



Brussels, 2 October 2012

BACKGROUND NOTE¹
EMPLOYMENT, SOCIAL POLICY, HEALTH
AND CONSUMER AFFAIRS COUNCIL
Luxembourg, 4 October 2012

The meeting, which will be exclusively dedicated to employment and social policy issues, will be chaired by Ms Sotiroula CHARALAMBOUS, Minister for Labour and Social Insurance of Cyprus. It will start work at 10.00 and finish with a working lunch.

With the exception of items under "Any other business", the meeting will be public and may be followed by video streaming at <http://www.consilium.europa.eu/videostreaming>.

*The Council will aim at reaching a general approach on a draft directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **electromagnetic fields**.*

*The Council is expected to reach a political agreement on the position to be taken by the EU within the respective association bodies established between the EU and **Albania, Montenegro, San Marino and Turkey** as regards the coordination of **social security** systems.*

*Within the framework of the Europe 2020 strategy and the new European governance, the Council will hold a debate on the evaluation of the annual monitoring of budgetary policies and structural reforms, known as the **European Semester**. Ministers are also expected to endorse contributions by the Employment Committee and the Social Protection Committee on this issue as well as the main features of a **social protection performance monitor**. In addition, they will take note of ongoing work on the principles of well-functioning **labour markets**.*

In addition, the Council is due to adopt conclusions on action to be taken:

- in favour of a **job-rich** economic **recovery** and better chances for Europe's **youth**, and*
- in order to prevent and tackle **child poverty** and social exclusion and promote children's well-being.*

*Finally, the Council will take note of the preparations for the **Tripartite Social Summit** to be held just before the European Council meeting on 18 October.*

¹ This note has been drawn up under the responsibility of the press office.

Over lunch, ministers will discuss the issue of mobility of workers ([14323/12](#)).

The presidency will hold a press conference at the end of the meeting, before the ministers' lunch (+/-13.00).

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*Video coverage for preview and download in broadcast quality (MPEG4):
<http://tvnewsroom.consilium.europa.eu>*

*Photos of the event can be found in our photographic library on
www.consilium.europa.eu/photo where they can be downloaded in high resolution.*

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Exposure of workers to electromagnetic fields

The Council will aim at reaching a general approach on a new directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields ([14020/12](#)), by which a directive adopted in 2004 on the same topic would be repealed.

One member state, in particular, still has major concerns about the method for exposure evaluation. While the directive provides for the internationally recognised "weighted peak method" as a reference method for exposure evaluation, that delegation requests more flexibility so as to allow for the use of other methods with less conservative results.

The revision of the 2004 directive has proved necessary as after the adoption of that directive, the medical community claimed that work with magnetic resonance imaging (MRI) would be hampered by the strict exposure limit values laid down in the text. Other industrial sectors also expressed concerns about the impact of the directive. As a result of these problems, the transposition of the directive into national law has been postponed twice, the last time until 31 October 2013, in order to allow the Commission, the Council and the European Parliament to amend the directive.

The new draft directive takes account of new scientific studies in order to review exposure limitations, in particular in the low frequency range, so as to avoid the difficulties encountered with the implementation of the 2004 directive, while ensuring a high level of worker protection. The text also addresses the problems encountered by introducing derogations from the exposure limitations for medical applications using magnetic resonance imaging and, in duly justified circumstances, upon authorisation by the member state and as long as limits are only temporarily exceeded, for specific industry sectors or activities. In both cases, however, protection against adverse health effects and safety risks must be ensured. The directive also enables the member states to authorise, on their territory, an equivalent or more specific protection system for the armed forces.

As the directive only defines minimum requirements, member states are free to maintain or establish stricter requirements.

In order to facilitate the implementation of the directive, the Commission will draw up a practical guide on the methods to be used.

The Commission presented its proposal in June 2012 ([11951/11](#)). The European Parliament has not yet determined its opinion.

Coordination of social security systems with Albania, Montenegro, San Marino and Turkey

The Council is expected to reach a political agreement on the position to be taken by the EU on provisions for the coordination of social security systems provided for by the association agreements or similar agreements between the EU and Albania, Montenegro, San Marino and Turkey ([13985/12](#), [13986/12](#), [13987/12](#) and [13988/12](#)). These provisions, which are to be adopted by the joint association bodies (Association Council, Stabilisation and Association Council or Cooperation Committee) with the four third countries, will give effect to the principles of limited coordination of social security systems contained in the agreements. The aim is to ensure that workers from the partner countries can receive certain social security benefits granted under the legislation of the member state where they are working or have worked. By way of reciprocity, this also applies to EU nationals working in those countries.

A number of member states have misgivings about the legal basis proposed for the decision regarding Turkey. This legal basis essentially deals with the freedom of movement for workers and has been chosen because the relevant agreement with Turkey sets the free movement of workers as a goal to be achieved progressively; this basis would entail application of the decision to all member states. The legal basis for the three other decisions, on the other hand, primarily refers to the rights of third-country nationals residing in the EU and would mean that these decisions will not apply to Denmark, Ireland or the United Kingdom. The delegations that are critical of the legal basis chosen for Turkey argue that this legal basis only applies to workers of the member states and point to the fact that two similar cases on the legal basis for agreements with third countries are still pending before the European Court of Justice. The Council is expected to issue a statement making it clear that no final decision can be adopted by the EU-Turkey Association Council as long as the Court has not given its rulings.

By adopting its position, the EU seeks to agree with the partner countries in particular on the export of certain benefits to one of the four partner countries as well as the granting of equal treatment to third country workers legally employed in the EU and to their family members legally residing with them in the EU. Reciprocal rights will apply to EU workers legally employed in one of the partner countries and to their family members.

These are issues not dealt with by regulation 1231/2010, which extended the EU legislation on the coordination of social security systems within the EU to nationals of third countries who were not already covered by the relevant EU provisions solely on the grounds of their nationality. The 2010 regulation includes the principle of aggregation of insurance periods acquired by third country workers in the various member states regarding entitlement to certain benefits, as set out in the agreements.

A first package of decisions with almost identical provisions, concerning six other third countries (Algeria, Croatia, Israel, the Former Yugoslav Republic of Macedonia, Morocco and Tunisia), was adopted by the Council in October 2010.

Europe 2020 and the new European governance

The Council will hold a debate on the evaluation of the employment and social policy aspects of the annual monitoring of budgetary policies and structural reforms, known as the **European Semester**, which came to a close on 10 July after approval by the Economic and Financial Affairs Council of the country-specific recommendations. The aim is to draw lessons from this year's European Semester and to provide guidance for the 2013 monitoring process, with a view to further improving and streamlining the EU governance cycle.

To steer the debate, the presidency drew up a paper ([13684/12](#)) inviting ministers to respond to a number of questions on how to improve:

- working methods for cooperation with the Economic and Financial Affairs Council in dealing with issues of EPSCO competence,
- the country-specific recommendations, their implementation and economic outcomes, and
- the time constraints and scheduling of the European Semester framework.

Ministers will base their discussions on, and are expected to endorse, contributions by the Employment Committee ([13685/12](#)) and the Social Protection Committee ([13722/12](#)), which summarise the 2012 European Semester monitoring in the fields of employment and social policy and outline recommendations for next year's exercise.

The Social Protection Committee highlights in its contribution the importance of improved coordination of social policies at EU level to achieve the comprehensive coordination of all the public policies which are mobilised to reach the Europe 2020 targets.

The Employment Committee, while noting considerable progress in enhancing its governance role, points in particular to the need to clarify the competences of the different bodies taking part in the European Semester cycle, to plan timing of work more carefully, and to improve cooperation between all parties involved.

The evaluation of the European Semester is an exercise which concerns both the EPSCO and the economic and financial affairs strands of the Council. The Economic and Financial Affairs Council already had a preliminary discussion in July and will undertake an in-depth review at its meeting on 9 October. Moreover, at its meeting of 24 September, the General Affairs Council also discussed improvements in the light of lessons learned.

The European Semester involves monitoring of the member states' economic, fiscal and employment policies, starting with the annual growth survey by the Commission, followed by guidance issued by the European Council for national policies and the presentation by member states of national reform programmes (economic and employment policies) and stability or convergence programmes (fiscal policies), and culminating in the adoption of country-specific recommendations by the Council after endorsement by the European Council.

Furthermore, the EPSCO Council will take note of the Employment Committee's ongoing work on the principles of well-functioning **labour markets** ([13686/12](#)).

In addition, the Council is due to endorse the main features of a "**social protection performance monitor**" ([13723/12](#)) designed to strengthen the monitoring of the social situation and the development of social protection policies in the EU. Essentially, this instrument, developed by the Social Protection Committee and the Commission, will consist of an overview of key social indicators, identifying social trends to watch common to several member states, and country profiles, looking at the specific social challenges and policy achievements in each member state. It will cover the three strands of the Open Method of Co-ordination between member states in the field of social policy: social inclusion, pensions and health-care and long-term care. A similar tool for the field of employment policies, the "employment performance monitor", was endorsed by the EPSCO Council at its meeting in June this year.

Towards a job-rich recovery

The Council is due to adopt conclusions calling for action in favour of a job-rich economic recovery, with an emphasis on addressing youth unemployment ([13907/12](#)). The conclusions are aimed at strengthening coordination and consistency of employment policy measures at national and EU level.

Member states are invited to step up job creation by encouraging labour demand, exploit the job creation potential of key sectors, restore the dynamics of the labour market through structural reform and invest in education and skills. Moreover, member states and the Commission are urged to facilitate labour mobility towards a European labour market, strengthen the link between policy and EU funding, enhance EU governance of employment policies and involve the social partners more closely.

The conclusions are a first response by the Council to the employment package presented by the Commission in April containing a set of measures to boost jobs and allow for a job-rich recovery ([9309/12](#)).

Child poverty and child well-being

The Council is due to adopt conclusions on action to be taken in order to prevent and tackle child poverty and social exclusion and promote child well-being ([13445/12](#)).

The conclusions call on the member states to maintain the existing political momentum to address child poverty and social exclusion in the context of the current economic crisis. They emphasise the need to develop a coordinated and integrated approach to addressing child poverty in a holistic manner, using adequate investment, developing data, involving stakeholders and mainstreaming child poverty and child well-being across relevant policy areas. The Commission is called upon to adopt a recommendation on child poverty as soon as possible and develop synergies between social inclusion and other policy areas. The conclusions are accompanied by a number of key messages presented by the Social Protection Committee in order to contribute to the preparation of the recommendation by the Commission.

The fight against child poverty and the promotion of child well-being are among the priorities included in the framework of the social dimension of the EU 2020 Strategy, notably in relation to the target on reducing poverty and social exclusion

Tripartite Social Summit

The Council will take stock of the preparations for the Tripartite Social Summit, which will take place on 18 October just before the European Council. As the European Council is due to review progress on the implementation of the compact for growth and jobs, the Social Summit will focus its exchange of views on how to promote growth, jobs and social inclusion and how the social partners can play a significant role in the improved EU governance.

The Social Summit brings together the troika of heads of state or government (the previous, current and forthcoming presidencies: this year Denmark, Cyprus and Ireland, accompanied by the respective employment ministers, the presidents of the European Council and the European Commission, the EU commissioner for employment and the presidents or general secretaries of the principal European employers' and trade union organisations. Employers will be represented by BusinessEurope and trade unions by the European Trade Union Confederation (ETUC).

The task of the Tripartite Social Summit is to ensure that there is a continuous social dialogue between the Council, the Commission and the social partners at the highest level.

Any other business

- Jobs for Europe-Employment Policy conference (Brussels, 6-7 September 2012)
 - Information from the Commission

 - European Social Fund (ESF) ([13978/12](#))
 - Information from the presidency on the state of play

 - The social dimension - Millennium Development Goals (post 2015) ([14367/12](#))
 - Requested by the French delegation
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