



Brussels, 29 November 2006

*Background*<sup>1</sup>  
**EMPLOYMENT, SOCIAL POLICY AND HEALTH COUNCIL**

**Brussels, 30 November and 1 December 2006**

*The Council will start at 10:00 on both days. On 30 November, it will deal with the **public health** items. It will continue on 1 December, to deal with the **employment and social policy** items.*

**Public Health:**

*The Council will reach political agreement on a draft decision on a second **programme in the field of health** (public deliberation). It will adopt conclusions on **health in all policies** (public debate) and on the **EU strategy to reduce alcohol-related harm** (public debate).*

*It will hold exchanges of views on the **international health regulations** and on the follow-up to the high level reflection process on **patient mobility and healthcare developments in the EU** (public debates).*

**Employment and social policy:**

*The Council will hold an exchange of views on the Commission Green paper: **Modernising the labour law to meet the challenges of the 21st century** (public debate). It will adopt conclusions on **decent work** (public debate). The Council will endorse an opinion of the Employment committee on **enhancing higher productivity and more and better jobs** and will also endorse an opinion of the Social Policy Committee on the Commission communication "**The demographic future of Europe – from challenge to opportunity**" (public debates).*

*The Council will also adopt conclusions on the review of the implementation of the **Beijing Platform for Action** (public debate) as well on **men and gender equality** (public debate) It will reach political agreement on a draft decision establishing for 2007-2013 the programme "**Fight against violence (Daphne)**" (public deliberation).*

*It will hold a policy debate on a draft directive on the **portability of supplementary pension rights** (public deliberation). It will agree on partial general approaches concerning invalidity benefits and old-age and survivors' pensions of draft regulations implementing Regulation (EC) No 883/2004 on the **coordination of social security systems** and determining its Annex XI (public deliberations).*

*A press conference will be held by the presidency at the end of each day's session.*

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<sup>1</sup> This note has been drawn up under the sole responsibility of the Press Office.

## **PUBLIC HEALTH**

### **Health programme (*public deliberation*)**

The Council will reach political agreement on a draft decision establishing a second programme of Community action in the field of health (2007-2013) (15250/06).

The main objectives of the health programme are

- improving citizen's health security;
- promoting health;
- generate and disseminate health information and knowledge.

The budget proposed in the text is of EUR 324,15 million<sup>2</sup>.

The draft decision should replace Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008)<sup>3</sup>.

Legal basis proposed: 152 of the Treaty; qualified majority required for a Council decision and co-decision procedure with the European Parliament applicable. The European Parliament delivered its first reading opinion 16 March 2006 (7537/06). On 29 May 2006, the Commission submitted its amended proposal (9905/06). The objective of the Presidency is to reach agreement with the Parliament at second reading.

### **Health in all policies (*public debate*)**

The Council will adopt conclusions on health in all policies (15252/06).

Article 152 of the Treaty says "a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities".

The conclusions are to be seen in the context of mainstreaming health into a range of other Community policies (e.g. employment, transport, energy, environment) in order to make sure that public health principles are part of all relevant policies.

The Finnish Presidency organised a conference on health in all policies in Kuopio, Finland on 20-21 September 2006. The outcome of the conference has served as a basis for these conclusions, which aim to:

- strengthen the commitment of the EU institutions and the Member States to the implementation of the health in all policies principle in both at national and EU levels;
- increase the knowledge and understanding of health determinants outside the health sector;
- boost the awareness of the health impacts of policy decisions;

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<sup>2</sup> 2004 prices.

<sup>3</sup> OJ L 271, 9.10.2002, p.1. Decision as amended by Decision No 786/2004/EC (OJ L 138, 30.4.2004, p. 7).

- support all actors in their efforts to realise good health for all in an economically sustainable way that also contributes to sustainable development.

### **EU strategy to reduce alcohol-related harm (*public debate*)**

The Council will hold a policy debate and, at the end of the debate, will be invited to adopt conclusions (15258/06) concerning the EU strategy to reduce alcohol-related harm.

The debate will be based on the following questions suggested by the Presidency (15257/06):

*The main aim of the EU Alcohol strategy is to support Member States in reducing alcohol-related harm. How do you see, from the perspective of a Member State, the opportunities and challenges relating to the support that the Community can provide for national policies in reducing alcohol-related harm?*

*Given the importance of alcohol-related problems, what kind of involvement do Health Ministers deem appropriate for the Council in the future?*

Alcohol is one of the key health determinants in the EU. Europe is the continent where per capita alcohol consumption is the highest in the world. The burden of disease and injury attributable to alcohol for the financing of health systems in the Member States is estimated to be between 8 and 10%. Estimates announce that 55 000 young people, aged 15 to 29 years, died in the WHO Region of Europe of alcohol-related causes during 1999.

There has been an increase in young people's frequency of drinking alcohol, in particular in binge drinking in many Member States. Also alcohol related mortality, liver cirrhosis, children's alcohol poisoning and alcohol related road accidents have increased in many Member States.

Combating alcohol-related harm therefore is a public health priority in many Member States, and at EU level. The social dimension has also to be considered: violence, hooliganism, crime, family problems, social exclusion, problems at the workplace and drink driving.

Alcohol has been recognised as an important health determinant set out in the health strategy of the European Community and the Public Health Programme 2003-2008.

This item follows-up the Commission's communication on an EU strategy to support Member States in reducing alcohol-related harm (14851/06).

### **International health regulations (*public debate*)**

The Council will hold an exchange of views on international health regulations (IHR), on the basis of the following questions suggested by the Presidency (15254/06):

*The Presidency, as a summary of the discussions at the Working Party on Public Health, has drawn the following main conclusions:*

- a. There is a strong commitment to the full and timely implementation of the IHR, and the voluntary early implementation of the IHR provisions relevant to the risk posed by avian and pandemic influenza.*

- b. *There is no need for reservations with regard to the Community acquis. The prevailing view expressed during the discussions is that a coordinated EU position on possible Third country reservations<sup>4</sup> would be needed.*
- c. *There is an obligation for the Member States to notify the Community about outbreaks and consult each other in liaison with the Commission with a view to coordinate their actions under Decision No 2119/98/EC setting up a network for the epidemiological surveillance and control of communicable diseases in the Community<sup>5</sup>. The Member States considered that notifications on potential public health emergencies of international concern to WHO must take place simultaneously with notifications to the Community network, in order to prevent any delay.*
- d. *The role of the EU in the implementation of the IHR, including the collaboration between WHO and EU, should be further explored and developed in the Council.*

*Questions:*

*Do Ministers agree with the Presidency on the main conclusions as outlined above?*

*Do Ministers consider that these conclusions could constitute the basis for further discussions?*

The revised IHR were adopted by the World Health Assembly on 23 May 2005 and will enter into force on 16 June 2007. The purpose and scope of the IHR are to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade. The IHR also establish a single code of procedures and practices for routine public health measures at international airports and ports and some ground crossings. The European Community is a contracting party to the IHR alongside the Member States.

There is a need to think about the Community arrangements for proper functioning of the IHR, for instance the early voluntary implementation of the influenza related provisions.

This item follows-up to the Commission's communication which seeks to clarify the role of the Community on the implementation of the IHR (13501/06).

### **Patient mobility and healthcare developments in the EU (*public debate*)**

The Council will hold an exchange of views on the follow-up to the high level reflection process on the patient mobility and healthcare developments in the EU, on the basis of the following question suggested by the Presidency (15255/06):

*The Commission established a High Level Group on Health Services and Medical Care (HLG) in order to give a forum for Member States (MS) to pursue cooperation in this area.*

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<sup>4</sup> IHR Article 62

<sup>5</sup> OJ L 268 of 03.10.1998, p. 1

*The Presidency, based on the outcome of the work in the HLG, has drawn the following main conclusions.*

- a. The work done in the HLG and its different sub-groups has been fruitful and it has produced concrete results, such as the establishment of a European wide network for the Health Technology Assessment and the Guidelines on purchase of treatment abroad.*
- b. There is support for the continued cooperation in the HLG in health care related issues that can add significant value.*
- c. The Commission should inform the Council about its plans as regards the future of the HLG.*

*Question:*

*Do Ministers agree with the Presidency on the main conclusions as outlined above?*

This debate follows-up the 2004 Council conclusions on patient mobility and healthcare developments on the EU (9507/04).

## **EMPLOYMENT AND SOCIAL POLICY**

### **Modernising labour law to meet the challenges of the 21st century (*public debate*)**

Following the presentation by the Commission of its document "Green paper - Modernising labour law to meet the challenges of the 21st century" (15725/06), the Council will hold an exchange of views on the subject, as a key element for the adaptability of workers and enterprises with a view to promoting economic activity and high productivity. The debate should concentrate on exploring priorities for a meaningful labour law reform agenda in order to support the capacity of workers to anticipate and manage change.

### **Decent work (*public debate*)**

The Council will adopt conclusions on decent work (15496/06).

The conclusions will deal with the following items:

- Decent work in EU
- Decent work and bilateral and regional relations
- Decent work and development cooperation
- Decent work and trade related issues
- Cooperation with UN and ILO and other relevant actors
- Follow-up

The Commission published the communication "Promoting decent work for all – the EU contribution to the implementation of the decent work agenda in the world" in May 2006 (9988/06).

## **Responding to the challenges of globalisation and demographic change (*public debate*)**

### **a) Enhancing higher productivity and more and better jobs including for people at the margins of the labour market**

The Council will endorse an opinion of the Employment Committee on the above mentioned subject (14844/06).

The document pays special attention to people at the margins of the labour market.

### **b) Commission communication: "The demographic future of Europe – from challenge to opportunity"**

Following the presentation by the Commission of its communication (14114/06), the Council will endorse an opinion of the Social Protection Committee on the subject (15140/06)

## **Beijing platform for action (*Public debate*)**

The Council will adopt conclusions on the review of the implementation by the Member States and the EU institutions of the Beijing platform for action, accompanied by indicators on "Institutional mechanisms", which is one of the 12 critical areas for action (14376/06).

This is an annual exercise established by the European Council of Madrid in 1995, following the United Nations 4th World Conference on women held in Beijing in September 1995.

The UN 4th World Conference on Women adopted a platform for action in order to achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. As early as December 1995, the European Council, in Madrid, decided that there should be a yearly follow-up by the Member States and the Community institutions of national and European strategies in implementing the Platform For Action.

It has since become a traditional exercise for the Presidencies of the second half of the year. The specific themes of the precedent years were:

- women's participation in power and the decision-making process (1999),
- reconciliation of family life and working life (2000);
- unequal pay (2001);
- domestic violence against women (2002);
- representation of women and men in economic decision-making centres of the European Union (2003);
- sexual harassment (2004);
- 10 years of the platform for action (2005).

## **Men and gender equality (*public debate*)**

Following the Presidency conference on this topic held in Helsinki on 5-6 October 2006, the Council will adopt conclusions on men and gender equality (14845/06).

The conclusions highlight the benefits of men's involvement in gender equality and that men too can benefit from effective gender equality policies.

### **Daphne III (*public deliberation*)**

The Council will reach political agreement on a draft decision establishing for 2007-2013 the specific programme "Fight against violence (Daphne)" as part of the general programme "Fundamental rights and justice" (15869/06).

The specific aim of the programme is to prevent and combat all forms of violence occurring in the public and private domains against children, young people and women, including sexual exploitation and trafficking in human beings.

A series of actions of the 'Fundamental Rights and Justice' Framework programme are envisaged to be taken under the specific programme "Fight against violence (Daphne)". These include:

- Specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities;
- Actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;
- Actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set out in the annual work programmes;
- An operating grant to the European Federation for Missing and Sexually Exploited Children which pursues an aim of general European interest in the field of children's rights and protection.

Community funding may take the following legal forms: grants and public procurement contracts.

Access to this programme shall be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres) working to prevent and combat violence or to prevent drugs use. It will also be open to participants from various third countries such as candidate countries, Western Balkans, EFTA countries.

This specific programme is complemented by other specific programmes under the general programme "Fundamental Rights and Justice", in particular the specific programme "Fundamental Rights and Citizenship", as well as the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows".

A budget of EUR 138.2 million for the period 2007-2013 is proposed for the specific programme Daphne.

Legal basis proposed: Article 152 of the Treaty; qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its first reading opinion on 5 September 2006. There is a strong possibility of a second agreement with the European Parliament.

## **Portability of supplementary pension rights (*public deliberation*)**

Pending the opinion of the European Parliament at first reading, the Council will take note of a progress report (15125/06) and will hold a policy debate on a draft directive on improving the portability of supplementary pension rights.

The debate will be based on the following questions suggested by the Presidency:

### Transferability

#### *Question 1(a)*

*Can Ministers agree that, as an important further step in facilitating the mobility of workers in the European Union, the Directive should focus on vesting criteria as well as on the preservation of pension rights through a fair treatment of dormant rights?*

#### *Question 1(b)*

*Can Ministers agree that this Directive should not contain provisions for transferability?*

### Supplementary pension schemes to be covered by the Directive

#### *Question 2*

*Do Ministers agree, taking into account the combination of a long transitional period and the suggested exclusion of certain schemes, that the Presidency text would give sufficient time to supplementary pension schemes to adjust to the new rules?*

In view of the increasing importance of supplementary pension schemes to cover the risk associated with old age in Member States, the Commission proposal aims to facilitate worker's freedom of movement across Member States and their mobility within a Member State, by eliminating any restrictive provisions linked to these supplementary pension schemes which may limit the opportunities for mobile workers to build up sufficient pension rights throughout their working lives.

Its main objectives are to:

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

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

## **Coordination of social security systems (*public deliberations*)**

- **implementing regulation (EC) No 883/2004**
- **determining the content of Annex XI of regulation (EC) No 883/2004**

Pending the European Parliament opinion at first reading, the Council will agree on partial<sup>6</sup> general approaches on the parts concerning invalidity benefits and old-age and survivors' pensions of two draft regulations, that will implement regulation (EC) No 883/2004<sup>7</sup> (15600/06) and that will determine the content of its Annex XI (15598/06), respectively.

Regulation (EC) No 883/2004 was the first step in a process aimed at modernising and simplifying EU rules on the coordination of national social security systems, which are intended to allow EU citizens to move freely within Europe, while maintaining their rights to social security benefits (health, pensions, unemployment benefits, etc.). This process must be completed with the adoption of an implementing regulation<sup>8</sup>, to replace Regulation (EEC) No 574/72 and of a regulation which lays down provisions regarding specific aspects of individual Member States' legislation that will form the content of Annex XI to Regulation (EC) No 883/2004<sup>9</sup>, which proposals are now under examination.

Legal basis proposed: Articles 42 and 308 of the Treaty – unanimity required for a Council decision; co-decision with the European Parliament applicable.

## **Other business**

1. Proposal for a regulation on advanced therapy medicinal products (*15310/06*)
  - Progress report (*Public deliberation*)
2. Pandemic Influenza
  - Information from the Commission and the Presidency
3. Pharmaceutical Forum
  - Information from the Commission
4. Commission communication on combating HIV/AIDS within the European Union and in the neighbouring countries, 2006-2009
  - Information from the Commission on the implementation of the action plan
5. Commission Green Paper "Improving the Mental Health of the Population. Towards a Strategy on Mental Health for the European Union"
  - Information from the Commission on the consultation process

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<sup>6</sup> Examination of the proposals will be pursued under the incoming Presidencies.

<sup>7</sup> Regulation of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, 30.4.2004, corrigendum OJ L 200, 7.6.2004.

<sup>8</sup> See Article 89 of Regulation (EC) No 883/2004.

<sup>9</sup> See Article 83 of Regulation (EC) No 883/2004.

6. Communication from the Commission on transitional prolongation and extension of the mandate of the Health Security Committee in view of a future general revision of the structures dealing with health threats at EU level
    - Information from the Commission
  7. Health in the World of Work
    - Information from the Presidency
  8. Examination of National Reform Programmes
    - Report from the Employment Committee
  9. Communication from the Commission "Implementing the Community Lisbon programme: Social services of general interest in the European Union" (9038/06)
    - Report from the Social Protection Committee
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