Council of the
European Union

Brussels, 18 December 2023
(OR. en)

16083/23
PV CONS 60
SOC 832
EMPL 597
SAN 706
CONSOM 433

DRAFT MINUTES

COUNCIL OF THE EUROPEAN UNION
(Employment, Social Policy, Health and Consumer Affairs)

27 and 28 November 2023

MEETING ON MONDAY 27 NOVEMBER 2023

1. Adoption of the agenda

The Council adopted the agenda set out in document 15633/1/23 REV 1.

2. Approval of "A" items

a) Non-legislative list 15713/23

The Council adopted all "A" items listed in the document above, including all linguistic COR and REV documents presented for adoption.

Statements to these items are set out in the Addendum.

b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 15714/23

Fisheries

1. Regulation amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation ❶C 15160/23 PE-CONS 58/23 PECHE
Adoption of the legislative act
approved by Coreper, Part 1, on 22.11.2023

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 43(2) TFEU).

Telecommunications

2. Regulation on harmonised rules on fair access to and use of data (Data Act) ❶C 15447/23 PE-CONS 49/23 TELECOM
Adoption of the legislative act
approved by Coreper, Part 1, on 22.11.2023

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).

Economic and Financial Affairs

3. **Review of Central Securities Depositories Regulation (CSDR)** ❶C 15215/23 + ADD 1
PE-CONS 47/23
EF

Adoption of the legislative act
approved by Coreper, Part 2, on 23.11.2023

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). Statements to this item are set out in the Annex.

4. **European Single Access Point (ESAP) establishing Regulation** ❶C 15191/1/23 REV 1
+ REV 1 ADD 1
PE-CONS 42/23
EF

Adoption of the legislative act
approved by Coreper, Part 2, on 23.11.2023

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). A statement to this item is set out in the Annex.

5. **European Single Access Point (ESAP) amending omnibus Directive** ❶C 15192/2/23 REV 2
+ REV 2 ADD 1
PE-CONS 43/23
EF

Adoption of the legislative act
approved by Coreper, Part 2, on 23.11.2023

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: Articles 50, 53, 62, and 114 TFEU). A statement to this item is set out in the Annex.

6. **European Single Access Point (ESAP) amending omnibus Regulation** ❶C 15193/1/23 REV 1
+ REV 1 ADD 1
PE-CONS 44/23
EF

Adoption of the legislative act
approved by Coreper, Part 2, on 23.11.2023

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). A statement to this item is set out in the Annex.

Non-legislative activities

3. **European Semester 2024: Green collective bargaining** 15151/23
Policy debate

a) **2024 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
15627/23
15628/23
15438/23 + ADD 1
15630/23

Following a presentation by the Commission of the Autumn Semester package, the Council held a policy debate on the European Semester 2024: Green collective bargaining on the basis of a Presidency steering note, as set out in document 15151/23.

b) **Key messages from EMCO and SPC on the implementation of the Council Recommendation on ensuring a fair transition towards climate neutrality**
Endorsement
15439/23 + ADD 1

The Council endorsed the key messages on the implementation of the Council Recommendation on ensuring a fair transition towards climate neutrality as set out in document 15439/23.

4. **Conclusions on democracy at work**
Approval
15162/23 + **15162/1/23 REV 1 (hu)**

The Council approved the Council Conclusions on more democracy at work and green collective bargaining for decent work and sustainable and inclusive growth as set out in document 15162/23.

5. **Conclusions on transition of care systems**
Approval
15421/23 + ADD 1-2

The Council approved the Council Conclusions on the transition of care systems throughout life towards holistic, person-centred community-based support systems with a gender perspective as set out in document 15421/1/23 REV 1.

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

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

6. **Directive on European Disability Card and European Parking Card for persons with disabilities** 15782/23 + ADD 1
General approach

The Council reached a general approach on the proposal for a Directive on the European Disability Card and the European Parking Card for persons with disabilities, as set out in document 15782/23.

A statement by Germany is set out in the Annex to these minutes.

Non-legislative activities

7. **Conclusions on ECA SR No 20/2023 on supporting people with disabilities** 15364/23
Approval

The Council approved the Conclusions on European Court of Auditors Special Report No 20/2023 on supporting people with disabilities as set out in document above.

8. **EU action plan against racism 2020-2025** 15471/23
Policy debate

The Council held a policy debate based on the steering note as set out in document above.

Any other business

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

i) **Directive on improving working conditions in platform work** 14450/21
Information from the Presidency

The Council took note of the information provided by the Presidency about the ongoing negotiations with the European Parliament.

ii) Directive amending Directives 98/24/EC and 2004/37/EC as regards the limit values for lead and its inorganic compounds and diisocyanates 6417/23 + ADD 1
Information from the Presidency

The Council took note of the information provided by the Presidency about the ongoing negotiations with the European Parliament.

b) Presidency conferences 15660/23
Information from the Presidency

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

c) European Year of Skills 15428/23
Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and the Commission on the European Year of Skills.

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

Regulation on European statistics on population and housing 5588/23 + ADD 1
Information from the Presidency

The Council took note of the information from the Presidency on the state of play of the Regulation on European statistics on population and housing.

e) Presidency conferences 15660/23
Information from the Presidency

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

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

i) Directive on standards for equality bodies (Article 19) SC 15899/22
Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of the Directive on standards for equality bodies (Article 19).

ii) Directive on standards for equality bodies (Article 157) ❶C 15902/22 + COR 1
Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of the Directive on standards for equality bodies (Article 157).

g) Presidency events:

i) Informal meeting of equality Ministers on violence against women 15660/23

ii) Presidency conferences 15660/23
Information from the Presidency

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

MEETING ON TUESDAY 28 NOVEMBER 2023

Non-legislative activities

10. Social investment — 15415/23 + COR 1
Policy debate

a) Social investment and EU fiscal rules — 15415/23 + COR 1
Presentation by the Presidency

The Council took note of the information provided by the Presidency on Social investment and EU fiscal rules and held a policy debate on social investment guided by the Presidency steering note as set out in documents above.

b) Opinion of EMCO and SPC on social investment — 15418/2/23 REV 2 **+ REV 2 COR 1 (it)**
Endorsement

The Council endorsed the Opinion of the Employment Committee and of the Social Protection Committee on social investment as set out in document 15418/2/23 REV 2.

Statements by Estonia, Hungary and Romania and a joint statement by Spain, Belgium and Hungary are set out in the Annex to these minutes.

11. Conclusions on digitalisation in social security coordination — 14655/23 **+ COR 1 (hu)**
Approval

The Council approved the Conclusions on Digitalisation in social security coordination, to facilitate the exercise of social security rights in the EU and alleviate administrative burden, as set out in document 14655/23.

Any other business

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

Revision of the Regulations on the coordination of social security systems (883/04 and 987/09) — 15642/16 + ADD 1 REV 1
Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of the revision of the Regulations on the coordination of social security systems (883/04 and 987/09).

b) **Presidency conferences** — 15660/23
Information from the Presidency

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

c) **Ukraine: Recent developments** — 15704/23
Information from the Commission

The Council took note of the information provided by the Commission on recent developments regarding Ukraine.

d) **Skills and talent mobility package** — 15701/23, 15550/23 + ADD 1, 15620/23 + ADD 1
Information from the Commission

The Council took note of the information provided by the Commission on the Skills and talent mobility package.

e) **Commission work programme 2024** [F2] 13917/23 + ADD 1
Information from the Commission

The Council took note of the information provided by the Commission on the Commission work programme 2024.

f) Work programme of the incoming Presidency
Information from the Belgian delegation

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[1] First reading
[S] Special legislative procedure
[F2] Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of
[C] Item based on a Commission proposal

ANNEX

Statements to the legislative "B" items set out in doc. 15633/1/23 REV 1

Ad "B" item 5: **Conclusions on transition of care systems**
Approval

STATEMENT BY HUNGARY

"Hungary recognises and promotes equality between men and women in accordance with the Fundamental Law of Hungary and the primary law, principles and values of the European Union, as well as commitments and principles stemming from international law. Equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the term 'gender' as a reference to 'sex' in the *Council Conclusions on the transition of care systems throughout life towards holistic, person-centred and community-based support models with a gender perspective.*

Furthermore, Hungary declares that the Commission's Communication on 'the European Commission's Gender Equality Strategy 2020-2025' mentioned in the *Council Conclusions on the transition of care systems throughout life towards holistic, person-centred and community-based support models with a gender perspective,* should be interpreted with due regard to the national competences and the specific circumstances in each Member State."

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. In view of the above, Poland will interpret the expression 'gender equality' as 'equality between women and men', and other expressions referring to 'gender' as referring to 'sex', in accordance with Article 2 and Article 3(3) of the Treaty on European Union and Article 8, Article 153(1), point (i) and Article 157(4) of the Treaty on the Functioning of the European Union."

Ad "B" item 6: **Directive on European Disability Card and European Parking Card for persons with disabilities**
General approach

STATEMENT BY GERMANY

"Germany is committed to keeping the costs of the European Disability Card low. In light of its experience with the German Disability Card, Germany does not see any particular risk of abuse that would justify major technical efforts and security measures for the European Disability Card. This should be taken into account during further negotiations and when adopting the necessary implementing acts. In particular, no holograms, chips or the like, which would make the production of the cards more expensive, should be made mandatory.

In Germany, blind people are also entitled to receive an EU Parking Card. In order to enable blind people to use the EU Parking Card, in the further negotiations Germany will also advocate for Braille lettering on the EU Parking Card so that people with visual impairments can distinguish it from other cards."

Ad "B" item 10 b): **Social investment**
b) Opinion of EMCO and SPC on social investment
Endorsement

STATEMENT BY ESTONIA

"Estonia fully supports the commitment to increase the visibility of the social dimension in the European semester. We also appreciate all the technical work the Social Protection Committee and the Employment Committee have jointly carried out in order to ensure that the important role of the EPSCO Council continues and is strengthened in the European semester process in the future.

However, the endorsement of the joint opinion does not reflect any political commitments or political support of Estonia in regard of the added value of the Social Convergence Framework or its integration to the European semester process. Moreover, all decisions regarding European semester or social investments and their linkage to the EU's fiscal rules, should be discussed together with the ECOFIN ministers."

STATEMENT BY HUNGARY

"Hungary firmly believes that social investments constitute considerable added value to national social and economic policies, which need to be adequately assessed. Accordingly, we welcome the work carried out within the Employment Committee (EMCO) and the Social Protection Committee (SPC) and we are convinced that their joint opinion on social investment will certainly constitute a valuable input to Member States' exchanges on this topic.

Despite the merits of the joint opinion, Hungary expresses its concerns related to the underlying procedure and certain messages of the document.

Discussions in EMCO and SPC were conducted in an accelerated manner. On the one hand, this did not allow for a substantial reflection commensurate with the complexity of the topic, and, on the other hand, this resulted in an opinion that fails to capture the widely diverging views and approaches of Member States. In our view the document is not sufficiently unbalanced, therefore the ownership by Hungary might not be entirely ensured.

Hungary believes that the joint opinion should neither refer to, nor interfere with the ongoing Economic Governance Review to avoid affecting its outcome. Hungary also expresses its concerns on reference to the Social Convergence Framework which has not been previously agreed at any level, and its methodology and added value have also been debated. We regrettably recognize that the recently published draft Joint Employment Report within the 2024 European Semester Autumn Package already applies the Social Convergence Framework to assess Member States' performance in connection with upward social convergence. Despite the above, paragraphs 3, 8 and 10 of the joint opinion contain elements that do not take into consideration the sensitivities of Hungary.

In view of the importance of social investments and in order to ensure the continuation of work in this regard, Hungary does not oppose the endorsement of the joint opinion. At the same time, our endorsement neither implies a political commitment to the Social Convergence Framework, nor of its possible integration to the European Semester."

STATEMENT BY ROMANIA

"Romania maintains reservations regarding the references to the Social Convergence Framework in the text of the joint Opinion and on the use of this tool in the multilateral surveillance process within the European Semester cycle.

We continue to believe that there is a need for a careful analysis on the extent that this new framework would significantly improve the identification of challenges to the upward social convergence.

We prefer a streamlined approach that would avoid additional administrative burdens and possible overlaps with existing monitoring or reporting mechanisms at EU and national level.

In the light of the above, the endorsement of this Opinion does not represent our agreement on the implementation of the proposed Social Convergence Framework within the European Semester process."

JOINT STATEMENT BY SPAIN, BELGIUM AND HUNGARY

"The trio of Presidencies - Spain, Belgium and Hungary - would like to recall that the endorsement of this joint opinion does not imply a formal endorsement of the Social Convergence Framework as such. The Presidencies further stress that this endorsement does not imply a political support for the adoption of Social Convergence Framework."

Statements to the legislative "A" items set out in doc. 15714/23

Ad "A" item 3: **Review of Central Securities Depositories Regulation (CSDR)**
Adoption of the legislative act

STATEMENT BY THE CZECH REPUBLIC

"The Czech Republic continuously supports further development of market infrastructure. Therefore, we have welcomed and supported the proposal on the CSDR review in matter that it should streamline regulatory requirements and provide a very much needed relief from administrative burden, which has been proven unnecessary. In this context, we are sorry to see that the final compromise has stayed behind its potential and has not fully incorporated the three-year review period for the report set out in Art. 22. We believe that a more proportionate approach would be desirable and beneficial.

We have also hoped and made a substantial effort as regards the possibility of cash settlement of CSDs for non-domestic currencies, which might open further opportunities for development of CMU and further offer of cross-country investing. However, the final compromise has brought substantial limitations, which will be a disincentive for banking CSDs to offer their banking services to other CSDs, or even prevent them from doing so. Thus, we are sorry to see that in the end, this will further disadvantage the smaller CSDs, which will have less access to settlement of securities in other than domestic currencies."

STATEMENT BY LATVIA

"Latvia supports the objectives of the CSDR Refit and welcomes the work done so far. We acknowledge and appreciate the efforts made by both – the Swedish and the Spanish Presidencies on seeking possible compromises. However, Latvia still has remaining concerns regarding that the current wording of Art. 54(4a) that potentially may create an unlevel playing field among home and host CSDs and in our opinion is contrary to the objective of the CSDR Refit to unwind barriers for cross-border provision of CSD services, thus we are not in the position of supporting the final compromise text.

The current wording of Art. 54(4a) would not allow a CSD authorised to provide core CSD services via a branch in another Member State whose currency is different from the currency of a Member State where the CSD is established to settle transactions in commercial bank money in a currency of the home country. Latvia points out that the settlement in central bank money using an account with the central bank of a home country may not be possible due to other reasons which are beyond the access policy of central banks and there can be other restrictions in place that would not allow to execute settlement in central bank money with accounts of the central bank of the country of establishment of the CSD.

Latvia would like to point out that the objective of the CSDR was to remove barriers for competition among EU CSDs. However, the current wording of Art. 54(4a) undermines this objective by introducing barriers for cross-border provision of CSD services. Moreover, it creates an unlevel playing field for two CSDs providing services in the same country, one as a domestic CSD and another as a cross-border CSD, whereas the domestic CSD would be allowed to settle transactions in the same currency in commercial bank money, but the cross-border CSD would not.

In order to facilitate the achievement of the goals of the CSDR Refit, Latvia would like to encourage introducing amendments to the compromise CSDR Refit text ensuring that it does not create barriers for a CSD having a branch in another Member State and operating a securities settlement system (SSS) governed by the law of the host Member State to settle in non-domestic currency for that SSS in commercial bank money, where the settlement in central bank money is not possible."

Ad "A" item 4: **European Single Access Point (ESAP) establishing Regulation**
Adoption of the legislative act

STATEMENT BY BULGARIA

"The Republic of Bulgaria acknowledges the potential of ESAP to contribute to achieving the objectives of the Capital Markets Union. However, in order to make ESAP a success, we believe it is important to ensure a well-calibrated approach regarding the setting up of the platform in terms of scope of the information to be provided, timing and costs. In this vein, it is important to include in ESAP information, which is relevant for investors and for the publication of which the costs do not outweigh the benefits.

In our understanding, certain parts of the proposal would have benefited from further assessment and improvements on the basis of thorough discussion on act-by-act basis in order to avoid undue burden and costs on both entities and collection bodies.

Example of such parts are the proposed amendments in the ESAP Omnibus Directive in respect of the Accounting directive and MIFID. The Amendments in the Accounting Directive pose disproportional obligation to non-listed companies to publish financial reports in ESAP. In addition, provisions lead to duplication of information submitted by same entities – for example, listed companies would have to submit information to ESAP on the basis of both Transparency Directive and Accounting Directive, possibly to two different collection bodies, which would not respect the file-only-once principle. Considering MIFID, the requirements to companies listed on SME Growth markets would be counterproductive to the objective to facilitate the access to capital markets of SMEs.

We support the objectives of ESAP, however in our view certain aspects of the proposal should have been more adequately addressed."

<u>Ad "A" item 5:</u> **European Single Access Point (ESAP) amending omnibus Directive**
Adoption of the legislative act

STATEMENT BY BULGARIA

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<u>Ad "A" item 6:</u> **European Single Access Point (ESAP) amending omnibus Regulation**
Adoption of the legislative act

STATEMENT BY BULGARIA

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