



An Roinn Gnóthaí Fostaíochta  
agus Coimirce Sóisialaí  
Department of Employment Affairs  
and Social Protection

# **Aire Gnóthaí Fostaíochta agus Coimirce Sóisialaí**

**Report by the Minister for Social Protection to the  
Oireachtas in accordance with the European Union  
(Scrutiny) Act 2002  
for the period  
1<sup>st</sup> July to 31<sup>st</sup> December 2020**

**16th July 2021**

## 1. Introduction

This report sets out the legislative and other significant developments at EU level in the social protection area during the period 1st July to 31<sup>st</sup> December 2020 in accordance with the European Union (Scrutiny) Act 2002.

The COVID 19 pandemic has impacted on the work of the Employment, Social Policy, Health and Consumer Affairs Council ([EPSCO](#)) since March 2020. On-site Council meetings have been cancelled and replaced by Informal Ministerial Video Conferences. Delays are therefore being experienced with legislation and there is an increased focus on progressing Council Conclusions by written procedures.

Most of the social protection activities at EU level fall within the ambit of EPSCO. The work of EPSCO also involves other activities for which a number of other Government Departments have responsibility and these Departments report separately on EPSCO developments in the following areas –

- Department of Children, Equality, Disability , Integration and Equality in relation to children, equality, disability, integration and anti-discrimination matters,
- Department of Enterprise, Trade and Employment in relation to employment matters, occupational health and safety and industrial relations matters
- Department of Education in relation to skills and training matters
- Department of Health in relation to healthcare matters, and
- Department of Housing on homelessness matters.

## 2. Legislative Developments

### 2.1 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 223/2014 as regards the introduction of specific measures for addressing the COVID-19 pandemic

In May 2020 this proposal was published as part of a package of changes proposed in the context of the Coronavirus pandemic, and of financial proposals also being progressed regarding the Multiannual Financial Framework (MFF) in view of introduction of specific measures for addressing the COVID 19 crisis. It will allow additional funds to be made available under the FEAD programme. It provides for additional commitments, both in 2020 and in the 2021-2022 period, and results in additional payments up to 2025.

The proposal also allows provisions that permit Member States to receive substantial pre-financing payments, and exemptions for them from providing a national contribution to the increased resources. There are also administrative changes, including an improvement in the electronic exchange system between Member States and the Commission. These changes will be financed under pillar one of the financial package, *“Supporting Member States to recover, repair and emerge stronger from the crisis”*.

#### Progress in Council

Discussions have been completed in Council and provisional agreement was reached with the European Parliament in December 2020 under the German Presidency.

### 2.2 Revision of EU Regulations on Coordination of Social Security Systems (COM (2016) 815)

In December 2016 the European Commission published proposals for the [revision of the EU Regulations on the Coordination of social security systems](#) (Regulations 883/2004 and 987/2009). These proposals focus on a number of areas of coordination where it is considered that improvements are required, i.e. –

- access to social benefits for economically inactive EU citizens,
- coordination of Long-Term Care Benefits,
- Unemployment Benefits for cross-border workers,
- Family Benefits which replace income during child-raising periods, and
- applicable legislation in the case of posted workers.

The proposals also provide for a number of technical amendments to the procedures of the recovery of social security benefits and contributions, cross-border data sharing and the calculation of benefits and costs to be reimbursed between Member States.

The Council agreed its overall [negotiation position](#) on these revisions in June 2018 (see [Report for January to June 2018](#) for further details) and the European Parliament adopted its [position](#) in December 2018.

The COVID 19 pandemic has impacted on progress on this file and hampered the work of the [Croatian Presidency](#) in the first half of 2020. The [German Presidency](#) took over in July 2020 and sought to progress the negotiations with European Parliament on the outstanding issues of Applicable Legislation and Unemployment Chapters. Although the [German Presidency](#) made a number of attempts to reach agreement between Council and Parliament, no significant progress was made.

The [Portuguese Presidency](#) made reaching an agreement to close these files a top priority.

### **2.3 Decision No 573/2014/EU to extend Cooperation between Public Employment Services**

The Public Employment Services Network (“PES Network”) was due to expire in December 2020.

Following the adoption by the European Council of the Europe 2020 Strategy for Jobs, the Council acknowledged the major role the PES can play in supporting the achievement of the Europe 2020 objectives to solve labour market challenges. In this regard, Decision No 573/2014/EU (June 2014) on enhanced co-operation between Public Employment Services established the PES Network until 31<sup>st</sup> December 2020.

The PES network comprises all 27 EU countries, Norway, Iceland and the European Commission and aims at reinforcing Public Employment Services capacity, effectiveness and efficiency through providing a platform for comparing their performance at European level; identifying good practices; and establishing a mutual learning system including the establishment of a benchlearning initiative. It also aims at giving the PES more opportunities to help develop innovative, evidence-based policies in line with relevant Union policy initiatives.

Following on from an evaluation of the effectiveness of the PES Network, a proposal to amend Decision No 573/2014/EU was adopted by the Commission in September 2019. The main aim of the proposed amendment is to extend the period of establishment of the Network until 31<sup>st</sup> December 2027.

Progress in Council – First-reading agreement was agreed with the European Parliament on 25<sup>th</sup> November.

#### **2.4 Directive (EU) 2016/2341 on the activities and supervision of institutions for occupational retirement provision (IORPs).**

The Commission was notified on 22<sup>nd</sup> October 2020 that Directive (EU) 2016/2341 on the activities and supervision of institutions for occupational retirement provision (IORPs) had been partially transposed<sup>1</sup>.

The Correlation table and the consolidated versions of the Pensions Act 1990 and all regulations made thereunder which were referenced in the concordance table were uploaded on the MNE system on the aforementioned date.

#### **2.5 Proposal for a COUNCIL RECOMMENDATION on A Bridge to Jobs - Reinforcing the Youth Guarantee and replacing Council Recommendation of 22 April 2013 on establishing a Youth Guarantee**

This proposal was published by the Commission on 1st July 2020. The proposal focuses on expanded the age bracket for the Youth Guarantee to include young people aged 25-29. The proposal also includes a distinction between temporary NEETs (Neither in Employment, Education or Training – perhaps laid off because of the Covid-19 pandemic, or newly entering the labour market during the crisis after finishing their education) and longer-term NEETs (often from vulnerable groups, with low education attainment, requiring extra efforts). This allows for a more individualised and targeted approach for both groups as the latter is likely to need more support. From the Irish perspective, the forthcoming Pathways to Work 2021-2025 strategy will commit to implementing the Guarantee. Please see page 17 of the Economic Recovery Plan: <https://www.gov.ie/en/publication/49b23-overview-of-economic-recovery-plan-2021/>

#### **2.6 The European Union (Posting of Workers) (Amendment) Regulations 2020 S.I 374 of 2020**

The European Union (Posting of Workers) (Amendment) Regulations 2020 S.I 374 of 2020 came into effect from 1<sup>st</sup> October, 2020.

This legislation transposed EU Directive 2018/957, which amends Directive 96/71/EC concerning the posting of workers in the framework of the provision of services.

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<sup>1</sup> The Directive was subsequently transposed in full on 27 April 2021 with the [European Union \(Occupational Pension Schemes\) Regulations 2021](#)

## **2.7 Council Decision on guidelines for the employment policies of the Member States**

A proposal for a Council Decision on guidelines for the employment policies of the Member States (COM (2020) 70) was published by the Commission on 26<sup>th</sup> February 2020. The Employment Guidelines present common priorities and targets for national employment policies.

The latest guidelines align with the Annual Sustainable Growth Strategy (ASGS) and in particular, the environmental sustainability dimension, reflecting the Stronger Social Europe for Just Transitions narrative and the integration of the United Nations Sustainable Development Goals (SDGs).

The original proposal submitted by the Commission was then further amended in order to address the consequences of the COVID-19 pandemic.

Following discussion with the Council and its preparatory bodies, having considered the opinions of the European Parliament, the European Economic and Social Committee, and the Employment Committee, and after consulting the Committee of the Regions, the Council adopted the employment guidelines for Member States on the 13<sup>th</sup> October 2020<sup>2</sup>.

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<sup>2</sup> [Council Decision \(EU\) 2020/1512](#)

### **3. Other Significant Developments**

#### **3.1 Brexit**

The work of the Department has focused on a number of measures to ensure that the existing social security arrangements with the United Kingdom would be maintained following its withdrawal from the European Union. These measures included the signing of a [Convention on Social Security](#) between the Governments of Ireland and of the United Kingdom on the 1<sup>st</sup> February 2019, to provide a legal basis to maintain the pre-existing arrangements with regard to the recognition of, and access to, social insurance entitlements in both jurisdictions (see [Report for January to June 2019](#) for further details).

The Convention on Social Security was given effect in domestic law at 11pm on the 31st December 2020, being the date and time at which the European Union acquis ceased to apply to the United Kingdom.

The Convention will ensure the maintenance of the status-quo, in matters of social security for Irish and United Kingdom citizens, under the Common Travel Area arrangements. Ireland on a unilateral basis and in keeping with our EU obligations, will extend the advantages of the Convention to Union citizens as required. The Convention will into the future, serve to supplement the provisions of the EU / UK Trade and Cooperation Agreement – Protocol on Social Security.

The Departments provisions within the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 are included within Part 14, which amends the Social Welfare Consolidation Act 2005, concerning reciprocal arrangements with other States, the recovery of benefits and assistance, and provides for references to the United Kingdom, to ensure the continuation of existing arrangements.

#### **3.2 Electronic Exchange of Social Security Information (EESSI)**

The EU provides [common rules](#) to protect a person's social security rights when moving within Europe. These rules, which are set out in EU Regulation No. 883/2004 and EU Regulation No. 987/2009 on the Coordination of Social Security Systems, provide that a person moving within Europe is only liable to pay social security contributions in one country. In addition, where a person has moved to work in another country, previous periods of insurance or work are taken into account, if necessary. In order to support these rules, it is necessary for the social security institutions in the different EU countries to cooperate closely and to exchange relevant information.

Whilst most exchanges were paper based which could result in long delays and information being sent to the wrong institution, particularly where there are large numbers of social security institutions operating in a Member State, this is now transitioning to electronic exchange of information. Therefore, in order to provide for a faster and more efficient exchange between the social security institutions, a new IT system was developed in partnership between the European Commission and EU countries.

The [Electronic Exchange of Social Security Information](#) (EESSI) system enables institutions to exchange information electronically and this will speed up exchanges between national social security institutions. EESSI allows institutions to handle individual cases more quickly and will facilitate a faster calculation and payment of benefits. The electronic exchange of information also introduces safeguards to ensure that the data is exchanged securely between institutions and that this data is correct and complete.

Work on implementing EESSI in Ireland continues, with electronic exchange of information being executed across all the social security sectors on some level. The final step in the rollout of EESSI continues into Q1 2021.

#### 4. Oireachtas Scrutiny of Relevant Proposals during July to December 2020

COM Number	Subject	Date Examined by Oireachtas Committee	Current update on Proposal
<b>COM(20) 277</b>	Proposal for a COUNCIL RECOMMENDATION on A Bridge to Jobs - Reinforcing the Youth Guarantee and replacing Council Recommendation of 22 April 2013 on establishing a Youth Guarantee		This proposal was published by the Commission on 1st July 2020.

## **5. Significant Developments Anticipated during the period from January 2021 to June 2021**

The European Commission Work Programme for 2021 issued on 21<sup>st</sup> October 2020 includes a number of initiatives in relation to the social protection matters. In the first half of the year the Commission is planning to develop an action plan for the implementation of the European Pillar of Social Rights, culminating in a Social Summit for Heads of State in May 2021.

In the first half of 2021 the Portuguese Presidency is expected to have a strong focus on the field of social policy and the work of the EPSCO Council. Some of the main priorities/themes that it will work to progress include:

- Adequate Minimum Wages Directive
- Action Plan for the Implementation of the European Pillar of Social Rights
- Child Guarantee Proposal
- Carcinogen & Mutagens at Work Directive

## 6. Some Useful Websites

Links to a number of relevant websites where further information may be obtained –

<p>Department of Employment Affairs and Social Protection:</p> <p>General Information</p> <p>Information on moving to or from Ireland</p> <p>Information on Brexit</p> <p>Previous 6-monthly reports to Oireachtas</p>	<p><a href="https://www.gov.ie/en/organisation/department-of-employment-affairs-and-social-protection/">https://www.gov.ie/en/organisation/department-of-employment-affairs-and-social-protection/</a></p> <p><a href="https://www.gov.ie/en/collection/76963b-living-and-working-conditions-in-ireland/">https://www.gov.ie/en/collection/76963b-living-and-working-conditions-in-ireland/</a></p> <p><a href="https://www.gov.ie/en/organisation-information/96847e-brexit-update-deasp/">https://www.gov.ie/en/organisation-information/96847e-brexit-update-deasp/</a></p> <p><a href="https://www.gov.ie/en/organisation-information/00f9c0-european-union-and-international-unit/">https://www.gov.ie/en/organisation-information/00f9c0-european-union-and-international-unit/</a></p>
<p>Department of Enterprise, Trade and Employment</p>	<p><a href="https://enterprise.gov.ie/en/">https://enterprise.gov.ie/en/</a></p>
<p>Department of Justice and Equality</p>	<p><a href="http://www.justice.ie/">http://www.justice.ie/</a></p>
<p>Department of Education and Skills</p>	<p><a href="https://www.education.ie/en/">https://www.education.ie/en/</a></p>
<p>Department of Health</p>	<p><a href="https://www.gov.ie/en/organisation/department-of-health/?referrer=/">https://www.gov.ie/en/organisation/department-of-health/?referrer=/</a></p>
<p>Employment and Social Affairs Committee of the European Parliament</p>	<p><a href="http://www.europarl.europa.eu/committees/en/empl/home.html">http://www.europarl.europa.eu/committees/en/empl/home.html</a></p>
<p>Employment, Social Policy, Health and Consumer Affairs Council (EPSCO)</p>	<p><a href="http://www.consilium.europa.eu/en/council-eu/configurations/epsco/">http://www.consilium.europa.eu/en/council-eu/configurations/epsco/</a></p>
<p>European Commissioner for Jobs and Social Rights</p>	<p><a href="https://ec.europa.eu/commission/commissioners/2019-2024/schmit_en">https://ec.europa.eu/commission/commissioners/2019-2024/schmit_en</a></p>

European Commission Directorate for Employment, Social Affairs and Inclusion	<a href="http://ec.europa.eu/social/home.jsp?langId=en">http://ec.europa.eu/social/home.jsp?langId=en</a>
European Labour Authority	<a href="https://ela.europa.eu/">https://ela.europa.eu/</a>
Government Brexit Information	<a href="https://www.gov.ie/en/campaigns/b2c18-getting-ireland-brex-it-ready/">https://www.gov.ie/en/campaigns/b2c18-getting-ireland-brex-it-ready/</a>
Presidency of the European Union: German Presidency	<a href="https://www.eu2020.de/eu2020-en">https://www.eu2020.de/eu2020-en</a>