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## OUTCOME OF THE COUNCIL MEETING

3802nd Council meeting

### Employment, Social Policy, Health and Consumer Affairs

Luxembourg, 14 and 15 June 2021

Presidents

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Minister of State for the Presidency

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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## **ITEMS DEBATED**

### **EMPLOYMENT AND SOCIAL POLICY**

#### **Child guarantee\***

The Council adopted a recommendation establishing a European Child Guarantee. The aim of the recommendation is to prevent and combat the social exclusion of children in need by guaranteeing access to a set of basic services.

In particular, it is recommended that member states guarantee effective and free access to early childhood education and care, education and school-based activities, at least one healthy meal each school day and healthcare as well as effective access to healthy nutrition and adequate housing. ([9106/21](#))

#### **Minimum wages, pay transparency and equal treatment**

The Presidency informed ministers about the state of play regarding a number of ongoing legislative files: a proposal for a directive on adequate minimum wages in the European Union, a proposal for a directive strengthening the application of the principle of equal pay for equal work or work of equal value between men and women, and a Council directive extending protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside employment. For all three proposals, the Portuguese Presidency presented a report ([9142/21](#), [9053/1/21](#), [9109/21](#)) summarising the state of play regarding the discussions among member states and the possible way forward to reach an agreement.

Ministers also held a policy debate on the main improvements which they expect from the directive and how the adequacy of minimum wages can be ensured within its framework. Ministers welcomed the proposal's objective of providing workers anywhere in the EU with adequate minimum wages, and thanked the Portuguese Presidency for its efforts to advance work on the draft directive. However, delegations also underlined how important it is that any EU instrument on this matter must take account of the different national labour market models and methods of wage setting. They voiced their support for the incoming Slovenian Presidency with a view to agreeing on a general approach before the end of the year.

## **Follow-up to the Porto Social Summit**

The Presidency briefed ministers on the Porto Social Summit. The high-level conference on 7 May resulted in the Porto Social Commitments. On 8 May, EU leaders agreed on the Porto Declaration, reinforced their commitment to the implementation of the European Pillar of Social Rights and welcomed the 2030 headline targets of the Pillar's action plan with regard to employment, skills and poverty reduction.

Following the briefing by the Presidency, ministers discussed the setting of targets and the monitoring of the progress achieved in implementing the Pillar's principles at national level through the European Semester. ([9140/21](#))

Ministers welcomed the outcome of the Porto Social Summit, which has given new impetus to work to continue building a social Europe. They highlighted the essential role played by the European Pillar of Social Rights and its action plan in recovering from the crisis. With regard to the implementation of the action plan, delegations stressed the important role played by the European Semester, and - in that context - also stated that the EPSCO Council and its preparatory bodies should once again play a more prominent role in the European Semester process. Member states also stressed the point that when setting national targets, the different national specificities and starting points need to be taken into account.

## **New challenges for social dialogue and collective bargaining**

Ministers also held a policy debate on the involvement of the social partners in the recovery process through the Resilience and Recovery Plans (RRPs) and the best approaches to tripartite social dialogue in the context of an acceleration of the digital transition. ([9141/21](#) + [COR 1](#))

All ministers who referred to the development of the RRP mentioned the involvement of social partners in the process and shared certain good practices, e.g. in the areas of upskilling, reskilling and life-long learning, providing a number of examples of the involvement of the social partners in health sector and pension reforms. On capacity-building measures for the social partners, a number of ministers mentioned the importance of accessing the European Social Fund and structural fund budgets. On the question of extending social dialogue to atypical workers, the vast majority of ministers mentioned the right to social protection for all workers. Several ministers mentioned that they already had national measures in place which aimed to extend rights, including collective bargaining rights, to self-employed and platform workers. Other ministers stressed the need to broaden access to social dialogue, and several ministers welcomed the upcoming Commission initiative on social dialogue, considering that it should also address atypical forms of work.

## **Teleworking**

Since the COVID-19 outbreak there has been a huge increase in the number of people teleworking. According to a Eurofound survey, in July 2020, 34% of respondents were working solely from home, compared to 5.4% of those employed in the EU-27 who worked from home in 2019. The Council adopted conclusions on this issue, highlighting the fact that this recent increase in teleworking makes it necessary to consider the potential for and the limits and risks of teleworking. The conclusions call on member states, among other things, to consider:

- establishing national action plans or strategies addressing the opportunities and risks related to teleworking, taking into account the gender perspective, or including this topic in existing or upcoming strategies;
- amending their policies regulating teleworking, or issuing guidance, for instance with regard to the organisation and monitoring of working time, the risks related to equality between women and men, and allowances to cover the costs of teleworking where applicable;
- establishing or reinforcing initiatives to strengthen labour inspection and occupational health and safety in view of the risks arising from teleworking.

The Council also called on the Commission to analyse the context and implications of teleworking in the EU and the extent to which current provisions of social and labour law in the EU ensure decent working conditions for teleworkers ([9747/21](#)).

## **The socio-economic impact of COVID-19 on gender equality\***

The COVID-19 pandemic and related containment measures are having a serious negative impact on both women and men. However, women have been and continue to be affected disproportionately as a result of pre-existing structural gender inequalities in the labour market (including their overrepresentation in the health and care sectors, retail and hospitality) and in society as a whole (the gender pay gap and the care gap).

The Council approved conclusions inviting member states (and, where appropriate, the Commission) to take steps to mitigate the exacerbating effect of the COVID-19 crisis on some of the long-term disadvantages experienced by women and to ensure that the current crisis becomes a driver for positive change. Those steps include:

- promoting gender equality and equal opportunities in the design and implementation of recovery measures, for instance through measures in support of workers in hard-hit economic sectors such as retail, hospitality and tourism that also address the particular needs of women;
- addressing the reconciliation of work, family and private life for both women and men by ensuring that all workers, including teleworkers, have the same opportunities for career advancement, including equal access to management and decision-making positions;
- considering developing a framework for the sharing of paid work and unpaid care work on an equal basis between women and men, including a reduction of the financial disincentives that encourage and perpetuate the unequal sharing of unpaid care work and paid work between women and men;
- strengthening measures to increase the role and numbers of women in the decision-making process, including in the context of processes shaping the response to COVID-19 (only 3.5% of 115 identified COVID-19 decision-making and expert task forces worldwide have gender parity in their membership, while in 85.2% of cases the majority of members are men).

[\(8884/21\)](#)

### **Strategy for the Rights of Persons with Disabilities (2021-2030)\***

In March 2021 the European Commission adopted its Strategy for the Rights of Persons with Disabilities (2021-2030). The strategy supports the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the European Pillar of Social Rights. The Council has approved conclusions which endorse the strategy.

To achieve a ‘Union of equality’, the strategy proposes actions to enable persons with disabilities to live independently and to ensure their inclusion in the community. It also calls for intensified action to promote equal treatment and non-discrimination.

Among other things, the conclusions invite member states to promote the development of person-centred community-based social services and independent living, and to take the strategy into account when setting voluntary national targets to achieve the proposed headline targets of the European Pillar of Social Rights action plan. EU member states should also make full use of available EU funding to strengthen the quality of services that provide support in the community and to ensure accessibility to this form of living. The Council also calls on member states to promote participation in political and public life by persons with disabilities, including the exercise of electoral rights.

The conclusions also invite member states and the Commission to work together towards full implementation of the UNCRPD and to adopt initiatives to adapt EU and national legislation accordingly, where necessary ([9749/21 REV1](#)).

### **European Semester**

The Council endorsed the assessment of the Employment Committee and the Social Protection Committee of the implementation of the 2020 and 2019 Country-Specific Recommendations in the employment and social area ([9147/21](#)) and the opinion of those same committees on a revised Social Scoreboard ([9314/21](#)). This revised Social Scoreboard was proposed by the Commission to support the monitoring of the new 2030 targets on employment, skills and poverty reduction of the Social Pillar action plan.

Both items relate to the European Semester, which is the EU's framework for the coordination of economic policies.

### **Long Term Care Report and Pension Adequacy Report**

Ministers endorsed the key conclusions of the 2021 Long Term Care Report ([9144/21](#)) and the 2021 Pension Adequacy Report ([9145/21](#)), both jointly prepared by the Social Protection Committee and the European Commission.



**Any other business**

Under ‘any other business’, the Presidency provided information about the state of play regarding a number of legislative proposals: a directive on gender balance on company boards, a directive on carcinogens and mutagens at work (fourth batch) and the revision of the regulation on coordination and social security systems.

The Presidency informed ministers about the conferences that had taken place during its Presidency and the High-level Conference on Homelessness, which will take place on 21 June 2021 in Lisbon. The Presidency also provided information about the monitoring committee of the Luxembourg Declaration.

The Commission informed ministers about:

- the implementation of the EU anti-racism action plan;
- the European Diversity Month, an initiative to promote diversity and inclusion in workplaces;
- the implementation of the LGBTIQ Equality Strategy.

Finally, the incoming Slovenian presidency informed the Council about its work programme.

**HEALTH****Reinforcing the role of the European Medicines Agency**

The Council has reached an agreement on draft rules to reinforce the role of the European Medicines Agency (EMA) in crisis preparedness and management for medicinal products and medical devices. This ‘general approach’ provides the Council Presidency with a negotiation mandate to reach a common position with the European Parliament.

The objectives of the EMA proposal are to:

- monitor and mitigate potential and actual shortages of medicinal products and medical devices considered to be critical in order to address public health emergencies;
- ensure the timely development of high-quality, safe and efficacious medicinal products, with a particular focus on addressing public health emergencies;
- provide a structure for the functioning of expert panels that assess high-risk medical devices and provide essential advice on crisis preparedness and management.

Member states agreed on changes to the original proposal which aim to clarify the financial and data protection provisions. The changes stress that transfers of personal data in the context of the new EMA mandate will be subject to EU data protection rules such as the General Data Protection Regulation. Other changes relate to the composition and functioning of the Emergency Task Force, and in particular its advisory role when it comes to developing clinical trials for medicinal products intended to deal with a health emergency ([9764/21](#)).

### **Legislative proposals: European Centre for Disease Prevention and Control and cross-border health threats**

The Presidency also informed ministers about the state of play regarding two ongoing legislative files: a proposal to amend the regulation establishing a European Centre for Disease Prevention and Control (ECDC) ([9620/21](#)) and a proposal on serious cross-border threats to health ([9622/21](#)).

The former is about ensuring that the ECDC is better equipped to support member states and the Commission by, among other things, monitoring the epidemiological situation in real time, providing recommendations and options for risk management, and mobilising an EU Health Task Force to assist with local responses. A proposed regulation on serious cross-border threats to health provides for the development of an EU health crisis and pandemic preparedness plan and recommendations for the development of national plans (to be assessed and stress-tested). It also includes provisions on the reporting of health system indicators. The declaration of an EU emergency situation would trigger increased coordination and allow for the development, stockpiling and procurement of relevant products.

### **Access to medicines and medical devices**

Ministers approved Conclusions on Access to medicines and medical devices for a Stronger and Resilient EU. The conclusions identify action points in all three areas - accessibility, availability and affordability - which include, among other things:

- calling on the Commission to develop a full inventory of the European Union's potential and existing global manufacturing capacities for critical medicines, medical devices and other medical products;
- an invitation to member states and the Commission to continue exploring the issues affecting off-patent products, including withdrawal from the market for commercial reasons;

- an invitation to member states and the Commission to exchange ideas on payment mechanisms for innovative products, particularly in the case of unmet medical needs and products for specific populations, as well as older medicinal products;
- a recommendation to discuss new ways to invest in the development of new medicines.

Based on experiences during the COVID-19 pandemic - for instance as regards the joint purchasing of vaccines - the conclusions also invite member states and the Commission to explore the added value of joint procurement mechanisms ([9750/21](#)).

### **COVID-19: Update on the pandemic situation**

The EU Digital COVID Certificate, on which co-legislators reached an agreement on 20 May 2021, is the EU's instrument for facilitating the coordinated gradual lifting of travel restrictions. Holders of the EU Digital COVID Certificate, which indicates whether they are vaccinated, have had a recent negative test or have recovered from COVID-19 within the last six months, should not be subject to additional restrictions on free movement unless it is deemed necessary, proportionate and non-discriminatory in order to safeguard public health in response to the COVID-19 pandemic.

Ministers welcomed the speedy adoption and (ongoing) implementation of the Digital COVID Certificate and the positive effect it is likely to have on opening up the EU's economies and gradually allowing people to return to a normal life. It was cited as an example which showcased the usefulness of cooperation at EU level.

Ministers also expressed their interest in an EU approach on implementing common criteria for the issuance and acceptance of the certificate (including the acceptance of COVID-19 Certificates and other documentation issued by a third country). They indicated that this may contribute to greater acceptance of the tool by citizens.

As some member states are considering using the EU Digital COVID Certificate for purposes other than travel (e.g. cultural events), they informed each other about those plans.

Many ministers also expressed their gratitude for what has been achieved in terms of bringing down infection and hospitalisation rates and stepping up vaccinations. They also highlighted the importance of collaboration to procure vaccines jointly at EU level.

**Any other business**

The Presidency informed ministers about the state of play regarding the legislative proposal for a regulation on health technology assessment. Since the Permanent Representatives Committee agreed on a negotiation mandate on 24 March, several trilogues and technical meetings have been held. The Presidency has scheduled a possible final trilogue for 21 June. The Presidency also provided information about global health initiatives.

The Commission outlined the state of play regarding anti-microbial resistance and the Joint Action on AMR and healthcare-associated infections, as well as the implementation of the medical device regulations.

The incoming Slovenian Presidency informed ministers about its work programme.

## **OTHER ITEMS APPROVED**

### **FOREIGN AFFAIRS**

#### **Conclusions on EU partnerships with Middle income countries**

The Council approved conclusions affirming the EU's commitment to engaging in policy dialogue and international partnerships with middle-income countries, in line with the new European Consensus on Development. Further engagement with middle-income countries should take place through the new Neighbourhood, Development and International Cooperation Instrument (NDICI - Global Europe).

For more details, see the [press release](#).

#### **Conclusions on Strengthening Team Europe's commitment to Human Development**

The Council approved conclusions stressing the need for a renewed focus on support for and the advancement of human development across EU external engagement, to ensure that no-one is left behind.

For more details, see the [press release](#).

#### **Conclusions on the 2021 Annual Report on the EU Development Aid Targets**

The Council approved conclusions on the EU development aid targets for 2020 in the form of the eleventh annual report to the European Council, welcoming the Commission's analysis of trends with regard to EU collective and individual commitments on and delivery of Official Development Assistance.

For more details, see the [press release](#).

## **TRADE POLICY**

### **EU positions for international negotiations**

The Council adopted a Decision on the position to be taken on behalf of the European Union within the General Council of the World Trade Organization with regard to the European Union's request for an extension of the WTO waiver permitting autonomous trade preferences to the Western Balkans.

## **HOME AFFAIRS**

### **Home affairs funds**

The EU is increasing the scope of its funding for measures in the fields of asylum and migration, integrated border management and internal security, so as to address growing challenges in these policy areas. The Council adopted three sectoral proposals for the funding of home affairs policies, under the 2021-2027 multiannual financial framework (MFF). The texts now need to be adopted by the European Parliament.

For more details, see the [press release](#).

### **Recommendation on free movement restrictions**

The Council adopted a recommendation amending the recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic. This update responds to the evolving epidemiological situation, the ongoing vaccination campaigns and the adoption of the EU digital COVID certificate.

For more details, see the [press release](#).

## **ECONOMIC AND FINANCIAL AFFAIRS**

### **Conclusions on enhancing the European financial architecture for development**

EU ambassadors approved the Council conclusions on enhancing the European financial architecture for development.

The conclusions emphasise the need to work towards achieving the sustainable development goals and Paris Agreement objectives, based on the EU's strategic interests and values, including democracy, human rights, gender equality and climate, and on the needs of partner countries.

The structure of the EFAD is complex and involves European, national, public and private actors. The Council encourages the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) to work together more effectively and efficiently and to strengthen their cooperation with the European development banks and financial institutions in a Team Europe approach.

## **GENERAL AFFAIRS**

### **Enlargement: Accession negotiations with Serbia**

The Council approved the EU common position for the 12th meeting of the EU-Serbia Intergovernmental Conference. This position is in line with the application of the revised enlargement methodology to the accession negotiations with Montenegro and Serbia ([8536/21](#)). The common position will be made available to Serbia before the next meeting of the Accession Conference.

## **FISHERIES**

### **European Maritime, Fisheries and Aquaculture Fund**

The Council adopted its position at first reading on the regulation establishing the European Maritime, Fisheries and Aquaculture Fund (EMFAF) and amending Regulation (EU) 2017/1004. The Council's position will now be sent to the European Parliament for a second reading.

The aim of the regulation is to provide EU funding to support the Common Fisheries Policy (CFP), the Integrated Maritime Policy (IMP), and the EU's international commitments in the field of ocean governance ([9366/21](#) + [ADD 1](#) + [ADD 2](#), [6975/21](#) + [ADD 1](#)).

## **TRANSPORT**

### **Trans-European transport network in Georgia**

The Council approved the signing, on behalf of the EU, of a revised high-level agreement between the EU and Georgia for the adaptation of indicative maps of the trans-European transport network in Georgia (9320/21 REV 1).

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