

SECRETARIAT GENERAL

DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 30 August 2017

MISSCEO(2017)6

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

19th Meeting

Strasbourg, 29 - 30 June 2017

MEETING REPORT

I. OPENING OF THE MEETING

Ms Hirschinger, Coordinator of MISSCEO, opened the meeting and welcomed participants. She invited Ms Belaj, Correspondent for Albania, and Mr Yagmur, Correspondent for Turkey, who were new to the network, to introduce themselves.

The list of participants appears in Appendix I.

II. ADOPTION OF THE AGENDA

MISSCEO(2017)1

MISSCEO(2017)2

The agenda, which appears in Appendix II, was adopted.

III. INFORMATION FROM THE SECRETARIAT

Ms Malagoni, Administrator, Department of the European Social Charter, provided information regarding the Conclusions 2016 of the European Committee of Social Rights (ECSR) on the articles of the European Social Charter ("Charter") in the thematic group "Employment, training and equal opportunities", and mentioned some of the issues related to non-conformity as well as areas where progress had been identified. She also provided information concerning the preparation of the 2017 Conclusions which concerned the thematic group "Health, social security and social protection", and explained the main criteria that were applied when assessing the conformity of the national situations with the Charter's requirements, in particular with regard to the provisions on social security.

Ms Hirschinger provided information on other recent developments at the Council of Europe which were of relevance to the MISSCEO network. The Secretary General of the Council of Europe had addressed an Opinion to the President of the European Commission in December 2016 on the European Pillar of Social Rights, in the context of the EU's consultation process. The Opinion referred to incorporating the provisions of the Charter into the Pillar as a common benchmark for states, and acknowledgement of the contribution of the collective complaints procedure to the effective realisation of rights established in the Charter. A conference on "Social rights in today's Europe: the role of domestic and European Courts" had been held in Nicosia, Cyprus, 24 February 2017, organised by the Supreme Court of Cyprus and the Council of Europe in the framework of the Cypriot Chairmanship of the Council of Europe's Committee of Ministers. The Governmental Committee of the European Social Charter and the European Code of Social Security, at its meeting on 15-19 May 2017, approved the draft Resolutions on application of the European Code of Social Security ("Code"), drawn up on the basis of the ILO Conclusions, to be submitted to the Committee of Ministers for adoption. During its meeting, the Governmental Committee welcomed the signature of the Code by Ukraine on 10 November 2016.

In the context of promotion of the Code, a presentation of the treaty was given at a meeting on non-accepted provisions of the European Social Charter, Helsinki, 15 June 2017, organised with the Ministry for Foreign Affairs of Finland. With regard to other activities, the third meeting of the CoE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights took place on 10 September 2016 in Belgrade, Serbia. A Conference on "Social and economic rights for the forcibly displaced persons during the conflicts in former Yugoslavia" jointly organised by the Council of Europe and the United Nations High Commissioner for Refugees (UNHCR), had been organised in Sarajevo, Bosnia and Herzegovina, on 27 and 28 June 2017.

Further information is available on the website (www.coe.int/socialcharter).

IV. INFORMATION ON MISSCEO

Ms Hirschinger gave a brief overview of work carried out by MISSCEO since the last meeting. The comparative tables for 2016 in English and French had been published online (www.coe.int/socialcharter/missceo), as well as the "MISSCEO Info 2016" document on recent

trends and development in national social protection systems, prepared by Professor Paul Schoukens, Consultant, on the basis of contributions from correspondents. Concerning the 2017 edition of MISSCEO, most of the updated contributions had been received and were undergoing revision by the consultant. Ms Hirschinger thanked the correspondents and the consultant for their valuable contribution to the MISSCEO network.

V. GENERAL COMMENTS ON COMPARABILITY

Mr Schoukens provided comments on the following aspects:

- following the updating of the 2017 manual and the refining of categories in Table XII “Long-term care”, in line with changes in MISSOC, it was important to be particularly careful and check that information correctly reflected the updated manual. For example, some problems had arisen in understanding the meaning of “long-term care” and how the level of dependency was measured. As there were often different ways of measuring the need for support, which may differ from those used to measure invalidity or work capacity, it was important to ensure that the correct approach was applied;
- attention was also drawn to understanding concepts, such as “informal care”. When categories had been broken down into sub-categories, such as home-care, semi-residential and residential care, it was important to understand the differentiation between the categories and only put in the information if it was applicable. It was also important to ensure that the information provided fitted the meaning of the category, for example, “cost-sharing” or “user-choice”;
- another main area requiring particular attention concerned the literal translation of laws, which had given rise in some cases to difficulties in comprehension. Suggestions for rephrasing had been made in order to provide a more understandable translation, or an additional sentence to make the law clearer;
- difficulties may also arise when correspondents receive input from other sources in the government, in particular with regard to presentation of the information;
- some difficulties were also observed when reporting on changing pensions systems, and it was important to explain formulas when referring to calculation methods.

A discussion was held on aspects which had been raised.

Mr Schoukens would be contacting correspondents directly concerning particular issues in the tables.

VI. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS

Information was provided by correspondents concerning the evolution of the national social protection systems in their countries. The presentations covered a range of themes, which included developments with regard to the automation of social protection systems, e-services, simplification of administrative procedures, and improved targeted assistance. Positive results had been identified such as more efficient services for beneficiaries, less abuse of the system and increased accountability. Legislative amendments in the context of pension reforms had been introduced to ensure financial sustainability of the system through, for example, an increase in the pension age. Measures had also been taken to improve the situation of beneficiaries and increase the level of pensions. In the field of health, legislation amendments had been introduced with a view to helping vulnerable people with payment and measures had been taken to reduce insurance premiums in view of improving access to healthcare. Initiatives were also underway to upgrade and modernise the health system. In the field of labour and employment, there were a number of improvements with regard to access to work, determination of the minimum wage and integration of disabled persons. There were also developments with regard to self-employment and combating the informal sector. A number of strategies and programmes focused on the reduction of poverty and help for the most vulnerable categories of society, such as assistance with regard to energy consumption.

The secretariat thanked the correspondents for their presentations and asked them to provide a written version, if they had not already done so, as the consultant would use the information to prepare a document on evolution of national social protection systems for publication on the website.

The consultant mentioned that the document would focus on developments which were underway, rather than strategies for the future that were not yet implemented. He also referred to the challenge for governments due to new labour forms as there was often a lack of social protection, for example, for people not in a traditional workplace.

VII. INFORMATION ON COORDINATION INSTRUMENTS

The Secretariat recalled that this item had been discussed in previous meetings and tables on coordination instruments had been filled in by correspondents, on the basis of a model. The completed tables were distributed to participants at the meeting and a discussion was held on particular aspects. Mr Schoukens expressed appreciation for the way in which the tables were filled in, and drew attention to the importance of providing information in a clear and harmonised way. For example, reference could be made to multilateral instruments and the agreement which applied to the CIS could be mentioned by all countries concerned. The same approach could also apply to agreements in the context of the former Yugoslavia. Mr Schoukens also asked correspondents to check that there were no major contradictions between the information appearing in their own table compared with the other tables. He would resolve some specific issues on an individual basis. The Secretariat would ask correspondents to send final versions of the tables, with a view to putting the information on the website accompanied by an introductory paragraph.

The network agreed, as proposed by Mr Schoukens, that a periodic updating of the tables on coordination instruments on a three year basis would be appropriate. If a correspondent wished to indicate particular changes to their table during the three year period, they could provide the Secretariat with an updated version.

VIII. CHANGES TO MISSCEO TABLES AND CORRESPONDENTS' MANUAL

MISSCEO (2017) 5

Correspondents were invited to discuss a draft new structure, as set out in MISSCEO (2017) 5, which concerned Table IV (Maternity/Paternity) and Table IX (Family) as these tables were closely linked, and Table VI (Old-age) and Table VII (Survivors) which were also closely related. The Secretariat had prepared the draft structures and an updated Manual, for the 2018 MISSCEO edition, on the basis of the updated MISSOC guides. The MISSOC Secretariat, represented by Ms Sementini and Mr Ward, provided explanations to identify the main changes. For example, Table IV, now referred to 'maternity/paternity leave and benefit' (instead of just 'cash benefits') and included 'flexibility and transferability' of leave. It was pointed out that changes had often been introduced to improve consistency with other tables, and the guides had been updated to improve clarity. Some categories were deleted to avoid duplication as the information appeared elsewhere. Mr Schoukens considered that most of the changes were an improvement as they better explained the information to be provided, for instance, a clearer difference between maternity/paternity benefits and family benefits, and he also referred to some challenges in applying a new structure.

A discussion was held on the proposed changes, on a category by category basis, and participants agreed on the text to apply in the updated Manual. The Secretariat, in liaison with the consultant, would prepare the revised draft version of the Manual, with the changes highlighted, and send it to participants following the meeting. The MISSCEO network agreed to apply the new structure and the revised Manual, as from 2018.

IX. INFORMATION ON MISSOC

Ms Sementini, Coordinator of MISSOC, provided an overview of developments in MISSOC which concerned the update of the MISSOC tables, the update of social security guides and the

methodological work on guidelines. Work on the comparatives tables, which were updated twice a year, was underway. The January 2017 update should be online by mid-July, and the update at July 2017 would be published in January 2018. Concerning the social security guides, which are updated on an annual basis, the last update took place on 1 January 2016 and work was underway to finalise the January 2017 update, which would be available by September. Regarding the methodological work on the guidelines, Tables IV (Maternity/Paternity) and IX (Family) had been finalised and the revised versions were implemented in the January 2017 update. Table X (Unemployment) was also under review and would be finalised at the next meeting in November. The next set of guidelines to be reviewed concerned Table XI (Guaranteed minimum resources), which would also be discussed in November. Work was underway on social protection of the self-employed as the current description in MISSOC had a number of weaknesses, for example, the information was not presented in a consistent way. A template for a new table on self-employed was being drafted to ensure comparability and completeness of information.

Mr Ward, MISSOC Project Director, explained the background to the work regarding the self-employed and presented the template which covered many aspects, such as the definition of self-employment, how the self-employed are distinguished from employees with regard to social protection, new forms of self-employment, financing, coverage and access to benefits. He also explained the review of the Guidelines to Table X (Unemployment), which had the main objective of making the information clearer, more complete and comparable. The introduction to the table was extended to clarify the meaning of terms, and new categories and questions had been added, such as those related to redundancy compensation and benefits for the long-term unemployed. A peer review exercise was introduced for Table X, which helped identify issues for revision. The revised table was also discussed in Working Groups and would be finalised in November 2017.

The Secretariat thanked Ms Sementini and Mr Ward for the very comprehensive presentation and a discussion took place on some of the aspects raised.

X. COMPARATIVE EXERCISE

The comparative exercise concerned Tables V (Invalidity) and VIII (Employment injuries and occupational diseases) and correspondents were split into groups to discuss the information extracted from the 2016 database, with a view to comparison.

The first group (Albania, Armenia and the Russian Federation) observed in Table V that there were no main differences in the systems between Armenia and the Russian Federation, as the underlying approach to social protection was similar with 3 groups of invalidity and a similar method of calculation. The system in Albania was completely different, with full and reduced invalidity, but no groups and different methods of calculation. Regarding suspension of benefit, the full invalidity pension could be suspended in certain circumstances in Albania which was not the case in the other countries. Concerning Table VIII, the basic principles were alike. It was observed that there were many laws listed for the Russian Federation, and it may be useful to rephrase some of the laws to make them more understandable.

The second group (Azerbaijan, Georgia and Montenegro) mentioned, with regard to Table V, the different types of legislation that were applicable and pointed out that Georgia applied a Resolution defining the social package. Moreover, it was observed that the basic principle of a social insurance scheme applied in Azerbaijan and Montenegro, while in Georgia the social package applied for all permanent residents. Some similarities between the countries were observed, such as the field of application, however differences were seen with regard to conditions and the degrees of disabilities as well as methods for determining the amount of the benefit. With regard to Table VIII, observations were made with regard to employer responsibility and various approaches were identified.

The third group ("the Former Yugoslav Republic of Macedonia", Turkey and Ukraine) observed in Table V that there were various approaches to providing information under basic principles as well as a number of other reporting differences, such as information on the self-employed. In some

cases, reference to the self-employed appeared under the field of application or other categories, whilst other countries only provided the information in the Annex on self-employed. Some reporting differences were also identified concerning work related and non-work related benefits, and it was pointed out that consultation of the manual would be useful during the comparative exercise. Regarding the calculation, where a coefficient was mentioned, it would be useful to provide an explanation. With regard to Table VIII, similarities were observed in the basic principles. In some instances, cross-reference was made to other tables however this approach was not adopted by all countries.

A discussion was held on a number of aspects raised.

XI. PREPARATION OF THE 2017 EDITION

MISSCEO(2017)3

The preparation of the 2017 tables was confirmed as follows:

- The information in the tables should reflect the situation on 1 January 2017.
- The MISSCEO correspondents would revise their national contributions in the light of the discussions held at the meeting and the consultant's comments, by 22 September 2017;
- The final version of national contributions would be submitted by the consultant to the Secretariat by 13 October 2017;
- The data would be sent for translation into French in October 2017;
- The English version of the data would be entered by the Secretariat into the Council of Europe database in December 2017;
- The French version of the data would be entered into the database in December 2017/January 2018.

XII. PLANNING OF THE 2018 EDITION

MISSCEO(2017)4

The following time schedule for the preparation of the 2018 edition was agreed:

- The information in the tables should reflect the situation on 1 January 2018.
- The Secretariat would request the national contributions in January 2018;
- The MISSCEO correspondents would update their national contributions by 6 April 2018;
- The consultant's comments on the national contributions would be ready by 18 May 2018;
- The 20th MISSCEO meeting would take place on 21-22 June 2018 in Strasbourg (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 21 September 2018;
- The final version of national contributions would be ready after supervision by the consultant and the Secretariat by mid-October 2018;
- The data would be sent for translation into French in October 2018;

- The English version of the data would be entered into the Council of Europe database by December 2018;
- The French data would be uploaded in December 2018/January 2019.

XIII. DATE AND PLACE OF THE NEXT MEETING

The 20th meeting of MISSCEO was scheduled for 21-22 June 2018 in Strasbourg (tbc).

APPENDIX I

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APPENDIX II

AGENDA

THURSDAY, 29 JUNE 2017

- I. OPENING OF THE MEETING
- II. ADOPTION OF THE AGENDA
- III. INFORMATION FROM THE SECRETARIAT
- IV. INFORMATION ON MISSCEO
- V. GENERAL COMMENTS ON COMPARABILITY
- VI. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS
- VII. INFORMATION ON COORDINATION INSTRUMENTS
- VIII. CHANGES TO THE MISSCEO TABLES AND CORRESPONDENTS' MANUAL

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- IX. INFORMATION ON MISSOC
- X. COMPARATIVE EXERCISE
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- XII. PLANNING OF THE 2018 EDITION
- XIII. ANY OTHER BUSINESS
- XIV. DATE AND PLACE OF THE NEXT MEETING