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European Union

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SAN 251
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DRAFT MINUTES

Subject: **3548th** meeting of the Council of the European Union
(**Employment, Social Policy, Health** and Consumer Affairs),
held in Luxembourg on 15 and 16 June 2017

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1. Adoption of the agenda

10121/17 OJ CONS 35 SOC 469 EMPL 359 SAN 246 CONSOM 250

The Council adopted the above-mentioned agenda.

EMPLOYMENT AND SOCIAL POLICY

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items 2 to 4)

2. European Semester 2017

= Policy debate

9589/17 SOC 426 EMPL 331 ECOFIN 448 EDUC 256

The Council held a policy debate on the Country Specific Recommendations (CSRs), guided by questions set out in the Presidency note (9589/17). Ministers acknowledged that the EU is now on a steady path of recovery, however efforts need to be maintained to keep up economic growth, and especially to ensure that this growth is inclusive and equitable. The increased focus of the CSRs on employment and social issues was welcomed. On procedural matters, Ministers positively evaluated that the Commission consulted MS on their Country Reports before publication, and there were also calls for an extended timeframe as regards the scrutiny of CSRs.

a) Draft Council Recommendations on the National Reform Programmes 2017 to each Member State and Draft explanatory note

= Approval

9261/17 ECOFIN 389 UEM 138 SOC 368 EMPL 283 COMPET 384 ENV 484
EDUC 212 RECH 168 ENER 208 JAI 461

9281/1/17 ECOFIN 390 UEM 139 SOC 369 EMPL 284 COMPET 387 ENV 486
EDUC 214 RECH 170 ENER 209 JAI 467 REV 1

9574/17 ECOFIN 447 UEM 175 SOC 424 EMPL 330 COMPET 438 ENV 536
EDUC 255 RECH 207 ENER 249 JAI 532

9564/17 ECOFIN 446 UEM 174 SOC 422 EMPL 329 COMPET 437 ENV 535
EDUC 254 RECH 206 ENER 248 JAI 528

The Council approved the employment and social policy related aspects of the recommendations (listed in 9281/1/17 REV 1) and the accompanying explanatory document (9564/17).

b) **Assessment of the 2017 Country-specific Recommendations (CSRs) and the implementation of the 2016 CSRs**

= Endorsement of the opinions of the Employment Committee (EMCO) and the Social Protection Committee (SPC)
9653/17 SOC 437 EMPL 341 EDUC 268

The Council endorsed the EMCO and SPC opinions contained in the above-mentioned document.

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

= Endorsement
9258/17 SOC 365 EMPL 280 JAI 458
+ COR 1

The Council endorsed the EMCO contained in the above-mentioned document.

3. **Draft Council conclusions on Making work-pay strategies**

= Adoption
9647/1/17 SOC 435 EMPL 339 EDUC 267 ECOFIN 458 REV 1

The Council adopted the Conclusions as set out in 10452/17.

4. **Draft Council conclusions on the European Court of Auditors' Special Report No 5/2017 entitled "Youth unemployment - have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative"**

= Adoption
9613/17 SOC 428 EMPL 333 ECOFIN 451 EDUC 258 JEUN 74 REGIO 61
FIN 323

The Council adopted the Conclusions as set out in 10379/17.

LEGISLATIVE DELIBERATIONS

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

5. **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 (2nd package) [First reading]**

Interinstitutional file: 2017/0004 (COD)

= General approach

9926/17 SOC 460 EMPL 355 SAN 230 IA 97 CODEC 973

+ ADD 1

+ ADD 2

5251/17 SOC 12 EMPL 8 SAN 24 IA 4 CODEC 32

+ ADD 1

The Council reached a political agreement on the text set out in 10438/17. While no Member State opposed the general approach, the UK abstained, and IT, RO and HU voiced concerns on one aspect of the text set out in 9926/17.

6. **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

9882/17 SOC 456 EMPL 352 MI 472 COMPET 472 CODEC 966 JUSTCIV 136

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

+ COR 1

The Council took note of the Progress Report as set out in 9882/17.

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

9481/17 SOC 413 ANTIDISCRIM 27 JAI 520 MI 437 FREMP 66

The Council took note of the progress report as set out in 9481/17.

8. **Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures [First reading]**

(Legal basis proposed by the Commission: Article 157.3 of the TFEU)

Interinstitutional file: 2012/0299 (COD)

= Progress report

9496/17 SOC 415 GENDER 13 ECOFIN 440 DRS 36 CODEC 882

16433/12 SOC 943 COMPET 708 DRS 130 CODEC 2724

The Council took note of the progress report as set out in 9496/17.

9. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 [First reading]**

Interinstitutional file: 2016/0397 (COD)

= Progress report

9524/17 SOC 420 EMPL 327 CODEC 891

15642/16 SOC 812 EMPL 549 CODEC 1910

The Council took note of the progress report as set out in 9524/17.

10. **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

9823/17 SOC 447 MI 465 ANTIDISCRIM 30 AUDIO 79 CODEC 944

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

+ REV 1 (lt)

+ COR 1

+ COR 2

+ ADD 1

+ ADD 1 COR 1

+ ADD 2

+ ADD 2 COR1

+ ADD 3

+ ADD 3 COR 1

The Council took note of the progress report as set out in 9823/17.

NON-LEGISLATIVE ACTIVITIES

11. European Pillar of Social Rights

- = Report by the Presidency
- = Endorsement of the joint SPC and EMCO opinion
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*)
9498/17 SOC 416 EMPL 324 EDUC 249 SAN 208 ECOFIN 441

The Council took note of the Presidency report on the informal discussion on the above subject.

The Council generally endorsed the joint SPC and EMCO opinion contained in the above-mentioned document.

12. Any other business

a) European Social Fund

- = Information from the Commission on the state of play

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

b) Work programme of the incoming Presidency

- = Information from the Estonian delegation

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

HEALTH

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items 13 to 15)

13. Draft Council conclusions to contribute towards halting the rise in childhood overweight and obesity

- = Adoption
9977/17 SAN 234 AUDIO 85

The Council adopted the Conclusions to contribute towards halting the rise in childhood overweight and obesity as set out in the Annex to 9977/17. The Council also decided to publish the Conclusions in the Official Journal of the European Union.

14. **Draft Council conclusions on Encouraging Member States-driven voluntary cooperation between health systems**

= Adoption
9978/1/17 SAN 235 REV 1
+ REV 1 COR 1
+ REV 1 ADD 1

The Council adopted conclusions on encouraging Member State-driven voluntary cooperation between health systems, as set out in the Annex to 9978/1/17 REV1. The Council also decided to publish the Conclusions in the Official Journal of the European Union.

The German Delegation submitted a statement for the Council minutes set out in the addendum to document 9978/1/17 REV 1.

15. **European Pillar of Social Rights: Health aspects and implications**

= Exchange of views
9979/17 SAN 236 SOC 463
+ COR 1

The Council held an exchange of views on the health aspects and implications of the European Pillar of Social Rights, on the basis of the Presidency questions set out in 9979/17.

16. **Any other business**

a) **Outcomes of the workshop "Seeking new partnerships for EU action on vaccination" (Brussels, 31 May 2017)**

= Information from the Commission
10004/17 SAN 240 PHARM 26

The Council took note of the information provided by the Commission and of comments from the IT delegation.

b) **Health Symposium, European Forum Alpbach 2017 (20 – 22 August 2017)**

= Information from the Austrian Delegation
9636/17 SAN 217

The Council took note of the information provided by the Austrian delegation and of comments from the Commission.

c) **Round table meeting for European Health Ministers and Heads of pharmaceutical companies (Malta, 9 May 2017)**

= Information from the Presidency
9996/17 PHARM 25 SAN 238 COMPET 478 MI 481

The Council took note of the information provided by the Maltese Presidency and of comments from the IE, IT, CY and NL delegations and from the Commission.

d) **Fast-track the end of AIDS in the EU – practical evidence-based interventions – HIV Conference organised in collaboration with the ECDC (Malta, 30 – 31 January 2017)**

= Information from the Presidency
10100/17 SAN 244

The Council took note of the information provided by the Maltese Presidency and of comments from the Commission.

e) **Pharmaceuticals in the environment**

= Information from the Commission, requested by the Swedish delegation
9737/17 PHARM 24 SAN 223 ENV 550
+ COR 1

The Council took note of the information provided by the Commission at the request of the Swedish delegation and of comments from BE, DK, FI and UK delegations.

f) **Implementation of Articles 15 and 16 of Directive 2014/40/EU – Traceability system for tobacco products**

= Information from the French delegation
9998/17 SAN 239 MI 479 COMPET 477 FISC 125

The Council took note of the information provided by the French delegation, of comments from the BE, CZ, DK, DE, HR, IT, LT, HU, PL and SK delegations and from the Commission.

g) **Work programme of the incoming Presidency**

= Information from the Estonian delegation

The Council took note of the oral information provided by the incoming Estonian Presidency and of comments from the Commission.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "B" item 14: **Draft Council conclusions on Encouraging Member States-driven voluntary cooperation between health systems
Adoption**

STATEMENT BY GERMANY

"Germany expressly welcomes the voluntary cooperation of Member States, also in the field of health, to solve problems to which they cannot find solutions on their own or for which a cooperation may lead to better solutions. Germany is open to such cooperation.

Germany considers the draft Council conclusions to be a document fully respecting the Member States' competences and particularly safeguarding their right to coordinate their health care policies and programmes pursuant to Article 168 (7) TFEU ("*Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care.*"). The cooperation between the Member States in the field of health, as mentioned in the draft Council conclusions, is solely on a voluntary basis.

Germany considers the draft Council conclusions to be an appeal to those Member States which would like to have a closer international cooperation with other Member States on their own accord and on the basis of intergovernmental cooperation. The leeway to shape the voluntary cooperation at all stages is the sole responsibility of the Member States voluntarily organising themselves. With regard to structure and contents, it means that organisation, coordination and implementation are left up to the individual cooperation partners. There is no higher level coordination of activities, in particular not by the European Commission. Agreements reached within the scope of such a cooperation and results of discussions are only binding to those Member States which cooperate on a voluntary basis. There is no involvement of European structures outside the responsibilities envisaged in European treaties.

With regard to a target-oriented exchange of experience, the relevant health fora enabling a purposeful exchange for Member States within the scope of voluntary cooperation should be composed of experts of the relevant disciplines.

Having submitted the clarifying comments above, Germany supports the draft Council conclusions."
