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THE EUROPEAN UNION**



15201/05 REV 1 (Presse 336)

PRESS RELEASE

2699th Council Meeting

Employment, Social Policy, Health and Consumer Affairs

Brussels, 8-9 December 2005

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Secretary of State for Work and Pensions

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15201/05 REV 1 (Presse 336)

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Main Results of the Council

The Council adopted:

- a decision on the approval on behalf of the European Community of the Agreement on the International **Dolphin Conservation Programme**;
- a regulation fixing for the 2006 fishing year the *guide prices* and Community **producer prices** for certain fishery products pursuant to Regulation (EC) No 104/2000;
- a directive amending EU rules on **noise provoked by outdoor machines**;
- a directive updating the **list of dangerous substances** contained in directive 76/769/EEC;
- a directive on the **use of vehicles hired without drivers** for the carriage of goods by road.

The Council adopted common positions on:

- a draft regulation on the **addition of vitamins, minerals and certain other substances to foods**;
- a draft regulation on **nutrition and health claims**.

The Council reached political agreement:

- on a European Parliament and Council Directive on implementation of the **principle of equality of men and women** in matters of employment and occupation – recast version,
- on a draft European Parliament and Council Regulation on **medicinal products for paediatric use**.

It also reached a partial political agreement on a draft European Parliament and Council Decision establishing a **programme for employment and social solidarity**.

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

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PARTICIPANTS

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

Belgium:

Mr Peter VANVELTHOVEN
Mr Rudy DEMOTTE

Minister for Employment and Computerisation
Minister for Social Affairs and Public Health

Czech Republic:

Mr Čestmír SAJDA

Deputy Minister for Labour and Social Affairs,
Department of the Deputy Minister for the European
Union and International Relations
Deputy Minister for Health, Ministry Office Head

Mr Michal POHANKA

Denmark:

Mr Claus Hjort FREDERIKSEN
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Minister for Employment
Minister for Family and Consumer Affairs
State Secretary, Ministry of the Interior and Health

Germany:

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Federal Minister for Health and Social Security
Parliamentary State Secretary to the Federal Minister for
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Estonia:

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Minister for Social Affairs

Greece:

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

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

France:

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Minister for Health and Solidarity
Minister with responsibility for Employment, Labour and
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Ireland:

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Tánaiste (Deputy Prime Minister) and Minister for Health
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Minister of State at the Department of Enterprise, Trade
and Employment with special responsibility for Labour
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Minister for Health

Cyprus:

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Mr Andreas GAVRIELIDES

Minister for Labour and Social Insurance
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Latvia:

Ms Dagnija STAĶE
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Lithuania:

Mr Rimantas ŠADŽIUS
Mr Rimantas KAIRELIS

Deputy Minister for Health
State Secretary at the Ministry of Social Security and
Labour

Luxembourg:

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

Mr Mars DI BARTOLOMEO

Minister for Health and Social Security

Hungary:

Mr Gábor CSIZMÁR
Mr Jenő RÁCZ

Minister for Labour and Employment
Minister for Health

Malta:

Mr Louis GALEA

Minister for Education, Youth and Employment

Netherlands:

Mr Aart Jan de GEUS
Mr Hans HOOGERVORST

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

Austria:

Mr Martin BARTENSTEIN
Ms Ursula HAUBNER

Federal Minister for Economic Affairs and Labour
Federal Minister for Social Security, Generations and
Consumer Protection
Federal Minister for Health and Women

Ms Maria RAUCH-KALLAT

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Mr Zbigniew RELIGA
Mr Kazimierz KUBERSKI

Minister for Health
Undersecretary of State, Ministry of Labour and Social
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Minister for Labour and Social Solidarity
Minister for Health

Slovenia:

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Mr Andrej BRUČAN

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

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Mr Peter OTTINGER

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

Finland:

Ms Tarja FILATOV
Ms Liisa HYSSÄLÄ

Minister for Labour
Minister of Health and Social Services

Sweden:

Mr Hans KARLSSON

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

Mr Morgan JOHANSSON

United Kingdom:

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Ms Patricia HEWITT
Ms Rosie WINTERTON
Mr John HUTTON
Mr James PLASKITT

Secretary of State for Trade and Industry
Secretary of State for Health
Minister of State for Health Services
Secretary of State for Work and Pensions
Parliamentary Under-Secretary of State, Department for
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Parliamentary Under-Secretary of State for Employment
Relations and Consumer Affairs

Mr Gerry SUTCLIFFE

Commission:

Mr Markos KYPRIANOU
Mr Vladimír ŠPIDLA

Member
Member

Other participants:

Mr Tom MULHERIN
Mr Maarten CAMPS

Chairman of the European Social Protection Committee
Chairman of the Employment Committee

.....

The Governments of the Acceding States were represented as follows:

Bulgaria:

Ms Emilia MASLAROVA
Mr Radoslav GAJDARSKI

Minister for Labour and Social Policy
Minister of Health

Romania:

Mr Gheorghe BARBU
Mr Anton Vlad ILIESCU

Minister for Labour, Social Solidarity and Family
Secretary of State, Ministry of Health

ITEMS DEBATED

EMPLOYMENT AND SOCIAL POLICY

– *Informal summit (Hampton Court – 27 October 2005)*

The Council took note of the Presidency's oral report on the outcome of the meeting of heads of state and of government that took place at Hampton Court on 27 October 2005.

– ***Demography and Human Capital***

The Council held a policy debate on *demography and human capital* covering, in particular, the following issues suggested by the Presidency (15189/05):

- Steps to be taken by Member States and by the European Union in order to increase the overall employment rate for people of working age. The way measures improving human capital support this work.
- Specific measures that Member States should pursue in order to maximise the employment opportunities for young people, older workers and disadvantaged groups. Specific barriers to raising the employment rates for these groups.

The debate followed the green paper "*Confronting demographic change: a new solidarity between the generations*" presented by the Commission on March 2005 (7607/05).

The Employment Committee (EMCO) chairman reported to the Council on the work of the Committee that had concentrated on the issue of *human capital* and that also served as a reference for the debate.

Delegations referred in particular to the following issues to be taken into account with a view to achieving the desired objective of increasing the overall employment rate:

- increasing the skills and qualifications of workers through lifelong learning;
- the notion of "making work pay";
- ensuring an adequate management of migration flows;
- reconciliation of family and professional lives.

The outcome of the debate should serve as input to the Commission's ongoing work on the demographic challenge.

– *Examination of national reform programmes*

The Council took note of an oral report presented by the chairman of the Employment Committee (EMCO) reflecting the initial findings resulting from the examination by this committee of the employment dimension of the National Reform Programmes (NRPs).

As foreseen in the reviewed Lisbon strategy and following the adoption of integrated guidelines in July 2005, the Member States have prepared their (first) National Reform Programmes, reflecting both parts of the integrated guidelines: the broad economic policy guidelines and the employment guidelines. It is the latter that were examined, in separate peer reviews, by the EMCO.

The EMCO's findings will be taken into account by the Commission in its preparation of the Lisbon Strategy Report foreseen for January 2006.

– *Working time directive*

The Council held extensive discussions on the proposal for a European Parliament and Council directive aimed at amending Directive 2003/88/EC concerning certain aspects of the organisation of working time¹, on the basis of a set of compromise texts tabled by the Presidency.

The Presidency acknowledged the positive spirit which prevailed during the discussions and noted that significant progress had been made in identifying possible elements for an agreement. However, the Presidency regretted that, given the differences in labour market situations in the Member States and the complexity of the new provisions, it was not possible to reach overall agreement at that stage.

The objectives of the Commission amended proposal are two-fold:

- First, to take into account the European Court of Justice's case law, in particular rulings in the SIMAP² and Jaeger³ cases which held that on-call duty performed by a doctor when he is required to be physically present in the hospital must be regarded as working time.
- Second, to review some of the provisions of Directive 2003/88/EC concerning the possibility of not applying the maximum weekly working time (48 hours) if the worker gives his agreement to carry out such work (the "opt-out" provision).

The key issues still to be resolved relate to the opt-out provision as well as to the question of whether the maximum weekly working time is calculated per contract or per worker.

Legal basis: Article 137(2) – qualified majority required for a Council decision and co-decision procedure with the European Parliament.

The European Parliament delivered its first reading opinion on 11 May 2005 (8725/05).

¹ OJ L 299, 18.11.2003, p. 9.

² Judgement of the Court of 3 October 2000 in case C-303/98, Sindicato de Médicos de Asistencia Pública (SIMAP) v. Conselleria de Sanidad y Consumo de la Generalidad Valenciana, ECR 2000, p. I-07963.

³ Judgement of the Court of 9 September 2003 in case C-151/02, Reference for a preliminary ruling: Landesarbeitsgericht Schleswig-Holstein (Germany) in the proceedings pending before that court between Landeshauptstadt Kiel and Norbert Jaeger, not yet published.

– *Programme for employment and social solidarity – PROGRESS*

The Council reached a *partial* political agreement on a draft European Parliament and Council Decision establishing a programme for employment and social solidarity (PROGRESS)¹.

The "*partial*" nature of this agreement is due to the fact that the budgetary aspects have been excluded pending the outcome of discussions on the future Community financial framework (Financial Perspective 2007/2013)². It is therefore expected that the Council will adopt this text as a *common position* after finalisation of the budget³ issue and of matters inextricably linked with it.

The aim of the programme is to financially support the implementation of the objectives of the European Union in the employment and social affairs area and thereby contribute to the achievement of the Lisbon Strategy.

It comprises five sections: employment, social protection and inclusion, working conditions, anti-discrimination and diversity and gender equality.

By establishing a single and streamlined financial instrument, the Decision will consolidate the four specific action programmes currently in place, providing for the continuation and development of the activities launched on the basis of:

- Council Decision establishing a Community action programme to combat discrimination (2001 to 2006)⁴;
- Council Decision establishing a Programme relating to the Community framework strategy on gender equality⁵;
- European Parliament and Council Decision establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion⁶;

¹ On 3 March 2005, the Council had already agreed on a general approach (6767/05).

² Article 17 of the Commission proposal is not part of the agreed text.

³ Budget proposed by the Commission: € 628.8 million.

⁴ Council Decision 2000/750/EC of 27 November 2000 (OJ L 303, 2.12.2000, p. 23).

⁵ Council Decision 2001/51/EC of 20 December 2000 (OJ L 17, 19.1.2001, p. 22).

⁶ European Parliament and Council Decision 50/2002/EC of 7 December 2001 (OJ L 10, 12.1.2002, p. 1).

- Council Decision on Community incentive measures in the field of employment¹, and
- European Parliament and Council Decision establishing a Community action programme to promote organisations active at European level in the field of equality between men and women²,

as well as those activities undertaken at Community level in relation to working conditions.

Legal basis proposed: Articles 13 (2), 129 and 137(2)(a) of the treaty – qualified majority required for a Council decision and co-decision procedure with the European Parliament.

The European Parliament delivered its opinion on 6 September (11954/05).

¹ European Parliament and Council Decision 1145/2002/EC of 10 June 2002 (OJ L 170, 29.6.2002, p. 1).

² European Parliament and Council Decision 848/2004/EC of 29 April 2004 (OJ L 157, 30.4.2004, p. 18, corrected in OJ L 195, 2.6.2004, p.7).

– *Equality for men and women in employment – recast version*

The Council reached political agreement on a European Parliament and Council Directive on implementation of the principle of equality of men and women in matters of employment and occupation – recast version (*14878/05 + ADD 1*).

The text agreed, after finalisation in all Community languages, will be formally adopted as a *common position* and sent to the Parliament with a view to its second reading. The text of the political agreement has been negotiated with the European Parliament, and so is expected to form the basis for an early second reading deal.

It is recalled that 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 into one single 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.

Legal basis proposed: Article 141 (3) of the Treaty – qualified majority required for a Council decision and co-decision procedure with the European Parliament.

The European Parliament delivered its first reading opinion on 6 July 2005 (*10811/05*).

– *Portability of supplementary pension rights*

The Commission presented to the Council its proposal for a European Parliament and Council directive on improving the portability of supplementary pension rights (13686/05). The Presidency briefed the Council on the examination undertaken to date by the Council's preparatory bodies.

In view of the increasing importance of supplementary pension schemes to cover the risk of old age in Member States, the Commission proposal aims to simultaneously reduce the obstacles to freedom of movement across Member States and to mobility within any Member State, stemming from restrictive provisions contained in these supplementary pension schemes which limit the opportunities for mobile workers to build up sufficient pension rights. Its main objectives are to:

- facilitate the acquisition of occupational pension rights;
- guarantee an adequate protection of dormant rights of outgoing workers;
- facilitate the transfer of acquired pension rights;
- ensure that workers receive appropriate information in the event of professional mobility.

At the initiative of the Presidency, Member States' experts already started the examination of the proposal in October, concentrating in the first instance on clarifying its key elements. This initial work showed that, while the objective was welcomed in itself, extensive technical work would be required on this proposal in view, in particular, of the diversity of situations in the various Member States.

Legal basis proposed: Articles 42 and 94 of the treaty – unanimity required for a Council decision and co-decision procedure with the European Parliament.

HEALTH**– *Human health aspects of pandemic flu***

The Council held a debate focusing on the need for clear and evidence-based information to the public and for steps to be taken both at national and at EU level to prepare for a possible outbreak of human pandemic influenza.

The debate covered the following issues:

- Sharing of information and coordination (e.g. between Member States, the Commission, the European Centre for Disease Prevention and Control and with the World Health Organisation) about the communication to the public about pandemic influenza;
- Specific contribution that Member States envisage that EU action, especially the research and development programmes, could make to prepare for a pandemic;
- Other specific actions at EU level that Member States believe would add value to work already in hand (for example through the World Health Organisation) to improve both production capacity and speed of access to antivirals and vaccines.

At the close of the discussion, the Presidency summarised as follows:

The Presidency:

1. RECOGNISES the need to distinguish between avian influenza, where the World Health Organisation (WHO) has stressed that the risk is very low for the general human population; seasonal influenza which occurs every year but for which annual vaccination is available; and the risk of human pandemic influenza. Progress towards targets for vaccinating at-risk groups against seasonal influenza will also contribute to preparedness for any influenza pandemic through increasing vaccine production capacity.

2. RECOGNISES that scientific advice remains that the risk of avian influenza being directly transmitted to humans from birds is still very low at the present time.
3. RECOGNISES that the risks of avian influenza and pandemic influenza impact on a wide range of policy interests within the Council. As set out in previous Council Conclusions, a Presidency group has been established on avian and pandemic influenza to coordinate activities in the Council and ensure that all relevant policy interests are involved in Council discussions. Those Conclusions also set out international meetings that have taken place on this issue recently.
4. RECOGNISES that a vital first step in protecting human health from risk of pandemic is for Member States to complete their national plans in accordance with WHO guidelines. National plans also provide the foundation for international cooperation at a global and EU level.
5. RECOGNISES the important role of the European Centre for Disease Prevention and Control in providing scientific advice to the European Commission and to Member States.
6. RECALLS that requirements already exist at EU level to collect surveillance information on influenza and to share this in a form that allows comparison across Europe. Member States are also committed to share with each other, the European Commission and the European Centre for Disease Prevention and Control, information about action to protect human health from the risks of pandemic influenza.
7. NOTES the two Communications from the European Commission on generic preparedness planning for public health emergencies in the EU and influenza pandemic preparedness and response planning in the EU and looks forward to examining them in detail.
8. NOTES the importance of testing preparedness planning, and notes the preliminary conclusions from the European Commission on its Common Ground Exercise which indicated where there were areas of further development needed in preparedness planning across Europe.
9. NOTES the importance of Member States and the European Community implementing the International Health Regulations as a valuable step towards improving preparedness at both national and EU level and stresses its commitment to implement the International Health Regulations as quickly as possible.

10. NOTES the importance of strengthening coordination between Member States and the European Commission on a range of issues using, where possible, existing coordination mechanisms. Coordination does not bind Member States to take identical action across the European Union. Effective coordination on pandemic planning also needs to involve international organisations such as the WHO (and as appropriate organisations such as the FAO, OIE and the World Bank) in view of the global agenda on pandemic influenza control.
11. EMPHASIZES the need for clear and objective communications with the public to reduce the likelihood of confusing messages to the citizens of Europe. While risk communication for their citizens is primarily a Member State responsibility, there is a need for coordination between Member States and with the European Commission and in particular the European Centre for Disease Prevention and Control to avoid confusing messages, especially in situations where Member States decide to take different action to protect their populations from pandemic influenza.
12. AGREES that the need to build up production capacity for antivirals that will be required to maximise protection of populations is an urgent priority. Notes that this is primarily a matter for Member States but that there could be further action at EU level to help to address this; notes that there should be further consideration of the available options for dealing with an outbreak including the feasibility and added value of the EU holding a targeted strategic stockpile of antivirals.
13. NOTES the importance of building up production capacity for vaccines and notes the importance of increasing the research effort into the development of new vaccines, in support of which the European R&D Framework programmes can play a valuable role.
14. CALLS UPON the European Commission to:
 - 1) come forward with its proposals for rapid implementation of the Community aspects of the International Health Regulations as soon as possible;
 - 2) strengthen the existing coordination mechanisms between Member States and the European Commission in close collaboration with the European Centre for Disease Prevention and Control in ways that allow Member States to share information about proposed responses and to consider how to avoid giving confusing messages to the general public; and

- 3) consider proposals on further practical action that would add value at EU level to action at national level and in international organisations, especially the WHO.

15. CALLS UPON MEMBER STATES to:

- 1) ensure that national planning is stepped up and completed;
- 2) to share with each other, and with the European Commission, information about the messages being given to the public about pandemic influenza and about action to protect human health from the risks of pandemic influenza; and
- 3) take action to implement the International Health Regulations as quickly as possible.

– *Paediatric medicines*

The Council reached political agreement, by qualified majority¹, on a draft European Parliament and Council Regulation on medicinal products for paediatric use (14865/05).

The text agreed, after finalisation in all Community languages, will be formally adopted as a *common position* and sent to the Parliament with a view to its second reading.

It is recalled that the proposal was drawn up in response to a Council Resolution of December 2000² in which the Commission was invited to make proposals for strengthening clinical testing so that medicinal products fully adapted to the specific needs of children would be available on the EU market. It is estimated that 50-90% of medicinal products used in the paediatric population have never been specifically studied or authorised for use in that age group.

The main objective of the draft regulation is to improve child health while removing obstacles to intracommunity trade in paediatric medicinal products.

The aims are the following:

- to ensure that medicinal products used to treat children have been the subject of high-quality research and appropriate clinical trials;
- to ensure that those medicinal products are duly authorised;
- to improve information on the use of medicinal products intended specifically for children and transparency on paediatric clinical trials;

while avoiding unnecessary clinical trials on children.

To that end, the draft regulation contains a combination of obligations and incentives. The main obligation is that a paediatric investigation plan must be submitted as part of the procedure for obtaining market authorisation, while incentives are provided through the extension of exclusive rights and the introduction of a new type of market authorisation for generic medicines, the PUMA.

¹ Poland indicated its intention to vote against when the act is adopted.

² See press release 14517/00.

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 use¹ and is in full compliance with the EU clinical trials directive².

The draft regulation also introduces some amendments to the regulation creating a supplementary protection certificate for medicinal products³, the directive on the Community code relating to medicinal products for human use, the regulation laying down procedures for the authorisation and supervision of medicinal products⁴ and the EU clinical trials directive⁵.

Proposed legal basis: Article 95 of the Treaty – qualified majority required for a Council decision and co-decision procedure with the European Parliament.

The European Parliament delivered its first reading opinion on 7 September 2005 (*11956/05*).

The Commission amended proposal was adopted on 11 November 2005 (*14487/05*).

¹ 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).

² Directive 2001/20/EC (OJ L 121, 1.5.2001, p. 34).

³ Regulation (EEC) No 1768/92 (OJ L 182, 2.7.1992, p. 1), as last amended by the Act of Accession 2003.

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).

– *Mental health*

The Council was briefed by the Commission on the green paper entitled "Improving the mental health of the population – towards a strategy on mental health for the European Union", issued in October 2005 (13442/05).

The green paper outlines the relevance of mental health for some of the EU's strategic policy objectives (prosperity, solidarity and social justice, quality of life of citizens) and proposes the development of a strategy on mental health at Community-level with identification of its possible priorities. The aim of the strategy would be to promote greater visibility for mental health in all policies, develop better knowledge-sharing on this topic and build consensus on what all actors can do to contribute to better mental health.

The green paper is submitted for public consultation until the end of May 2006, to which all parties concerned may contribute. The outcome of this consultation may lead to the elaboration of the EU Strategy on mental health by the end of 2006.

OTHER BUSINESS

The Council was briefed by the Presidency on the following items:

- Annual follow-up to the Beijing Platform (15241/05);
- Presidency conferences on:
 - The future on occupational safety and health in the EU – 18/19 October, Liverpool (15399/05)
 - Investing in the future: corporate social responsibility and the Finance sector – 1/2 December 2005 (15401/05)
 - European round table conference on social inclusion: "Halfway to Lisbon" – Glasgow 17/18 October) (15223/05);
- Proposal for a decision establishing a programme for Community action in the field of public health and consumer protection (*progress report*);
- Health inequalities and patient safety (15087/05);
- Council public health working party meeting at senior level (15281/05).

The Council was briefed by the Commission on the following items:

- Commission biennial report on disability (15398/05);
- Memorandum of understanding between the European Commission and China on cooperation on employment and social affairs (15369/05);
- A coordinated approach to the fight against HIV/AIDS in the European Union and the neighbouring countries (15299/05);

- Commission high-level group on health services and medical care *(15177/05)*;
- Framework convention on tobacco control *(15300/05)*;
- International health regulations *(15301/05)*.

The Council was briefed by the Luxembourg delegation on the outcome of the following conference: 4th European meeting of persons in a situation of poverty – Luxembourg, 10-11 June 2005 *(14384/05)*.

OTHER ITEMS APPROVED

HEALTH

Addition of vitamins and minerals to foods *

The Council adopted, by a qualified majority¹, a common position concerning a draft regulation on the addition of vitamins, minerals and certain other substances to foods, which will be sent to the European Parliament with a view to its 2nd reading (9847/05 + 14793/05 ADD 1).

The draft regulation aims to harmonise national rules on the addition of nutrients (vitamins, minerals and certain other substances) to food, while ensuring that foodstuffs on sale are safe and properly and clearly labelled so that consumers can make an informed choice. Harmonisation was also deemed necessary to facilitate the free movement of these products within the Community. The text lists the vitamins and minerals that may be added to foods, as well as the forms and conditions in which they may be added.

The provisions of the draft regulation do not apply to food supplements covered by Directive 2002/46/EC² and do not affect the specific provisions on foods for particular nutritional uses, novel foods and food ingredients, food additives and flavourings and authorised oenological processes.

Nutrition and health claims on foods *

The Council adopted, by unanimity, a common position concerning a draft regulation on nutrition and health claims, which may be used in the labelling, presentation and advertising of foods. The common position will be sent to the European Parliament with a view to its 2nd reading (9858/05 + 14795/05 ADD 1).

In order to avoid misleading consumers and to ensure the proper use of claims as a marketing tool, the draft regulation intends to allow only claims that are clear and meaningful to the consumer, subject to certain conditions. The person marketing the food should be able to justify scientifically the use of the claim.

¹ Denmark voted against.

² OJ L 183, 12.7.2002, p. 51.

The draft regulation covers foods to be delivered as such to the final customer or supplied to restaurants, hospitals, schools, canteens and other large-scale caterers.

The draft regulation intends to harmonise national rules in order to ensure 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 laws).

FISHERIES

Dolphin conservation

The Council unanimously adopted a Decision on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme (14204/05).

The Agreement - entered into force in 1999 and currently having 15 contracting parties - includes the progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery in the Eastern Pacific Ocean, in which Community vessels are participating, to levels approaching zero. This is to be achieved through the setting of annual limits and the long-term sustainability of tuna stocks in the Agreement area.

EU/Seychelles Fishing Agreement

The Council unanimously adopted a Decision on the conclusion of the Agreement in the form of an exchange of letters on the provisional application of the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles (13538/05).

The Protocol provides the Community with fishing possibilities off Seychelles corresponding to 40 ocean-going tuna-seiners and 12 surface longliners during the whole period, subject to a financial contribution of EUR 24 750 000 (EUR 4 125 000 to be paid annually over 6 years). The fishing possibilities are distributed among Spain, France, Italy and Portugal.

Guide Prices

The Council unanimously adopted a Regulation fixing for the 2006 fishing year the *guide prices* and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000 (14615/05).

The latter Regulation stipulates that these prices be based on the average of prices recorded for a significant proportion of Community output on wholesale markets or in ports during the three fishing years immediately preceding 2006. Furthermore, they are to take into account trends in production and demand, thus being an appropriate tool for the determination of price levels of intervention on the market for certain fishery products, while stabilising the markets and avoiding the formation of surpluses in the Community.

INTERNAL MARKET

Noise limits for outdoor machines - Health protection

The Council adopted a directive amending EU rules on noise provoked by outdoor machines (3661/05). The directive was adopted at first reading under the co-decision procedure after reaching agreement with the European Parliament.

The directive modifies current EU rules established by the "noise directive" (2000/14/EC)¹, for types of equipment where permissible sound power levels apply, mainly in order to:

- allow certain types of equipment to be placed on the market and/or put into service in the EU from 3 January 2006;
- provide the Commission with sufficient time to fulfil its obligations on reporting and collection of data.

The noise directive imposes mandatory noise emission limits in certain machines in two stages: the first came into force in 2002 and the second will take effect on 3 January 2006. It sets maximum permissible sound power levels and mandatory noise emission labelling for 22 types of equipment and mandatory noise emission labelling for 35 types of equipment. Since January 2002, the 57 types of equipment must satisfy the requirements of the noise directive before being placed on the market or put into service within the internal market.

¹ OJ L 162, 3.7.2000, p. 1.

Health protection - Dangerous substances *

The Council adopted, at first reading, a directive updating the list of dangerous substances contained in directive 76/769/EEC in order to restrict their use in preparations marketed for sale to the public (3644/05, 14427/05 ADD1).

The directive will insert 346 entries containing substances newly classified or re-classified. Among these 346 entries, 304 contain substances which were already subject to a restriction for sale to the general public due to an earlier classification as carcinogenic, mutagenic or toxic to reproduction. Therefore, only 42 of these entries relate to substances that will be subject for the first time to restrictions for sale.

TRANSPORT**The hire of goods vehicles**

The Council adopted a directive on the use of vehicles hired without drivers for the carriage of goods by road (*PE-CONS 3650/05*).

The directive codifies and repeals directive 84/647/EEC, substituting the various acts incorporated in it by putting it together with only such amendments as are required by the codification exercise itself.
