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THE EUROPEAN UNION**



16611/09 (Presse 348)

PROVISIONAL VERSION

PRESS RELEASE

2980th Council meeting

Employment, Social Policy, Health and Consumer Affairs

Brussels, 30 November - 1 December 2009

President

Mr Sven Otto LITTORIN

Minister for Employment

Ms Nyamko SABUNI

Minister for Integration and Equal Opportunities

Ms Maria LARSSON

Minister for Elderly Care and Public Health

Mr Göran HÄGGLUND

Minister for Health and Social Affairs

P R E S S

Rue de la Loi 175 B - 1048 BRUSSELS Tel.: +32 (0)2 281 5394 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

16611/09 (Presse 348)

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Main results of the Council

*The Council held two public policy debates. The first debate focused on **how to recover from the crisis and prepare for the post-2010 Lisbon Strategy**. Within this context, ministers adopted conclusions on promoting labour market inclusion - recovering from the crisis and preparing for the post-2010 Lisbon Strategy. The second debate focused on **gender equality: strengthening growth and employment**. Ministers also adopted conclusions on this topic.*

Furthermore, the Council adopted conclusions on

- **healthy and dignified ageing, and on**
- **the follow-up of the implementation of the Beijing Platform of Action - "Beijing 15+": a review of progress.**

The Council reached political agreement on

- **a draft directive giving legal effect to a revised framework agreement on parental leave concluded by the social partners at European level, notably extending workers' right to parental leave from three to four months for each parent,**
- **a decision authorising member states to ratify the work in fishing convention of the International Labour Organisation and**
- **a draft directive on the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.**

Ministers adopted conclusions on

- **innovative incentives for effective antibiotics,**
- **safe and efficient healthcare through eHealth and**
- **alcohol and health.**

*Ministers held an exchange of views on **pandemic A(H1N1)** as an update and follow-up to the Council meeting of 12 October 2009, on the basis of information from the Presidency.*

*Without debate, the Council adopted a recommendation calling on the member states to take legal action to **protect their citizens from exposure to tobacco smoke**.*

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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.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- 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 Council's 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:

Ms Laurette ONKELINX

Deputy prime minister and minister for Social Affairs and Public Health

Ms Joëlle MILQUET

Deputy prime minister and minister for Employment and Equal Opportunities, responsible for Policy on Migration and Asylum

Mr Jean-Marc DELIZEE

Secretary of state for Combating Poverty

Bulgaria:

Mr Totyu MLADENOV

Minister for Labour and Social Policy

Mr Bozhidar NANEV

Minister for Health

Czech Republic:

Mr Petr ŠIMERKA

Minister for Labour and Social Affairs

Ms Dana JURÁSKOVÁ

Minister for Health

Mr Michael KOCÁB

Minister for Human Rights

Denmark:

Mr Jakob Axel NIELSEN

Minister for Health and Prevention

Ms Inger STØJBERG

Minister for Employment and Minister for Equal Opportunities

Germany:

Mr Philipp RÖSLER

Federal minister for Health

Estonia:

Mr Hanno PEVKUR

Minister for Social Affairs

Ireland:

Ms Mary HARNEY

Minister for Health and Children

Mr Dara CALLEARY

Minister of State at the Department of Enterprise, Trade and Employment with special responsibility for Labour Affairs

Greece:

Mr Andreas LOVERDOS

Minister for Employment and Social Security

Ms Mariliza XENOIANNAKOPOULOU

Minister for Health and Social Solidarity

Spain:

Mr Celestino CORBACHO CHAVES

Minister for Labour and Immigration

Ms Bibiana AÍDO ALMAGRO

Minister for Equality

Ms Dolores GOROSTIAGA

Deputy President and minister for Employment and Social Welfare of the Autonomous Community of Cantabria

Ms Trinidad JIMENEZ GARCIA-HERRERA

Minister for Health and Social Policies

Ms Maria KURTZ

Minister for Health of the Autonomous Foral Community of Cantabria

France:

Ms Roselyne BACHELOT-NARQUIN

Minister for Health and Sport

Italy:

Mr Ferruccio FAZIO

Deputy minister for Labour, Health and Social Policy

Cyprus:

Ms Sotirioulla CHARALAMBOUS

Minister for Labour and Social Insurance

Latvia:

Ms Baiba ROZENTĀLE

Minister for Health

Mr Uldis AUGULIS

Minister for Welfare

Lithuania:

Ms Nora RIBOKIENĖ

Deputy minister for Health

Ms Audronė MORKŪNIENĖ

Deputy minister for Social Security and Labour

Luxembourg:

Mr Mars DI BARTOLOMEO
Mr Nicolas SCHMIT

Ms Françoise HETTO-GAASCH

Minister for Health and Social Security
Minister with responsibility for Foreign Affairs and
Immigration
Minister for Small and Medium-Sized Businesses and
Tourism, minister for Equal Opportunities

Hungary:

Mr Tamás SZÉKELY
Mr László HERCZOG

Minister for Health
Minister for Social Affairs and Labour

Malta:

Mr John DALLI

Minister for Social Policy

Netherlands:

Mr Piet Hein DONNER

Minister for Social Affairs and Employment

Austria:

Mr Alois STÖGER
Mr Rudolf HUNDSTORFER

Federal minister for Health
Federal minister for Labour, Social Affairs and
Consumer Protection

Poland:

Ms Ewa KOPACZ
Mr Radosław MLECZKO

Minister for Health
Deputy State Secretary, Ministry of Labour and
Social Policy

Portugal:

Ms Helena ANDRÉ
Ms Ana JORGE

Minister for Labour and Social Protection
Minister for Health

Romania:

Mr Adrian STREINU CERCEL
Mr Silviu BIAN

Secretary of State
Secretary of State at the ministry of Labour, Social
Solidarity and Family

Slovenia:

Mr Borut MIKLAVČIČ
Mr Ivan SVETLIK

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

Slovakia:

Mr Daniel KLAČKO

Secretary of state, ministry of Health

Finland:

Ms Liisa HYSSÄLÄ
Ms Paula RISIKKO
Ms Anni SINNEMÄKI

Minister for Social Affairs and Health
Minister for Health and Social Services
Minister for Labour

Sweden:

Ms Maria LARSSON
Mr Goran HÄGGLUND
Mr Sven Otto LITTORIN
Ms Nyamko SABUNI

Minister for the Elderly and Public Health
Minister for Social Affairs
Minister for Employment
Minister for Integration and Equal Opportunities

United Kingdom:

Ms Harriet HARMAN

Ms Angela EAGLE
Ms Gillian MERRON

Leader of the House of Commons and Lord Privy Seal,
Minister for Women and Equality
Parliamentary secretary to the Treasury
Parliamentary Under Secretary of state, Foreign and
Commonwealth Office

Commission:

Mr Vladimír ŠPIDLA
Ms Androulla VASSILIOU
Mr Günter VERHEUGEN

Member
Member
Member

ITEMS DEBATED

Employment and social policy

Recovering from the crisis and preparing for the post-2010 Lisbon strategy

The ministers held a public policy debate¹ on this item, replying to two questions put by the Presidency:

- which are the necessary measures to be implemented to enable the EU to exit the current recession both with structurally stronger labour markets and well-prepared for the EU's long term objectives?
- which elements of labour markets and social security policies are conducive to creating more inclusive labour markets, in order to ensure an increased labour supply in the long run?

Ministers in general agreed that, given the prospect of continuing deterioration of labour markets, an active employment policy with short-term measures must be maintained. This include measures such as short-time working arrangements, the improvement of employability through training and measures aimed at including in the labour market people who are in danger of being permanently excluded. A strong focus should be put on people who are particularly hard-hit by the crisis, notably the elderly, young people, workers without fixed-term contracts and people with disabilities. With regard to the long term, ministers called for a continuation of structural reforms. More specifically, many ministers pleaded for a reform of the social security systems in order to cope with the population trend, to ensure financial sustainability and to create incentives for taking up a job. These measures should be complemented by an improved offer of childcare and care for the elderly, thus creating the conditions for accepting a new job, to be coordinated with measures under the EU structural funds. Ministers also made it clear that the errors that had been made during previous crises, such as premature retirement from the labour market, should be avoided. Furthermore, the Council in charge of Employment, Social Policy, Health and Consumer Affairs stressed the need for closer cooperation with other Council configurations, including the configuration in charge of Economic and Financial Affairs.

¹ Public events of the Council can be followed by video streaming at:
<http://www.consilium.europa.eu/videostreaming>

With regard to the Post-2010 Lisbon Strategy, ministers agreed that the creation of jobs should remain at its heart. Many ministers also wished to strengthen the social dimension of the strategy and to include further challenges such as the demographic evolution, climate change, gender equality and increased competition due to globalisation. Several ministers stressed the importance of involving the social partners in the discussion of the future strategy.

The outcome of the policy debate will contribute to the preparation of the December European Council conclusions.

During the debate, the Council adopted conclusions entitled "Promoting labour market inclusion - recovering from the crisis and preparing for the post-2010 Lisbon Strategy" emphasising that measures to support the economy and employment should be maintained until sustainable recovery is secured, while exit strategies are in place which lead to more and better jobs. These conclusions are based on the high-level conference on labour market inclusion held in Stockholm on 26 and 27 October and are set out in ([16214/09](#)).¹

The ministers also endorsed an opinion from the Employment Committee on the European Employment Strategy within the post-2010 Lisbon Agenda ([15529/09](#)) and another from the Social Protection Committee on the post-2010 Lisbon Strategy ([15850/09](#)), supporting calls for a stronger social dimension in the post-2010 Lisbon Agenda.

The Council took note of:

- the Commission background paper: "The Employment Crisis: Trends, Policy Responses and Key Actions" ([15995/09](#));
- the second joint report of the Social Protection Committee and the Commission on the social impact of the crisis ([16169/09](#));
- the analytical paper of the Employment Committee: "Bringing more people into labour markets" ([15530/09](#));
- the policy conclusions of the Employment Committee: "The 2009 Cambridge Review of the National Reform Programme - Policy Conclusions" ([16215/09](#)).

¹ This and other documents mentioned in this press release can be found in the public register of the Council by typing in the corresponding number
<http://www.consilium.europa.eu/showPage.aspx?id=549&lang=en>

Revised framework agreement on parental leave

The ministers reached political agreement on a draft directive implementing the revised framework agreement on parental leave concluded by the social partners at European level ([15994/09](#)). This agreement lays down minimum requirements for parental leave designed to contribute to better reconciliation of professional and family life and to promote gender equality on the labour market.

The new directive, to be applied by early 2012, in particular extends workers' right to parental leave from three to four months for each parent. At least one month of this leave cannot be transferred from one parent to another. This is to encourage fathers to take on more family responsibilities. Other new elements compared to the previous agreement of 1995 include the clarification that fixed-term, part-time and temporary agency workers are also covered. A qualification period may be required but it must not exceed one year. Parents returning from parental leave will have the right to request flexible working arrangements and employers must consider and respond to these requests.

In accordance with the EU treaty, social partners may jointly request that agreements concluded by them at EU level on a number of matters be implemented by a Council decision. The recent agreement on parental leave was concluded in June 2009 between four European cross-industry social partners: BUSINESSEUROPE (Confederation of European Business), UEAPME (European Association of Craft, Small and Medium-sized Enterprises), CEEP (European Centre of Employers and Enterprises providing Public Services) and ETUC (European Trade Union Confederation). It replaces their previous agreement of December 1995 implemented by Council directive 96/34, which will be repealed by the new directive.

Healthy and dignified ageing

The Council adopted conclusions on healthy and dignified ageing, highlighting the importance of improved cooperation between the member states to enhance dignity in elderly care in the EU. The conclusions are set out in ([14996/09](#)).

By adopting the conclusions, the Council invited the member states to make the issue of healthy and dignified ageing one of their priorities for the coming years and to shift their focus towards preventive measures in order to reduce the burden of chronic diseases, frailty and disability. Healthier ageing would also allow the costs of care to be reduced and could partially offset the financial impact of demography in the health and social sectors. The Commission will be invited to consider coming forward with an action plan for further activities in 2011 to promote dignity, health and quality of life for older persons.

Work in Fishing Convention

The Council reached political agreement on a decision authorising member states to ratify the Work in Fishing Convention of the International Labour Organisation (ILO) in matters within the exclusive competence of the EU (*15960/09 + ADD 1 + ADD 2*).

The Work in Fishing Convention ("Convention 188"), which was adopted in June 2007 at the International Labour Conference in Geneva, is aimed at improving the working conditions of fishers on board fishing vessels. It establishes, in particular, minimum international standards for the fishing sector, such as the conditions of service, the right of repatriation, rules on accommodation and food, occupational health and safety, medical care and social security.

Legal basis: Article 42 (measures in the field of social security) in conjunction with the second sentence of the first subparagraph of article 300(2) and the first subparagraph of article 300(3) (conclusion of agreements with international organisations); unanimity required for a Council decision; consultation procedure: the European Parliament adopted its resolution in January 2009.

Gender equality: Strengthening growth and employment

The Council adopted conclusions on "Gender equality: strengthening growth and employment" ([15488/09](#)), following a public policy debate based on the question: "What actions are required to strengthen gender equality in the post-2010 Lisbon Strategy and to ensure that policy responses to the recession promote gender equality?"

During the debate, ministers agreed that gender mainstreaming and gender-specific issues should be prominently reflected in the post-2010 Lisbon Strategy and in future employment and social policies, as they considered gender equality to be in line with the objectives of growth and jobs. They affirmed the importance of gender equality for social cohesion and economic prosperity and - against the background of demographic ageing - as a prerequisite for competitiveness and the financing of the member states' social systems. Ministers warned against using the current economic crisis as a pretext for neglecting gender equality. Even in a time of crisis, ministers stressed, gender equality was also an opportunity. By facilitating women's access to the labour force, entrepreneurship and self-employment, including by means of appropriate training, the EU could make the most of its human capital. Ministers also called for increased efforts to close the current gender pay gap and to increase the number of women in decision-making positions. Gender stereotypes should be combated; the recruitment of people should be based on skills and qualifications, not on a person's sex. Ministers stressed the importance of improving the reconciliation of work and family life, for example by improving the care services for children and dependants, and of encouraging more equal sharing of family responsibilities.

Beijing Platform of Action - "Beijing 15+"

The Council adopted conclusions on the follow-up of the implementation by the member states and the EU institutions of the Beijing Platform of Action - "Beijing 15+": A Review of Progress. The conclusions can be found in ([15992/09](#)).

The Beijing Platform is a United Nations agenda for women's empowerment, established fifteen years ago at the Fourth World Conference on Women held in Beijing. In March 2010, the United Nations Commission on the Status of Women will undertake the fifteen-year review of the implementation of the Beijing Platform.

Social protection of self-employed workers and assisting spouses

The Council reached political agreement on a draft directive aiming at improving the social protection of self-employed workers and of "assisting spouses" (16902/09 + 16902/09 ADD 1).

The proposal aims to improve the social protection of self-employed workers, with a view to removing disincentives to female entrepreneurship. It also seeks to improve the social protection of "assisting spouses", who often work in the self-employed sector without enjoying the corresponding rights.

The new directive includes the following key elements:

- self-employed women, assisting spouses and life partners of self-employed workers such as farmers' wives are granted a maternity allowance enabling them to interrupt their occupational activity for at least 14 weeks;
- assisting spouses and life partners of self-employed workers such as farmers' wives receive autonomous social protection rights; under the current rules in the case of most member states, these persons were covered by the social protection scheme of their self-employed spouse;
- compared to the Commission's proposal, the Council extended the scope of the directive to life partners recognised by national law.

The draft directive concerning assisting spouses forms part of the Commission's work-life balance package.

Legal basis proposed: Article 141(3) of the Treaty (on equal treatment between women and men); qualified majority required for a Council decision; co-decision procedure: the European Parliament adopted its first reading opinion on 6 May 2009 ([8840/09](#)).

Equal treatment irrespective of religion, disability, age or sexual orientation

On the basis of a progress report ([15575/09](#)), the Presidency briefed the Council on the state of play in the discussions on the draft directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

The Commission's proposal seeks to extend the protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation to areas outside the labour market, including social protection, social advantages, education and access to goods and services.

Under the Swedish Presidency, the preparatory bodies of the Council have advanced the discussion to some extent by improving the clarity of the disability provisions, the scope and the respective competences of the EU and its member states. However, further extensive work still needs to be done on numerous issues in order to guarantee legal certainty and to ensure that all newly introduced obligations and their possible cost implications are fully understood. This concerns in particular the accessibility of buildings and infrastructure. In order to meet concerns expressed, the Swedish Presidency has suggested a nuanced implementation timetable under which existing infrastructure and buildings would be given longer than new ones.

Legal basis proposed: Article 13 of the Treaty (on measures against discrimination); unanimity required for a Council decision; consultation procedure: the European Parliament adopted its opinion on 2 April 2009.

Health

Patients' rights in cross-border healthcare

Despite substantial progress, the Council did not reach political agreement on a draft directive concerning the application of patients' rights in cross-border healthcare.

The discussions at the Council meeting focused mainly on the reimbursement of costs with regard to non-contractual healthcare providers. The search for a compromise was featured by the intention to fully respect the case-law of the European Court of Justice while preserving the member states' rights to organise their health care system. The incoming Spanish Presidency committed to continue the work and to try to reach an agreement.

The Commission submitted this legislative initiative as part of the social agenda package of 2 July 2008, focusing on a triple objective: to guarantee that all patients have care that is safe and of good quality, to support patients in the exercise of their rights to cross-border healthcare; and to promote cooperation between health systems. The aim of the second objective is in particular to codify the case law of the Court of Justice relating to the reimbursement of cross-border healthcare.

Legal basis proposed: Article 95 (on internal market) of the Treaty; qualified majority required for a Council decision; co-decision procedure with the European Parliament's first reading opinion voted on 23 April 2009 ([8903/09](#)). The Council is expected to agree to change the legal base for article 13 and 15 of the directive to article 152 of the Treaty.

Innovative incentives for effective antibiotics

The Council adopted conclusions on innovative incentives for effective antibiotics during a public debate on the same subject, see ([16006/09](#)).

Recognising that the spread of antibiotic resistance is a major threat to public health security worldwide, the conclusions recall the possible consequences which a lack of effective antibiotics could have. In fact, without access to effective antibiotics, common infectious diseases may again become lethal threats and many medical and therapeutic procedures, such as cancer treatments and transplantations, will carry high risks.

The conclusions include calls to the member states and the Commission to adopt measures diminishing the resistance of the antibiotics and to creating incentives for the research and development of new effective antibiotics. In particular, the Commission is asked to develop a comprehensive action-plan with concrete proposals concerning incentives to develop new effective antibiotics within 24 months.

Safe and efficient healthcare through eHealth

The Council adopted conclusions on safe and efficient healthcare through eHealth ([16008/09](#)) during a public debate on this issue.

The conclusions aim essentially to:

- recognise the need for further political leadership and to integrate eHealth into health policy;
- invite the member states to improve eHealth services and develop their use;
- invite the member states and the Commission to empower a high-level mechanism of governance at EU level which would coordinate eHealth activities.

eHealth is considered to be no longer merely a technical tool in the hands of the healthcare operators, but became a political instrument to develop health policy.

eHealth can be understood as the use of information and communication technologies for health purposes, such as for the treatment of patients, research, education, the tracking of diseases and the monitoring of public health. eHealth includes different services:

- electronic health records (which enables easy communication of patient data between doctors or pharmacies);
- telemedicine (in situations where the health professional and the patient are not in the same location; this includes for example teleradiology and telepathology);
- consumer health informatics (both healthy individuals and patients would be informed on medical topics);
- virtual healthcare teams (healthcare professionals who collaborate and share information on patients through digital equipment);
- mHealth (includes the use of mobile devices).

Pharmaceuticals package

On the basis of progress reports, the Presidency informed the Council on the state of play in the negotiations on two parts of the "pharmaceutical package": the prevention of falsified medicines from entering into the legal supply chain of medicinal products and the strengthening and rationalising of the current pharmacovigilance system ([16055/09](#)).

Under the Swedish Presidency, the preparatory bodies of the Council pursued their work with high priority on these two parts of the package.

Concerning the draft directive aiming at preventing the entry into the legal supply chain of falsified medicinal products, the working group reached tentative agreement on a number of technical aspects, including the definition of "falsified medicinal products" and the relationship between the new provisions and EU rules on intellectual property rights. Other elements of the proposal still need further discussion, notably with regard to the strengthening of controls of non-active substances used in pharmaceuticals (excipients) and the proposed safety features aiming to render falsification more difficult.

Concerning the proposals for a regulation and a directive aiming at strengthening the EU system for the safety monitoring of medicinal products ("pharmacovigilance"), the working group tentatively agreed notably on the strengthening of the role of the Pharmacovigilance Risk Assessment Committee and its composition. A number of issues still require continued examination, such as the recording and reporting of adverse reactions and the proposed list of medicinal products for human use under intensive monitoring.

With regard to the third part of the "pharmaceutical package", the proposals for a regulation and a directive concerning the information to the general public on medicinal products, the Presidency recalled the strong concerns of many member states. The Commission made it clear that it is prepared to show flexibility in order to find a common basis for the future negotiations.

Legal basis proposed: all five proposals are based on Article 95 (on internal market) of the Treaty; qualified majority required for a Council decision; co-decision procedure with the vote of the European Parliament's committee in charge of environment, public health and food safety expected for early April 2010.

Alcohol and Health

The Council adopted conclusions entitled "Alcohol and Health" ([16010/09](#)), during a public debate on this subject.

The conclusions are designed to recall the commitment the member states and the Commission have taken within the EU alcohol strategy adopted in 2006 and to invite them to increase their efforts towards reducing alcohol-related harm. Member states and the Commission are for example encouraged to engage actors in the alcohol beverage chain to work proactively in enforcing regulatory measures so that their products are produced, distributed and marketed in a responsible manner. The protection of unborn children, children, adolescents and young people is one the main concerns of the conclusions.

Pandemic A(H1N1)

The Council held an exchange of views on recent developments in the EU and its neighbouring countries on the current situation of the A/H1N1 influenza outbreak.

Ministers in general shared the view that the coordinated approach taken so far with regard to the Pandemic A(H1N1) proved as highly successful. They called, however, for further efforts to act against widespread disinformation and to strengthen the coherence of communication policy. Ministers particularly underlined the importance of vaccination. Authorised vaccines are safe and effective, as they had no unexpected side effects so far and they offered protection even against mutated virus'.

Ministers broadly welcomed the suggestion of the Commission to create a virtual stockpile of vaccines and antiviral products, in order to be prepared for urgencies in member states or third countries. They asked the Commission to clarify practical and legal aspects of such a virtual stockpile.

Ministers supported the idea of sharing the surplus vaccines among each other, subject to legal clarification. They called for a reinforced global cooperation through the World Health Organisation (WHO) and the United Nations. Furthermore, ministers asked to reinforce work with regard to multisectoral issues. They also asked to strengthen the preparedness in order to address similar threats in the future.

The discussion was based on the Council conclusions adopted on 12 October 2009 ([14311/09](#)) and structured around the two following questions:

- what have we learnt so far from the Pandemic (H1N1) 2009 in regard to the issues of availability of vaccines, vaccination strategy, the regulatory process, information and communication to the public, global cooperation and multi-sectoral issues?
- What are the challenges for the future and how could we best work together to meet these challenges?

Other business

Employment and social policy items

- (a) Meeting of the Ministerial Working Group on "The EU economic and employment policies coordination: The future post-2010 Lisbon Strategy" Liblice, 19 and 20 October 2009
 - Information from the Czech delegation

- (b) Information on events organised during the Swedish Presidency
 - (i) Conference on "Healthy and Dignified Ageing" Stockholm, 15 and 16 September 2009
 - (ii) Second Meeting of the European Platform for Roma Inclusion: "Improving the quality of education for Roma", Brussels, 28 September 2009
 - (iii) Conference on "What does Gender Equality mean for Economic Growth and Employment?", Stockholm, 15 and 16 October 2009
 - (iv) 8th Round Table on Poverty and Social Exclusion "Social Inclusion in Times of Recession", Stockholm, 15 and 16 October 2009
 - (v) Conference on "Inclusive Labour Markets", Stockholm, 26 and 27 October 2009
 - (vi) Conference on "Violence against Women", Stockholm, 9 November 2009
 - (vii) Conference celebrating the 20th Anniversary of the Convention on the Rights of the Child", Stockholm, 20 November 2009
 - (viii) Third Equality Summit: "Cooperation for Equality!", Stockholm, 16-17 November 2009
 - (ix) Euromed Ministerial Conference "Strengthening women's role in society", Marrakesh, 11 and 11 November 2009

- (c) Work programme of the incoming Presidency
 - Information from the Spanish delegation.

Health items

- (d) Proposal for a directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation
 - Information from the Presidency
 - [16521/08, 16042/09](#)
- (e) **Commission Communication "Action Against Cancer: European Partnership"**
 - Information from the Presidency and the Commission
 - [11516/09, 16043/09](#)
- (f) **Commission Communication "Combating HIV/AIDS in the European Union and neighbouring countries, 2009 -2013"**
 - Information from the Commission
 - [15204/09, 16045/09](#)
- (g) **Commission Communication "Solidarity in health: Reducing health inequalities in the EU"**
 - Information from the Commission
 - [14848/09, 16047/09](#)

(h) **Information on the Presidency's Conferences**

- Information from the Presidency

[16048/09](#)

(i) **Work programme of the incoming Presidency**

- Information from the Spanish delegation

OTHER ITEMS APPROVED

HEALTH

Council acts against tobacco smoke exposure

The Council today adopted a recommendation calling on the member states to take legal action to protect their citizens from exposure to tobacco smoke in indoor workplaces, indoor public places, public transport and, if appropriate, other public places by 2012 (15937/09). For further details, see press release 16777/09.

Temporary derogations for blood donors - committee procedure

The Council decided not to oppose a Commission's decision allowing temporary derogations from certain eligibility criteria for blood and blood components donors in the context of a risk of shortage caused by the Influenza A(H1N1) pandemic.

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality even if the regulatory committee previously supported the measures envisaged.

AGRICULTURE

Corrections to the "Health check" of the Common Agricultural Policy (CAP)*

The Council adopted a regulation ([13826/09](#) + [13815/09](#)) clarifying certain aspects of the CAP "Health check" Direct payments regulation 73/2009 adopted in January 2009. These are mainly technical alignments needed to ensure the smooth implementation of the new Health Check rules. They include for example adjustments to ensure consistency of approach in the implementation of the farm payment rules in certain vulnerable sectors (sheepmeat, goatmeat, beef and veal) as well as the reinstatement of a rule from the previous regulation and omitted from the Health Check whereby farmers should not be able to benefit from a windfall profit of direct payments. Further to the Commission's report to Council on the dairy market situation 2009 the Council has also decided to extend the deadline for member states who, under certain conditions, wish to grant specific support for 2010 to farmers in the dairy sector.

Codification of legislative acts in the field of agriculture

The Council adopted the codified versions of five legislative acts in the field of agriculture. The codified acts replace the various acts incorporated in the original acts, while fully preserving their content. The codification concerns the following acts:

- a directive on animal health conditions governing the movement and importation from third countries of equidae ([15401/09](#));
- a regulation laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ([15403/09](#));
- a regulation setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the EU ([15451/09](#));
- a directive on pure-bred breeding animals of the bovine species ([15458/09](#));
- a directive on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ([15578/09](#)).

FISHERIES

Pacific Ocean - Protection of migratory fish stocks

The Council adopted a decision establishing the Community position to be adopted in the Commission for the conservation and management of highly migratory fish stocks in the Western and Central Pacific Ocean (WCPFC).

The Community position within the WCPFC is in line with the EU's fisheries policy objectives, notably through the precautionary approach to provide for sustainable exploitation of species regulated by the WCPFC (which includes tuna and tuna-like fishes), to promote the gradual implementation of an ecosystem-based approach to fisheries management, and to minimise the impact of fishing activities on marine eco-systems, as well as through the promotion of economically viable and competitive Community fisheries, providing a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers.

The WCPFC decisions aim to maintain, on the basis of scientific evidence, the populations of highly migratory fish stocks in the Pacific Ocean at levels which will ensure the long-term sustainability of such stocks.

Further information at: <http://www.wcpfc.int/>

Guide prices for the 2010 fishing year*

The Council adopted a regulation fixing for 2010 the guide prices and Community producer prices for certain fishery products pursuant to regulation 104/2000 ([15101/09](#) and [15108/1/09 ADD1](#)).

Regulation 104/2000 provides that a guide price and a Community producer price should be fixed for each fishing year. They must take into account trends in production and demand, thus being an appropriate tool for the determination of price levels for intervention on the market for fishery products, while stabilising the markets and avoiding the formation of surpluses in the Community.

TRADE POLICY

Codification of exceptional trade measures

The Council adopted the codified version of a regulation introducing exceptional trade measures for countries and territories participating in or linked to the EU's Stabilisation and Association process ([14906/09](#)). The codified act replaces the various acts incorporated in the original acts, while fully preserving their content.

Anti-dumping regulation - Codified version

The Council adopted a codified version of regulation 384/96¹ on protection against dumped imports into the EU from third countries with a view to improve its legal clarity and rationality ([14907/09](#)).

ENERGY

International partnership for energy efficiency cooperation

The Council adopted a decision approving the signing of the 'Terms of reference for the international partnership for energy efficiency cooperation' (IPEEC) and the Memorandum concerning the hosting by the International Energy Agency of the IPEEC secretariat ([16564/09](#)).

In June 2008, members of the "G8", China, India and South Korea and the Commission decided to establish an IPEEC, which is to facilitate those actions that yield high energy efficiency gains. IPEEC will provide a forum for discussion, consultation and exchange of information. It is open to other countries and intergovernmental organisations.

¹ OJ L 56 of 6.3.1996.

ENVIRONMENT

Protection of the marine environment of the North-East Atlantic

The Council adopted a decision approving amendments to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) in relation to the storage of carbon dioxide streams in geological formations ([16223/2/09](#)).

The aim of the OSPAR Convention is to prevent and eliminate pollution and to protect the maritime area against the harmful effects of human activities. The OSPAR Convention entered into force on 25 March 1998.

Carbon leakage: list of sectors

The Council decided not to oppose a Commission decision determining a list of sectors and sub-sectors deemed to be exposed to a significant risk of carbon leakage, i.e. the danger of moving production to third countries with fewer restrictions on greenhouse gas emissions. Depending on the results of ongoing international negotiations on climate protection, these sectors and sub-sectors could receive greenhouse gas emission allowances free of charge up to a benchmark quantity. The Commission will analyse the outcome of international negotiations in this respect by 30 June 2010 and could propose new provisions. Such measures would come into force at the beginning of the next trading period in 2013 when auctioning of emissions allowances will be introduced into the emissions trading system.

The list of sectors is set out in document [13605/09](#).

In accordance with the regulatory procedure with scrutiny, the Council can oppose the Commission's adoption of an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality even if the regulatory committee previously supported the envisaged measures.

Access to spatial data - committee procedure

The Council decided not to oppose the adoption by the Commission of a regulation implementing directive 2007/2/EC as regards the access to spatial data sets and services by the member states to the Community institutions and bodies under harmonised conditions.

Under the regulatory procedure with scrutiny, the Council may oppose the Commission's adoption of an act on the grounds that it exceeds the implementing powers provided for in the basic instrument, or it is not compatible with the aim or the content of the basic instrument, or does not respect the principles of subsidiarity or proportionality.
