



**COUNCIL OF  
THE EUROPEAN UNION**



15140/04 (Presse 338)

**PROVISIONAL VERSION**

## **PRESS RELEASE**

2624th Council Meeting

### **Employment, Social Policy, Health and Consumer Affairs**

Brussels, 6-7 December 2004

President

**Mr Hans HOOGVORST**

Minister for Health, Welfare and Sport

**Mr Aart Jan DE GEUS**

Minister for Social Affairs and Employment

of the Netherlands

# **P R E S S**

---

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 285 8716 / 6319 Fax: +32 (0)2 285 8026  
[press.office@consilium.eu.int](mailto:press.office@consilium.eu.int) <http://ue.eu.int/Newsroom>

15140/04 (Presse 338)

1  
**EN**

## **Main Results of the Council**

The Council reached political agreement on a draft European Parliament and Council Directive on minimum health and safety requirements regarding the exposure of workers to the risks arising from optical radiation.

The Council endorsed general approaches on a draft Directive on the implementation of equal treatment of men and women in matters of employment and occupation (recast version) and on a draft Decision aligning the duration of two programmes in the field of equality between men and women with the end of the current financial perspectives (31 December 2006).

The Council adopted a Decision implementing a Joint Action on the European Union Police Mission (EUPM) in Bosnia and Herzegovina fixing a financial amount of EUR 17,4 million to cover operational running costs in 2005.

The Council adopted two Regulations prohibiting the production, importation and distribution of medals and tokens similar to the euro coins for commercial purposes.

The Council adopted EU common positions with a view to the next Accession Conferences with Bulgaria and Romania.

The Council adopted a Regulation fixing, for the 2005 fishing year, guide prices and Community producer prices for certain fishery products.

**CONTENTS<sup>1</sup>**

<b>PARTICIPANTS.....</b>	<b>5</b>
--------------------------	----------

**ITEMS DEBATED**

HEALTH .....	7
--------------	---

– Fight against HIV/AIDS .....	7
– Medicinal products for paediatric use.....	9
– Nutrition and health claims on foods.....	11
– Emerging Zoonotic Diseases - Council conclusions .....	12

EMPLOYMENT AND SOCIAL POLICY.....	15
-----------------------------------	----

– Workers health and safety – Optical radiation .....	15
– Working time.....	16
– Migration and integration.....	18
– Social Policy Agenda in the context of the Lisbon Strategy.....	19
– Equality between men and women – Employment and occupation (recast version) .....	21
– Equality between men and women – Action programmes.....	22
– Beijing Platform for Action.....	23
– Other Business.....	28

**OTHER ITEMS APPROVED**

*EXTERNAL RELATIONS*

– Korea - Framework agreement - EU enlargement.....	29
---	----

<sup>1</sup>

- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

*EUROPEAN SECURITY AND DEFENSE POLICY*

- EU Police Mission in Bosnia and Herzegovina - Budget for 2005.....29

*ECONOMIC AND FINANCIAL AFFAIRS*

- Euro coins .....29

*EUROPEAN ECONOMIC AREA*

- European Aviation Safety Agency - Iceland, Liechtenstein and Norway .....29

*ENLARGEMENT*

- Bulgaria and Romania - Accession Conferences.....30

*FISHERIES*

- Guide Prices 2005 .....31

*APPOINTMENTS*

- Committee of the Regions .....31

## **PARTICIPANTS**

The Governments of the Member States and the European Commission were represented as follows:

**Belgium:**

Mr Rudy DEMOTTE  
Ms Freya VAN DEN BOSSCHE

Minister for Social Affairs and Public Health  
Minister for Employment

**Czech Republic:**

Mr Michael VÍT  
  
Mr Zdeněk ŠKROMACH

Deputy Minister for Health with responsibility for Public Health Protection  
Deputy Prime Minister and Minister for Labour and Social Affairs

**Denmark:**

Ms Henriette KJÆR  
Mr Claus Hjort FREDERIKSEN

Minister for Social Affairs and Equal Opportunities  
Minister for Employment

**Germany:**

Ms Ulla SCHMIDT  
Mr Gerd ANDRES

Federal Minister for Health and Social Security  
Parliamentary State Secretary to the Federal Minister for Economic Affairs and Labour

**Estonia:**

Mr Marko POMERANTS

Minister for Social Affairs

**Greece:**

Mr Nikitas KAKLAMANIS  
Mr Panos PANAGIOTOPOULOS

Minister for Health and Social Solidarity  
Minister for Employment and Social Protection

**Spain:**

Ms Elena SALGADO MÉNDEZ  
Mr Jesús CALDERA SÁNCHEZ-CAPITÁN

Minister for Health and Consumer Affairs  
Minister for Labour and Social Affairs

**France:**

M. Xavier BERTRAND  
  
M. Gérard LARCHER

State Secretary for Health Insurance, attached to the Minister for Health and Social Protection  
Minister with responsibility for Labour Relations, attached to the Minister for Employment, Labour and Social Cohesion

**Ireland:**

Mr Peter GUNNIG  
Mr Tony KILLEEN

Deputy Permanent Representative  
Minister of State at the Department of Enterprise, Trade and Employment (with special responsibility for Labour Affairs including Training)  
Minister for Social and Family Affairs

Mr Séamus BRENNAN

**Italy:**

Mr Girolamo SIRCHIA  
Mr Roberto MARONI

Minister for Health  
Minister for Labour and Social Policy

**Cyprus:**

Mr Christos TALIADOROS

Minister for Labour and Social Insurance

**Latvia:**

Mr Eduards STIPRAIS

Deputy Permanent Representative

**Lithuania:**

Mr Romualdas SABALIAUSKAS  
Ms Vilija BLINKEVIČIŪTĖ

Undersecretary, Ministry of Health  
Minister for Social Security and Labour

**Luxembourg:**

Mr Mars DI BARTOLOMEO  
Mr François BILTGEN

Minister for Health and Social Security  
Minister for Labour and Employment, Minister for  
Culture, Higher Education and Research, Minister for  
Religious Affairs

**Hungary:**

Ms Ferencné JAKAB  
Mr Gábor CSIZMÁR

Honorary State Secretary, Ministry of Health  
Minister for Labour and Employment

**Malta:**

Mr Louis DEGUARA

Minister at the Ministry of Social Affairs, with  
responsibility for Public Health and Social Services

**Netherlands:**

Mr Johannes Franciscus HOOGERVORST  
Mr Aart Jan de GEUS  
Mr Henk van HOOFF

Minister for Health, Welfare and Sport  
Minister for Social Affairs and Employment  
State Secretary for Social Affairs and Employment

**Austria:**

Ms Maria RAUCH-KALLAT  
Mr Martin BARTENSTEIN

Federal Minister for Health and Women  
Federal Minister for Economic Affairs and Labour

**Poland:**

Mr Paweł SZTWIERTNIA  
Mr Rafał BANIAK

Deputy State Secretary, Ministry of Health  
Deputy State Secretary, Ministry of Social Policy

**Portugal:**

Mr Luís Filipe PEREIRA  
Mr Luís Miguel PAIS ANTUNES

Minister for Health  
State Secretary for Work, attached to the Minister for  
Economic Activities and Work

**Slovenia:**

Ms Marjeta JAGER  
Mr Janez DROBNIČ

Deputy Permanent Representative  
Minister for Labour, the Family and Social Affairs

**Slovakia:**

Mr Ján GAJDOŠ  
Mr Ľudovít KANÍK

Deputy Minister of Health  
Minister for Labour, Social Affairs and the Family

**Finland:**

Ms Nina VASKUNLAHTI  
Ms Tarja FILATOV

Deputy Permanent Representative  
Minister for Labour

**Sweden:**

Mr Morgan JOHANSSON

Mr Hans KARLSSON

Minister at the Ministry of Social Affairs, with  
responsibility for Public Health and Social Services  
Minister at the Ministry of Industry, Employment and  
Communications, with responsibility for Working Life

**United Kingdom:**

Mr John HUTTON  
Mr Gerry SUTCLIFFE

Mr Chris POND

Minister of State for Health  
Parliamentary Under-Secretary of State for Employment  
Relations, Competition and Consumers  
Parliamentary Under-Secretary of State, Department for  
Work and Pensions

**Commission:**

Mr Markos KYPRIANOU  
Mr Vladimír ŠPIDLA

Member  
Member

**ITEMS DEBATED**

**HEALTH**

– ***Fight against HIV/AIDS***

The Council held a debate on the need of a *coordinated approach to the fight against HIV/AIDS in the European Union and the neighbouring countries*, on the basis of some questions suggested by the Presidency (15192/04).

Following the Dublin<sup>1</sup> and Vilnius<sup>2</sup> Declarations adopted at the end of the “*Breaking the Barriers – Partnership to fight HIV/AIDS in Europe and Central Asia*”<sup>3</sup> and “*Europe and HIV/AIDS – New challenges, New Opportunities*”<sup>4</sup> conferences, respectively, as well as the Commission working paper “*Coordinated approach to combat HIV/AIDS in the EU and its neighbourhood*”<sup>5</sup>, containing the Commission's commitments to address the current situation, Council's debate was aimed at obtaining guidance on future steps for action to combat the disease.

It resulted from the debate that a European policy to combat HIV/AIDS seemed to be justified in a moment when such a dangerous disease is not yet under control (in Eastern Europe, Asia and also within the EU) and affecting new and especially vulnerable target groups (women and children).

It was further recognised that, for this combat, the EU should use its resources effectively, in particular, to foster research to develop a vaccine (namely, from the 7th Framework Programme for research and technological development). The advantages of collaboration between Member States in this field were particularly underlined so as to complement efforts and avoid duplication.

---

<sup>1</sup> See [http://europa.eu.int/comm/health/ph\\_threats/com/aids/docs/dublin\\_decl.pdf](http://europa.eu.int/comm/health/ph_threats/com/aids/docs/dublin_decl.pdf)

<sup>2</sup> See [http://europa.eu.int/comm/health/ph\\_threats/com/aids/ev\\_20040916\\_en.htm](http://europa.eu.int/comm/health/ph_threats/com/aids/ev_20040916_en.htm)

<sup>3</sup> Dublin, Ireland , 23-24 February 2004.

<sup>4</sup> Vilnius, Lithuania, 17 September 2004.

<sup>5</sup> See [http://europa.eu.int/comm/health/ph\\_threats/com/aids/docs/ev\\_20040916\\_rd01\\_en.pdf](http://europa.eu.int/comm/health/ph_threats/com/aids/docs/ev_20040916_rd01_en.pdf)

Some of the issues further raised during the debate:

- accessibility of therapies;
- role of education in order to modify individuals' behaviour;
- need of combating discrimination/isolation;
- sharing good practices: a number of Member States identified positive results from their experiences in applying certain measures, such as substitution of needles.



– ***Medicinal products for paediatric use***

The Council took note of the presentation by the Commission of a recently submitted proposal for a Regulation on medicinal products for paediatric use (13880/04) and held a preliminary exchange of views.

The proposal responds to needs addressed in a Council Resolution of December 2000<sup>6</sup>, calling on the Commission to submit proposals concerning the development of clinical research to ensure the availability on the EU market of medicines fully adapted to the specific needs of children.

The main objective of the proposal is to improve child health, while, at the same time, removing obstacles to the intra-Community trade of paediatric medicinal products. To this aim, it contains a combination of obligations and incentives, the main obligation being the demand to provide a paediatric investigation plan as part of the procedure to obtain market authorisation. Incentives are provided through prolonged exclusive rights or, for off-patent medicines, the introduction of a new type of marketing authorisation (called PUMA).

The proposed system covers medicinal products for human use within the meaning of the Directive on the Community code relating to medicinal products for human use.

The proposal also introduces some amendments to the Regulation creating a supplementary protection certificate for medicinal products<sup>7</sup>, the Directive on the Community code relating to medicinal products for human use<sup>8</sup> and Regulation laying down procedures for the authorisation and supervision of medicinal products<sup>9</sup>, all made in full compliance with the EU clinical trials Directive<sup>10</sup>.

---

<sup>6</sup> See press release 14517/00.

<sup>7</sup> Regulation (EEC) No 1768/92 (OJ L 182, 2.7.1992, p. 1), as last amended by the Act of Accession 2003.

<sup>8</sup> Directive 2001/83/EC (OJ L 311, 28.11.2001, p.67), as last amended by Directive 2004/27/EC (OJ L 136, 30.4.2004, p. 34).

<sup>9</sup> Regulation (EC) No 726/2004 (OJ L 136, 30.4.2004, p. 1).

<sup>10</sup> Directive 2001/20/EC (OJ L 121, 1.5.2001, p. 34).

Objectives of the proposal are:

- to guarantee that medical products used to treat children are based on high quality research;
- to certify that medical products used for treating children are duly authorised;
- to improve information concerning the use of specific medicines for children;

while avoiding unnecessary clinical trials in children.

– ***Nutrition and health claims on foods***

Pending the European Parliament's opinion, the Council took note of a progress report on the state of play of the examination carried out until now on a proposal for a Regulation on nutrition and health claims made on foods (11646/03).

The Council further held an exchange of views aimed at giving guidance for future work, specially focussing on:

- a) the role of regulatory and other Community measures in ensuring proper information that enables the consumer to make healthy food choices, in the context of the overall Community strategy to fight public health threats, such as obesity and overweight;
- b) the concept of "*nutrient profiles*", as an instrument to helping the consumer at making healthy food choices.

*Nutrient profile* would set out the conditions which a food would have to respect in order to bear a claim, so as to ensure that the health or nutrition information given through that claim is indeed contributing to the consumers' healthy diet.

Community harmonisation of rules aims at ensuring a high level of consumer and public health protection, while removing obstacles to the proper functioning of the internal market and to the free movement of foods arising from the co-existence of different national legislation.

The food industry has responded to an increased interest of consumers in the information appearing on food labels, by highlighting the nutritional value of products through claims in their commercial communication (labelling, presentation and advertising).

In order to avoid misleading consumers and to ensure the proper use of claims as a marketing tool, the draft Regulation intends to only allow health claims<sup>11</sup> clear and meaningful to the consumer, subject to certain conditions and following an independent scientific assessment and Community authorisation. The person marketing the food should be able to justify the use of the claim.

The draft Regulation covers foods to be delivered as such to the final customer or supplied to restaurants, hospitals, schools, canteens and other mass caterers.

---

<sup>11</sup> Claim is a message stating, suggesting or implying that a food has particular characteristics; health claim is a claim stating, suggesting or implying that a relationship exists between a food and health; nutrition claim is a claim which states, suggests or implies that a food has particular nutrition properties due to its caloric value or its nutrients (e.g. "low in fat", "rich in vitamin C", "high in protein").

– ***Emerging Zoonotic Diseases - Council conclusions***

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION:

1. NOTES that zoonoses and in particular emerging zoonotic diseases may present a grave threat to health.
2. NOTES FURTHER that scientists indicate that an influenza pandemic is likely to occur.
3. RECOGNISES that factors which increase the risks to emerging zoonotic diseases include increasing global travel, international movements of animals, climate change, the encroachment of expanding human and animal populations on previously wild habitats, and the close daily proximity of people and animals in several parts of the world.
4. RECOGNISES also that because of free movement of people, services and goods within the European Union, the public health risks from emerging zoonotic diseases can not only be regarded as a national problem.
5. RECOGNISES the efforts by the Member States and the Commission to take effective measures at national level and to coordinate such measures at European level, including additional surveillance and control of major zoonoses.
6. RECALLS the relevant legislation and the work accomplished in that context including:
  - Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community.
  - Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

- Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents and Regulation n° 2160/2003 of the European Parliament and the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents.
  - Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004, establishing a European Centre for Disease Prevention and Control.
7. ACKNOWLEDGES the conclusions for Europe of the report of the WHO/FAO/OIE joint consultation on emerging zoonotic diseases (3-5 May 2004 Geneva Switzerland) stating among others that:
- there is a need for integration of public health and animal health policies with respect to disease surveillance, early warning and response and control;
  - there is a need for more support for building public health and veterinary core capacities, including basic training and education, database templates and standards and risk-assessment, -management and -communication skills.
8. WELCOMES the initiative of the Netherlands' Presidency for a policy conference on a European Response to Emerging Zoonotic Diseases on 16 and 17 September 2004.
9. CONSIDERS that there should be more widespread recognition that emerging zoonotic diseases are an important national, European and global problem.
10. RECOGNISES that there is a sense of urgency for the strengthening of the European approach both from the Community point of view as well as in relation to the worldwide problem of zoonoses and that support at global level is necessary to the efforts of WHO, OIE, FAO and Codex Alimentarius to develop effective responses.
11. AGREES that public health risks from emerging zoonotic diseases require an integrated strategy and a coordinated response of all Member States, capable of facing the scale and complexity of this threat.

12. CONCLUDES that a European Action Plan for zoonoses preparedness and control should be established in order to implement an inter-sectoral and responsive Community strategy to emerging threats from zoonotic diseases. Such a Plan should include integrated public health and animal health policy measures and related instruments, taking account of the recommendations of the Netherlands' Conference in the fields of risk assessment, risk management and risk communication.
13. WELCOMES the intention of the Commission to propose a European Action Plan for zoonoses preparedness and control.
14. INVITES the Commission and the Member States to make full synergistic use of existing agencies such as the European Food Safety Authority, the European Centre for Disease Prevention and Control and the European Environment Agency, ensuring coherence of their work, in the implementation of such a Plan.
15. CALLS ON Member States and the Commission to review where appropriate the legal and financial obstacles to properly address emerging zoonotic diseases and develop an approach in such manner that, on a day to day basis, risk assessment, risk management and risk communication - including intersectoral cooperation and networking of laboratories - are guaranteed in an integrated way.
16. CALLS ON the Member States and the Commission to coordinate research activities aiming to address challenges in the prevention and management of zoonotic diseases, in particular for the purpose of the seventh Framework Programme for Research and Technological Development.
17. INVITES the European Food Safety Authority, in close cooperation with the European Centre for Disease Prevention and Control, to present on the basis of the annual Community report on zoonoses a detailed analysis about risk factors.
18. CALLS ON the Member States and the Commission to intensify the cooperation with the relevant international and intergovernmental organisations, in particular the WHO, the OIE, the FAO and the Codex Alimentarius, to ensure effective international coordination of activities in the area of zoonotic diseases, including, where appropriate, in the framework of the International Health Regulations. To this aim there should be more focus on technical and financial support in capacity building of developing countries for the control and eradication of zoonoses in animals."

**EMPLOYMENT AND SOCIAL POLICY**

– ***Workers health and safety – Optical radiation***

The Council reached political agreement on a draft European Parliament and Council Directive on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents, concerning optical radiation (14979/04).

The draft Directive:

- lays down *minimum health and safety requirements* regarding the exposure of workers to the risks arising from optical radiation with the objective of achieving harmonisation of control regimes between Member States;
- seeks to do so by relying upon the well-accepted guidelines for restrictions on exposure that have been produced by *the International Commission for Non-Ionising Radiation Protection (ICNIRP)*. These scientifically-based guidelines are designed to prevent the acute and long-term effects to the eyes and the skin that can occur at extremely high levels of exposure.
- places a range of duties on *employers*, including the requirements to assess risk, reduce exposure, undertake health surveillance and provide information and training to workers;
- the *workers* to whom this Directive will apply include, for example, those working with lasers and electrical welding equipment, those in the steel and glass industries and those working in artificial tanning businesses.

The draft text is intended to be the fourth and last separate Directive following the decision in 1999 to split the Commission's original proposal for a Directive on minimum health and safety requirements regarding the exposure of workers to the risks arising from four different physical agents<sup>12</sup>. Separate Directives on mechanical vibration, noise and electromagnetic fields have already been adopted.

After its finalisation in all Community languages, the text as agreed will be adopted in the form of a common position, without further debate, at a forthcoming Council's meeting, and to be sent to the European Parliament with a view to its second reading.

---

<sup>12</sup> COM(92) 560 final SYN 449

– ***Working time***

The Council made progress on three key issues of the proposal for a Directive of the European Parliament and the Council amending Directive 2003/88/03 concerning certain aspects of the organisation of working time, presented by the Commission in September 2004.

It is recalled that the Commission proposal aims essentially at:

- a) introducing legal certainty, following the recent European Court of Justice judgements concerning the definition of "working time"<sup>13</sup>, by introducing the concepts of "on-call time" and "inactive part of on-call time" into the Directive.
- b) reviewing the provisions of Directive 2003/88/EC, concerning:
  - the possibility of and conditions for derogating from the reference period for the application of the maximum weekly working time<sup>14</sup>;
  - the possibility of and conditions for derogating from the maximum weekly working time, if the worker so agrees ("opt-out provision").

The first issue concerns the possibility of extension of the reference period for the calculation of the maximum working week (48 hours) from 4 to 12 months.

While the standard reference period should remain 4 months, as in the current Directive, the Council agreed on a provisional basis on an option being given to the Member States to extend it to 12 months on the grounds of objective or technical reasons or reasons concerning the organisation of work, subject to compliance with the general principles of protection and health of workers and provided there is consultation of the social partners concerned.

---

<sup>13</sup> SIMAP, C-303/98, ECR 2000, p. I-07963 and Jaeger, C-151/02, not yet published.

<sup>14</sup> Directive 2003/88/EC sets a weekly working time average (48 hours) to be calculated over a reference period (4 months).



The second issue on which the Council made progress concerns "on-call time", *i.e.* the period during which a worker has to be available at the workplace in order to be in a position to carry out his activity or duties, at the employer's request.

The Council had to take account of the European Court of Justice's judgements in the SIMAP and Jaeger cases in which the Court ruled that (doctors') periods of actual inactivity when on-call must be regarded as work within the meaning of Directive 2003/88/EC<sup>15</sup>.

Against this background, the Council discussed, on the basis of compromise texts suggested by the Presidency, three new definitions to be inserted into the Directive– "on-call time", "inactive part of on-call time" (*i.e.* a period during which the worker is on-call, but not required by his employer to carry out his activity or duties) and "workplace" –, as well as a new Article, which would provide that the period during which the worker carries out his activity or duties during on-call time will have to be regarded as working time, while the inactive part of on-call time should not be regarded as working time, unless national law, a collective agreement or an agreement between the two sides of industry, decides otherwise.

The Council also reached a broad measure of agreement on a third issue, concerning "compensatory rest", which has to be granted in cases where a derogation is made to the Directive's provisions on daily or weekly rest. It examined a Presidency suggestion according to which compensatory rest should be afforded within 72 hours or within a reasonable period (with a maximum of 7 days) to be determined by national laws, regulations or administrative provisions or collective agreements or agreements between the two sides of industry.

The Council also held an in-depth policy debate on the so-called "opt-out provision", *i.e.* the possibility to derogate from Article 6 of Directive 2003/88/EC (which limits the average weekly working time to 48 hours), on the basis of compromise proposals put forward by the Presidency.

It is recalled that the Commission proposal envisaged amending Article 6 of the Directive, with a view to giving precedence to collective agreements and to limiting the individual opt-out to cases where there is no collective agreement in force and no workers' representation empowered to conclude such an agreement, such an individual opt-out being moreover subject to strict conditions.

In the light of this debate, the Council instructed the Committee of Permanent Representatives to continue its work on this proposal, pending receipt of the European Parliament's opinion, with a view to an agreement being reached at the earliest possible date.

---

<sup>15</sup> It is recalled that, on working time, Directive 2003/88/EC only includes mutually exclusive two definitions, : working period and rest period.

– ***Migration and integration***

The Council endorsed the opinion of the Employment Committee (EMCO) on the Annual Commission report on migration and integration (13691/04).

The EMCO opinion, adopted on 14-15 October, follows the still relevant EMCO opinion from October 2003 on immigration, integration and employment, endorsed by the Council in December 2003<sup>16</sup>.

In his presentation of the report, the President of EMCO underlined:

- the need for mainstreaming the migration and integration dimensions into all relevant policies;
- given the diversity of the situations in the Member States as well as of the needs of immigrants, the need for various means of achieving successful integration;
- employment being a key part of the integration process, the need for full involvement of the Council, in its Employment and Social Policy configuration, in the follow-up of the common principles on integration<sup>17</sup>.

---

<sup>16</sup> See press release 15443/03

<sup>17</sup> The Council (Justice and Home Affairs) agreed on the common basic principles for immigrant integration policy on 19 November 2004 (see press release 14615/04).

– ***Social Policy Agenda in the context of the Lisbon Strategy***

The Council held a policy debate on a new Social Policy Agenda, on the basis of a note prepared by the Presidency (14920/1/04), identifying six possible specific areas for priority action, the so-called A-C-T-I-O-N approach:

- Activation: more and better jobs would require the activation of Europe's unused labour potential. A more dynamic and inclusive labour market, with increased mobility in all dimensions, can support a net increase in labour market participation.
- Commitment: commitment to delivery from actors at all relevant levels
- Training: investment in human capital to increase the skills of the workforce and productivity at the workplace.
- Inclusion: modernised and sustainable social protection systems that guarantee inclusion of the most vulnerable groups.
- Organisation of work: increase the adaptability of companies and workers in order to better reflect the divergent needs and preferences in society.
- Non-discrimination: equal opportunities for all to participate fully in all aspects of life and to have access to work and services.

At the end of the debate, the President of the Council concluded that:

- delegations recognised that *this is time for ACTION*; in this context, there is room to improve the communication to citizens of the Lisbon objectives;
- the objectives of the Lisbon strategy should remain unchanged and the new Social Policy Agenda should support the implementation of the Lisbon goals and targets;
- the balance between the economic/growth, employment and social policy dimensions is a key element of the Lisbon strategy, in view of their mutually reinforcing nature;

- the 6 areas suggested by the Presidency were broadly supported by the delegations. Concerning "activation", a reference was made to the need to keep older workers in the labour market as well as to favour the integration of disadvantaged young people (in this context, the initiative for a youth pact suggested by the French, Swedish, Spanish and German delegations in a letter to the President of the Autumn European Council 2004 was particularly welcomed). Delegations also referred to the need to reconcile professional and family life (better care infrastructures for children and the elderly would improve participation in economic life).

Other issues referred to during the debate concerned:

- the need to involve all stakeholders in the process of pursuing the Lisbon objectives, with special relevance to the dialogue with the social partners;
- the need to better use the tools available and in particular the open method of coordination and the structural funds.

The Council further endorsed a Joint opinion of the Employment and Social Protection Committees concerning the report ("Kok Report") of the High Level Group advising the European Commission on its preparations for the mid-term review of the Lisbon strategy in March 2005 (15529/04).

It is expected that the Commission will soon present communications concerning the mid-term review of the Lisbon Strategy as well as a new Social Policy Agenda, that are due to be agreed by the 2005 Spring European Council.

Since the Maastricht informal Council, the aim of the Presidency has been to lay the ground work for these decisions by promoting a broad debate on the priorities to be addressed by the forthcoming Social Agenda in the context of the renewed impetus to be given to the Lisbon Strategy. This has been the object of a number of conferences<sup>18</sup>, the outcome of which have been reported on by the Presidency (14921/04).

---

<sup>18</sup> In particular, *"Social Europe: let's deliver"* – Rotterdam.

– ***Equality between men and women – Employment and occupation (recast version)***

Pending the opinion of the European Parliament, the Council endorsed a general approach on a draft European Parliament and Council Directive on the implementation of equal treatment of men and women in matters of employment and occupation (recast version) (15476/1/04).

The objective of this proposal is to contribute to legal certainty and clarity by bringing together in a single text the main provisions existing in this field, as well as reflecting certain developments arising out of well-established case law of the European Court of Justice.

The proposal aims to merge the following seven existing Directives on the equal treatment of men and women in the field of employment into one single coherent instrument:

- Directive 75/117/EEC on equal pay;
- Directive 76/207/EEC, as amended by Directive 2002/73/EC, on equal treatment as regards access to employment, vocational training and promotion, and working conditions;
- Directive 86/378/EEC, as amended by Directive 96/97/EC, on equal treatment in occupational security schemes;
- Directive 97/80/EC, as amended by Directive 98/52/EC, on the burden of proof in cases of discrimination based on sex.

*For further details, please see the Commission proposal (8839/04).*

– ***Equality between men and women – Action programmes***

Pending the opinion of the European Parliament, the Council endorsed a general approach on a draft European Parliament and Council decision (14911/04) aligning the duration of two programmes in the field of equality between men and women with the end of the current financial perspectives (31 December 2006).

It concerns the Programme relating to the Community framework strategy on gender equality (Decision 2001/51/EC<sup>19</sup>) and the Community action programme to promote organisations active at European level in the field of equality between men and women (Decision No. 848/2004/EC<sup>20</sup>).<sup>21</sup>

The proposal includes a corresponding adjustment in the budget of these two programmes.

---

<sup>19</sup> OJ L 017, 19.01.2001, p. 22.

<sup>20</sup> OJ L 157, 30.04.2004, p. 18.

<sup>21</sup> In the context of the Financial Perspectives 2007-2013, the Commission has proposed that these programmes should be replaced by a new Community Programme for Employment and Social Solidarity – PROGRESS (11949/04).

– ***Beijing Platform for Action***

The Council adopted the following conclusions on sexual harassment at the workplace, accompanied by indicators on sexual harassment presented by the Presidency, in collaboration with the preceding Irish Presidency.

"THE COUNCIL OF THE EUROPEAN UNION

Whereas:

1. Following the UN's Fourth World Conference on Women in Beijing in 1995, the Madrid European Council (15 to 16 December 1995) requested an annual review of the implementation in the Member States of the Beijing Platform for Action.
2. The follow-up of the process in 1996 and 1997 revealed a need for more constant and systematic EU monitoring and assessment of the implementation of the Beijing Platform for Action.
3. On 2 December 1998, the Council agreed that the annual assessment of the implementation of the Platform for Action would include a proposal on a set of quantitative and qualitative indicators and benchmarks.
4. On 22 October 1999, the Council therefore adopted conclusions which took note of the proposed indicators in relation to "women's participation in the power and decision-making process".
5. The Council subsequently adopted conclusions concerning "the Reconciliation of family life and working life" (2000), "Unequal pay" (2001), "Domestic violence against women" (2002) and "Women and men in economic decision-making" (2003).
6. When it adopted its conclusions on "Domestic violence against women" (2002), the Council noted that the theme of violence against women could be revisited to deal with other perspectives and other target groups.
7. The conclusions adopted by the Council (2003) urged that the theme of "sexual harassment at the workplace" should be taken up when the Member States' implementation of the Beijing Platform for Action was next reviewed (2004).

8. The Daphne Programme (2004-2008) is a preventive Community programme concerning violence against children, young people and women, with a budget of € 50 million for the entire period.
9. The promotion of equality between women and men and non-discrimination have become main principles for the further development and implementation of EU policy following the entry into force of the Amsterdam and Nice Treaties.
10. The European Council of 20-21 March 2003 invited the European Commission to prepare, in collaboration with the EU Member States, an annual report to the Spring European Council on developments towards gender equality and orientations for the gender mainstreaming of policy areas.
11. The European Council of 25-26 March 2004 concluded that "gender equality policies are instruments of social cohesion as well as of growth" and that "attracting and retaining more people in the labour market means that the interaction between taxes and benefits is such that working brings a clear financial reward. It also means developing specific strategies to increase the employment rates of women and older workers. A gender mainstreaming approach will contribute to attaining the overall Lisbon objectives; encouraging more women into employment requires steps to address gender disparities in pay and create more family-friendly workplaces". The Ministerial Conference "Diversity and participation: the gender perspective", held in Rotterdam on 6 and 7 July 2004, underlined the need to take concrete steps to implement these conclusions.
12. This conference also underlined the need to make greater use of the European Employment Strategy and the European Social Inclusion Process, backed up by the European Social Fund (ESF), including the Community EQUAL Initiative, to reach the Lisbon targets and to promote the integration of women, in particular women migrants and women from ethnic minorities, into the labour market, including measures to combat discrimination in the workplace.



13. Moreover, this conference stressed the need to continue to develop, adopt and fully implement laws and other measures, as appropriate, such as policies and educational programmes, to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriages and so-called honour crimes, which are violations of the human rights of women and girls and obstacles to the enjoyment by women of their human rights and fundamental freedoms, and to intensify efforts, in cooperation with local women's groups, to raise collective and individual awareness of how these harmful traditional and customary practices violate women's human rights.
14. The conference also stressed the importance for the European Commission and future Presidencies, in cooperation with the EU Member States, to prepare a progress report on the implementation of gender indicators adopted by the Council to implement the Beijing Platform for Action and to present it to the Spring European Council (2005) and the 49th Session of the UN Commission on the Status of Women's review "Beijing + 10".
15. The Irish Presidency of the EU carried out a comprehensive survey amongst the Member States concerning measures and data on sexual harassment in the workplace and subsequently issued a report.
16. On the basis of the Irish Presidency's preparatory work concerning sexual harassment in the workplace, the Dutch Presidency has drawn up the following three indicators concerning "sexual harassment at the workplace":
  1. the number of employees who report incidents of sexual harassment at the workplace, as a percentage of the total workforce;
  2. the number of private and public enterprises which have a preventive policy regarding sexual harassment at the workplace, as a percentage of the total number of employers;
  3. the number of private and public enterprises which have procedures for sanctions in place for perpetrators of sexual harassment at the workplace, as a percentage of the total number of employers.

These indicators fall into two of the three categories identified by the Irish Presidency in its report and are meant to be quantitative and qualitative, as well as disaggregated by sex.

THE COUNCIL OF THE EUROPEAN UNION

1. RECALLS in the process of preventing and combating all forms of violence against women, following the Beijing Platform for Action, that sexual harassment in the workplace is a human rights' violation and an obstacle to the full enjoyment by employees of their human rights and fundamental freedoms and an obstacle to the achievement of gender equality.
2. RECALLS that the Member States have committed themselves to taking integrated multidisciplinary measures to prevent and combat all forms of violence against women as specified in the Beijing Platform for Action, and urges the Member States to take the necessary measures.
3. TAKES NOTE of the three indicators proposed by the Dutch Presidency with a view to future follow-up of the Beijing Platform for Action regarding work-related sexual harassment.
4. INVITES Governments to adopt further active measures and strategies to prevent and combat violence against women, in particular work-related sexual harassment.
5. ENCOURAGES the Member States to continue improving the collection, compilation and dissemination of timely, reliable, comparable data disaggregated by sex and age, and further developing quantitative and qualitative indicators and progressively updating them, inter alia through the involvement of the National Statistical Institutes, so that statistics and quantitative and qualitative information on the three indicators proposed by the Dutch Presidency as well as on other indicators relating to the topics of the Beijing Platform can be regularly produced and regular examinations conducted.
6. ENCOURAGES Member States to conduct research to get insight into other variables, such as age, gender, sector and profession, influencing sexual harassment at the workplace.
7. ENCOURAGES the social partners to continue their efforts to prevent and combat sexual harassment at the workplace.
8. RECALLS that Presidencies have also prepared indicators on "Women's participation in the power and decision-making process" (1999), "the Reconciliation of family life and working life" (2000), "Unequal pay" (2001), "Domestic violence against women" (2002) and "Women and men in economic decision-making" (2003).

9. INTENDS during forthcoming Presidencies, in connection with activities under the programme for equality between women and men and other Community activities, to continue its focus on critical areas of concern mentioned in the Beijing Platform for Action.
10. INVITES forthcoming Presidencies to take into account the conclusions of the Rotterdam Conference "Diversity and participation: the gender perspective".
11. INVITES the European Commission to continue its work with its initiatives in the field of violence against women and children, including programmes such as DAPHNE, inter alia to prevent and combat sexual harassment at the workplace and to prevent and eradicate customary or traditional practices harmful to the health of women and girls.
12. UNDERTAKES regularly to review the progress achieved and invites future Presidencies, in cooperation with the Member States, to return to issues which have previously been discussed and to assess progress in those areas with the help of the established indicators.
13. STRESSES the link between the Lisbon Strategy and the Beijing Platform for Action and invites the European Commission to highlight the linkage in its annual report to the European Council on equality between women and men.
14. INVITES the Dutch Presidency to forward these Council conclusions also to the Justice and Home Affairs Council and invites future Presidencies to do the same with any follow-up to the indicators on sexual harassment at the workplace.
15. INVITES the forthcoming Presidency to prepare, in cooperation with the Member States and the European Commission, a progress report on the implementation of the Beijing Platform for Action to be presented at the 49th Session of the UN Commission on the Status of Women's review "Beijing + 10" and to exchange good practices and lessons learned."

This is an annual exercise established by the European Council of Madrid in 1995, following the United Nations Fourth World Conference on women held in Beijing in September 1995.

The UN fourth World Conference on Women adopted a platform for action in order to achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. As early as December 1995, the European Council, in Madrid, decided that there should be a yearly follow-up by the Member States and the Community institutions of national and European strategies in implementing the Platform For Action.

It has since become a traditional exercise for the Presidencies of the second half of the year. The specific themes of the preceding years were: women's participation in power and the decision-making process (1999), reconciliation of family life and working life (2000); unequal pay (2001); domestic violence against women (2002); representation of women and men in economic decision-making centres of the European Union (2003).

– ***Other Business***

- Outcome of the informal Council meeting on "Health care in an ageing society" (15163/04)
- Implementation of point 26 of the Council conclusions on patient mobility and health care developments in the European Union (2 June 2004) and activities of the High-level Working Party on Health Services and Medical Care (15190/04)
- Regulation on the addition of vitamins and minerals and of certain other substances to foods
- High-level Conference on "Priority medicines for the citizens of Europe and the World" (15438/04)
- European Centre for disease prevention and control (15574/04)
- Revision of the international health regulation under the framework of the World Health Organisation (WHO)
- Conference on the Environment and health action plan (15429/04)
- EU Drugs strategy 2005-2012 (15191/04)
- Future European health strategy (15575/04)
- Community influenza pandemic preparedness planning (15610/04)
- Strategic tobacco control report (15577/04)
- Follow-up to the Council conclusions of 5 June 2001 on a Community strategy to reduce alcohol-related harm (15578/04)
- Network of European cell factories (15453/04)
- Gender equality mainstreaming in the JHA Council (15441/04)
- Agreement between the social partners on stress (15442/04)
- First phase of consultations with the social partners at Community level on muscular-skeletal disorders at work (15443/04)
- Corporate social responsibility (15444/04)

**OTHER ITEMS APPROVED**

**EXTERNAL RELATIONS**

**Korea - Framework agreement - EU enlargement**

The Council adopted negotiating directives with a view to adapting the Framework Agreement with Korea to take account of the accession of the new EU Member States.

**EUROPEAN SECURITY AND DEFENSE POLICY**

**EU Police Mission in Bosnia and Herzegovina - Budget for 2005**

The Council adopted a Decision implementing Joint Action 2002/210/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina fixing a financial amount of EUR 17,4 million to cover operational running costs in 2005 and to be financed in common from the EU's general budget (15121/04).

**ECONOMIC AND FINANCIAL AFFAIRS**

**Euro coins**

The Council adopted two Regulations prohibiting the production and sale of medals and tokens similar to the euro coins and their importation and distribution for sale or for other commercial purposes (12043/04 and 12375/04).

**EUROPEAN ECONOMIC AREA**

**European Aviation Safety Agency - Iceland, Liechtenstein and Norway**

The Council adopted a Decision establishing a Community position in order to allow Iceland, Liechtenstein and Norway to take part in the European Aviation Safety Agency (EASA) (14090/04).

The Community position authorises the European Economic Area (EEA) Joint Committee to adopt a Decision on the participation of EFTA States members of the EEA to the financial contribution of the EASA, as well as the modalities for joining the Agency management board, which means full participation except the right to vote.

The EEA Joint Committee Decision implies modification of EEA provisions on transport.

*(More information on EASA can be found on the Internet at: <http://www.easa.eu.int/>)*

**ENLARGEMENT****Bulgaria and Romania - Accession Conferences**

The Council adopted EU common positions with a view to the next Accession Conferences with Bulgaria and Romania on the following negotiating chapters:

- with Bulgaria:
  - Chapter 10 - Taxation (20079/04 CONF-BG 34/04)
  - Chapter 22 - Environment (20081/04 CONF-BG 35/04)
- with Romania:
  - Chapter 3 - Freedom to provide services (20067/04 CONF-RO 38/04)
  - Chapter 10 - Taxation (20080/04 CONF-RO 46/04)
  - Chapter 14 - Energy (20059/04 CONF-RO 30/04)
  - Chapter 21 - Regional policy and structural instruments (20066/04 CONF-RO 37/04)
  - Chapter 22 - Environment (20088/04 CONF-RO 52/04)

– Chapter 31 - Other:

- Item 4: Implementation and Management of Pre-Accession Funds after Accession (20084/04 CONF-RO 48/04)
- Item 6: Arrangements for the Interim Period (20085/04 CONF-RO 49/04)
- Item 7: Safeguards (20086/04 CONF-RO 50/04)
- Item 8: Cash-flow and Schengen Facility (20087/04 CONF-RO 51/04)

## **FISHERIES**

### **Guide Prices 2005**

The Council adopted a Regulation fixing, for the 2005 fishing year, guide prices and Community producer prices for certain fishery products, pursuant to Regulation (EC) n° 104/2000, on the basis of a Presidency compromise agreed at technical level in the Council (14743/04 and 14744/04).

Guide prices are set annually by the Council on the basis of the average of prices recorded for a significant proportion of Community output on wholesale markets or in ports during the three fishing years immediately preceding the year for which the price is fixed.

There are ten changes to the initial proposal among the 37 categories of fish listed, concerning herrings, sardines, cod, cuttlefish, two types of mackerel, ling, coalfish, shrimps and yellow fin tuna. These changes have been made either to reduce the price cut initially proposed or to increase the price proposed.

## **APPOINTMENTS**

### **Committee of the Regions**

The Council adopted a Decision appointing:

Mr Etienne SCHNEIDER, Councillor of the municipality of Kayl, as a member of the Committee of the Regions in place of Ms Lydia MUTSCH for the remainder of the latter's term of office, which runs until 25 January 2006 (14854/1/04)

Mr Romain SCHNEIDER, Mayor of the town of Wiltz, as a member of the Committee of the Regions in place of Mr Jean ASSELBORN for the remainder of the latter's term of office, which runs until 25 January 2006 (14854/1/04)

Mr Roby BIWER, Mayor of the town of Bettembourg, as an alternate member of the Committee of the Regions in place of Mr Lucien LUX for the remainder of the latter's term of office, which runs until 25 January 2006 (14854/1/04)

Mr Norbert HAUPERT, Councillor of the municipality of Mondercange, as an alternate member of the Committee of the Regions in place of Mr Jean-Marie HALSDORF for the remainder of the latter's term of office, which runs until 25 January 2006 (14854/1/04)

Ms Lydia MUTSCH, Mayor of the town of Esch-sur-Alzette, as an alternate member of the Committee of the Regions in place of Mr Romain SCHNEIDER for the remainder of the latter's term of office, which runs until 25 January 2006 (14854/1/04)

Ms Ferny NICKLAUS-FABER, Councillor of the municipality of Luxembourg, as an alternate member of the Committee of the Regions in place of Mr John LIBER for the remainder of the latter's term of office, which runs until 25 January 2006 (14854/1/04)

---