

SECRETARIAT GENERAL

DIRECTORATE GENERAL I - HUMAN RIGHTS AND RULE OF
LAW

DIRECTORATE OF HUMAN RIGHTS

DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER



Strasbourg, 26 September 2019

MISSCEO(2019)5

**MUTUAL INFORMATION SYSTEM ON SOCIAL PROTECTION
OF THE COUNCIL OF EUROPE
(MISSCEO)**

21th Meeting
Strasbourg, 27 June 2019

MEETING REPORT

I. OPENING OF THE MEETING

Mr Jan Malinowski, Head of the Department of the European Social Charter, welcomed participants and gave an opening address. It was a particularly important time at the Council of Europe, following the recent election of a new Secretary General, Ms Marija Pejčinović Burić (Croatia) who would be replacing Mr Thorbjørn Jagland (Norway) on 18 September 2019. Mr Malinowski welcomed the fact that the report by the outgoing Secretary General for the Ministerial Session in Helsinki, 16-17 May 2019, referred to the Charter as one of the organisation's major legal instruments. Mr Malinowski underlined the importance of guaranteeing social rights as a fundamental aspect of human rights and drew attention to key challenges to be met to improve the effective access to rights, such as tackling poverty, ensuring resources, combating corruption, improving governance, dealing with the effects of the digital economy, and improving the sustainability of democracy. Mr Malinowski congratulated the participants in MISSCEO for their work and underlined the important role of the network in contributing to the effective delivery of social rights. He wished the network a successful meeting and looked forward to continued fruitful cooperation.

Ms Sheila Hirschinger, Coordinator of MISSCEO, thanked Mr Malinowski for his address and invited the two new correspondents, Ms Sanola Fočo (Bosnia and Herzegovina) and Mr Yaroslav Kononov (Russian Federation) as well as an additional participant, Ms Elena Borici (Albania), to introduce themselves. The list of participants appears in Appendix I.

II. ADOPTION OF THE AGENDA

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The agenda (see Appendix II) was adopted.

III. INFORMATION FROM THE SECRETARIAT

Ms Odeta Kumbaro-Bianku, Administrator, Department of the European Social Charter, presented information on recent Decisions of the European Committee of Social Rights under the Collective Complaints procedure related to the protection of children. The legally binding provisions of the Charter required children's access to quality services, including education, housing, health care and protection from poverty. Statistics showed high numbers of children in Europe living in poverty and governments needed to improve the effective implementation of the rights of the child. Citing recent Decisions of the Committee, she provided examples such as the right of migrant children to an alternative to detention; the right of children with disabilities to inclusive education; and the right of Roma children to decent housing. She briefly explained the Collective Complaints procedure under the Additional Protocol to the Charter, which aimed to improve dialogue between Governments, social partners and NGOs. Finally, she encouraged countries which had not yet done so to ratify the Additional Protocol and invited participants to consult the website of the Charter.

Ms Hirschinger presented information on other recent developments, referring to the publication of the Conclusions 2018 of the European Committee of Social Rights relating to labour rights under the European Social Charter (Press Conference, Brussels, 25 March 2019) and the meeting of the Governmental Committee of the European Social Charter and European Code of Social Security (Strasbourg, 13-17 May 2019). In the context of the 70th anniversary of the Council of Europe, a joint statement had been issued on 3 May 2019 by the Secretary General, President of the Parliamentary Assembly and Chairman of the Committee of Ministers, underlining the importance of common standards for member states, and referring to the important role of Charter. With regard to MISSCEO, all the tables for the 2018 edition had been entered into a new version of the database and the overview of trends in social protection had been published. Preparations for the 2019 edition were progressing well and she thanked the participants for their work.

IV. GENERAL COMMENTS ON COMPARABILITY

Professor Paul Schoukens, Consultant, mentioned the following aspects with regard to the updating of the tables:

- when updating information, it was important to copy the whole text of the cell into the second column and then indicate the changes, to ensure that all the information appeared in the database;
- concerning “basic principles”, the aim was to provide the external reader with the main aspects of the scheme and it was important not to go into too much detail;
- when reporting on “care”, information should be provided in the appropriate table and a cross reference, if necessary, to other tables. The main focus was on the scheme and access to care for citizens, as well as indicating, for example, if it was institutional care. To ensure clarity, it was advisable not to go into too many detailed descriptions;
- although improvements had been made, there still remained some difficulties when making a distinction between information on “maternity/paternity” and “paternal” benefits;
- attention was drawn to the need to be particularly careful when reporting on cumulation with income and other benefits;
- in some cases, countries had provided extensive updates, possibly due to a change in reporting procedure. It was only necessary to provide updated information where changes had occurred and it was not necessary to systematically update all the fields. If no changes had occurred, the information provided should remain the same.

V. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS

Correspondents presented recent developments covering many areas in their respective social protection systems. In most countries, pension reforms were underway, for example an increase in the pension age, adjustments to benefits and methods of calculation, as well as improved rights for the self-employed. Developments in social protection aimed to address inequalities, such as assistance to elderly persons with no means and low-income families. Improved conditions also applied for particular sectors involving arduous work and certain categories of workers, as well as specific incentives for small enterprises. Many other measures, such as the strengthening of social protection of children and improving eligibility criteria for family benefit, were reported. A number of specific projects and targeted assistance were underway, as well as developments in coordination agreements.

The secretariat thanked correspondents for their presentations and reminded them to send their texts by e-mail in order for the consultant to prepare an overview of the evolution of social protection systems.

VI. DEVELOPMENTS IN MISSOC AND RELEVANT UPDATES OF THE MISSCEO TABLES

i. Current developments in MISSOC

On behalf of the MISSOC Secretariat, Mr Schoukens presented information on current developments in MISSOC following its meeting in Bucharest (23-24 May 2019), which concerned the revision of the Guidelines for Table I “Financing”. The aim of the revision was to ensure clarity, completeness and comparability of information in the table. A new introduction and some new categories would be introduced to convey information in such a way as to minimise repetition in the other tables as well as improving consistency. A main aim of the new structure was to start with a description of the general system and basic principles, and limit the information for each risk to differences from the general system. An overview was provided of specific issues which had been addressed, such as the extent of general information on financing of the system, and the relative importance of social contributions

and taxation. A focus of discussions was also on reporting on overall social contributions and risk specific principles. The emphasis of the new Guidelines was to improve the way information is presented, with the aim of reducing as far as possible the need to report on a risk-by-risk basis.

The Secretariat thanked Mr Schoukens for the powerpoint presentation, which would be sent to the MISSCEO participants.

ii. Updating of the MISSCEO Tables/Manual

The Secretariat presented a draft revised MISSCEO Correspondents Manual for Table XI: "Guaranteed Minimum Resources", based on the revised MISSOC Guidelines. The main aim of the new version was to improve clarity, provide a fuller explanation in the introduction and make a clearer distinction between the schemes applying to everyone and those for particular groups. The focus of the table mainly concerned schemes applying to everyone. There was a more specific definition of entitlement and setting of minimum level of resources, as well as the requirement of more detailed information in some areas. Some categories had been renamed, as indicated in the draft Manual, and a new category on other supplements, such as energy, education, had been introduced.

The Secretariat would send the draft Correspondents Manual to MISSCEO participants following the meeting for comment, with the aim of applying the revised version the following year.

VII. UPDATING OF THE APPENDIX TO MISSCEO TABLES ON SOCIAL PROTECTION OF SELF-EMPLOYED

Participants were invited to discuss a draft structure for the Appendix to MISSCEO tables on social protection of self-employed (see Appendix 3), which had been drawn up on the basis of recent developments in MISSOC. The main aim was to provide information in a more structured manner in the categories of Definition / Coverage / Financing / Conditions for access / Benefits / Taxation and social contributions on benefits. In each category, there were a number of questions relating to further details, such as the type of scheme (universal/residence based or insurance based), and source of financing. The network agreed to update the Appendix on social protection of self-employed, taking into account the new structure.

Mr Schoukens explained that an important aspect was to distinguish self-employed persons from employees in the social protection system, and to explain the type of system with regard to coverage (whether the self-employed are covered by the general system or part of a specific scheme). He pointed out that, in many countries, governments had implemented activation policies for the self-employed, and it had become increasingly important to gather information on social protection in this area.

A discussion was held on aspects raised, in particular, concerning the challenges of new forms of work.

VIII. COMPARATIVE EXERCISE

The comparative exercise concerned Table X (Unemployment) and correspondents were split into groups to discuss the information extracted from the 2018 database, with a view to comparison.

The first group (Albania, Azerbaijan, Bosnia-Herzegovina and the Republic of Moldova) pointed out instances where new legislation had recently been introduced. Regarding entitlement, in all four countries it was necessary to be registered as an unemployed person in the national system, and there were no particular schemes for partial unemployment or for older unemployed persons. Some similarities between countries were observed regarding the social security scheme as well as variations, for example, relating to contributions, levels, coverage and conditions for benefits.

The second group (North Macedonia, Montenegro, and the Russian Federation) observed that information was of a similar nature for North Macedonia and Montenegro. The Russian Federation

had a different scheme and it was suggested that the information under basic principles could be developed for better clarity. Regarding information concerning severance pay in the case of redundancy which appeared under main conditions, it could be more appropriate to report on this elsewhere in the table.

The third group (Serbia, Turkey and Ukraine) also pointed out that, for all three countries, there were no special schemes for partial unemployment or for older unemployed persons. The information generally was clearly presented and easy to understand, although an observation was made concerning some data that was missing. Reference was made to information on benefits relating to newly created jobs under basic principles and this could possibly be placed elsewhere in the table. Differences were also referred to between the countries concerning coverage of workers in the public sector.

A discussion was held on a number of aspects raised.

IX. PLANNING OF THE 2019 AND 2020 EDITIONS

MISSCEO(2019)3

1. The following time schedule for the preparation of the 2019 edition was agreed:
 - The MISSCEO correspondents would aim to revise their national contributions in the light of the discussions held at the meeting and the consultant's comments, by mid-September 2019;
 - The final version of national contributions would be submitted by the consultant to the secretariat by the end of September 2019;
 - The MISSCEO data would be sent for translation into French by October 2019;
 - The data in English would be entered by the secretariat into the database by December 2019;
 - The French version of the data would be entered into the database in January 2020.
2. The following time schedule for the preparation of the 2020 edition was proposed. The information in the tables should reflect the situation on 1 January 2020:
 - The secretariat would request the national contributions in January 2020;
 - The MISSCEO correspondents would update their national contributions by mid-April 2020;
 - The comments on the national contributions would be ready by mid-June 2020;
 - The 22nd MISSCEO meeting would take place on 2 July 2020 (tbc);
 - The MISSCEO correspondents would revise their national contributions in the light of the discussions held at the annual meeting and the comments of the consultant, by mid-September 2020;
 - The final version of national contributions would be ready after supervision by the consultant and the secretariat by mid-October 2020;
 - The data would be sent for translation into French in October 2020;
 - The English version of the data would be entered into the database by December 2020;

- The French data would be uploaded in January 2021.

X. ANY OTHER BUSINESS

Professor Schoukens informed the network that, as from the end of the current year, he would no longer be in a position to carry out the role of consultant for the MISSCEO network. The correspondents and Secretariat thanked him warmly for his work, expressing appreciation for his important contribution, valuable expertise and commitment to the network over many years, and hoped there would be opportunities for further cooperation in the future.

XI. DATE AND PLACE OF THE NEXT MEETING

The 22nd meeting of MISSCEO was scheduled for 2 July 2020 in Strasbourg (to be confirmed).

APPENDIX I

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APPENDIX II

AGENDA

Morning (9:30-12:30)

- I. OPENING OF THE MEETING
- II. ADOPTION OF THE AGENDA
- III. INFORMATION FROM THE SECRETARIAT
- IV. GENERAL COMMENTS ON COMPARABILITY
- V. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS

Afternoon (14:00-17:30)

- VI. DEVELOPMENTS IN MISSOC AND RELEVANT UPDATES OF THE MISSCEO TABLES
- VII. UPDATING OF THE APPENDIX TO MISSCEO ON SOCIAL PROTECTION OF SELF-EMPLOYED
- VIII. COMPARATIVE EXERCISE
- IX. PLANNING OF 2019 AND 2020 EDITIONS OF MSSCEO
- X. ANY OTHER BUSINESS
- XI. DATE AND PLACE OF THE NEXT MEETING

APPENDIX III

PROPOSED STRUCTURE FOR THE APPENDIX TO MISSCEO TABLES ON SOCIAL PROTECTION OF SELF-EMPLOYED

The information on the **social protection of the self-employed** gives a short overview of the situation as regards the coverage, in particular, ways in which the arrangements for the self-employed differ from those for employees. The texts can refer to the MISSCEO comparative tables in case the schemes for the self-employed are similar to those for employees.

Definition:

- a. What is the definition of self-employment in respect of the social protection system in your country?
- b. How are self-employed distinguished from employees in the social protection system?
- c. What is the main legislation which defines the distinction between the self-employed and employees for purposes of social protection coverage?
- d. Are different types of self-employed distinguished in the social protection legislation?
- e. Are any specific “new” forms of self-employment (such as working on a sub-contracting basis for a single employer or group of employers or working independently on a part-time or casual basis) that differ from more “traditional” forms recognised in the social protection legislation?

Coverage:

- a. Are the self-employed covered by the general scheme which also covers employees or by a different specific scheme? If there is no scheme for the self-employed, please state “no scheme for the self-employed”.
- b. Is the system/scheme for self-employed universal/residence based or insurance based? Is the scheme compulsory or voluntary?
- d. If the scheme is insurance based, are there any conditions which the self-employed have to comply with (eg earnings above a minimum level, specified n° of hours per week).
- e. Is the way that contributions are calculated and the rate applied the same or different from those of employees? If different, please give brief details.

Financing:

Please indicate for each scheme the source of finance (social contributions, general taxation or other public funding)

Conditions for access:

Are the conditions for entitlement to benefits the same as for employees or different? If different please give brief details.

Benefits (amounts, duration, co-payments):

Are the benefits the same as those for employees or different in terms of level, duration and any co-payments required? If different, please give brief details.

Taxation and social contributions on benefits:

- a. Is the tax regime applied to benefits for the self-employed the same as for employees or different? If different, please give brief details.
- b. Are the regulations applying to social contributions payable on benefits for the self-employed the same as for employees or different? If different, please give brief details.