

9688/03 (Presse 152)

**PROVISIONAL VERSION**

2512th Council meeting

**- EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS -**

Luxembourg, 2 and 3 June 2003

President : **Mr Kostas STEFANIS**  
Minister for Health and Social Welfare

**Mr Dimitrios REPPAS**  
Minister for Labour and Social Security

of the Hellenic Republic

Internet: <http://ue.eu.int/>  
E-mail: [press.office@consilium.eu.int](mailto:press.office@consilium.eu.int)

*For further information call 32 2 285 84 15– 32 2 285 63 19*

9688/03 (Presse 152)

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

<b>PARTICIPANTS</b> .....	4
<b>ITEMS DEBATED</b>	
HEALTH.....	7
– HUMAN TISSUES AND CELLS - Public deliberation.....	7
– SEVERE ACUTE RESPIRATORY SYNDROME (SARS) .....	9
– WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL.....	11
– MENTAL HEALTH.....	12
– PATIENT MOBILITY AND HEALTH CARE DEVELOPMENTS.....	14
– REVIEW OF PHARMACEUTICAL LEGISLATION - Public deliberation.....	15
EMPLOYMENT/SOCIAL POLICY .....	18
– EMPLOYMENT PACKAGE 2003.....	18
– TEMPORARY AGENCY WORK - Public deliberation.....	20
– EUROPEAN CO-OPERATIVE SOCIETY .....	22
– ADVISORY COMMITTEE ON SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK.....	23
– SOCIAL AND HUMAN CAPITAL - Council Resolution.....	24
– CO-ORDINATION OF SOCIAL SECURITY SYSTEMS .....	30
– PROMOTING EMPLOYMENT AND SOCIAL INTEGRATION OF PEOPLE WITH DISABILITIES - Council Resolution .....	32
– SPECIAL STUDIES ON PENSION ISSUES .....	36
OTHER BUSINESS - HEALTH .....	37
– CANCER SCREENING.....	37
– BIO-TERRORISM .....	38
– PAEDIATRIC MEDICINAL PRODUCTS .....	39

---

<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 above mentioned Council Internet site or may be obtained from the Press Office.*

OTHER BUSINESS - EMPLOYMENT/SOCIAL POLICY .....	40
– EUROPEAN HEALTH INSURANCE CARD .....	40
– ELECTROMAGNETIC FIELDS AND WAVES.....	41
– SOCIAL POLICY AGENDA .....	42
– THE SOCIAL DIMENSION OF THE “LISBON STRATEGY” .....	43
– GENDER MAINSTREAMING .....	44
– PERSISTENT POVERTY .....	45
– FOLLOW-UP OF THE 2003 SPRING EUROPEAN COUNCIL.....	46
– IMMIGRATION, INTEGRATION AND EMPLOYMENT .....	46

**ITEMS APPROVED WITHOUT DEBATE**

*TELECOMMUNICATIONS*

– World Communications Conference (WRC-03) .....	I
--	---

*APPOINTMENTS*

– Committee of the Regions .....	I
----------------------------------	---

*EXTERNAL RELATIONS*

– Bulgaria – Rules of origin .....	I
------------------------------------	---

*TRADE POLICY*

– Vietnam – Textiles agreement.....	II
– India – Compact discs .....	II
– China – Thailand – Taiwan – Tube and pipe fittings .....	II
– Estonia – Hungary – Agricultural products .....	II

## **PARTICIPANTS**

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

### **Belgium :**

Mr Jef TAVERNIER

Minister for Consumer Protection, Public Health and the Environment

### **Denmark :**

Mr Lars Løkke RASMUSSEN

Minister for the Interior and Health

Mr Claus Hjort FREDERIKSEN

Minister for Employment

### **Germany :**

Mr Klaus Theo SCHRÖDER

State Secretary, Federal Ministry of Health and Social Security

Mr Gerd ANDRES

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

### **Greece :**

Mr Kostas STEFANIS

Minister for Health and Social Welfare

Mr Dimitrios REPPAS

Minister for Labour and Social Security

Mr Rovertos SPYROPOULOS

State Secretary for Labour and Social Security

### **Spain :**

Ms Ana María PASTOR JULIÁN

Minister for Health and Consumer Affairs

Mr Eduardo ZAPLANA HERNÁNDEZ-SORO

Minister for Labour and Social Affairs

### **France :**

Mr Jean-François MATTEI

Minister for Health, the Family and Disabled Persons

Mr François FILLON

Minister for Social Affairs, Labour and Solidarity

### **Ireland :**

Mr Micheál MARTIN

Minister for Health and Children

Mr Franck FAHEY

Minister of State at the Department of Enterprise, Trade and Employment

### **Italy :**

Mr Girolamo SIRCHIA

Minister for Health

Mr Roberto MARONI

Minister for Labour and Social Policy

### **Luxembourg :**

Mr Carlo WAGNER

Minister for Health and Social Security

Mr François BILTGEN

Minister for Labour and Employment

### **Netherlands :**

Mr Aart Jan DE GEUS

Minister for Social Affairs

Ms Clemence I.J.M. ROSS VAN DORP

State Secretary for Health, Welfare and Sport

### **Austria :**

Ms Maria RAUCH-KALLAT

Federal Minister for Health and Women

### **Portugal :**

Mr Luís Filipe PEREIRA

Minister for Health

Mr Luís Miguel PAIS ANTUNES

State Secretary for Labour

**Finland :**

Ms Liisa HYSSÄLÄ  
Ms Tarja FILATOV

Minister of Health and Social Services  
Minister for Labour

**Sweden :**

Mr Lars ENGQVIST  
Mr Hans KARLSSON

Minister for Social Affairs  
Minister for Employment

**United Kingdom :**

Mr David LAMMY  
Mr Andrew SMITH

Parliamentary Under-Secretary of State, Department of Health  
Secretary of State for Work and Pensions

\* \* \*

**Commission :**

Mr Erkki LIIKANEN  
Mr David BYRNE  
Ms Anna DIAMANTOPOULOU

Member  
Member  
Member

The Governments of the Acceding States were represented as follows:

**Czech Republic :**

Ms Marie SOUCKOVÁ  
Mr Zdenek SKROMACH

Minister for Health  
Minister for Labour and Social Affairs

**Estonia :**

Mr Marko POMERANTS

Minister for Social Affairs

**Cyprus :**

Mr Iacovos KERAVNOS

Minister for Labour and Social Insurance

**Latvia :**

Ms Ingrida CIRCENE  
Ms Dagnija STAKE

Minister for Health  
Minister for Welfare

**Lithuania :**

Mr Juozas OLEKAS  
Ms Vilija BLINKEVICIUTE

Minister for Healthcare  
Minister for Social Security and Labour

**Hungary :**

Ms Zsuzsanna JAKAB  
Ms Agnes CSANADI

Minister for Health  
State Secretary at the Ministry of Labour

**Malta:**

Mr Louis DEGUARA

Minister for Health

**Poland :**

Mr Leszek SIKORSKI  
Mr Pater KRYSZTOF

Minister for Health  
Minister for Social Affairs

**Slovakia :**

Mr Rudolf ZAJAC  
Mr Miroslav BEBLAVY

Minister for Health  
State Secretary at the Ministry of Labour, Social Affairs and Family

**Slovenia :**

Mr Dusan KEBER

Minister for Health

**ITEMS DEBATED**

**HEALTH**

– ***HUMAN TISSUES AND CELLS - Public deliberation***

The Council reached political agreement on a common position concerning a proposal for a Directive on setting quality and safety standards for the donation, procurement, testing, processing, storage and distribution of human tissues and cells. The German delegation was unable to lift its parliamentary scrutiny reservation at this stage. The common position will be formally adopted at a forthcoming Council meeting and subsequently will be forwarded to the European Parliament for a second reading, in accordance with the co-decision procedure.

Some delegations expressed concern on the ethical and health implications of the use of cells and tissues derived, for instance, from cloned embryos. However, the Presidency underscored the common position's provisions on implementation which allow Member States to maintain or introduce more stringent protective measures than the ones provided for by the draft Directive, as long as they comply with the provisions of the Treaty establishing the European Communities. This would allow, in particular, Member States to introduce requirements for voluntary unpaid donation of tissues and cells, as well as to prohibit the donation, procurement, testing, processing, preservation, storage, distribution and use of tissues and cells from specific sources, such as embryonic origin.

The proposal is aimed at strengthening requirements on the suitability of donors and the screening of donated substances, whilst establishing national accreditation and monitoring structures and provisions for a register of accredited establishments and for a quality system for tissues and cells-related establishments. This is seen as being particularly important in view of the fact that the transplantation of tissues and cells is a strongly expanding field of medicine, offering great opportunities for the treatment of yet incurable diseases.

It also aims to set up rules for ensuring the traceability of tissues and cells of human origin from donor to patient and vice versa, as well as a system for the regulation of imports of human tissues and cells from third countries, ensuring that equivalent standards of quality and safety will apply.

The proposal's provisions are applicable only to those cells and tissues that are applied to the human body in clinical trials. Tissues and cells used for other research purposes, i.e. in vitro research or in animal models, are not covered by the proposed Directive.

– *SEVERE ACUTE RESPIRATORY SYNDROME (SARS)*

The Council took note of a progress report from the Commission on the latest developments concerning SARS and held a brief exchange of views on the current situation.

In particular, the Commission informed the Council on its proposal to establish a European Centre on Communicable Diseases. The Centre would aim to enhance surveillance and detection, to co-ordinate common responses, to improve scientific advice and communication with the public, to increase joint investigative capacity, to establish and maintain a network of reference laboratories and to collaborate with Member States, Acceding States and international organisations such as the World Health Organisation (WHO). It is the Commission's intention to have the Centre operational by 2005.

The response to a questionnaire sent by the Commission in May 2003 to all Member States, Acceding States and European Free Trade Association (EFTA) countries, showed that European countries have adopted rapid and consistent measures on early detection of cases, implementation of isolation measures and guidance to health professionals and the public on the identification of possible SARS cases.

In the framework of a general preparedness plan on communicable diseases, the Council was also informed that EUR nine million had been committed before the end of this year to foster research activities in this field, particularly as far as diagnosis, medication and vaccination were concerned.

All delegations welcomed the Commission's report as well as the ongoing and planned initiatives in this area of considerable importance for public health. Moreover, the Presidency stressed the importance of co-ordinating exchange of information at European level in view of the cross-boundary nature of SARS.

It is recalled that the Council (Employment, Social Policy, Health and Consumer Affairs) held an extraordinary session on 6 May 2003 to allow Member States Health ministers to address this matter (read the Conclusions in Press Release 8954/03).

SARS is caused by a virus that has been found in patients mainly in Asia, North-America and Europe, and which presents the characteristics of a respiratory illness. The first case of atypical pneumonia, now described as SARS, was first detected in China in November 2002. International transmission of SARS was first reported in March 2003. On 31 May 2003 the WHO had registered 8360 cumulative number of cases worldwide<sup>2</sup>.

---

<sup>2</sup> For further details please visit the website: [http://www.who.int/csr/sars/country/2003\\_05\\_31/en/](http://www.who.int/csr/sars/country/2003_05_31/en/)

– ***WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL***

The Council agreed on the adoption of a Decision on the signing by the Community of the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC), following its unanimous adoption by the WHO's 192 members at the World Health Assembly in Geneva, Switzerland on 21 May 2003 (the Assembly met between 19-28 May).

This will allow the Community to become one of the first signatories of the Convention, contributing in this way to its quick entry into force. It is expected that the Commission and the Presidency will sign the Convention on 16 June 2003, the first day of its opening for signature. The Convention will still need to be signed by each Member State since it constitutes a mixed agreement containing some provisions within the sphere of competence of the Community and others within the sphere of competence of Member States.

Four years in the making, the Convention is the first international treaty negotiated under the auspices of the WHO. It requires Parties to, *inter alia*, impose a comprehensive ban on tobacco advertising, sponsorship and promotion. Where a Party is not in a position to undertake a comprehensive ban, due to its Constitution or constitutional principles, the Convention allows for the application of restrictions. Moreover, the Convention requires Parties to establish effective measures on packaging and labelling, on protection from exposure to tobacco smoke and to strengthen legislation to clamp down on illicit trade in tobacco products.

The FCTC will be open for signature at the WHO headquarters in Geneva from 16 to 22 June 2003 and thereafter at the UN headquarters in New York from 30 June 2003 to 29 June 2004. The Convention will enter into force ninety days after at least forty Parties have ratified it<sup>3</sup>.

---

<sup>3</sup> For further details please visit the website: <http://tobacco.who.int/>

– ***MENTAL HEALTH***

The Council adopted Conclusions on combating stigma and discrimination in relation to mental health. The text follows on from the conference organised by the Presidency on “Mental Illness and Stigma in Europe: facing up the challenges of social inclusion and equity”, which took place in Athens on 27-29 March 2003. (For further details on the conference please visit the website: <http://www.eu2003.gr/en/articles/2003/3/24/2338> )

"The Council of the European Union:

1. RECALLING the Council Resolution of 18 November 1999 on the promotion of mental health <sup>4</sup>, which, inter alia, invited the Commission to consider incorporating activities on the theme of mental health in future action programmes for public health, the Council Resolution of 29 June 2000 on action on health determinants <sup>5</sup>, the Council Conclusions of 5 June 2001 on a Community strategy to reduce alcohol-related harm <sup>6</sup> which, inter alia, underline the close link between alcohol abuse, social exclusion and mental illness, and the Council Conclusions of 15 November 2001 on combating stress and depression-related problems <sup>7</sup>, which, inter alia, invited Member States to take actions to improve knowledge on the promotion of mental health in primary care and other health services as well as in social services;
2. RECALLING that the Community action programme to combat discrimination (2001 to 2006) <sup>8</sup> emphasises, inter alia, the particular needs of people with disabilities and the need for a combination of measures, particularly concerning legislation and practical action designed to be mutually reinforcing;
3. RECALLING that the programme of Community action to encourage co-operation between Member States to combat social exclusion <sup>9</sup> emphasises that measures to combat social exclusion should aim at enabling everyone to support himself or herself, by gainful employment or otherwise, and to integrate into society;
4. RECALLING that the programme of Community action in the field of public health (2003-2008) <sup>10</sup> is intended to contribute, inter alia, to ensuring a high level of human health protection in the definition and implementation of all Community policies and activities, through the promotion of an integrated and intersectoral health strategy, and to tackling inequalities in health

---

<sup>4</sup> OJ C 86, 24.03.2000, p.1.

<sup>5</sup> OJ C 218, 31.07.2000, p.8.

<sup>6</sup> OJ C 175, 20.06.2001, p.1.

<sup>7</sup> OJ C 6, 09.01.2002, p.1.

<sup>8</sup> OJ L 303, 02.12.2000, p.23.

<sup>9</sup> OJ L 10, 12.01.2002, p.1.

<sup>10</sup> OJ L 271, 09.10.2002, p.1.

5. WELCOMES the European Conference on “Mental Illness and Stigma in Europe: facing up to the challenges of Social Inclusion and Equity” held in Athens from 27 to 29 March 2003, which highlighted the importance of combating stigma to improve mental health;
6. WELCOMES the Resolution of the fifty-fifth World Health Assembly WHA55.10 endorsed by all Member States recognising that the toll of mental health problems is very high and rising world-wide, that such problems cause significant disability, heighten the risk of social exclusion, and increase mortality, that stigmatisation and discrimination are major problems obstructing the path to care, and that the human and economic costs are staggering;
7. RECOGNISES that stigma in relation to mental illness contributes negatively to equality and social inclusion, and therefore has implications for health protection;
8. UNDERLINES the existence of evidence on the deleterious effect of stigma and discrimination on the course and outcome of mental illness, and on the standard of living and quality of life of those persons affected and their families;
9. RECOGNISES the importance of promoting effective actions across all relevant policies to increase social inclusion and equity and to combat discrimination and stigma;
10. CONSIDERS that there is a need to enhance the visibility and public awareness of, on the one hand, the importance of mental health to everybody and, on the other hand, the problems associated with stigma and discrimination in relation to mental illness;
11. RECOGNISES the importance of access to appropriate and effective treatment, access to the labour market, education and other public services in order to facilitate the integration and reintegration of people with mental illness into society;
12. INVITES the Member States to
  - give specific attention to the impact of stigma and discrimination related problems due to mental illness in all age groups, and ensure that these problems are recognised, in this context giving special attention to the reduction of risks of social exclusion;
  - collect good quality data on health, economic and social consequences of stigma due to mental illness;
  - undertake action to combat stigma and promote social inclusion in active partnership and dialogue with all the stakeholders to encourage an integrated and co-ordinated approach;
13. INVITES the Commission to
  - give specific attention to active collaboration in all relevant Community policies and actions, and in particular in activities relating to employment, non-discrimination, social protection, education and health, in order to reduce stigma and discrimination in relation to mental illness;
  - undertake activities to facilitate exchange of information and mutual learning in the context of national policies to ensure health protection for people with mental health problems, giving special attention to combating stigma and discrimination, and to promoting social inclusion for people with mental illness."

– ***PATIENT MOBILITY AND HEALTH CARE DEVELOPMENTS***

The Council took note of a progress report from the Commission and held a brief exchange of views on patient mobility and health care developments in the Member States.

The Commission informed the Council on the ongoing results of the high level process of reflection on this topic, established following the Council (Health) Conclusions (26 June 2002), which recognised the value of such an exercise at Union level. The first meeting in the context of this process took place on 3 February 2003, bringing together Member States ministers, the Commission and other relevant stakeholders. The meeting agreed to work on the following four themes:

- European co-operation to enable better use of resources;
- information requirements for patients, professionals and policy-makers;
- access to and quality of care;
- reconciling national health policy with European obligations.

The next meeting is expected to take place on 7 July 2003. Acceding States health ministers are expected to join the meeting planned for 3 December and their representatives are expected to start attending all future meetings from now on. The European Parliament was also invited to join the reflection process. The aim is to produce recommendations for further action by the end of 2003.

Delegations welcomed the Commission's report and stressed the importance of further clarifying the current situation in this area.

It is recalled that the Council took note of the Commission's report on this matter at its meeting on 2-3 December 2002 (for further details see Press Release 14892/02).

– ***REVIEW OF PHARMACEUTICAL LEGISLATION - Public deliberation***

The Council reached political agreement on a common position on a:

- draft Regulation laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (EMEA)<sup>1112</sup>;
- draft Directive on the Community code relating to medicinal products for human use (the proposal aims at amending Directive 2001/83/EC).

The majority of delegations congratulated the Presidency for all its efforts to reach agreement on this complex dossier, which reconciles the interests of the pharmaceutical industry (incentive to innovation) and of patients (access to cheaper products).

The Belgian and Dutch delegations expressed their intention to vote against the common positions.

A number of delegations expressed concern on the legal basis of the draft Regulation (Commission's proposal suggests article 95 of the Treaty, i.e. qualified majority voting). This group of delegations would prefer article 308 of the Treaty, i.e. decision by unanimity.

Also in this context, the Council took note of a progress report on the draft Directive on veterinary medicinal products, which is seen as an intrinsic part of this legislative package. For that reason, the Council will wait for a political agreement to be reached on this proposal at a forthcoming meeting before forwarding the three common positions to the European Parliament for a second reading, in accordance with the co-decision procedure.

---

<sup>11</sup> The EMEA was established in 1993 and inaugurated in January 1995. It is based in London and situated in Canary Wharf; the draft Regulation proposes to change the name of the Agency to **European Medicines Agency**. To know more about the EMEA's work please visit the website: <http://www.emea.eu.int/#>

Agreement was reached, in particular, on the following two core issues:

- scope of the centralised procedure for granting marketing authorisation for medicinal products

Regulation: medicinal products for human use containing a new active substance for which the therapeutic indication is the treatment of AIDS, cancer, neurodegenerative disorders or diabetes may be placed on the market within the Union only if a marketing authorisation has been granted at centralised level by the Community (compulsory centralised procedure). Moreover, the agreement includes the possibility for a review four years after the entry into force of the Regulation, should there be a need to include other types of diseases at a later stage. This will be done via a simplified procedure, i.e. not co-decision or comitology. According to this procedure, the Commission following consultation with the Agency, could then present a proposal for modification of the Regulation's scope for decision by the Council by qualified majority voting.

- data protection periods

Data protection periods refer to the period of time during which a company would be able to keep its rights for clinical data related to a given medical product, without another company being able to use that data when applying for an authorisation to market a generic medical product. The agreement would provide for the harmonisation of current data protection periods, which differ between Member States. The agreement entails a differentiation of data protection periods between the Regulation and the Directive.

The agreement allows for a data protection period of "8+2 years" (Directive). Companies would be able to apply for a marketing authorisation of a given generic medicinal product eight years after the original medicinal product was granted a marketing authorisation. However, the generic medicinal product could only be placed on the market after an additional period of two years, i.e. ten years in total. The basic data protection period in the draft Regulation is also "8+2 years".

However, for products where the centralised procedure is compulsory (e.g. "bio-tech" products and those mentioned above under the compulsory centralised procedure), the agreement allows for a data protection period of ten years, with the possibility of an extra year should a new indication for a given medical product be found ("10+1 years"). This would mean that those companies wishing to market generic medicinal products would only be able to apply for a marketing authorisation ten or eleven years after the authorisation for the original product had been granted.

The agreement does not take on board the Commission's proposed provisions on information to patients.

The main objectives of the three proposals are:

- to ensure that Community legislation can respond to new challenges, particularly the development of new therapies, and thus to safeguard a high level of health protection in the Union;
- to ensure the proper operation of the Internal Market, before and after the future enlargement of the Union;
- to enhance the competitiveness of the European pharmaceutical industry to enable it to meet the challenges of globalisation in a better way;
- to improve the transparency of procedures and decisions.

EMPLOYMENT/SOCIAL POLICY

– *EMPLOYMENT PACKAGE 2003*

The Council:

- agreed on a general approach, pending the European Parliament's Opinion, concerning a proposal for a Decision on guidelines for the employment policies of the Member States;
- reached political agreement on a Recommendation on the implementation of Member States' employment policies, on the basis of a Commission's recommendation.

Member States welcomed both proposals, underscoring their importance in view of the current difficult economic situation and the need to make progress on the "Lisbon Strategy", particularly with respect to more and better jobs. They also welcomed the fact that the Employment Guidelines were simplified and made more concrete with quantitative indicators and targets.

In its work, the Council took account of the opinions of the Employment Committee (EMCO) and the Social Protection Committee (SPC).

The draft Decision follows on from the Conclusions of the Spring European Council (March 2003) and the Commission's Communication on the future of the European Employment Strategy (EES), "*A strategy for full employment and better jobs for all*" (for further details see Press Release 6678/03) . It is in line with the Barcelona European Council request (March 2002) that the policy co-ordination processes be more streamlined, with synchronised calendars for the adoption of the Broad Policy Guidelines (BEPGs)<sup>13</sup> and the Employment Guidelines. The streamlining aims at increasing the transparency, efficiency, coherence and complementarity of the different processes.

---

<sup>13</sup> The Council (Economic and Financial Affairs) adopted its report on the BEPGs on 3 June and decided to forward it to the Thessaloniki European Council on 20 June.

The BEPGs provide the overarching economic policy co-ordination of the Union, while the leading role on employment policy co-ordination lies with the Employment Guidelines and Recommendations to Member States. The Guidelines are oriented towards delivering the medium-term goals of the "Lisbon Strategy" for growth and competitiveness. A mid-term review of the Guidelines is planned for 2006.

The draft Decision focuses on 10 result-oriented priorities for action in the Member States, to be accompanied, whenever practicable, by targets:

- 1- active and preventive measures for the unemployed and the inactive;
- 2- job creation and entrepreneurship;
- 3- address change and promote adaptability and mobility in the labour market;
- 4- promote development of human capital and lifelong learning;
- 5- increase labour supply and promote active ageing;
- 6- gender equality;
- 7- promote the integration of and combat the discrimination of people at a disadvantage in the labour market;
- 8- make work pay through incentives to enhance work attractiveness;
- 9- transform undeclared work into regular employment;
- 10- address regional employment disparities.

The proposal also includes a chapter on good governance and partnership for the implementation of these guidelines by the Member States (e.g. involvement of parliamentary bodies, the social partners and other relevant actors).

The draft Recommendation provides Member States with individualised guidance on how to implement the employment guidelines, focusing on the most urgent and serious issues in each country. The amount and type of recommendations vary from country to country. However, the recommendations follow on closely from the set of ten priorities mentioned above.

It is recalled that the Commission has been addressing such recommendations to the Member States since the year 2000.

– **TEMPORARY AGENCY WORK - Public deliberation**

The Council held a useful discussion on the proposal for a Directive concerning working conditions for temporary workers, which focused on a new compromise text from the Presidency for a new article aimed at resolving the key outstanding issue of the nature and duration of the exemption to the principle of equal treatment.

Delegations acknowledged the significant efforts made by the Presidency to resolve the outstanding questions, but it was recognised that fundamental differences remained. The President therefore concluded that the Council was unable at this stage to reach political agreement on a common position.

Work on this dossier is to be continued on the basis of the following three parameters for a balanced political compromise:

- how to address the need for a specific derogation with a view to fostering the insertion of the unemployed into the labour market (article 1);
- reviewing and possibly removing restrictions to temporary agency work (article 4);
- the nature of the exemption from the principle of equal treatment and the length of the "qualifying period" (article 5(4)/11(3) new).

It should be recalled that, with regard to the application of the principle of equal treatment, the Commission's amended proposal set out the general principle of equal treatment under which temporary workers should be given the same basic working conditions that would apply if they had been directly contracted by the user undertaking to carry out the same job. An exemption for temporary workers on assignments for a period not exceeding 6 weeks ("qualifying period") was envisaged with respect to pay.

In a spirit of compromise, a clear majority of delegations indicated their willingness to accept a transitional period of five years after the date of implementation of the Directive during which an exemption to the principle of equal treatment could be granted in view of the specific conditions of Member States' labour markets. However, four delegations considered that such an exemption should be permanent.

With a view to bridging the gap between these positions, the Presidency compromise text provided for the exemption to continue pending a future decision by the Council and the European Parliament. However, this alternative was unacceptable to the majority of delegations and was only acceptable to the four other delegations if the "qualifying period" was at least 6 months.

The proposal aims at striking a balance between the need for flexibility and job security. This 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 economic reform strategy laid down by the Lisbon European Council (March 2000), as it allows for the development of flexible forms of employment and contributes to increased competitiveness.

It is recalled that the Council held policy debates on this proposal on 3 December 2002 and on 6 March 2003 (for further details see Press Releases 14892/02 and 6678/03, respectively).

– ***EUROPEAN CO-OPERATIVE SOCIETY***

The Council reached political agreement on a:

- draft Regulation on the statute for a European co-operative society;
- draft Directive supplementing the statute for a European co-operative society with regard to the involvement of employees.

The adoption of the two legal acts will take place at a forthcoming Council meeting once they have been reviewed by the Council's team of jurist-linguists.

Both instruments are broadly based on those relating to the European Company, adopted in 2001, with the changes required by the specific characteristics of Co-operative Societies<sup>14</sup>. The aim is to allow the creation of a new legal entity for the organisation of economic operations in two or more Member States in the form of a co-operative society.

In view of the substantial amendments made to the texts since the European Parliament's Opinion was delivered in January 1992, the Council decided at its meeting on 3 June 2002 to re-consult the Parliament on both legal acts. The Council has included in both agreements a significant number of the Parliament's recent suggestions.

---

<sup>14</sup> The draft Regulation defines co-operatives as being “primarily groups of persons or legal entities with particular operating principles that are different from those of other economic agents. These include the principles of democratic structure and control and the distribution of the net profit for the financial year on an equitable basis”. Moreover, « co-operatives have a share capital and their members may be either individuals or enterprises. These members may consist wholly or partly of customers, employees and suppliers. (...)”

– ***ADVISORY COMMITTEE ON SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK***

The Council reached political agreement on a proposal for a Decision setting up an Advisory Committee on Safety, Hygiene and Health Protection at Work merging the current Advisory Committee and the Safety and Health Commission for the Mining and Other Extractive Industries.

The Advisory Committee's aim is to assist the Commission in the preparation and implementation of activities in the fields of safety and health at work and to facilitate co-operation between national administrations, trade unions and employers' organisations. By creating a single advisory body, the proposal streamlines the operation of the two existing committees, promoting in this way a more efficient and responsive structure.

The proposed Committee's task is expected to cover all public and private sectors of the economy, with exception of the protection of workers against the dangers arising from ionising radiation, which is regulated by the Scientific and Technical Committee set up under the EURATOM Treaty.

The Decision is expected to enter into force on 1 January 2004.

– ***SOCIAL AND HUMAN CAPITAL - Council Resolution***

"THE COUNCIL OF THE EUROPEAN UNION:

- (1) RECALLING that the Lisbon European Council of 23 and 24 March 2000 called for an Information Society for all, and underlined the need for investment in human resources and for every citizen to be equipped with the skills needed to live and work in the information society and the need to further all aspects of equality between men and women, including the reduction of occupational segregation,
- (2) RECALLING that the same European Council set the objective of raising the employment rate to an average of 70% and of increasing the number of women in employment to an average of more than 60% by 2010, and that the Stockholm European Council of 23 and 24 March 2001 set intermediate targets for EU employment rates and a target of 50% for older workers by 2010,
- (3) TAKING INTO ACCOUNT that the European Council in Brussels of 20 and 21 March 2003, in the context of the European Employment Strategy, underlined the importance of investment in human capital and lifelong learning as a prerequisite for the promotion of European competitiveness, for achieving high rates in growth and employment and for moving to a knowledge-based economy, and that it called for implementation of the 10-year programme on the objectives for education systems in this context,
- (4) RECALLING that one of the objectives in the fight against poverty and social exclusion, approved by the Nice European Council of 7 to 9 December 2000 and revised by the Employment, Social Policy, Health and Consumer Affairs Council in December 2002, is to exploit fully the potential of the knowledge-based society and of new information and communication technologies and ensure that no-one is excluded, taking particular account of the needs of people with disabilities,
- (5) RECALLING the key role that the social partners, through their autonomous work programme and in accordance with national traditions and practice, and non-governmental organisations should play, in particular in reducing the digital divide, by promoting access for all to the knowledge-based society and by exploiting the resulting potential, in particular in terms of jobs and qualifications,
- (6) RECALLING that the Council adopted a Resolution on "e-Inclusion" in October 2001 which called on the Member States to, amongst other things, provide Information and Communication Technologies (ICT) training and other learning to disadvantaged people, promote digital literacy, encourage partnerships of all stakeholders and mainstream a gender equality approach in e-Inclusion policies,
- (7) RECALLING that, in accordance with the conclusions of the Barcelona European Council on 15 and 16 March 2002, there is a need to ensure that all citizens, and in particular groups such as unemployed women, are well equipped with basic qualifications, especially those linked with ICTs,

- (8) RECALLING that the eEurope 2005 Action Plan includes e-learning among its key areas and foresees actions for "re-skilling in the knowledge society", and that the Council's Conclusions on "ICT and e-business skills in Europe" of December 2002 underlined the need to continue and further strengthen efforts to close the still existing e-skills gaps and mismatches,
  - (9) RECALLING, in the context of the European Year of People with disabilities 2003, the opportunities for participation of people with disabilities in the knowledge society and their need for barrier-free access, and that the Council adopted a Resolution on "e-accessibility for people with disabilities" in February 2003,
  - (10) TAKING INTO ACCOUNT the conclusions of the Conference "Social and human capital in the knowledge society: policy implications" (October 2002), which highlighted the mutually reinforcing role of social and human capital for economic growth and social cohesion,
  - (11) TAKING INTO ACCOUNT the Conclusions on the participation and access of women to the ICTs following the 47<sup>th</sup> Session of the United Nations' Commission on the Status of Women – CSW (New York, March 2003),
  - (12) TAKING INTO ACCOUNT the Ministerial conference on "Gender and ICT" – Athens 5-6 May 2003 - devoted to the risks and opportunities of the knowledge society for gender equality,
  - (13) TAKING INTO ACCOUNT the Commission Staff Working Paper, developed with the support of the High Level Group on the Employment and Social Dimension of the Information Society (ESDIS), on "Building Social and Human Capital in the Knowledge Society"<sup>15</sup>,
1. RECOGNISES the key role that knowledge embodied in individual capabilities and social networks plays in the context of the Lisbon strategy for ensuring that the European Union becomes the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.
  2. UNDERLINES the need to develop the positive interactions of social and human capital in three areas in particular: learning, work and social cohesion, while integrating the gender dimension into all these areas.
  3. CALLS on Member States to consider the social and human capital elements in the planning, development and implementation of their policies and initiatives, in particular as regards the following areas:

---

<sup>15</sup>

ESDIS definitions:

Human capital: Knowledge, skills, competencies and attributes embodied in individuals that facilitate personal, social and economic well-being.

Social capital: Networks and participation in public life together with shared norms, values, culture, habits and practices, trust and understanding that facilitate co-operation within or among groups, to pursue shared objectives.

**(a) Learning**

- to promote existing policies and initiatives in education and training, in particular by ensuring quality by increasing the efficiency of investments in those areas, and strengthening complementarity between education, training and employment policies, as a basis for boosting new economic and sustainable growth within the framework of the Lisbon strategy;
- to promote the new possibilities for education and training within lifelong learning, such as e-learning and learning at work, taking into consideration the needs and priorities of women, as well as the importance of increased efforts in areas such as transparency, validation and recognition of non-formal and informal learning and certification of skills for boosting mobility;
- to foster the skills necessary for the knowledge society, including not only basic ICT skills but also more general capabilities such as cognitive skills, "learning to learn", teamwork and problem solving;
- to underline the importance of synergies between teachers, parents, local communities, NGOs and enterprises for building both human and social capital through education and training;
- to emphasise the crucial importance of motivating people to participate in lifelong learning, particularly by encouraging people with a low level of qualifications, both at work and with regard to learning methods, and to emphasise the need to encourage companies to participate.

**(b) Work**

- to encourage enterprises, particularly SMEs, also using the Structural Funds and abiding by the competition rules, in the adoption of innovative work practices such as networking, clustering, e-business and e-work;
- to harness the potential of organisational learning and knowledge management solutions to enhance both social and human capital in the enterprise and foster innovation and competitiveness;
- to highlight the importance of ensuring that all workers within their specific companies and organisations are fully involved and properly trained in the adoption of innovative work practices, organisational learning and knowledge management which can help facilitate change, and are thus aware of the benefits in terms of improved competitiveness and quality of working life;
- to foster social capital at local level, while abiding by the competition rules, through co-operation with the social partners, enterprises, universities, research centres, NGOs and local administrations;

- to encourage, also using the Structural Funds, specific initiatives aimed at tackling the problem of well-educated/trained people having more possibilities and, in reality, more access to learning opportunities than less well-educated/trained people, who would most benefit from training, such as women and older workers;
- to encourage the creation of new tasks and activities, identifying new occupational profiles as a means of innovation, creating jobs, boosting productivity and increasing human capital.

**(c) Social Cohesion**

- to favour an inclusive knowledge society by further developing eInclusion policies, in order, in particular, to tap the opportunities offered by new technologies for the inclusion of people with disabilities, and by economic development of disadvantaged areas;
- to promote the positive role of the social economy, of local development initiatives and of local communities in social capital building;
- to highlight the importance of formal and informal social networks, including digital networks, for social cohesion and the balance between flexibility, security and quality of life;
- to foster the new possibilities that ICTs offer for civic participation and volunteering;
- to prevent any imbalance in access to new technologies for persons over 40 and encourage involvement of the potentially active workforce, in the framework of the European Employment Strategy.

**(d) Gender**

- to fully integrate the gender perspective in all the areas mentioned under (a), (b) and (c), according to the principles of gender mainstreaming;
- to favour the empowerment of women in the knowledge society and ensure equal opportunities of access to decision-making positions in economic and public life;
- to address the current gender gaps in access to ICT-related education, jobs and the use of ICT;
- to enable full participation by women, including those with disabilities, in professional life, inter alia via the adequate provision of care facilities for children and other dependants;
- to examine working conditions for women in the knowledge society and promote any necessary improvements;
- to exploit the potential offered by ICTs for the creation of new job opportunities, especially through e-working, by making it easier to reconcile working and family life, and for the development of distance-learning programmes, especially for women in rural areas;

- to promote the use of ICTs as an effective tool for the dissemination of information and for protection and support against gender violence;
  - to develop policies in support of women's economic initiatives in the ICT sector and to foster equal participation in relevant networks;
  - to highlight the consequences of the different choices made by gender as regards educational subjects and the subsequent effect on work and social life and, in particular, encourage more women to pursue higher-education studies in subjects connected with the information society;
  - to ensure the collection of gender disaggregated data in ICT use in order to develop relevant indicators.
4. NOTES the commitments already undertaken by the social partners as part of their autonomous work programme, and RECOMMENDS them in accordance with national traditions and practices:
- (a) to further develop their attention to the issue of the training of women and men in the knowledge society;
  - (b) to pay particular attention to continuing their initiatives favouring equal opportunities for men and women in access to training, such as family-friendly practical arrangements, and to their initiatives relating to people with disabilities;
  - (c) to continue their efforts to implement their framework for action on lifelong learning concluded in 2002, with particular attention to the aspects identified above;
  - (d) to study and analyse new ways and possibilities favouring accumulation and development of human and social capital in the changing workplace;
  - (e) to make progress in the field of corporate social responsibility, also given its positive role for local community development;
  - (f) to support by different means the attainment of an adequate work-life balance allowing citizens to fully engage in family and community related activities, as well in volunteering, civic and political participation;
  - (g) to pay particular attention to the gender perspective when developing ICT policies in order to give women and men equal access to ICT jobs.

5. INVITES the Commission to:

- (a) pay special attention to the social and human capital aspects in all its on-going policies and initiatives, ensuring coordination and avoiding unnecessary duplications;
- (b) underline the key role of networking, also via ICT, between higher education, centres for excellence and research institutions, to build social capital for the development and diffusion of high-quality learning material and methodology;
- (c) continue, in co-operation with the Member States, the analysis on human and social capital issues, on their evolving interactions in the knowledge society and on their effects on living and working conditions; and pursue advanced research in this area, including via its dedicated centres;
- (d) establish, or enhance, on-going co-operation with other international institutions, and non-EU countries on social and human capital issues and develop improved empirical analysis in this area, also with a view to the UN World Summit on the Information Society in December 2003; and
- (e) ensure the integration of the gender dimension when pursuing and developing the activities mentioned above and consider the need for gender impact assessments, in the areas mentioned, in order to avoid any undesired adverse effects and enhance the quality and effectiveness of the policies."

– *CO-ORDINATION OF SOCIAL SECURITY SYSTEMS*

The Council agreed on a general approach, pending the European Parliament's Opinion in first reading, on Title III (special provisions concerning various categories of benefit) of the proposal for a Regulation on the co-ordination of social security systems in the Union.

Final approval will be subject to agreement on the text as a whole, pending which agreements on the different chapters are considered provisional.

The following chapters of Title III of the draft Regulation are covered by the agreed general approach:

- Chapter 4 (invalidity benefits)

It includes provisions for determining how invalidity benefits should be paid, and what national authorities are competent to pay them, in the case of those individuals who have worked in more than one Member State. The general principle is that the competent authority for the payment of the invalidity benefits is the one of the country where the person became invalid. It also includes provisions with respect to the worsening of invalidity conditions. The general principle is that the country in which the worsening occurred is responsible for paying the benefits. However, the financial burden may be distributed among several countries.

- Chapter 5 (old-age and survivors' pensions)

It includes provisions that allow an individual having worked in different Member States to have one single interlocutor for the calculation of old-age and survivors' pensions, namely the authority of the country where it resides when the pension is requested. It allows, for instance, for the calculation and consolidation of all working time in different Union countries to be made by one single competent authority.

- Chapter 8 (special non-contributory cash benefits)

It includes provisions regulating cash benefits (e.g. minimum revenue/allowance in some Member States) that are independent from a person's previous contributions to social security. The general principle is that this type of benefits cannot be transferred from one country to another and is thus only eligible in the country of residence of the beneficiary.

The proposal is aimed at reforming Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving within the Community. Moreover, it is aimed at simplifying Community legislation in order to remove obstacles to the free movement of persons created by the co-existence of different national social security systems. Given the complexity of the subject it has been decided to submit to the Council at the end of each Presidency separate parts of the proposal for a more efficient analysis.

It is recalled that the Council reached broad consensus at its meeting on 3 June 2002 as regards Titles I (general provisions) and II (determination of competent legislation). Moreover, the Council reached agreement on a general approach at its meeting on 2-3 December 2002 on chapter 1 (sickness, maternity and paternity), chapter 2 (accidents at work and occupational diseases) and chapter 3 (death grants) of Title III<sup>16</sup>.

---

<sup>16</sup> The proposed Regulation includes three further titles: Title IV (Administrative Commission), Title V (miscellaneous provisions) and Title VI (transitional and final provisions).

– ***PROMOTING EMPLOYMENT AND SOCIAL INTEGRATION OF PEOPLE WITH DISABILITIES - Council Resolution***

The Council adopted a Resolution concerning the promotion of employment and social integration of people with disabilities. Particular attention is given to their integration in the mainstream labour market, in accordance with the overarching objectives of the European Employment Strategy (EES).

The Council took note of the Commission's brief oral report on the progress achieved so far in relation to the 2003 European Year of People with Disabilities in the Member States and at Union Level.

All Member States are engaged in the promotion of the Year's objectives and have launched national campaigns to this effect. Moreover, many Member States have started to review their national legislation in this area as a result of increased awareness, with a particular focus on integration, participation and quality of life for people with disabilities. The positive results of the promotional bus tour across Europe were highlighted. The Commission's objective is now to review the outcome of the Year.

"THE COUNCIL OF THE EUROPEAN UNION

1. STRESSING that the European Union has a substantial number of people with disabilities who face a variety of difficulties in their daily lives and cannot always exercise their rights;
2. NOTING that the Treaty establishing the European Community enables the Community to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
3. RECALLING that on the basis of Article 13 of the ECT which enables the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the Council adopted in particular Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
4. RECALLING that Article 21 of the Charter of Fundamental Rights recognises the importance of combating every form of discrimination and Article 26 of that Charter states that the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the Community;

5. CONSIDERING that the European Employment Strategy is a key instrument for underpinning the integration of people with disabilities into the mainstream labour market;
6. TAKING ACCOUNT of the Conclusions of the Lisbon European Council of March 2000;
7. RECALLING the Council Decision of 3 December 2001 on the European Year of People with Disabilities 2003;
8. RECALLING the political declaration of Ministers responsible for Integration Policies for People with Disabilities (Malaga, 8 May 2003), which affirms that one of the main aims of the next decade is to improve the quality of life of people with disabilities and their families;
9. RECALLING also:
  - the Council Resolution of 20 December 1996 on equality of opportunity for people with disabilities,
  - the Commission communication of 2000 entitled "Towards a barrier-free Europe for people with disabilities",
  - the European Parliament Resolution of 4 April 2001 "Towards a barrier-free Europe for people with disabilities",
  - the Council Resolution of 6 February 2003 on "e-Accessibility" - improving the access of people with disabilities to the knowledge based society,
  - the Council Resolution of 6 May 2003 on equal opportunities for pupils and students with disabilities in education and training;
  - the Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities;
10. BEARING IN MIND that people with disabilities still face a variety of barriers to full participation in society, often leading to social exclusion and poverty;
11. BEARING IN MIND the discussions of the informal Council meeting in Nafplio, on 23-24 January 2003, which emphasised the need for more extensive inclusion of disability issues in employment and social protection policies;
12. NOTING the process related to the preparation of a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities and the EU contribution thereto (May 2003) and taking note of the Commission communication entitled "Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities" (January 2003),

CALLS ON THE MEMBER STATES AND THE COMMISSION, WITHIN THE FRAMEWORK OF THEIR RESPECTIVE POWERS, TO:

- (i) promote greater cooperation with all bodies concerned with people with disabilities at national and European level, including civil society;
- (ii) promote the full integration and participation of people with disabilities in all aspects of society, recognising that they have equal rights with other citizens;
- (iii) continue efforts to remove barriers to the integration and participation of people with disabilities in the labour market, by enforcing equal treatment measures and improving integration and participation at all levels of the educational and training system;
- (iv) pursue efforts to make lifelong learning more accessible to people with disabilities and, within this context, give particular attention to the barrier-free use of new information and communication technologies and the Internet to improve the quality of learning, vocational training and access to employment
- (v) remove barriers impeding the participation of people with disabilities in social life and, in particular, in working life, and prevent the setting up of new barriers through the promotion of design for all;
- (vi) ensure the transposition and implementation of the Directive on establishing a general framework for equal treatment in employment and occupation before the deadlines agreed ;
- (vii) reflect on the need for further measures to promote the employment and social integration of people with disabilities into society;
- (viii) consider the possibility of taking measures at national and European level, consistent with the objectives of the European Employment Strategy, to promote the employment of people with disabilities;
- (ix) mainstream disability issues when drafting future national action plans relating to social exclusion and poverty;
- (x) continue the exchange of information and experience at European level with regard to these issues, with the participation, as appropriate, of the European bodies and networks with relevant experience in this area;
- (xi) collect statistical material on the situation of people with disabilities, paying particular attention to gender specific data, including on the development of services and benefits for this group;
- (xii) support the work of the EU Group of High Level Officials on Disability Questions;

- (xiii) reinforce the mainstreaming of the disability perspective into all relevant policies at the stages of policy formulation, implementation, monitoring and evaluation;
- (xiv) pay due attention to issues of concern to women with disabilities when adopting, designing and evaluating policies for people with disabilities so as to secure equal treatment for women.

**ENCOURAGES THE SOCIAL PARTNERS**

- (xv) in the spirit of their Declaration of 20<sup>th</sup> January 2003, "Promoting equal opportunities and access to employment for people with disabilities", to promote the integration of people with disabilities, in particular on the mainstream labour market, through their actions and their collective agreements at all the relevant levels of social dialogue."

– *SPECIAL STUDIES ON PENSION ISSUES*

The Council endorsed the work programme for special studies on pension issues of the Social Protection Committee (SPC). The work programme follows on from the request of the Spring European Council (March 2003) for the Council and the Commission to maintain the momentum for co-operation in the area of pensions, within the framework of the Open Method of Co-ordination, by delivering special studies focusing on common challenges at Union level for pension systems.

The work programme identifies the following topics for research:

- interaction between social protection policies and the labour force participation of older workers;
- regulatory policies to ensure sustainability and effectiveness of second and third pillar pension schemes;
- issues surrounding the choice of defined contribution or defined benefit systems;
- mechanisms for providing information on pensions to citizens;
- the gender dimension of pension systems.

The Commission will be responsible for collecting information on those topics and for producing draft reports for the SPC to consider. The first report is expected to be made available in the Spring of 2004.

The SPC will work in close co-operation with the Economic Policy Committee (EPC) which has also presented its work programme on the area of pensions to the Economic and Financial Affairs configuration of the Council.

**OTHER BUSINESS - HEALTH**

– ***CANCER SCREENING***

The Council took note of written information from the Presidency on a proposal for a Recommendation on cancer screening, which is currently under examination by the competent Council working group.

The Commission's proposal (May 2003) would provide for the implementation of cancer screening programmes, registration and management of screening data, monitoring, training, compliance and introduction of novel screening tests. It focuses on cervical, breast and colon cancer screening. Moreover, it encourages Member States to exchange best practices in this field.

For further details on this issue please consult *Doc. 9592/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– **BIO-TERRORISM**

The Council took note of written information from the Commission on co-operation at Union level on preparedness and response to biological and chemical agent attacks (bio-terrorism).

The Commission's Communication (June 2003) describes the results obtained so far in the framework of the health security action plan, launched by the Council (Health) on 15 November 2001. The results include, *inter alia*:

- the creation of a Health Security Committee of high-level representatives of the Member States;
- a 24 hour/7 day-a-week rapid alert system (RAS-BICHAT), operational since June 2002;
- a Task Force including eight national experts responsible for implementing the health security action plan;
- a co-operation platform between public health laboratories in all Member States;
- lists of bio-terrorism agents and clinical guidelines on how to handle these (e.g. anthrax, smallpox, botulism, plague, tularemia, haemorrhagic fever viruses, brucella, Q fever, encephalitis viruses, glanders and melioidosis);
- a guidance document for the use of antidotes to the agents mentioned above, produced by the European Medicines Evaluation Agency (EMEA).

The Commission drew Member States attention to the need for continuing efforts to reinforce preparedness for and response to deliberate releases of biological and chemical agents. According to the Communication, it has become apparent that more time is needed fully to accomplish the objectives of the health security action plan than the initial 18-month period.

For further details on this issue please consult *Doc. 9105/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***PAEDIATRIC MEDICINAL PRODUCTS***

The Council took note of an intervention by the Belgian delegation, urging the Council and the Commission to take stock of the need to address the precarious situation in relation to the production of medicinal products for children.

The delegation urged the Commission to come forward with a proposal for a Regulation to promote the placing on the market of these products. The proposal would be intended at establishing incentives, regulatory or other supporting measures in respect of clinical research and development of medicines for children at Union level. The aim would be to ensure that existing and new products are adapted to the needs of children. Particular attention should be given to the ethical aspects of clinical trials involving children.

The Commission informed the Council that following the consultation process launched in February 2002, it expects to be in a position to present a proposal on child-specific medicines possibly at the end of this year or during the first quarter of 2004.

It is recalled that the Council (Health) adopted a Resolution on 14 December 2000, inviting the Commission to make appropriate proposals in this area as soon as possible.

For further details on this issue please consult *Doc. 9933/03* on the Council's website (<http://ue.eu.int/en/summ.htm>; Access to documents link).

**OTHER BUSINESS - EMPLOYMENT/SOCIAL POLICY**

– ***EUROPEAN HEALTH INSURANCE CARD***

The Council took note of written information from the Commission on the European Health Insurance Card (EHIC).

The Commission adopted a Communication (February 2003), in which it sets out a detailed roadmap for a progressive replacement of the current paper forms used to access health care in another Member State (e.g. E111 form) by a EHIC. The Communication follows on from the decision by the Barcelona European Council (March 2002) to create a European card, which would replace all the paper forms currently needed. The text is also in line with the work on the co-ordination of the national social security schemes for health treatment during a temporary stay in another Union country, which is currently under examination at the Council.

On March 2003 the Administrative Commission for Social Security of Migrant Workers (CASSTM), which is the competent body in this area, tabled a proposal for a draft Decision laying down the overall characteristics of the EIHC. Discussion on this, and other accompanying proposals, has been progressing quickly, although there remain two outstanding issues:

- whether or not to extend necessary medical coverage to all insured persons and not only pensioners (other insured persons under the current E111 rules have only coverage for urgent medical care);
- a special deadline for the introduction of the EIHC for those countries which do not have the necessary infrastructure to do so, or for those that may run into serious administrative difficulties if they were to introduce the Card as from the summer of 2004.

It is recalled that the 2003 Spring European Council requested that the necessary decisions be taken to allow the introduction of the card before the summer of 2004.

For further details on this issue please consult *Doc. 9910/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***ELECTROMAGNETIC FIELDS AND WAVES***

The Council took note of a written progress report from the Presidency on the draft Directive on minimum requirements for safety and health in relation to workers' exposure to risks due to electromagnetic fields and waves (for further details on the proposal see Press Release 14892/02).

Considerable progress has been made on this dossier. However, certain issues of a technical nature remain outstanding, they concern:

- the scope of the Directive and definitions (Articles 1 and 2)
- exposure limit values and action values (Article 3)
- assessment of risks (Articles 3 (§2) and 4)
- applicability of preventive measures (Article 5)

The Presidency expects these to be resolved at a forthcoming Council meeting.

For further details on this issue please consult *Doc. 9541/03* on the Council's website (<http://ue.eu.int/en/summ.htm>; Access to documents link).

– ***SOCIAL POLICY AGENDA***

The Council took note of written information from the Commission on the mid-term review of the Social Policy Agenda (SPA), launched in June 2000 for the period 2000-2005.

A major guiding principle of the SPA was the strengthening of the role of social policy as a productive factor. This has been extended in the past years, particularly in view of the overarching objectives of the European Employment Strategy (EES).

Moreover, according to the Commission's review, the SPA's objective of improved good governance (e.g. involvement of all relevant stakeholders in its implementation) should be further pursued.

For further details on this issue please consult *Doc. 9911/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***THE SOCIAL DIMENSION OF THE “LISBON STRATEGY”***

The Council took note of written information from the Commission on the strengthening of the social dimension of the “Lisbon Strategy” for growth and competitiveness.

The Commission’s Communication proposes to gradually move towards a single reporting structure to cover issues such as pensions, social inclusion and aspects of health care more related to social protection, in place of the current separate processes. This would involve creating a single set of common objectives, to be adopted by the Council, and the preparation of a single national social protection report. The proposal follows on from the recently agreed streamlining of the annual economic and employment policy co-ordination cycles and their synchronisation into a three year cycle.

The new single reporting structure would start in 2006, following an evaluation of the results achieved via the Open Method of Co-ordination in the pensions and social inclusion areas.

For further details on this issue please consult *Doc. 9912/03* on the Council’s website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***GENDER MAINSTREAMING***

The Council is took note of a Presidency report on its activities in the area of gender mainstreaming, in particular with regard to the organisation, *inter alia*, of the following events:

- European Conference on equal pay, "Mind the Gap", Athens, 30-31 January 2003
- European Conference on "Gender and the Information Society", Athens, 5-6 May 2003
- European Meeting of experts on dealing with violence within the family and illegal trafficking in women, Athens, 30-31 May 2003.

Moreover, the Presidency informed the Council that it had prepared and distributed a questionnaire on the participation of women in macro-economic decision-making centres. The outcome of the questionnaire is expected to be available during the second semester of 2003.

For further details on this issue, please consult *Doc. 9411/1/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***PERSISTENT POVERTY***

The Council took note of written information from the Presidency on the second European meeting of people facing persistent poverty, which took place in Brussels on 10-11 May 2003 with the support of the Commission and the Belgian Ministry responsible for social integration. The meeting was attended by participants from all Member States as well as by representatives from Poland, Hungary, Bulgaria and Latvia. They included frontline social workers and people who were themselves experiencing or had experienced poverty.

For further details, please consult *Doc. 9742/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***FOLLOW-UP OF THE 2003 SPRING EUROPEAN COUNCIL***

The Council took note of a brief presentation by the Presidency on the outcome of the 2003 European Council (20-21 March) in the field of employment and social policy, with reference in particular to "modernising the European social model" (§ 41-52 of the Presidency Conclusions).

For further details, please consult *Doc. 8410/03* on the Council's website (<http://ue.eu.int/en/summ.htm> ; Access to documents link).

– ***IMMIGRATION, INTEGRATION AND EMPLOYMENT***

The Council took note of an oral presentation by the Commission on its recent Communication on "Immigration, Integration and Employment", where it reviews integration policies at national and Union level, examines the role of immigration in the context of an ageing population and outlines policy orientations to promote integration of immigrants.

The Commission emphasised both the need to promote better integration of established immigrants and to prepare for future immigration. Moreover, it intends to better take into account immigration in the mid-term review of the 2000-2006 programming period of the Structural Funds.

The contribution of the Union to integration will be reinforced through the European Refugee Fund and through pilot projects supporting networks and the exchange of information and good practice. Furthermore, the launching of a European migration network is being prepared.

**ITEMS APPROVED WITHOUT DEBATE**

**TELECOMMUNICATIONS**

**World Communications Conference (WRC-03)**

*(Doc. 9131/03 + COR1)*

The Council has adopted a set of conclusions on the Communication from the Commission on the World Radiocommunications Conference (WRC-03).

The Council expressed its support to the policy objectives to be achieved at WRC-03 in the context of the Community policies as defined in the Commission's Communication, in particular, the protection of third generation mobile communications (IMT-2000/UMTS) from harmful interference; the full operability of Galileo and the provision of all its planned services, the Public Protection and Disaster Relief (PPDR) with special attention to equipment interoperability and alternative wireless infrastructure platforms, including R-LAN systems especially identification of frequency bands for wireless access systems.

**APPOINTMENTS**

**Committee of the Regions**

*(Doc. 9710/03)*

The Council has decided to appoint Mr Rui Fernando da SILVA RIO, Presidente da Câmara Municipal do Porto member of the Committee of the Regions in place of Mr José VIEIRA de CARVALHO, for the remainder of his term of office, which runs until 25 January 2006.

**EXTERNAL RELATIONS**

**Bulgaria – Rules of origin**

*(Doc. UE-BG 1910/02)*

The Council approved a draft Decision, to be adopted by the EU–Bulgaria Association Council, aimed at introducing a consolidated version of the protocol regarding rules of origin under the Europe Agreement between the European Union and Bulgaria.

The Decision is one of a series on rules of origin negotiated by the Commission under the Association Agreements with the countries of Central and Eastern Europe.

**TRADE POLICY**

**Vietnam – Textiles agreement**

The Council adopted a Decision approving, on behalf of the Community, an amendment to the Agreement with the Socialist Republic of Vietnam, dating from 1992, on trade in textile and clothing products and other market-opening measures.

Under this amendment to the Agreement, concluded for three years until 2005:

- the EU will increase the quotas it applies to imports of textile and clothing from Vietnam;
- Vietnam agrees to reduce its customs duties for imports of textile and clothing products from the EU;
- both parties agree not to apply non-tariff barriers to textiles, clothing, wines, spirits and ceramic tiles, and to improve transparency in the management of the so-called industry reserve;
- Vietnam will introduce a number of liberalisation measures in other sectors.

Although the Agreement contains obligations for both parties, it is intended to be economically more favourable to Vietnam than to the EU in recognition of Vietnam's developing country status.

**India – Compact discs**

*(Doc. 9320/03)*

The Council adopted a Regulation imposing a 7.3% definitive countervailing duty on imports of recordable compact discs from India, after an investigation by the Commission into subsidisation of these products and consequent injury to European industry.

**China – Thailand – Taiwan – Tube and pipe fittings**

*(Doc. 9155/03)*

The Council adopted a Regulation imposing anti-dumping duties on imports of iron and steel pipe fittings originating in China and Thailand or consigned from Taiwan.

**Estonia – Hungary – Agricultural products**

*(Doc. 8953/1/03 Rev1 - Doc. 9034/1/03 Rev1)*

The Council adopted Regulations aimed at implementing, as from 1 July on a transitional basis, trade concessions agreed with Estonia and Hungary regarding processed agricultural products.

These agreements follow negotiations conducted by the Commission with the associated countries of Central and Eastern Europe with a view to increased liberalisation of trade in this sector.