 363 ECOFIN 1034 SOC 700
 - 14364/16 SOC 702 EMPL 481 ECOFIN 1036 EDUC 374
- b) **Contribution on the employment and social aspects of the draft Recommendation on the economic policy of the euro area**
 - = Approval
15070/16 SOC 763 EMPL 512 ECOFIN 1143 EDUC 411
 - 14358/16 ECOFIN 1033 UEM 362 SOC 699 EMPL 479 COMPET 581
ENV 709 EDUC 372 RECH 312 ENER 383 JAI 938
- c) **Social Partners' involvement at national level in the European Semester**
 - = Presentation by the EMCO Chair
14367/16 SOC 704 EMPL 483 ECOFIN 1038 EDUC 376

The Council held an exchange of views on the Autumn Economic Package, based on the presentation by the Commission and the EMCO Chair and guided by a Presidency note. It approved the contribution on the employment and social aspects of the draft Recommendation on the economic policy of the euro area.

12. Draft Council conclusions on the implementation of the Youth Guarantee and the Youth Employment Initiative

- = Adoption
15015/16 SOC 755 EMPL 505 ECOFIN 1136 EDUC 409 JEUN 104
+ REV 1 (lv)

The Council adopted the conclusions as set out in 15410/16.

HEALTH

13. European Semester: Annual Growth Survey 2017 – Public Health-related part

- = Exchange of views
14853/16 SAN 404 SOC 743

The Council held an exchange of views on the Annual Growth Survey 2017 on the basis of 14853/53 which highlighted the health related aspects of the European Semester process.

14. **Any other business**

Employment and Social Policy

a) **Youth Initiative**

= Presentation by the Commission
15278/16 EMPL 524 SOC 778 EDUC 417 JEUN 105

The Council took note of the presentation by the Commission.

b) **Call for a Commission Communication on a gender equality strategy**

= Information from the German and Swedish delegations
14683/16 SOC 730 GENDER 43 ANTIDISCRIM 73

The Council took note of the information provided by the German and Swedish delegations.

c) **State of play on:**

i) **Omnibus Regulation – EaSI, EGF, FEAD**

ii) **New Skills Agenda for Europe**

= Information from the Presidency

The Council took note of the information provided by the Presidency.

d) **Outcome of conferences organised by the Slovak Presidency**

= Information from the Presidency
14398/16 SOC 706 EMPL 485

The Council took note of the information provided by the Presidency.

e) **Special Olympics World Winter Games 2017**

= Information from the Austrian delegation
14456/16 SOC 710 SPORT 81

The Council took note of the information provided by the Austrian delegation.

Health

f) **Analysis of the impact of supplementary protection certificates and pharmaceutical incentives and rewards on innovation, availability and accessibility of medicinal products in the EU**

= Information from the Commission
14568/16 PHARM 65 SAN 390 PI 136 COMPET 601 PHYTOSAN 37
PESTICIDE 3

The Council took note of the information provided by the Commission and of the comments made by the NL delegation, supported by the PT, AT, BE, EL, SI, IE, LU and ES delegations .

g) Revision of the paediatric medicines Regulation

= Information from the Luxembourg delegation
14467/1/16 SAN 387 PHARM 64 COMPET 630 MI 766 REV 1

The Council took note of the information provided and the comments made by the LU delegation, supported by the NL, EL, BE, SI, IT, SE, IE, FR and LT delegations.

h) State of health in the EU

= Information from the Commission
14570/16 SAN 391

The Council took note of the information provided by the Commission.

i) Antimicrobial resistance (AMR)

= Information from the Commission
14571/16 SAN 392 AGRI 621 VETER 126

The Council took note of the information provided by the Commission and of the comments made by the DK, UK, SE, IT and NL delegations.

j) European Reference Networks

= Information from the Commission
14572/16 SAN 393

The Council took note of the information provided by the Commission.

k) WHO Framework Convention on Tobacco control (FCTC)

= Information from the Presidency and the Commission
14740/2/16 SAN 400 FISC 201 UD 248 REV 2

The Council took note of the information provided by the Presidency.

l) Commission Report on the labelling of alcoholic beverages – article 16(4) of Regulation (EU) No 1169/2011 on the provision of food information to consumers

= Information from the Commission, requested by the Irish delegation
15001/1/16 DENLEG 87 AGRI 644 SAN 417 REV 1

The Council took note of the information provided by the Commission and of the comments made by the IE delegation, supported by the EE, LT, LU, SE, FI, SI and IT delegations.

- m) Election of the WHO Director-General**
= Information from the Hungarian delegation
15257/16 SAN 423

The Council took note of the information provided by the HU, UK, IT and FR delegations.

- n) Outcomes of conferences organised by the Slovak Presidency**
= Information from the Presidency

The Council took note of the oral information provided by the Slovak Presidency.

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Employment, Social Policy and Health

- o) Work programme of the incoming Presidency**
= Information from the Maltese delegation

The Council took note of the information provided by the Maltese delegation.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "B" item 10: **Draft Council conclusions on women and poverty**
= **Adoption**

STATEMENT BY POLAND

"On paragraph 18, 19, 31 and Annex I:

With regard to possible future work within the Council on critical areas of concern under the Beijing Platform of Action, Poland affirms its right to oppose the development of indicators which would lead to create any obligation as well as additional administrative and financial burden.

Therefore, Poland would like to highlight the low reliability of the proposed indicators, resulting from the small scale of the phenomenon and a small number of migrants in the sample and the methodology which was applied to the research (based on the EU-SILC and LFS)."
