



Brussels, 1 December 2004

**Draft
BACKGROUND¹**

**EMPLOYMENT, SOCIAL POLICY,
HEALTH AND CONSUMER AFFAIRS COUNCIL**

Brussels, 6 and 7 December 2004

*The Council meeting will start on Monday, under the chair of **Mr Hans HOOGERVORST**, Minister for Health, Welfare and Sport, to deal with the Health items and will proceed the next day, with the Employment, Social Policy and Equality, under the chair of **Mr Aart Jan DE GEUS**, Minister for Social Affairs and Employment of the Netherlands.*

*Under the **Health** items, the Council will hold a policy debate on a coordinated approach the **fight against HIV/AIDS** in the EU and neighbouring countries and will adopt conclusions on a European Response to risk arising from **Emerging Zoonotic Diseases**. Pending the EP's opinion, the Council will further take note of a progress report and exchange views on a proposal for a Regulation on **nutrition and health claims on foods** and will exchange views on a recent proposal for a Regulation on **medicines for paediatric use**. Over lunch, Ministers will hold a debate on the preparedness for an **influenza pandemic**.*

*Concerning **Employment and Social Policy**, the Council will reach political agreement on a draft Directive protecting workers against **optical radiation**. On a **working time** draft Directive, the Council will see if it is possible to achieve a general approach. Furthermore, it will discuss the draft Directive on **temporary workers** with a view to a political agreement. The Council will further endorse the opinion of the Employment Committee on **migration and integration**.*

*The Council will further hold a debate on the issues it consider that could be included in new **social policy agenda** in the context of the review of the Lisbon Strategy.*

*It will also endorse general approaches on a draft Directive on **equality between men and women in employment and occupation** (recast version) and on a draft Directive aimed at extending the duration of the **programmes** concerning the equality between men and women. In the context of the Beijing Platform for Action, it will adopt conclusions on **sexual harassment at the work place**.*

A press conference will be held by the Presidency and the Commission at the end of each day's session.

¹ This note has been drawn up under the sole responsibility of the Press Service.

HEALTH

Fight against HIV/AIDS (Public debate)

The Council will hold a **public debate** on a *coordinated approach to the fight against HIV/AIDS in the European Union and the neighbouring countries*, on the basis of the following questions suggested by the Presidency (15192/04):

- 1) What is the opinion of the Member States about the steps to be taken at Community level with respect to the Commission's Working Paper (*see below*), notably to facilitate:
 - the collaboration between Member States, candidate and neighbouring countries, and relevant international organisations;
 - the use of existing EU financing instruments to promote research and development of effective prevention, in particular a vaccine, and cure?
- 2) Is the Commission's Working Paper complete with regard to the steps to be taken at Community level?
- 3) Which issues or programmes will have the most added value with regard to the collaboration between Member States, candidate and neighbouring countries, and relevant international organisations according to the Member States?
- 4) Following the Dublin and Vilnius Declarations, what new actions are planned at national level to ensure that the fight against HIV/AIDS receives new impetus, notably to:
 - develop and maintain a sustainable, affordable and accessible health care system as a basis for all prevention, surveillance, treatment, especially anti- retro viral treatment and care;
 - improve the general knowledge on the prevention of HIV infection with particular concern to special, vulnerable populations such as injecting drug users;
 - promote vaccine research and testing?

Following the Dublin¹ and Vilnius² Declarations adopted at the end of the “*Breaking the Barriers – Partnership to fight HIV/AIDS in Europe and Central Asia*”³ and “*Europe and HIV/AIDS – New challenges, New Opportunities*”⁴ conferences, respectively, as well as the Commission working paper “*Coordinated approach to combat HIV/AIDS in the EU and its neighbourhood*”⁵, containing the Commission's commitments to address the current situation, Council's debate is aimed at obtaining guidance on future steps for action to combat the disease.

Medicinal products for paediatric use

Following the presentation by the Commission of a proposal for a Regulation on medicinal products for paediatric use (13880/04), the Council will be invited to hold a first exchange of views on it.

¹ See http://europa.eu.int/comm/health/ph_threats/com/aids/docs/dublin_decl.pdf

² See http://europa.eu.int/comm/health/ph_threats/com/aids/ev_20040916_en.htm

³ Dublin, Ireland, 23-24 February 2004.

⁴ Vilnius, Lithuania, 17 September 2004.

⁵ See http://europa.eu.int/comm/health/ph_threats/com/aids/docs/ev_20040916_rd01_en.pdf

The proposal responds to a Council Resolution of December 2000¹, calling on the Commission to submit proposals concerning the development of clinical research to ensure the availability in the EU market of medicines fully adapted to the specific needs of children.

It intends to amend Regulation creating a supplementary protection certificate for medicinal products², the Directive on the Community code relating to medicinal products for human use³ and Regulation laying down procedures for the authorisation and supervision of medicinal products⁴, in full compliance with the EU clinical trials Directive⁵.

The European provisions will be aimed at improving children health, while preventing obstacles to the intra-Community trade of paediatric medicinal products.

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.

Its objectives are:

- to submit medical products used to treat children to high quality research;
 - to duly authorise medical products to their specific use of treating children;
 - to improve information on the use of medicines in children;
- while avoiding unnecessary clinical trials in children.

Nutrition and health claims on foods

Pending the European Parliament's opinion, the Council will take 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).

It should further hold an exchange of views, aimed at obtaining guidance for future work. The debate should specially focus on:

- the role of regulatory Community measures to ensure proper information enabling the consumer to make healthy food choices;
- the concept of "*nutrient profiles*", as an instrument to helping the consumer at making healthy food choices.

Nutrient profiles would be the accurate conditions that a product labelled with a specific claim must fulfil, thus truly contributing to a healthier 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).

¹ See press release 14517/04.

² Regulation (EEC) No 1768/92 (OJ L 182, 2.7.1992, p. 1), as last amended by the Act of Accession 2003.

³ 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).

⁴ Regulation (EC) No 726/2004 (OJ L 136, 30.4.2004, p. 1).

⁵ Directive 2001/20/EC (OJ L 121, 1.5.2001, p. 34).

In order to avoid misleading consumers and prevent abusing claims as a marketing tool, the draft Regulation intends to only allow health claims¹ clear and meaningful to the consumer, under strict 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 *human food* products (not cosmetics, medicine and pet food), to be delivered as such to the final customer or supplied to restaurants, hospitals, schools, canteens and other mass caterers.

Emerging Zoonotic Diseases

The Council will adopt conclusions on a European response to emerging zoonotic diseases, reflecting the outcome of the conference "*European Response to Public Health Risks from Emerging Zoonotic Diseases*"².

Emerging diseases caused by zoonotic agents (transmissible between humans and animals, causing infection in both species) such as avian influenza, rabies or tuberculosis, are increasingly recognised as a global and regional threat and with potentially serious human health and economic impacts.

Recognising the need to face the threat to health deriving from emerging zoonotic diseases and the transnational dimension of the problem, and after referring to the work already accomplished in this context³ as well as to conclusions of the report of the WHO/FAO/OIE joint consultation⁴, the conclusions invite the Member States and the Commission to cooperate and adopt adequate measures at national, Community and international levels.

In concrete, they refer to the need for a European Action Plan for zoonoses preparedness and control, to be implemented with the scientific support of existing agencies⁵.

¹ Claim is a message stating, suggesting or implying that a food has particular characteristics; health claim is a claim stating, suggesting or implying a health benefit to the consumer; 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", "light").

² The Hague, the Netherlands, 16-17 September 2004.

³ 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.

⁴ Report of the WHO/FAO/OIE joint consultation on emerging zoonotic diseases (3-5 May 2004 Geneva Switzerland).

⁵ European Food Safety Authority, European Centre for Disease Prevention and Control and European Environment Agency.

EMPLOYMENT AND SOCIAL POLICY

Workers health and safety – optical radiation (Public deliberation)

The Council will reach 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).

After its finalisation in all Community languages, the text as agreed is to 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.

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 agents¹. Separate Directives on mechanical vibration, noise and electromagnetic fields and waves have already been adopted.

Working time

Pending the opinion of the European Parliament, the Council will hold a policy debate, with a view to define its general approach on a proposed European Parliament and Council Directive amending Directive 2003/88/EC concerning certain aspects of the organisation of working time (12683/04).

The objective of the proposal aims at introducing legal certainty, following the recent European Court of Justice judgements concerning the definition of "working time"².

¹ COM(92) 560 final SYN 449

² SIMAP, C-303/98, ECR 2000, p. I-07963.

The main amendments that would be introduced by the draft Directive concern:

- the length of the reference period for the calculation of maximum weekly working time¹;
- the definition of working time: introduction of definitions of "on call time" and "inactive part of on-call time";
- the possibility and conditions of application of an "opt-out" clause regarding the maximum weekly working time.

The still open question, concerning the possibility and conditions of an opt-out clause, will be dealt with by Coreper on 3 December.

Temporary workers

The possibility for the Council to reach a political agreement on a proposed European Parliament and Council Directive on working conditions for temporary workers will be re-examined by Coreper on 3 December.

The draft Directive aims at striking a balance between flexibility and job security. It completes a package of measures aimed at regulating working conditions for so-called "atypical" workers. Temporary work is seen as a key factor in meeting the requirements of the reform strategy laid down by the Lisbon European Council (March 2000), as it both allows for the growth of employment and contributes to increased competitiveness.

For further details, please see *9688/1/03*.

Migration and integration

The Council will endorse the opinion of the Employment Committee (EMCO) on the Annual Commission report on migration and integration.

The EMCO adopted on 14-15 October an opinion on the Annual Commission Report on Immigration and Integration (*13691/04*). This opinion follows the EMCO opinion from October 2003 on immigration, integration and employment, endorsed the Council in December 2003.

As proposed by the EMCO Chair in its the letter to Minister DE GEUS (*13691/04 ADD 1*), the opinion has already be forwarded to the President of the Justice and Home Affairs Council for information, as this Council configuration would agree on the common basic principles for immigrant integration policy.

¹ Directive 93/104/EC does not set an absolute limit on weekly working time, but an average to be calculated over a reference period.

Agenda for Social Policy in the context of the Lisbon Strategy

The Council will hold 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:** Achieving the European Lisbon targets for more and better jobs requires 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. Work should become a real option for all !
- **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. The best guarantee for social inclusion is a job.
- **Organisation of work:** increase the adaptability of companies and workers in order to better reflect the divergent needs and preferences in society: shift the emphasis from job-security to employment security.
- **Non-discrimination:** equal opportunities for all to participate fully in all aspects of life and to have access to work and services.

The next Spring European Council will set up the mid-term review of the Lisbon Strategy and a new Social Agenda, on the basis of communications to be presented by the Commission. Since, the Maastricht informal Council, the aim of the Presidency has been to lay the ground 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 conferences¹, the outcome of which have been reported by the Presidency (14921/04).

It will further endorse a Joint opinion of the Employment and Social Protection Committees concerning the 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 (14923/1/04).

Equality between men and women – employment and occupation (recast version)

Pending the opinion of the European Parliament, the Council is expected to endorse 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).

¹ In particular, "Social Europe: let's deliver" – Rotterdam.

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 will endorse 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/EC¹) 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/EC²).³

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

Beijing Platform for Action

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

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.

¹ OJ L 017, 19.01.2001, p. 22.

² OJ L 157, 30.04.2004, p. 18.

³ In the context of the Financial Perspectives 2007-2013, these programmes should be replaced by the proposed Community Programme for Employment and Social Solidarity – PROGRESS (11949/04).

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 precedent 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).
