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COUNCIL OF THE EUROPEAN UNION

(Employment, Social Policy, Health and Consumer Affairs)

6 and 7 December 2021

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MEETING ON MONDAY 6 DECEMBER 2021

1. Adoption of the agenda

The Council adopted the agenda set out in 14335/21 + COR 1.

2. Approval of "A" items

Non-legislative list

14488/21

The Council adopted the "A" items listed in 14488/21, including COR and REV documents presented for adoption.

EMPLOYMENT AND SOCIAL POLICY

Legislative deliberations

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

3. Directive on adequate minimum wages in the European Union **OC** 14366/21 *General approach*

The Council reached a general approach as set out in doc. 14366/21 and agreed to mandate the Presidency to conduct negotiations with the European Parliament on that basis.

The statement by Sweden is set out in the Annex to these minutes.

4. Directive on binding pay transparency measures **OC** 14317/21 + ADD 1 *General approach*

The Council reached a general approach as set out in doc. 14317/21 and agreed to mandate the Presidency to conduct negotiations with the European Parliament on that basis.

The statements by Hungary and Poland are set out in the Annex to these minutes.

5. Directive on equal treatment (Article 19) **CS** 14046/21 *Progress report*

The Council took note of the progress report on the Directive on equal treatment set out in doc. 14046/21.

Non-legislative activities

6. European Semester 2022 *Policy debate*

 14109/21

- a) **2022 Annual Sustainable Growth Survey (ASGS), Alert Mechanism Report (AMR), draft Joint Employment Report (JER) and draft Recommendation on the economic policy of the euro area**
Presentation by the Commission

14145/21
14143/21
14267/21 + ADD 1
14146/21
- b) **EMCO Review of the implementation of the Youth Guarantee - key messages**
Endorsement

14111/21
+ ADD 1-2
- c) **Update on the national plans under the Council Recommendation on Access to Social Protection for workers and the self-employed**
Presentation by the Chair of the Social Protection Committee

14150/21

The Council took note of the presentation by the Commission on the 2022 Annual Sustainable Growth Survey (ASGS), the Alert Mechanism Report (AMR), the draft Joint Employment Report (JER) and draft Recommendation on the economic policy of the euro area as set out in docs. 14145/21, 14143/21, 14267/21 + ADD 1 and 14146/21.

The Council also took note of a presentation from the SPC Chair concerning an Update on the Council Recommendation on Access to Social protection for workers and the self-employed based on doc. 14150/21.

The Council held a policy debate on European Semester 2022 based on a Presidency steering note as set out in doc. 14109/21.

The Council endorsed the key messages of EMCO on the Review of the implementation of the Youth Guarantee as set out in doc. 14111/21.

7. **Towards a Europe of Equality** 14157/21
Policy debate

The Council held a policy debate entitled Towards a Europe of Equality based on a Presidency steering note as set out in doc. 14157/21.

8. **Conclusions on sustainable work over the life course** 13994/1/21 REV 1
Approval + REV 1 COR 1
+ REV 1 ADD 1
+ REV 1 ADD 1
COR 1

The Council approved the Conclusions as set out in doc. 13994/1/21 REV1 + REV 1 COR1.
The statement by Poland is set out in the Annex to these minutes.

9. **Conclusions on the impact of artificial intelligence on gender equality in the labour market** 13976/21 + COR 1
Approval + ADD 2

The Council approved the Conclusions as set out in doc. 13976/21 + COR 1.
The statements by Hungary and Poland are set out in the Annex to these minutes.

Any other business

10. a) **Current legislative proposals** 1C
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

i) **Revision of Regulations on coordination of social security systems (883/04 and 987/09)** 15642/16
+ ADD 1 REV 1

ii) **Revision of Directive on carcinogens and mutagens at work (fourth batch)** 11188/20
+ ADD 1

iii) **Directive on gender balance on company boards** 16433/12
Information from the Presidency on the state of play

The Council took note of the information from the Presidency on the state of play of the negotiations on:

- the Revision of Regulations on coordination of social security systems (883/04 and 987/09);
- the Revision of Directive on carcinogens and mutagens at work (fourth batch);
- the proposal for a Directive on gender balance on company boards.

- b) **ALMA (Aim, Learn, Master, Achieve)** [2]
Information by the Commission
 The Council took note of the presentation by the Commission on its new initiative ALMA - Aim, Learn, Master, Achieve.
- c) **High Level Group on the future of social protection and the welfare state** [2]
Information by the Commission
 The Council took note of the presentation by the Commission concerning the High Level Group on the future of social protection and the welfare state.
- d) **Presidency conferences** [2]
- i) **High level conference Quality Work for Life Quality (virtual, 7 October 2021)**
 The Council took note of the information provided by the Presidency.
 - ii) **Conference: Child Guarantee - equal chances for every child (virtual, 9 November 2021)** 14639/1/21 REV 1
 - iii) **Conference: Human Rights for All Ages: Promoting a Life Course Perspective and Intergenerational Cooperation to Combat Ageism (virtual, 18 November 2021)** 14641/21
 - iv) **Conference: Empowering persons with disabilities to fully participate in society, by increasing their mobility (virtual, 20 November 2021)** 14646/21
 - v) **Webinar: Building safe digital spaces for women and girls – Click off cyber violence! (virtual, 25 November 2021)** 14647/21
Information from the Presidency
 The Council took note of the information provided by the Presidency concerning the conferences, on the basis of documents 14639/1/21 REV 1, 14641/21, 14646/21 and 14647/21.
- e) **Work programme of the incoming Presidency**
Information from the French delegation

MEETING ON TUESDAY 7 DECEMBER 2021

HEALTH

Non-legislative activities

11. **Council Regulation on the emergency framework regarding medical countermeasures**  14032/21
(Legal basis proposed by the Commission: Art. 122(1) TFEU)
Exchange of views
- The Council exchanged views on the Council Regulation on the emergency framework regarding medical countermeasures on the basis of a note provided by the Presidency under doc. 14032/21.
12. **Conclusions on Strengthening the European Health Union**  14029/21
Approval
- The Council approved the text of the draft Council Conclusions as set out in doc. 14029/21.
13. **COVID-19 – Current and future response to the pandemic**  14057/1/21 REV 1
Exchange of views
- The Council exchanged views on “Covid-19 – current and future response to the pandemic situation” on the basis of a note provided by the Presidency under doc. 14057/1/21 REV 1.

Any other business

14. a) **Current legislative proposals**



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

- i) **Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices** 12971/20
- ii) **Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control** 12972/20
- iii) **Regulation on serious cross-border threats to health and repealing Decision No 1082/2013/EU** 12973/20 + ADD 1
- iv) **Regulation amending Regulation (EU) 2017/746 as regards transitional provisions for certain in vitro diagnostic medical devices and deferred application of requirements for in-house devices** 12884/21

Information from the Presidency on the state of play

The Council took note of the information from the Presidency on the state of play of the negotiations on the four current legislative proposals and of the intervention by the Commission.

b) **Report on the implementation of Regulation (EU) No 528/2012 concerning biocidal products**



14058/21

Information from the Commission

The Council took note of the information provided by the Commission on the implementation of Regulation (EU) No 528/2012 concerning biocidal products.

- c) **Pharmaceutical strategy for Europe and other upcoming initiatives**  14059/21
Information from the Commission

The Council took note of the information provided by the Commission on the pharmaceutical strategy for Europe and other upcoming initiatives and of the intervention by the NL delegation on the European Health Data Space.

- d) **Europe's Beating Cancer Plan**  14060/21
Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and by the Commission on “Europe’s Beating Cancer Plan”.

- e) **Special session of the World Health Assembly on pandemic preparedness and response (virtual, 29 November - 1 December 2021)**  14065/21
Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and by the Commission on the virtual special session of the World Health Assembly on pandemic preparedness and response.

- f) **WHO Framework Convention on Tobacco control (FCTC): Ninth session of the Conference of the Parties (COP9) (virtual, 8 - 13 November 2021)**  14034/21
Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and by the Commission on the virtual ninth session of the WHO Framework Convention on Tobacco control (FCTC).

- g) **Work programme of the incoming Presidency**
Information from the French delegation

-
-  First reading
 Special legislative procedure
 Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)
 Item based on a Commission proposal
-

Statements to the "B" items set out in doc. 14335/21**Ad "B" item 3:****Directive on adequate minimum wages in the European Union**
*General approach***STATEMENT BY SWEDEN**

“The Swedish wage formation model, with excellent results for both workers and businesses and high collective bargaining coverage, has been presented as a source of inspiration within this dossier. Assurances have been made that there is no intention to change or undermine the Swedish model. Sweden welcomes the efforts made by the Slovenian Presidency in addressing the concerns pertaining to the respect of national competences and traditions as well as the autonomy of social partners.

The text as it now stands clearly stipulates that it is a framework directive for adequate minimum wages, where the obligations on adequacy are limited to statutory minimum wages. The text does not impose statutory minimum wage setting or an obligation to make collective agreements generally applicable to Member States where wages are set exclusively by collective bargaining. Nor does it confer rights of minimum wage protection beyond situations where they exist – all in line with the opinion of the Council Legal Service and the Treaty-based division of competences whereby individual workers’ rights to a certain wage can only follow from national wage setting systems and not from an EU directive.

As these fundamental requirements for passing legal scrutiny are upheld in the current text, Sweden can support the general approach. However, respect for Treaty delimitations, different labour market models and the autonomy of the social partners must remain paramount throughout the negotiations.

Sweden has and will continue to oppose any legislation that would amount to a direct interference by Union law in the determination of pay and will resolutely dispute any legislation that would constitute such interference.

Sweden will accept nothing less than a directive that fully respects national competencies and traditions.”

STATEMENT BY HUNGARY

“Hungary agrees that equal treatment in employment should be supported by incentives aiming at the elimination of barriers to women's participation in the labour market, including the elimination of any discriminative pay gap between men and women, as well as by ensuring effective enforcement mechanisms of the relevant national legislation.

Hungary emphasizes its full support for the basic objective of the proposed Directive.

Hungary is committed to ensuring non-discriminatory working conditions that protect all workers, and to this end, we also encourage employers to take measures at all levels to eliminate the pay gap between women and men, and to strengthen the practice of equal pay for equal work or work of equal value between men and women.

Hungary appreciates the Presidency's efforts to reach an agreement on the Proposal for a Directive to strengthen 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.

However, despite the improvements that have been introduced during the negotiations, fundamental conceptual issues and a large number of provisions of the current proposal - especially those relating to data protection - should be further discussed and clarified at technical level in the Council.

In relation to the proposed Directive Hungary wishes to make its final decision after the conclusion of the inter-institutional negotiations and after having considered if the principles of proportionality, clarity of standards, data protection, avoidance of excessive administrative and financial burden and the respect for national competences of Member States' are appropriately fulfilled.”

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, Poland will interpret the expression ‘gender equality’ as equality between women and men, in accordance with Articles 2 and 3 of the Treaty on European Union and Articles 8 and 157(3) of the Treaty on the Functioning of the European Union and the expression ‘gender pay gap’ as the gap in pay between women and men. In view of the above, Poland will interpret other expressions containing the term ‘gender’ as referring to ‘sex’, in accordance with Article 10, Article 19(1) and Article 157(2) and (4) of the Treaty on the Functioning of the European Union.”

Ad "B" item 8: **Conclusions on sustainable work over the life course**

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, where the conclusions refer to gender equality, Poland will interpret it as equality between women and men, in accordance with Article 2 of the Treaty on European Union, Articles 8 and 10 of the Treaty on the Functioning of the European Union, and Article 23 of the EU Charter of Fundamental Rights.”

Ad "B" item 9: **Conclusions on the impact of artificial intelligence on gender equality in the labour market**
Approval

STATEMENT BY HUNGARY

“Hungary declares that the Commission’s Communication on a Union of Equality: Gender Equality Strategy 2020-2025 (hereinafter referred to as “Strategy”), mentioned in these Council Conclusions, should be interpreted with due regard to national competences and the specific circumstances in each Member State.

Furthermore Hungary states that equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. Hungary ensures equality between women and men within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary interprets the term ‘gender’ as a reference to ‘sex’ in the Council Conclusions on The Impact of Artificial Intelligence on Gender Equality in the Labour Market.”

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, Poland will interpret the expression ‘gender equality’ as equality between women and men, in accordance with Articles 2 and 3 of the Treaty on European Union and Articles 8 and 157(3) of the Treaty on the Functioning of the European Union. In view of the above, Poland will interpret other expressions containing the term ‘gender’ as referring to ‘sex’, in accordance with Article 10, Article 19(1) and Article 157(2) and (4) of the Treaty on the Functioning of the European Union.”

Council Regulation on the emergency framework regarding medical countermeasures

Ad B item 11:

(Legal basis proposed by the Commission: Art. 122(1) TFEU)

Exchange of views

**STATEMENT BY AUSTRIA, BELGIUM, IRELAND, LUXEMBOURG, THE NETHERLANDS, FINLAND AND PORTUGAL
on the Health Technology Assessment of Covid Therapeutics**

“Dear colleagues,

This statement is brought in name of the countries of the Benelux initiative - Austria, Belgium, Ireland, Luxembourg and The Netherlands - as well as Finland and Portugal.

The COVID-crisis has accelerated the development of innovative vaccines and new emerging medicines and we applaud this development. We also believe that Joint Procurement procedures at EU level were a key success.

Currently, the introduction to the market of Covid therapeutics has started.

As a general principle, we consider it appropriate that all therapies are assessed for their clinical value and their cost-effectiveness within established national or international processes, if possible, before decisions on reimbursement or procurement are made. If this is not possible, those decisions should remain preliminary and open to review subject to health technology assessment conclusions.

The HTA Regulation just adopted will provide an essential tool for clinical assessment at EU level, the Regulation will apply in 2025.

Indeed the exceptional mechanisms used during the pandemic for joint procurement may not become a new model for accelerated access and financing by bypassing an independent, evidence-based, health technology assessment.

Therefore, and in light of the growing number of potential Covid therapeutics, we welcome the respective national HTA bodies to improve the exchange of information and to consider performing joint clinical assessments on the different new treatment options for COVID. In this context, EUnetHTA has been invited to collaborate in timely reviews. We urge EMA and the industry to support this endeavour by sharing the clinical data available without delay.

I thank you for your attention.”

Ad item 14 d)

Europe's Beating Cancer Plan

Any other business:

Information from the Presidency and the Commission

**STATEMENT BY THE NETHERLANDS, BELGIUM, POLAND AND PORTUGAL,
supported by GERMANY AND CZECH REPUBLIC**

“I would like to express the support of the Netherlands for the Council Conclusions on strengthening the European Health Union.

There are many important areas of action in these conclusions, however, we would like to focus on one area in particular, namely the security of supply of medical radioisotopes for the diagnosis and treatment of cancer and other diseases.

In that regard, the Netherlands, Belgium, Poland and Portugal very much welcome Europe's Beating Cancer Plan and its recently published Implementation Roadmap and the SAMIRA Action Plan, to improve timely access for European patients to diagnosis and treatment of cancer and other diseases.

The Commission has recently published two important studies which conclude that the use of medical radioisotopes for targeted cancer therapy will drastically increase and that without replacing the current ageing European production infrastructure, the EU will be dependent on foreign supply. This could potentially cause serious radioisotope shortages and jeopardize access to vital treatments for all European citizens.

The studies also underline the need for concerted action at EU level to strengthen the supply chain of medical radioisotopes in the medium to long term. By doing so, Europe can be self-sufficient and maintain EU patients' timely and equal access to vital medical procedures and develop innovative treatments in the field of cancer and other diseases. The supply chain participants should implement full-cost recovery, allowing for a level-playing field between the European and foreign producers.

We are committed to cooperate with the Member States, European Commission, European Parliament, international organisations and stakeholders, to ensure the continued supply of medical radioisotopes and improve the accessibility and affordability of innovative cancer treatments for all European patients.

We call upon the Commission to take the lead and coordinate these areas of action and provide adequate and sustainable funding, in close cooperation with the health ministries and under the umbrella of Europe's Beating Cancer Plan and SAMIRA. To this end, the Commission is invited to organise a stakeholder meeting to prepare the work on the European Radioisotope Valley Initiative (ERVI) and to publish a roadmap for political discussion in the Council in early 2022.

This statement was made on behalf of Belgium, Poland, Portugal and the Netherlands, we invite others to join us.

These Member States will also prepare a written statement (joint declaration) on this subject.

Thank you.”
