



Brussels, 31 May 2006

## BACKGROUND <sup>1</sup>

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

**Luxembourg, 1/2 June 2006**

*The Council's meeting will start at 10:00, on both days. Employment and social policy items will be dealt with on 1 June under the Chair of Mr. Martin Bartenstein, Federal Minister for Economic Affairs and Labour of Austria, Ms. Ursula Haubner, Federal Minister for Social Security, Generations and Consumer Protection of Austria and Ms. Maria Rauch-Kallat, Federal Minister for Health and Women of Austria. Health items will be addressed on 2 June under the Chair of Ms. Maria Rauch-Kallat, Federal Minister for Health and Women of Austria.*

#### Employment and social policy

*On the basis of a Presidency proposal, the Council will seek to reach political agreement on a draft directive concerning certain aspects of the organisation of **working time (public deliberation)**.*

*The Council will reach political agreement on a draft regulation establishing a **European Institute for Gender Equality**, on a programme for Employment and Social Solidarity – **PROGRESS (public deliberations)** as well as on **guidelines for the employment policies** of the Member States.*

*The Council will agree on partial general approaches concerning Titles I and II of a draft regulation implementing Regulation (EC) No 883/04 on the co-ordination of **social security schemes** and on the correspondent part of a draft regulation amending Regulation (EC) No 883/04 and determining the content of its Annex XI. It will also take note of a progress report regarding the draft directive on improving the **portability of supplementary pension rights**.*

*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**.*

*It will hold a policy debate and will endorse a joint opinion of the Social Protection Committee and the Employment Committee on the **review of the EU Strategy for Sustainable Development** concerning, in particular, its social inclusion dimension (**public debate**).*

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

*The Commission will present its Communication on **social services of general interest** in the EU and the Chairman of the Social Protection Committee will present preliminary views of the committee on the same subject. The Council will endorse a joint contribution of the Employment Committee and the Social Protection Committee on **flexicurity**.*

### Health

*The Council will adopt a directive on **food additives** (public deliberation).*

*It will adopt conclusions on **women's health**, on **promotion of healthy lifestyles and prevention of type 2 diabetes** as well on **common values and principles in EU-health systems**.*

*The Council will hold debates on the review of the **EU Strategy for Sustainable Development**, concerning its health aspects, on **pandemic influenza preparedness and planning** as well as on combating **HIV/AIDS** within the European Union and in the neighbouring countries*

*The Council will take note of progress reports on a draft regulation on **advanced therapy medicinal products** and on a draft directive regarding the review of the **medical device** directives.*

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*The Presidency will hold press conferences before lunch and after the meeting on 1 June and before lunch on 2 June.*

## Employment and social policy

### **EU Sustainable Development Strategy: social inclusion (*public debate*)**

The Council will hold a policy debate and will endorse a joint opinion of the Social Protection and of the Employment Committees (9330/06), in the context of the review of the EU Sustainable Development Strategy (SDS).

In June 2005, the European Council adopted a Declaration on Guiding Principles for Sustainable Development based on 4 objectives: *environmental protection, social equity and cohesion, economic prosperity and meeting international responsibilities*<sup>2</sup>.

In December 2005, the European Council took note of the presentation by the Commission of its communication on a renewed sustainable development strategy for the next 5 years (15796/05) and looked forward "to adopting in June 2006 an ambitious and comprehensive strategy, comprising targets, indicators and an effective monitoring procedure, which should integrate the internal and external dimensions and be based on a positive long-term vision, bringing together the Community's sustainable development priorities and objectives in a clear, coherent strategy that can be communicated simply and effectively to citizens."<sup>3</sup>

The Commission's SDS review package consists of:

- the communication itself proposing six priority issues, the integration of the external dimension into internal policy making as well as an effective monitoring procedure and follow-up process
- guiding principles for SD adopted in June 2005 by the European Council (Annex 1)
- objectives, targets, policies and actions (Annex 2)
- a Commission communication adopted in February 2005, taking stock of progress and proposing initial orientations (Annex 3).

The Presidency is currently consulting all the relevant Council configurations with a view to the adoption of the renewed EU SDS by the June 2006 European Council

The debate of 1 June, with special relevance to the problematic of social inclusion, will be based on the following questions suggested by the Presidency:

- *Which elements of the open method of coordination for social protection and social inclusion do you consider particularly relevant for the SDS and how could the involvement of people experiencing poverty be improved at all levels?*
- *Do you consider the objectives, targets, key actions and the implied mix of policy instruments proposed in the SDS Review package, in particular Annex 2,<sup>4</sup> are appropriate and sufficient to meet the challenges of Sustainable Development and to efficiently address unsustainable trends in your policy area? Are greater prioritisation and/or stronger efforts necessary to achieve this?*

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<sup>2</sup> 10255/05.

<sup>3</sup> Paragraph 13 of the December 2005 European Council conclusions (15914/1/05).

<sup>4</sup> 15796/05

- *How can your Council formation best contribute to delivering visible results and measurable progress in implementing the EU SDS? What should be done to enhance synergies and coherence across policies and processes, including the Lisbon agenda?*
- *How can an ambitious EU SDS ensure coherence between EU internal policies and its international commitments and contribute to sustainable development at both EU and global level, in particular in your specific policy area?*

### **Social services of general interest**

The Council will be briefed by the Commission on its communication: *Implementing the Community Lisbon programme: social services of general interest in the EU (9038/06)*.

The chairman of the Social Protection Committee will present orally the preliminary views of the committee on this communication.

The aim of the communication is to identify the specific characteristics of social services of general interest and to clarify how EU state aid, internal market and public procurement rules apply to these services. It is to be seen in the overall discussion on the "*services*" proposed directive, from the scope of which certain social services are excluded.

The Communication presents an open list of characteristics reflecting the specific nature of social services of general interest. In addition to the traditional criteria (universality, transparency, continuity, accessibility, etc), these characteristics refer to the organisational conditions and modalities applying to those services.

The Communication will constitute the starting point for a consultation by the Commission of Member States, service providers and users of services.

### **Social security – implementing regulation**

Pending the European Parliament first reading opinion, the Council will reach a *partial*<sup>5</sup> general approach on a draft regulation aimed at implementing Regulation (EC) No 883/2004<sup>6</sup> on the coordination of social security systems (*9584/06 + ADD I*).

Regulation (EC) No 883/2004 was the first step of a process aimed at modernising and simplifying EU rules on the coordination of the national social security systems, which are intended to allow EU citizens to move freely within Europe, while maintaining their social rights and expectations (health, pensions, unemployment protection, etc.). This process must be completed with the adoption of an implementing regulation<sup>7</sup>, which proposal is now under examination, replacing Regulation (EEC) No 574/72.

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<sup>5</sup> Covering Titles I and II of the Commission proposal. The examination of the proposal will be pursued under the incoming Presidencies.

<sup>6</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>7</sup> See Article 89 of Regulation (EC) No 883/2004.

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

### **Social security – Annex XI**

Pending the European Parliament first reading opinion, the Council will reach a *partial*<sup>8</sup> general approach on a draft regulation amending Regulation (EC) No 883/2004 on the coordination of the social security systems and determining the content of its Annex XI (9613/06).

The proposed regulation provides for provisions regarding specific aspects of individual Member States's legislation that will form the content of Annex XI of Regulation (EC) No 883/2004<sup>9</sup>.

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

### **EU Institute for Gender Equality (*public deliberation*)**

The Council will reach political agreement on a draft regulation establishing a European Institute for Gender Equality.

The draft regulation aims at establishing an European institute to give technical support to the Community institutions and the Member States, in particular as regards the collection, analysis and dissemination of data and comparable statistics and the development of methodological tools for integrating gender equality policies.

The Institute will have the aims of helping to promote and strengthen gender equality, helping the Community institutions to fight all discrimination on the grounds of gender and increasing awareness of issues linked with gender equality among European Union citizens.

The Institute should carry out some of the tasks which existing institutions are not involved in, such as:

- questions of coordination;
- centralisation and dissemination of information;
- the raising of gender visibility;
- the provision of tools for gender mainstreaming.

An overall amount of € 52.5 million for 2007 to 2013 to cover the Institute's expenses is indicated in the Commission's financial statement .

Legal basis proposed: Articles 13(2) and 141(3) of the Treaty – co-decision procedure with the European Parliament applicable and qualified majority required for a Council decision.

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<sup>8</sup> Covering the parts of the proposal corresponding to Titles I and II of the proposed implementing regulation. The examination of the proposal will be pursued under the incoming Presidencies.

<sup>9</sup> See Article 83 of the Regulation.

The European Parliament delivered its opinion on 14 March 2006 (5133/06). Many of the amendments were incorporated in the text submitted to the Council.

The text, as agreed, will be adopted as a common position at a forthcoming Council session and sent to the European Parliament with a view to the second reading.

### **Beijing platform for action**

As part of the annual follow-up to the Beijing platform for action<sup>10</sup>, the Council will adopt conclusions (9468/06) setting out 3 indicators (*healthy life years, access to health care, cardiovascular diseases*) on "*Women and health*", one of the 12 critical areas for action<sup>11</sup>.

Apart from last year, which was the 10th anniversary of the UN World Conference on Women, successive Presidencies have each year chose on of the 12 critical areas of concern of the Beijing Platform for Action and presented a number of indicators for that area.

### **Flexicurity**

The Council will endorse the joint contribution of the Employment Committee and the Social Protection Committee on flexicurity (9633/06).

The Spring 2006 European Council invited Member States to pay special attention to "flexicurity" and to promote flexibility combined with employment security and reduce labour market segmentation. This issue should be on the agenda at the Tripartite Social Summit in the autumn of 2006.

### **Portability of supplementary pension rights**

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<sup>10</sup> Adopted during the United Nations World Conference on Women in 1995 (*see <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm>*).

<sup>11</sup>

- The persistent and increasing burden of poverty on women;
- Inequalities and inadequacies in and unequal access to education and training;
- Inequalities and inadequacies in and unequal access to health care and related services;
- Violence against women;
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation;
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources;
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women;
- Lack of respect for and inadequate promotion and protection of the human rights of women;
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;
- Gender inequalities in the management of natural resources and in the safeguarding of the environment;
- Persistent discrimination against and violation of the rights of the girl child.

Pending the first reading opinion of the European Parliament, the Council will take note of a progress report describing the state of the examination of the proposal for a directive on improving the portability of supplementary pension rights (9100/1/06).

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 facilitate worker's freedom of movement across Member States and their mobility within a 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.

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

### **Programme for employment and social solidarity – PROGRESS (*public deliberation*)**

Now that an agreement on the financial framework for 2007-2013 has been reached, the Council will reach a full<sup>12</sup> political agreement on a draft decision establishing a Community programme for Employment and Social Solidarity.

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 goals in this field.

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)<sup>13</sup>;
- Council Decision establishing a Programme relating to the Community framework strategy on gender equality<sup>14</sup>;

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<sup>12</sup> At the (EPSCO) Council of 8-9 December 2005, the Council reached a partial political agreement on the proposal.

<sup>13</sup> Council Decision 2000/750/EC of 27 November 2000 (OJ L 303, 2.12.2000, p. 23).

<sup>14</sup> Council Decision 2001/51/EC of 20 December 2000 (OJ L 17, 19.1.2001, p. 22).

- European Parliament and Council Decision establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion<sup>15</sup>;
  - Council Decision on Community incentive measures in the field of employment<sup>16</sup>, 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 women<sup>17</sup>,
- 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; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion on 6 September (11954/05).

The text as agreed will be adopted as a common position by a subsequent Council and sent to the European Parliament with a view to the second reading.

### **Guidelines for the employment policies**

The Council will reach political agreement on a draft decision establishing the Guidelines for the Employment Policies of the Member States for 2006 (9471/06).

As proposed by the Commission, the guidelines adopted last year (10205/05) should remain unchanged.

Legal basis proposed: Article 128(2) of the Treaty – qualified majority required for a Council decision; consultation of the European Parliament, the Economic and Social Committee, the Employment Committee and the Committee of regions required.

The text as agreed will be submitted to the European Council in June 2006 for endorsement and formally adopted at a forthcoming Council session.

### **Working time (*public deliberation*)**

The Council will seek to reach political agreement on a draft directive aimed at amending Directive 2003/88/EC concerning certain aspects of the organisation of working time<sup>18</sup>, on the basis of a set of compromise texts tabled by the Presidency.

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<sup>15</sup> European Parliament and Council Decision 50/2002/EC of 7 December 2001 (OJ L 10, 12.1.2002, p. 1).

<sup>16</sup> European Parliament and Council Decision 1145/2002/EC of 10 June 2002 (OJ L 170, 29.6.2002, p. 1).

<sup>17</sup> 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).

<sup>18</sup> OJ L 299, 18.11.2003, p. 9.

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 SIMAP<sup>19</sup> and Jaeger<sup>20</sup> 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 proposed: Article 137(2) 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 11 May 2005 (8725/05) and the Commission its amended proposal on 31 May 2005 (9554/05).

## **Health**

### **Food additives**

The Council will adopt, at first reading<sup>21</sup>, a directive amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs (*PE-CONS 3663/05*).

The intention of the directive is to ensure the functioning of the internal market, a high level of protection of human health and the protection of consumers' interests.

Directive 95/2/EC on food additives other than colours and sweeteners sets out a list of authorised food additives, the foodstuffs in which they may be used and their conditions of use. It needs to be adapted in the light of recent technical and scientific developments.

Changes concern:

- a) the revision of current authorisations (nitrite and nitrate; weaning foods; food supplements and foods for special medical purposes; p-Hydroxybenzoates; gelling agents in jelly mini-cups);
- b) the authorisation of new food additives (erythritol; 4-Hexylresorcinol; Soybean hemicellulose; ethyl cellulose);

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<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> The Council accepting all the amendments suggested by the European Parliament (*13689/05*).

- c) the authorisation for extending the use of authorised food additives (sodium hydrogen carbonate in sour milk cheese; sorbates and benzoates in crustaceans; silicon dioxide as a carrier; additives in traditional Hungarian products).

Directive 94/35/EC on sweeteners for use in foodstuffs sets out a list of authorised sweeteners, the foodstuffs in which they may be used and their conditions of use. It needs to be adapted in the light of recent technical and scientific developments.

Changes concern the authorisation of a new food additive (erythritol).

Legal basis proposed: Article 95 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 26 October 2005 (13689/06).

### **Women's health**

The Council will adopt conclusions on *women's health* (9502/06).

The conclusions are to be seen in the context of public health promotion and aim at ensuring a high level of health protection for women. They invite the Member States to promote gender specific research, collect more gender specific data and encourage gender mainstreaming in healthcare,. They invite the Commission to support Member States to reduce gender related health inequalities, promote data comparability and data exchange and present the second<sup>22</sup> report on the state of women's health in the EU.

They incorporate the views expressed at the informal meeting of EU health ministers in Vienna, 25-26 April 2006.

### **Healthy lifestyles – Prevention of type 2 diabetes**

The Council will adopt conclusions on *promotion of healthy lifestyles and prevention of type 2 diabetes* (9505/06).

The conclusions invite the Member States to consider, within the context of national public health strategies, to promote healthy lifestyles and prevent type 2 diabetes and its complications. They also invite the Commission to support the Member States' efforts by encouraging networking and the exchange of information with a view to promoting best practices, to enhancing the coordination of health promotion and prevention policies as well as facilitating and supporting European diabetes research in basic and clinical science.

The conclusions follow-up the expert's conference "*Prevention of type 2 diabetes*", Vienna, 15-16 February 2006, as well as the informal meeting of ministers, Vienna, 25-26 April 2006. They also represent a follow-up to the Commission's green paper on *promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases* that addresses the determinants underlying the onset of type 2 diabetes.

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<sup>22</sup> The first was presented in 1997.

## **Common values and principles in EU-health systems**

The Council will adopt conclusions on *common values and principles in EU-health systems (9504/06)*.

The conclusions provide for the values and principles on which a Community framework for safe, high quality and efficient health services could be based. Universality, access to good quality care, equity and solidarity are overarching values of European healthcare systems underpinned by the conclusions. They also describe a set of operating principles for the provision of healthcare services shared across the EU, including quality, safety, care based on evidence and ethics, patient involvement, redress, privacy and confidentiality.

The conclusions invite the Commission to ensure that the common values and principles are respected when drafting specific proposals concerning health services and invite the EU institutions to respect such values and principles in their work.

They follow-up the informal health ministers meeting in Hertfordshire on 20-21 October 2005.

## **EU sustainable development strategy**

The Council will hold a policy debate in the context of the review of the EU Sustainable Development Strategy (SDS).

In June 2005, the European Council adopted a Declaration on Guiding Principles for Sustainable Development based on 4 objectives: *environmental protection, social equity and cohesion, economic prosperity and meeting international responsibilities*<sup>23</sup>.

In December 2005, the European Council took note of the presentation by the Commission of its communication on a renewed sustainable development strategy for the next 5 years<sup>24</sup> and looked forward "to adopting in June 2006 an ambitious and comprehensive strategy, comprising targets, indicators and an effective monitoring procedure, which should integrate the internal and external dimensions and be based on a positive long-term vision, bringing together the Community's sustainable development priorities and objectives in a clear, coherent strategy that can be communicated simply and effectively to citizens."<sup>25</sup>

The Commission's SDS review package consists of:

- the communication itself proposing six priority issues, the integration of the external dimension into internal policy making as well as an effective monitoring procedure and follow-up process
- guiding principles for SD adopted in June 2005 by the European Council (Annex 1)
- objectives, targets, policies and actions (Annex 2)
- a Commission communication adopted in February 2005, taking stock of progress and proposing initial orientations (Annex 3).

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<sup>23</sup> 10255/05.

<sup>24</sup> 15796/05.

<sup>25</sup> Paragraph 13 of the December 2005 European Council conclusions (15914/1/05).

The Presidency is currently consulting all the relevant Council configurations with a view to the adoption of the renewed EU SDS by the June 2006 European Council

The debate of 2 June will be based on the following questions suggested by the Presidency:

- *Do you consider the objectives, targets, key actions and the implied mix of policy instruments proposed in the SDS Review package, in particular Annex 2,<sup>26</sup> are appropriate and sufficient to meet the challenges of Sustainable Development and to efficiently address unsustainable trends in your policy area? Are greater prioritisation and/or stronger efforts necessary to achieve this?*
- *How can your Council formation best contribute to delivering visible results and measurable progress in implementing the EU SDS? What should be done to enhance synergies and coherence across policies and processes, including the Lisbon agenda?*
- *How can an ambitious EU SDS ensure coherence between EU internal policies and its international commitments and contribute to sustainable development at both EU and global level, in particular in your specific policy area?*

### **Pandemic influenza preparedness and planning**

The Council will hold an exchange of views on pandemic influenza preparedness and planning, focusing specifically on the steps to be taken, at EU level, in order to be prepared in case of a human pandemic influenza.

Ministers should address the issue concerning the establishment of a European strategic stockpile of antivirals, on the basis of the following questions suggested by the Presidency (9508/06):

- *Do you agree on the establishment of a strategic stockpile for antivirals for Europe and its neighbouring countries?*
- *In case of the affirmative:*
  - *How many treatments should this stockpile comprise?*
  - *Should it be a virtual or an actual stockpile?*
  - *When should it be established?*

The exchange of views represents a follow-up to the informal health ministers meetings in Vienna, in February and April 2006.

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<sup>26</sup> 15796/05

## **Combating HIV/AIDS**

The Council will hold an exchange of views on the Commission communication on *combating HIV/AIDS within the EU and in the neighbouring countries 2006-2009*.

The Presidency suggested the following questions to be addressed by Ministers (9511/06):

- *Are there any areas [e.g. human rights, stigma and discrimination, promotion of prevention, early diagnosis, access to treatment, research], which should be particularly stressed to boost the combat of this global threat? Moreover, do Ministers think that primary prevention should be strengthened? And which strategy/actions would then be needed at European level to underpin and strengthen Member States' prevention activities?*
- *What do Ministers think should be done to strengthen the European Community's ability to cope with the external dimension in order to assist neighbouring countries in their efforts to control the HIV/AIDS epidemic?*
- *Given the importance of HIV/AIDS in the overall political context of the European Union, do Health Ministers deem a future involvement of the European Council appropriate?*

## **Advanced therapy medicinal products**

Pending the first reading opinion of the European Parliament, the Council will take note of a progress report on a proposal for a regulation on advanced therapy medicinal products (15023/05).

The main objective of this proposal is to create a single legal framework for three kinds of therapies (gene therapy, somatic cell therapy and tissue-engineering) where scientific and technical development is very fast.

Developments in this field is of great importance for future treatment of illnesses, so as there is a large need to create Community rules in order to facilitate innovation, development and clinical testing on an emerging market.

The Commission made a proposal that deals with security and efficacy of products based on advanced therapies once the original material is there, rather than on the origin of the material, since such issues are handled in other legal instruments (e. g. the tissue directive).

Legal basis proposed: Article 95 of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable.

## **Medical devices**

Pending the first reading opinion of the European Parliament, the Council will take note of a progress report (9522/06) on a proposal for a directive concerning the review of the medical device directives (5072/06).

The proposal aims at clarifying the existing legislation (Directives 90/385/EEC<sup>27</sup>, 93/42/EEC<sup>28</sup> and 98/79/EC<sup>29</sup>) and at creating a basis for a Commission general review of the legislation on the medical devices area.

Legal basis proposed: Article 95 of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable.

## **Other business**

The Council will be briefed on the following issues:

- a) Proposal for a regulation establishing the European Globalisation adjustment Fund (*9594/06*)
  - Information from the Presidency
- b) Information on Presidency conferences:
  - (i) "Conference on Social Services of general interest" (Vienna, 20 April 2006) (*9459/06*)
  - (ii) "Fifth meeting of people experiencing poverty" (Brussels, 12-13 May 2006) (*9682/06*)
  - (iii) "Conference on cultural and political conditions of social models in Europe" (Vienna, 19-20 May 2006)
  - (iv) "Conference on closing the pay gap between men and women" (Brussels, 22 May 2006) (*9841/06*)
  - (v) "Outcome of the first International Conference on Chemicals Management (ICCM 1)" (Dubai, 4-6 February 2006) (*8930/06*)
- c) Communication from the Commission "Guidance on the posting of workers in the framework of the provision of services" (*9924/06*)
  - Information from the Commission
- d) Communication from the Commission "Implementing the partnership for growth and jobs: Making European a pole of excellence on corporate social responsibility" (*9918/06*)
  - Information from the Commission
- e) Communication from the Commission "Decent Work"
  - Information from the Commission

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<sup>27</sup> Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices. OJ L 189 , 20.07.1990, p. 17.

<sup>28</sup> Council Directive 93/42/EEC of 14 June 1993 concerning medical devices. OJ L 169, 12.07.1993, p. 1.

<sup>29</sup> Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices. OJ L 331, 07.12.1998, p. 1.

- f) European Year of Equal Opportunities for all, 2007 (*9916/06*)
    - Information from the Commission
  - g) Conference of Council of Europe Ministers on Family Matters: "Changes in Parenting" (*9893/06*)
    - Information from the Portuguese delegation
  - h) Codecision files (health claims, vitamins, medicinal products for paediatric use)
    - Information from the Presidency
  - i) Proposal for a Decision establishing a Programme of Community action in the field of Health and Consumer protection (2007-2013)
    - Progress report (*9512/06*)
    - Information from the Commission
  - j) Conference on Harmful Traditional Practices (HTP)
    - Information from the Presidency
  - k) E-Health Conference in Malaga (*9783/06 ADD 1*)
    - Information from the Presidency and the Commission
  - l) Framework Convention on Tobacco Control (*9902/06*)
    - Information from Commission
  - m) Commission High Level Group on health services and medical care (*9903/06*)
    - Information from the Commission
  - n) Mental health (*9904/06*)
    - Information from the Commission
  - o) Post G-10 Strategy (*9906/06*)
    - Information from the Commission
  - p) Commission Communication on Injury Prevention and Safety promotion (*9907/06*)
    - Information from the Commission
  - q) Commission Communication on the EU Alcohol Strategy (*9908/06*)
    - Information from the Commission
-