



Council of the
European Union

Brussels, 25 March 2024
(OR. en)

7710/24
PV CONS 12
SOC 206
EMPL 114
SAN 158
CONSOM 103

DRAFT MINUTES

COUNCIL¹ OF THE EUROPEAN UNION
(Employment, Social Policy, Health and Consumer Affairs)

11 March 2024

¹ On 12 March 2024 the ministers responsible for employment and social affairs attended the Economic and Financial Affairs Council and participated in the policy debate on social investment and reforms for resilient economies.

1. Adoption of the agenda

The Council adopted the agenda set out in document 7159/24.

2. Approval of 'A' items

(a) Non-legislative list

7406/24

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

(b) Legislative list (public deliberation in accordance with Article 16(8) of the Treaty on European Union)

7409/24

General Affairs

Regulation on the transparency and targeting of political advertising



6962/1/24 REV 1
PE-CONS 90/23
AG

Adoption of the legislative act

approved by Coreper, Part 2, on 6 March 2024

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, with Hungary voting against and Estonia and Austria abstaining (legal basis: Articles 16 and 114 TFEU).

Legislative deliberations

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

3. Directive on improving working conditions in platform work



7212/24 + ADD 1

Analysis of the final compromise text with a view to agreement

The Council analysed the provisional agreement reached with the European Parliament on 8 February 2024 as set out in the document above and agreed to it.

Statements by Austria and Spain are set out in the Annex to these minutes.

Non-legislative activities

4. 2024 European Semester



a) 2024 Joint Employment Report

6073/24

Adoption

+ **REV 2 (lv)**

The Council adopted the 2024 Joint Employment Report, as set out in the document above.

b) Conclusions on the 2024 Annual Sustainable Growth Survey and Joint Employment Report

6791/1/24 REV 1

Approval

+ REV 1 COR 1

+ **REV 2 (fi)**

The Council approved the Conclusions on the 2024 Annual Sustainable Growth Survey and Joint Employment Report, as set out in the document above.

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

5. Future policy priorities for the Union on the European Pillar of Social Rights – Opinion of the Employment Committee and the Social Protection Committee



7005/24 + COR 1

Endorsement

The Council endorsed the Opinion of the Employment Committee and of the Social Protection Committee on Future policy priorities for the Union on the European Pillar of Social Rights, as set out in the document above.

6. The implementation of the European Pillar of Social Rights in the context of the European Semester and the future social agenda



6835/24

Policy debate

The Council held a policy debate on “The implementation of the European Pillar of Social Rights in the context of the European Semester and the future social agenda”, on the basis of a Presidency steering note as set out in the document above.

7. EMCO review of the implementation of the Youth Guarantee – key messages



6831/24 + ADD 1-2

Endorsement

The Council endorsed the key messages on the Employment Committee review of the implementation of the Youth Guarantee, as set out in the document above.

Any other business

8. a) **Social investments and reforms for resilient economies** [2] 7114/24
Information from the Presidency

The Council took note of the information provided by the Presidency on social investments and reforms for resilient economies.

- b) **Presidency events** [2] 6999/24
(i) **Informal meeting of ministers for employment and social policy (Namur, 11-12 January 2024)**
(ii) **High-level conferences**
Information from the Presidency

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

- c) **Social Partner Summit (Val Duchesse, 31 January 2024)** [2] 7117/24
Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and the Commission on the Val Duchesse Social Partner Summit.

- d) **Tripartite Social Summit** [2] 7049/24
Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and the Commission on the Tripartite Social Summit of 20 March 2024.

- e) **Upcoming Commission initiatives** [2] 7048/24
Information from the Commission



The Council took note of the information provided by the Commission on the upcoming Commission initiatives.

- f) **Letter on the need for a stronger focus on advancing European legislation to set limit values for substances in the workplace**  7047/24
Information from the Danish delegation

The Council took note of the information provided by the Danish delegation on a Letter on the need for a stronger focus on advancing European legislation to set limit values for substances in the workplace.

- g) **Employment Committee and Social Protection Committee work programmes for 2024**  6201/24
6927/24
Information from the respective chairs

The Council took note of the information provided by the Chairs of the Employment and Social Protection Committees on the work programmes of the committees for 2024, as set out in the documents above.

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

- (i) **Directive establishing the European Disability Card and the European Parking Card for persons with disabilities** 12755/23 + ADD 1
- (ii) **Directive extending the Directive establishing the European Disability Card and the European Parking Card for persons with disabilities to third country nationals** 15003/23
Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of the above Directives.

b) **(continued) Presidency events**

6999/24

(ii) **High-level conferences**

Information from the Presidency

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



First reading



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. 7159/24**Ad "B" item 3:****Directive on improving working conditions in platform work***Analysis of the final compromise text with a view to agreement***STATEMENT BY AUSTRIA**

“Austria supports the objective of the Directive on improving working conditions in platform work in the European Union. However, the heterogeneous characteristics of national labour markets and, in this case, the platform economy, must be taken into account in corresponding EU actions.

As stated in Recital 18, this Directive should apply to persons, performing platform work in the Union who have or who, based on an assessment of facts, are deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice.

In Austria, there is a third category of employment at national level called *Freie Dienstnehmer*. Therefore, if this intermediate status is the correct employment status according to Austrian law, the rights and obligations pursuant to that status should apply.

In this context, Austria emphasizes that the Austrian law, collective agreements or practice with regard to the intermediate status of *Freie Dienstnehmer* is in no way affected by this Directive.”

STATEMENT BY SPAIN

“The Spanish government voted in favour of approving the provisional agreement reached in the trilogue of 8 February 2024 between the Belgian Presidency of the Council and the European Parliament on the proposal for a Directive to improve working conditions in platform work.

Our vote was an exercise in responsibility since a large majority of the Member States, the political groups in the European Parliament and the European trade unions supported the provisional agreement.

However, we would like to point out that there are some provisions in the agreed text that do not fully correspond to what we understand should have been included in this Directive.

We agree with the content of Chapter III on algorithmic management, which has been maintained from the wording agreed by the Spanish Presidency and the European Parliament in December 2023 and which signifies a major step forward in the rights of workers and their representatives along with increased transparency in the digital platforms.

However, we believe that the text establishes a weak and unambitious presumption of employment, which is the central element of the Directive, and which is the opposite of what the Spanish delegation has stood for since the beginning of the negotiations on this proposal for a Directive over two years ago.

The provisional agreement reached in December during the trilogues under the Spanish Presidency established a stronger presumption with employment criteria and a common threshold across the EU in accordance with the case law of the ECJ. Ultimately it included greater respect for the rights of the workers and was more useful for ensuring that their employment was classified correctly.

Conversely, since it does not contain any employment criteria or a threshold for validating the assessment of whether the platform is directing and controlling the work, and this assessment is left to national legislation, the new provisional agreement opens the door to an *à la carte* presumption that is not necessarily the same across the Member States, and which might not help to correctly classify the millions of false self-employed workers in the EU.

Far from achieving upward social convergence and establishing some shared minimum provisions, the negative situation and the precarity that the Directive should correct could remain.

The Spanish delegation hopes that the national legislations transposing the Directive and the Commission's supervisory role will prevent this risk from materialising so that the employment of platform workers will be classified correctly and their rights and social protection will be upheld.”

Ad "B" item 4 b): **Conclusions on the 2024 Annual Sustainable Growth Survey and Joint Employment Report**
Approval

STATEMENT BY HUNGARY

“We accept the findings of the Joint Employment Report as well as the Council Conclusions on the 2024 Annual Sustainable Growth Survey and the Joint Employment Report. Hungary however has concerns on the references to the so-called Social Convergence Framework in the Report as no decision at political or expert level has been taken on its use and even its methodology has not been finalised.

We regrettably recognized that the 2024 Joint Employment Report applies the Social Convergence Framework and it includes a more country-specific analysis based on the features of the Social Convergence Framework. We reiterate that the application of the Social Convergence Framework in 2024 is to be taken as a pilot, as set out in the Key Messages of the Joint Employment Report as well as in the Council Conclusions. We also underline that after finishing the pilot process, the use of the features of the Social Convergence Framework should carefully be analysed particularly its impact, the added value and the administrative burden.”
