



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 January 2006

15574/05

LIMITE

**PV/CONS 70
SOC 507
SAN 211
CONSOM 53**

DRAFT MINUTES ¹

Subject : **2699th** meeting of the Council of the European Union (**EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS**), held in Brussels on 8 and 9 December 2005

¹ Information relating to the final adoption of Council acts which may be released to the public may be found in Addendum 1 to these minutes.

CONTENTS

Page

1.	Adoption of the agenda.....	4
2.	Approval of the list of "A" items	4
3.	Informal meeting of Heads of State and Government, Hampton Court	4
4.	Demography and Human Capital.....	4
5.	Examination of National Reform Programmes	5
6.	Amended proposal for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time	5
7.	Amended proposal for a Decision of the European Parliament and of the Council establishing a Community Programme for Employment and Social Solidarity – PROGRESS	5
8.	Amended proposal for a Directive of the European Parliament and of the Council on the implementation of the principle of equal treatment of men and women in matters of employment and occupation (recast version)	6
9.	Proposal for a Directive of the European Parliament and of the Council on improving the portability of supplementary pension rights	6
10.	Human health aspects of Pandemic flu.....	7
11.	Proposal for a Regulation of the European Parliament and of the Council on medicinal products for paediatric use.....	8
12.	Commission's Green paper: Improving the mental health of the population. Towards a strategy on mental health for the European Union.....	8
13.	Other business	
	(a) Annual follow-up to the Beijing Platform	8
	(b) Information on Presidency conferences.....	9

(c) Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007	10
(d) Memorandum of understanding between the European Commission and China on cooperation on employment and social affairs.....	10
(e) Proposal for a Decision of the European Parliament and of the Council establishing a Programme of Community action in the field of Public Health and Consumer Protection 2007-2013	10
(f) Health inequalities and patient safety	10
(g) A coordinated approach to the fight against HIV/AIDS in the European Union and the neighbouring countries	11
(h) Council Public Health Working Party meeting at senior level.....	11
(i) Commission High Level Group on Health Services and Medical Care	11
(j) Framework Convention on Tobacco Control	11
(k) International Health Regulations.....	11
 Annex I.....	 12
Annex II.....	14
Annex III.....	15

* * *

1. Adoption of the agenda

15270/05 OJ CONS 69 SOC 491 SAN 203 CONSOM 51

The Council adopted the above agenda.

2. Adoption of the list of "A" items

15332/05 PTS A 59

The Council approved the list of "A" items contained in 15332/05, with the exception of item 6.

Addendum 1 to these minutes gives information on items 9, 12, 13 and 14 on that list.

3. Informal meeting of Heads of State and Government, Hampton Court, 27 October 2005

– **Oral information from the Presidency**

The Council took note of a brief oral report from the Presidency on the outcome of the Hampton Court meeting.

4. Demography and Human Capital

– **Policy debate**

(Public debate)

15189/05 SOC 483

= **Green Paper "Confronting demographic change: a new solidarity between the generations"**

7607/05 SOC 139 ECOFIN 109 FSTR 18 JEUN 16 MIGR 12

The Council held a public debate on the basis of the questionnaire presented by the Presidency (15189/05). As an input to the debate, the Council heard a report from the Employment Committee Chair, Mr Maarten CAMPS, on the Committee's work on human capital.

The Commissioner informed the Council that the Commission was working on a Communication to follow-up the Green Paper and that the Council's debate would serve as valuable input to the Commission's work.

5. Examination of National Reform Programmes

– Report from Chairman of the Employment Committee

The Council took note of an oral report presented by the Chair of the Employment Committee, Mr Maarten CAMPS, on the examination of the employment aspects of the National Reform Plans and of the initial findings of the Committee.

6. Amended proposal for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time

**– (poss.) Political agreement
(Public deliberation)**

9554/05 SOC 244 SAN 94 TRANS 108 MAR 84 CODEC 441
15264/05 SOC 489 SAN 201 TRANS 270 MAR 165 CODEC 1130
+ ADD 1
15266/1/05 SOC 490 SAN 202 TRANS 271 MAR 166 CODEC 1131 REV 1
OC 918
15388/05 SOC 498 SAN 210 TRANS 279 MAR 168 CODEC 1146 OC 931

The Council held an in-depth debate on the basis of the report from the Permanent Representatives Committee (15266/1/05 REV 1) and of the Presidency's compromise proposal (15388/05).

The Presidency concluded that, while progress had clearly been made on a number of issues, it was unfortunately not possible to reach agreement at the present time.

7. Amended proposal for a Decision of the European Parliament and of the Council establishing a Community Programme for Employment and Social Solidarity – PROGRESS

**– Partial political agreement
(Public deliberation)**

13691/05 SOC 413 ECOFIN 326 CADREFIN 214 CODEC 936
14653/05 SOC 444 ECOFIN 359 CADREFIN 242 CODEC 1042 OC 851
+ COR 1 (en,it)
+ COR 2
+ REV 1 (it)
+ REV 2 (lv)
+ ADD 1

The Maltese, Polish and UK delegations having lifted their parliamentary scrutiny reservations and the German, Italian, Latvian and Slovak delegations having lifted their linguistic scrutiny reservations on the text of the partial political agreement, the Council

reached unanimously (with the German delegation abstaining) partial political agreement (excluding Article 17 on funding) on the text of the Decision as set out in Annex I of 14653/05 + COR 1 (en, it) + COR 2 + REV 1 (it) + REV 2 (lv) + ADD 1.

The Council agreed to enter the three statements to be found in Annex I in the minutes of the Council.

8. Amended proposal for a Directive of the European Parliament and of the Council on the implementation of the principle of equal treatment of men and women in matters of employment and occupation (recast version)

– **Political agreement
(Public deliberation)**

11865/05 SOC 329 CODEC 686

14878/05 SOC 461 CODEC 1083 OC 876

+ ADD 1

+ ADD 1 COR 1 (en)

+ ADD 1 COR 2 (de, it, nl, el, es, sv, et, lv, hu, pl, sl)

+ ADD 1 EXT 1 (lt,sk)

The Council reached unanimous political agreement on a common position in the context of a negotiated text with the European Parliament, as set out in 14878/05 ADD 1 + ADD 1 COR 1 (en) + ADD 1 COR 2 (de, it, nl, el, es, sv, et, lv, hu, pl, sl) + ADD1 EXT 1 (lt, sk).

The Council agreed to enter in its minutes a Statement by the Council and one by the Commission, as set out in Annex II.

The Council instructed the Permanent Representatives Committee to proceed with the legal/linguistic revision of the text with a view to formal adoption of the common position as an "A" point at a future session of the Council.

9. Proposal for a Directive of the European Parliament and of the Council on improving the portability of supplementary pension rights

– **Information from the Commission**

– **Information from the Presidency**

13686/05 SOC 412 ECOFIN 324 CODEC 933

The Council took note of the information given by the Commission and by the Presidency in respect of this proposal for a Directive.

10. Human health aspects of Pandemic flu

– Policy debate/Council conclusions

15205/05 SAN 199 AGRILEG 189 RELEX 720 DEVGEN 242 PROCIV 197
VETER 21

15210/05 SAN 200 AGRILEG 190 RELEX 721 DEVGEN 243 PROCIV 198
VETER 22

15123/05 SAN 195 AGRILEG 186 RELEX 706 PESC 1086 COASI 145 COTRA 12
COEST 207 COCON 23 DEVGEN 239 PROCIV 195 USA 87 COMER 177
VETER 19 TITULAIRES 12

The Council held a policy debate based on three questions of the Presidency (see 15210/05) and discussed the steps to be taken both at national and EU level to prepare for a possible outbreak of human pandemic influenza.

The debate covered the following issues:

- Sharing of information and co-ordination (e.g. between Member States, the Commission, the European Centre for Disease Prevention and Control and with the World Health Organisation) on the communication to the public about pandemic influenza. The need for clear and evidence-based information was particularly stressed.
- The specific contribution of EU action, especially research and development programmes, in preparing for a pandemic.
- Other specific actions at EU level that Member States believe would add value to work already in hand to improve both production capacity, and access to antivirals and vaccines. The Commission announced that it would prepare a draft discussion paper outlining the main issues and questions on the possibility of the EU holding a targeted strategic stockpile of antivirals.

At the close of the debate, the Presidency drew its conclusions as contained in 15648/05 SAN 212 AGRILEG 197 RELEX 756 DEVGEN 251 PROCIV 210 VETER 24.

11. Proposal for a Regulation of the European Parliament and of the Council on medicinal products for paediatric use

– **Political agreement
(Public deliberation)**

13880/04 ECO 168 SAN 157 CODEC 1166

14487/05 ECO 138 SAN 175 CODEC 1019

14865/05 ECO 145 SAN 188 CODEC 1078

The Council reached political agreement, by qualified majority², on a draft Regulation of the European Parliament and of the Council on medicinal products for paediatric use (14865/05).

The Common Position will be formally adopted at a later Council meeting following finalization of the text by the legal-linguistic experts.

The Council agreed to enter into the Minutes of the meeting one Council statement as well as statements by the Latvian delegation (supported by the Belgian delegation), the Polish delegation and the German delegation. These are set out in Annex III.

12. Commission's Green paper: Improving the mental health of the population. Towards a strategy on mental health for the European Union

– **Exchange of views**

13442/05 SAN 154

15108/05 SAN 194

The Commission presented the Green Paper published in October 2005 (13442/05). The Presidency invited Member States to contribute to the consultation on the Green Paper.

13. Any other business

(a) Annual follow-up to the Beijing Platform

– **Information from the Presidency**

15241/05 SOC 488 ONU 106

The Presidency presented to the Council its statement made at the conclusion of the Ministerial meeting on gender equality in Birmingham on 9 November 2005.

² The Polish Delegation voted against the proposal.

(b) Information on Presidency conferences:

- **The Future of Occupational Safety and Health in the EU**
15399/05 SOC 500

The Presidency presented a note on the conference organised in Liverpool on 18 and 19 October 2005, aimed at identifying the key themes that might form the framework for the next EU Occupational Safety and Health (OSH) strategy 2007-2012.

- **Corporate social responsibility**
15401/05 SOC 501

The Presidency presented to the Council its report on the conference held in December on Investing in the future: corporate social responsibility and the finance sector.

- **Round table on poverty and social exclusion**
15223/05 SOC 487
= **Information from the Presidency**

The Presidency presented a note on the European Round Table Conference on Social Inclusion: 'Halfway to Lisbon' held in Glasgow 17th and 18th October. The 2005 Roundtable focused on taking stock of progress towards the Lisbon objectives and on highlighting the areas which are crucial to their achievement.

- **4th European meeting of Persons in a situation of poverty, Brussels, 10-11 June 2005**
= **Information from the Luxembourg delegation**
14384/05 SOC 435

The Luxembourg delegation presented to the Council a note on the Fourth meeting of persons experiencing poverty, which was held in Brussels on 10 and 11 June 2005, with the support of the European Commission, the Belgian and Austrian Governments and the European Anti Poverty Network (EAPN).

- (c) **Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions**
- **Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007**
15144/05 SOC 482
= Information from the Commission
15398/05 SOC 499

The Commission presented its Action Plan on Disability 2006-2007, the priorities of which revolve around an independent life style for disabled people in an enlarged Europe. It also presented a note on its Communication of 28 November 2005 setting out guidelines to assist it in meeting the concerns of citizens and enhance the visibility of its actions in this field.

- (d) **Memorandum of understanding between the European Commission and China on cooperation on employment and social affairs**
- **Information from the Commission**
15369/05 SOC 497 RELEX 735

The Commission informed the Council that, at the Annual Summit between the European Union and China held on 5 September 2005, Commissioner Špidla signed a cooperation agreement between the Commission and the Chinese Ministry of Labour and Social Security.

- (e) **Proposal for a Decision of the European Parliament and of the Council establishing a Programme of Community action in the field of Public Health and Consumer Protection 2007-2013**
- **Progress report**
13984/05 SAN 165 CONSOM 47 CADREFIN 229 CODEC 977

The Council took note of the progress report prepared by the Presidency. The Commission underlined the need for appropriate funds to implement the Programme.

- (f) **Health inequalities and patient safety**
- **Information note from the Presidency**
15087/05 SAN 193

The Council took note of the written information by the Presidency on its activities concerning the above subject.

- (g) **A coordinated approach to the fight against HIV/AIDS in the European Union and the neighbouring countries**
– **Information from the Commission**
15299/05 SAN 205

The Council took note of the written information by the Commission. The Commission announced that a communication on this topic would be adopted in 2006.

- (h) **Council Public Health Working Party meeting at senior level**
– **Report from the Presidency**
15281/05 SAN 204

The Council took note of the report presented by the Presidency.

- (i) **Commission High Level Group on Health Services and Medical Care**
– **Information from the Commission**
15177/05 SAN 198

The Council took note of the written information by the Commission.

- (j) **Framework Convention on Tobacco Control**
– **Information from the Commission**
15300/05 SAN 206

The Council took note of the written information by the Commission.

- (k) **International Health Regulations**
– **Information from the Commission**
15301/05 SAN 207

The Council took note of the written information by the Commission.

=====

Ad item 7 : PROGRESS

1. Statement by the Council : re Articles 1-16 and 18-20

"The Council has reached a partial political agreement on Articles 1 to 16 and 18 to 20. The Council states that this agreement is partial and provisional insofar as it does not cover the provisions of the Commission proposal concerning the financial framework of the programme set out in Article 17.

The financial provisions in Article 17 will be decided on once the financial perspectives for 2007-2013 have been adopted and will be in conformity with them. If this requires a modification of the provisions of the programme, the Council will review the relevant parts of the political agreement and adapt them as necessary."

2. Statement by the Commission : re Article 10

"The Commission states that, in accordance with Article 10 of its proposal for a Decision establishing the PROGRESS programme, non-governmental organisations set up at national level in the Member States may take part in the programme."

3. Statement by the Commission on the decision making process for the distribution of the budget between the different sections of the programme

"The Commission notes that the Council unanimously wishes to maintain the management committee procedure for the distribution of the budget between the five different sections of the programme.

In this regard, the Commission recalls that it has accepted the European Parliament's first reading amendments which aim at ensuring that the decision on the financial allocation to each of the sections of the programme is part of the annual budget procedure. In fact, the Commission considers that these amendments make the allocation of the budget more transparent and more consistent with the role of the budgetary authority, as defined by the Treaty. It has modified its proposal accordingly.

The Commission reserves the right to return to this issue at Second Reading, in the light of the amendments adopted by the Parliament."

Ad item 8 : Recast Directive**1. Statement by the Council**

"The Council shares the European Parliament's commitment to improving the situation regarding reconciliation between work and private life in order to achieve equality between women and men in working life. It is therefore pleased that the European Commission plans to take up the theme of women's employment and work-life balance as the central part of its Third Annual Report to Heads of State and Government on equality between women and men, to be presented to the Spring European Council in March 2006.

In this context, the Council takes note of the importance that the European Parliament attaches to the subject of parental leave."

2. Statement by the Commission

"The Commission is committed to the promotion of parental leave as an instrument of paramount importance in order to achieve full equality between men and women in working life. It is determined to ensure that the conditions of reconciliation between work and private life are improved through the proper implementation of the parental leave Directive and the monitoring of its sufficiency and effectiveness.

Therefore the Commission intends to designate the area of reconciliation between work and private life as one of its priority objectives in the roadmap for equality between women and men which is currently under discussion and will be adopted in the near future. In that context it is foreseen to carry out an analysis of the situation concerning all areas of reconciliation including parental leave, flexible working arrangements and care facilities with a view to developing policy responses where appropriate. The initiation of an exchange of views with the social partners will constitute an element of these activities."

Ad item 11 : Medicinal products for paediatric use

1. Statement by the Council

"The Council states that the funding referred to in Article 39a must be consistent with the financial perspectives in force for the period commencing in 2007."

2. Statement by the Latvian delegation

"Latvia welcomes the draft proposal, which aims at increasing development of high quality medicines for use in children. Latvia agrees that a system of rewards and incentives is also necessary to achieve this objective.

At the same time Latvia is of the opinion that rewards and incentives should be commensurable with the costs, incurred by manufacturers and result in the lowest possible impact on state budget and patients. Latvia's main concern is that the provisions of Articles 36-38 of the Regulation will not ensure the above mentioned and could lead to unjustified increase of price of medicines thus decreasing accessibility to new high quality medicines for children.

Latvia welcomes the inclusion of Article 49.4 in the Regulation and looks forward to the evaluation of the results of the application of Articles 36-38 within six years of entry into force of this Regulation."

3. **Statement by the Polish delegation**

"Poland shares a general objective of the Regulation, which is to promote the development of research into medicines for children, and considers that every effort should be made to provide the paediatric population with medicinal products that are proven to be safe and effective. In our opinion, it is particularly important to ensure full access to paediatric medicines - including those which are refundable under the national health care scheme - at the earliest possible stage.

Consequently, the extension of protection periods for original products, as proposed in Articles 36, 37 and 38 of the Regulation, is impossible for Poland to accept since it delays the marketing of cheaper generic products, thereby restricting patients' access to pharmacotherapy and increasing expenditure in national health care budgets. Poland considers that this conflicts with the overriding aim of this Regulation, which is to provide children in Europe with safe and effective medicines. Poland therefore votes against political agreement on a common position concerning the proposal for a Regulation.

Poland awaits a review of the system of rewards and incentives pursuant to Articles 36, 37 and 38, and trusts that the functioning of such a system will be analysed in detail within six years of the entry into force of this Regulation. Poland will welcome any amendments which guarantee the proportionality of the system of rewards and incentives and ensure that greater consideration is given to the costs of treatment borne by patients and national budgets."

4. **Statement by the German delegation**

"In addition to the Council's Statement concerning funding, Germany states that the funding referred to in Article 39a must also be consistent with the Community Regulations for funding research."
