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European Union

Brussels, 3 January 2023
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DRAFT MINUTES

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

8 and 9 December 2022

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MEETING ON THURSDAY 8 DECEMBER 2022


1. Adoption of the agenda

The Council adopted the agenda set out in 15453/22.

EMPLOYMENT AND SOCIAL POLICY


Legislative deliberations

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

2. **Directive on improving working conditions in platform work**  15338/1/22 REV 1
General approach

The Council did not approve the general approach as set out in 15338/1/22 REV 1.

Non-legislative activities

3. **European Semester 2023**  15071/1/22 REV 1
Policy debate
- a) **2023 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** 15184/22
15189/22
15076/22 + ADD 1
15180/22
Presentation by the Commission

Following a presentation by the Commission of the Autumn Semester package, the Council held a policy debate on the European Semester 2023 on the basis of a Presidency steering note as set out in 15071/1/22 REV 1.

- b) **Implementation of the Recommendation on the
integration of the long-term unemployed into the
labour market: EMCO Key Messages** 15081/22
Endorsement

The Council endorsed the key messages on the Implementation of the Recommendation on the integration of the long-term unemployed into the labour market set out in 15081/22.

4. **Council Recommendation on adequate minimum income ensuring active inclusion** 15094/22
(*) + REV 1 (de)
+ ADD 1
(Legal basis proposed by the Commission: Article 292, in conjunction with Article 153(1), point (j) TFEU)
Political agreement

The Council reached a political agreement on the "Recommendation on adequate minimum income ensuring active inclusion" as set out in 15094/22.
The statement by Poland is set out in the Annex to these minutes.

5. **Conclusions on the inclusion of persons with disabilities in the labour market** 14495/22
+ REV 1 (de)
+ ADD 1
Approval

The Council approved the conclusions on the inclusion of persons with disabilities in the labour market as set out in 14495/22.
The statement by Poland is 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 the protection of workers from the risks related to exposure to asbestos at work** 14988/22
General approach

The Council approved a general approach on the Directive on the protection of workers from the risks related to exposure to asbestos at work as set out in 14988/22.



Non-legislative activities

7. **European CARE Strategy¹** 15084/22
Policy debate

The Council held a policy debate on the European CARE Strategy on the basis of a Presidency steering note as set out in 15084/22.

¹ In the presence of the Director of EIGE and the President of Social Services Europe.



8. **Council Recommendation on access to affordable high-quality long-term care**
(Legal basis proposed by the Commission: Article 292 in conjunction with Article 153(1), point (k) TFEU)
Adoption

  14650/22
(*)
+ ADD 1
13948/22
+ REV 1 (de, it, da, el, pt, cs, lv, pl, sk, ro)
+ COR 1 (fr)
+ COR 2 (bg)

The Council adopted the Council Recommendation on access to affordable high-quality long-term care as set out in 13948/22.

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


9. **Council Recommendation on early childhood education and care: The Barcelona targets for 2030**
(Legal basis proposed by the Commission: Article 292 in conjunction with Article 153(1), point (i) TFEU)
Adoption

  14782/22 + ADD 1
(*)
+ ADD 1 COR 1
14785/22
+ COR 1 (cs)

The Council adopted the Council Recommendation on early childhood education and care: The Barcelona targets for 2030 as set out in 14785/22.

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

10. **Conclusions on gender equality in disrupted economies: Focus on the young generation**
Approval

 14588/22 + ADD 2



The Council approved the conclusions on gender equality in disrupted economies: Focus on the young generation as set out in 14588/22.

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)

11. **Directive on equal treatment (Article 19)**
Progress report

  13070/22

The Council took note of the progress report on the Directive on equal treatment (Article 19) as set out in 13070/22.

Any other business

12. a) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- i) **Decision on the European Year of Skills 2023** 13365/22 + COR 1
Information from the Presidency

The Council took note of the information from the Presidency on the Decision on the European Year of Skills 2023.

- b) **Update on the Czech Government's meetings in Ukraine** [2]
Information from the Presidency

The Council took note of the information from the Presidency on the Czech Government's meetings in Ukraine.

- c) **The European Platform on Combatting Homelessness - state of play** [2]
Information from the Commission

The Council took note of the information from the Commission on the state of play regarding the European Platform on Combatting Homelessness.

- a) **(continuation) Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- ii) **Directive on strengthening the role and independence of equality bodies** 1 C
Information from the Commission

The Council took note of the information from the Commission on the Directive on strengthening the role and independence of equality bodies.

- d) **Presidency conferences** [2]
Information from the Presidency

The Council took note of the information from the Presidency on the Presidency conferences.

- e) **Work programme of the incoming Presidency**
Information from the Swedish delegation

MEETING ON FRIDAY 9 DECEMBER 2022

HEALTH

Non-legislative activities

13. **COVID-19 vaccine procurement²** 14607/22
Exchange of views

The Council had an exchange of views on COVID-19 vaccine procurement.

14. **Council Recommendation on strengthening prevention through early detection: A new EU approach on cancer screening replacing Council Recommendation 2003/878/EC** 14770/22
(Legal basis proposed by the Commission: Article 168(6) TFEU) (*) + ADD 1
Adoption

The Council adopted the Council Recommendation.
The statement by the Commission is set out in the Annex to these minutes.

15. **Conclusions on vaccination as one of the most effective tools for preventing disease and improving public health** 14771/22
Approval

The Council approved the conclusions and decided that they should be published in the Official Journal.

Legislative deliberations

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

16. **Regulation on the European Health Data Space** 14768/22 + COR 1
Progress report + COR 1 REV 1
(ro)

The Council took note of the progress report.

17. **Regulation on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC** 14769/22
Progress report

The Council took note of the progress report.

² In the presence of the Director of the ECDC and the Executive Director of EMA.

Any other business

18. a) **Implementation of the Medical Device Regulation (MDR)** ☒ 15520/22
Information from the Commission

The Council took note of the information from the Commission that it planned to submit a targeted amendment to this Regulation in early 2023 as well as of comments by several delegations.

- b) **Revision of Pharmaceutical legislation** ☒ 15306/22
Information from the Commission

The Council took note of the information from the Commission on the revision of Pharmaceutical legislation as well as of comments by several delegations.

- c) **Clinical Trials Information System³** 15596/22
Information from the German delegation

- d) **Negotiations for an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the International Health Regulations (2005)** ☒ 15307/22
Information from the Presidency and the Commission


The Council took note of the information from the Presidency and the Commission on the negotiations for an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the International Health Regulations (2005).

- e) **European Union Global Health strategy** ☒ 15308/22
Information from the Commission 15585/22

The Council took note of the information from the Commission on the European Union Global Health Strategy and of the comment by one delegation.


³ In the presence of the Executive Director of EMA.

f) State of Health Preparedness Report
Information from the Commission

 15309/22
+ ADD 1





The Council took note of the information from the Commission on the State of Health Preparedness Report.

g) Presidency conferences
Information from the Presidency

 15279/22

The Council took note of the information from the Presidency on Presidency conferences.

h) Work programme of the incoming Presidency
Information from the Swedish 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
 - (*) Item on which a vote may be requested
-

Statements to the non-legislative "B" items set out in doc. 15453/22

Council Recommendation on adequate minimum income ensuring active inclusion

Ad "B" item 4: (Legal basis proposed by the Commission: Article 292, in conjunction with Article 153(1), point (j) TFEU)
Political agreement

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 term '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 other terms 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."

Conclusions on the inclusion of persons with disabilities in the labour market

Ad "B" item 5: *Approval*

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 perspective' as an equality perspective 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."

Council Recommendation on access to affordable high-quality long-term care

Ad "B" item 8: (Legal basis proposed by the Commission: Article 292 in conjunction with Article 153(1), point (k) TFEU)
Adoption

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. Furthermore, 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 reference to 'sex' in the *Council Recommendation on access to affordable high-quality long-term care*."

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, and the expression 'gender balance' as balance 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 Recommendation on early childhood education and care: The Barcelona targets for 2030

Ad "B" item 9:

(Legal basis proposed by the Commission: Article 292 in conjunction with Article 153(1), point (i) TFEU)

Adoption

STATEMENT BY HUNGARY

"Hungary welcomes the general objective of the Council Recommendation to provide parents with every possible tool to maintain a better work-life balance. Hungary acknowledges the importance of high quality, affordable and accessible early childhood education and care (ECEC) services, that can contribute to the more equal sharing of care responsibilities among parents and also enhance the labour market participation of women.

Hungary considers it important that the principle of subsidiarity and the different national circumstances and practices of the Member States are taken into account regarding ECEC. Hungary believes that the right to parental choice must be respected with regard the use of ECEC services.

Hungary interprets the Recommendation as the following: if a Member State achieves the proposed targets ahead of schedule, it does not mean that it will be moved to the next category automatically to achieve the higher target.

Furthermore, 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 Recommendation on early childhood education and care: The Barcelona Targets for 2030*.

Moreover, the text of the *Council Recommendation on early childhood education and care: The Barcelona Targets for 2030* refers to several documents to which previously Hungary submitted a national statement. Hungary maintains all its national statements made earlier."

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 term '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 other terms 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."

STATEMENT BY SPAIN

"Spain welcomes the adoption of this Recommendation aimed at ensuring greater participation in high-quality, affordable and accessible early childhood education and care (ECEC) services in the European Union, and in particular commends the Czech Presidency's efforts to reach an agreement on this initiative.

We are among the countries that have supported a high level of ambition in the Recommendation throughout the negotiations, in line with the Commission's original proposal. While this has been retained in many parts of the text, we believe that the text should have paid more attention to the need to effectively mainstream gender equality in childcare policies, which means, among other things, that parents and states must share responsibility.

In this respect, any reference in the text to 'parental choice' cannot be considered gender neutral and may have unintended consequences that deviate from the path towards gender equality, since in most cases parents have no such freedom of choice owing to the weight of gender stereotypes, traditional roles and the lack of an equal sharing of care responsibilities between women and men, which fosters inequalities and hinders progress towards gender equality.

We hope that the Member States and the Commission take these considerations into account when implementing the Regulation."

Conclusions on gender equality in disrupted economies:

Ad "B" item 10: **Focus on the young generation**
Approval

STATEMENT BY HUNGARY

"Hungary welcomes the general objective of the Council conclusions to support women in difficult situations caused by crises, as for Hungary it is a high priority to promote the achievement of work-life balance and to encourage women's participation in the labour market.

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 gender equality in disrupted economies: focus on the young generation.

Moreover, the text of the Council Conclusions on gender equality in disrupted economies: focus on the young generation refers to several documents to which previously Hungary submitted a national statement. Hungary maintains all its national statements made earlier."

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, and the expression 'gender balance' as balance 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."

Ad "B" item 14:

Council Recommendation on strengthening prevention through early detection: A new EU approach on cancer screening replacing Council Recommendation 2003/878/EC

(Legal basis proposed by the Commission: Article 168(6) TFEU)

Adoption

STATEMENT BY THE COMMISSION

"The Commission welcomes the overall progress and the improvements agreed by the Council in the compromise proposal, which constitutes an important step forward for cancer screening in the EU compared to the 2003 Recommendation. The Commission in particular welcomes the introduction of three new cancer types as part of the EU Cancer Screening Scheme and the acknowledgement of the Cancer Plan objective to ensure that 90 % of the EU population who qualify for breast, cervical and colorectal cancer screenings are offered screening by 2025.

The Commission however regrets that the ambition of the proposal of the Commission has been reduced and that the scope of the recommended screenings has been limited. The Commission considers that it would have been preferable in particular to maintain the proposed recommended broader age range for breast cancer screening and the recommended reference to the level of efficacy of lung and prostate cancer screening. The Commission would also have been in favour of limiting the introduction of additional criteria and reservations for screening programmes."