



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 November 2010

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ADD 1**

**PV/CONS 33
SOC 409
SAN 135
CONSOM 57**

ADDENDUM TO DRAFT MINUTES

Subject: **3019th** meeting of the Council of the European Union (**EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS**), held in Luxembourg on 7-8 June 2010

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LEGISLATIVE DELIBERATIONS

(public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

- 1. Proposal for a Council Regulation extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality**

- Political agreement
10442/10 SOC 394 MIGR 56

The Council reached a political agreement by qualified majority, the Austrian and German delegations voting against and the Bulgarian and Czech delegations abstaining.

Statement by the Commission

Re: Article 2 (Recommendation to ratify Convention 188)

"It should be pointed out that Article 2 should be read as a recommendation which aims at promoting the application of the Convention throughout the Community. It is clear from the very letter of this provision that neither its purpose nor its effect is to impose an obligation on the Member States to which the act is addressed to ratify Convention 188. Nor is it its purpose or its effect to impose a time limit for ratification."

AGENDA ITEMS

- 3. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation**

- Progress report
11531/08 SOC 411 JAI 368 MI 246
9535/10 SOC 329 JAI 404 MI 140
+ COR 1
+ REV 2 (hu)

The Council took note of the Progress report set out in 9535/10 + COR 1 + REV 2 (hu).

NON-LEGISLATIVE ACTIVITIES

(public deliberation pursuant to Article 8 (2) of the Council's Rules of Procedure)

5. Contribution to the European Council of 17 June 2010: Europe 2020 - A new Strategy for Jobs and Growth: Policy debate on

- (a) EU target on social inclusion, in particular through the reduction of poverty
 - Agreement on appropriate indicators
10025/1/10 SOC 368 ECOFIN 304 EDUC 98 REV 1

- (b) Proposal for a Council Decision on Guidelines for the Employment Policies of the Member States: Part II of the Europe 2020 Integrated Guidelines
 - General approach
9233/10 CO EUR-PREP 19 POLGEN 66 AG 14 ECOFIN 234 UEM 162
SOC 309 COMPET 127 RECH 153 ENER 130 TRANS 117 MI 125
IND 59 EDUC 87 ENV 252 AGRI 153
10030/10 SOC 370 CO EUR-PREP 25 POLGEN 77 AG 16 ECOFIN 292
UEM 190 COMPET 167 RECH 196 ENER 163 TRANS 137 MI 171
IND 71 EDUC 92 ENV 322 AGRI 187
+ REV 1 (lv)
+ ADD 1
10380/10 SOC 391 CO EUR-PREP 30 POLGEN 83 AG 19 ECOFIN 327
UEM 199 COMPET 187 RECH 216 ENER 178 TRANS 145 MI 185
IND 79 EDUC 103 ENV 359 AGRI 204
+ COR 1

- (c) Contribution of the Employment Committee on the Europe 2020 Strategy
 - Presentation by the President of the Employment Committee
10031/10 SOC 371 ECOFIN 293 EDUC 95

- (d) Contribution of the Social Protection Committee on the Europe 2020 Strategy
 - Presentation by the Chairman of the Social Protection Committee
9964/10 SOC 358
+ REV 1 (hu)
+ ADD 1

- (e) Dialogue of the Commission with Member States on the national targets for Employment and Social Inclusion / Poverty reduction
 - Information by the Commission

The Council held an extensive policy debate covering the above subjects at the end of which it:

- (a) adopted Council conclusions on the EU target on social inclusion, in particular through the reduction of poverty (as set out in doc. 10828/10) and took note of a statement by the UK delegation (in Annex).

- (b) reached a general approach on the Decision of the Employment Guidelines and agreed to transmit the general approach to the June European Council;
- (c) took note of the contribution of the Employment Committee;
- (d) took note of the contribution of the Social Protection Committee;
- (e) took note of the Commission information on the dialogue on national targets.

6. (a) **Opinion of the Social Protection Committee on "Solidarity in Health: reducing health inequalities in the EU"**
- Endorsement
9960/10 SOC 357 SAN 122

The Council endorsed the Opinion of the Social Protection Committee as set out in doc. 9960/10.

Statement by the United Kingdom

"The UK Government is content for the proposed target on social inclusion to be forwarded to the European Council by the EPSCO Council of 7 June. However, the UK Government has not taken a final view on this target or on other aspects of Europe 2020 which will be for discussion at the June European Council."

- (b) **Interim EPC/SPC joint interim report on Pensions**
- Presentation by the Chairman of the Social Protection Committee
9989/10 SOC 359 ECOFIN 289

The Council took note of the presentation of the joint interim report and agreed to enter the declaration as set out in the Annex to this document.

Statement by the Council

"The Ministers welcome the Interim Report on Pensions by the Economic Policy Committee and the Social Protection Committee and reaffirm the commitment to the common objectives of sustainable and adequate pensions. This joint report will also be presented to ECOFIN on 8 June 2010. The Ministers look forward to the final Report on Pensions which will be presented in Autumn 2010."

7. **Sustainable social security systems achieving adequate pensions and social inclusion objectives**

- Adoption of Council conclusions
9413/10 SOC 319 SAN 100 ECOFIN 245
+ REV 1 (ro)
+ REV 2 (hu)

The Council adopted the draft Conclusions as set out in doc.9413/10.

8. **New skills for new jobs: the way forward**

- Adoption of Council conclusions
- Contribution of the Employment Committee on "New Skills for new Jobs"
8815/1/10 SOC 278 EDUC 76 ECOFIN 213 REV 1
+ REV 1 COR 1
9183/1/10 SOC 304 EDUC 84 ECOFIN 230 REV 1
+ REV 2 (hu)

The Council adopted the draft Conclusions as set out in doc.9183/1/10 REV 1. The Council also took note of the Employment Committee's contribution in document 8815/1/10 REV 1.

9. **Proposals for Council decisions on the position to be taken by the European Union**

(a) **within the Association Council created by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, with regard to the adoption of provisions on the co-ordination of the social security systems.**

- Political agreement
16688/07 TU 6 SOC 542
10216/10 SOC 379 TU 40
+ COR 1
10526/10 SOC 398 MA 42 AL 41 TU 42 ISR 45 HR 44 COWEB 161

The Council reached a political agreement on the text of the draft decision as set out in doc. 10216/10 and agreed that a new Article 7(7) be added which would read as follows:

"(7) The Member States and Tunisia may provide for national provisions that establish conditions for verification of the entitlement to benefits to take into account the fact that the beneficiaries are staying or residing outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and in accordance with the principles of this Decision. Such provisions shall be notified to the Association Council."

- (b) **within the Association Council created by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, with regard to the adoption of provisions on the co-ordination of the social security systems;**
- Political agreement
5083/08 MA 1 SOC 5
10215/10 SOC 378 MA 40
10526/10 SOC 398 MA 42 AL 41 TU 42 ISR 45 HR 44 COWEB 161

The Council reached a political agreement on the text of the draft decision as set out in doc. 10215/10 and agreed that a new Article 7(7) be added which would read as follows:

"(7) The Member States and the Kingdom of Morocco may provide for national provisions that establish conditions for verification of the entitlement to benefits to take into account the fact that the beneficiaries are staying or residing outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and in accordance with the principles of this Decision. Such provisions shall be notified to the Association Council."

- (c) **within the Association Council created by the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, with regard to the adoption of provisions on the co-ordination of the social security systems;**
- Political agreement
5081/08 AL 1 SOC 4
10217/10 SOC 380 AL 39
10526/10 SOC 398 MA 42 AL 41 TU 42 ISR 45 HR 44 COWEB 161

The Council reached a political agreement on the text of the draft decision as set out in doc. 10217/10 and agreed that a new Article 7(7) be added which would read as follows:

"(7) The Member States and the People's Democratic Republic of Algeria may provide for national provisions that establish conditions for verification of the entitlement to benefits to take into account the fact that the beneficiaries are staying or residing outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and in accordance with the principles of this Decision. Such provisions shall be notified to the Association Council."

- (d) **within the Association Council created by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, with regard to the adoption of provisions on the co-ordination of the social security systems;**
- Political agreement
5107/08 ISR 1 SOC 7
10219/10 SOC 381 ISR 43
10526/10 SOC 398 MA 42 AL 41 TU 42 ISR 45 HR 44 COWEB 161

The Council reached a political agreement on the text of the draft decision as set out in doc. 10219/10 and agreed that a new Article 7(7) be added which would read as follows:

"(7) The Member States and the State of Israel may provide for national provisions that establish conditions for verification of the entitlement to benefits to take into account the fact that the beneficiaries are staying or residing outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and in accordance with the principles of this Decision. Such provisions shall be notified to the Association Council."

The Czech and Maltese delegations abstained and made a statement.

Statement by Malta and Czech Republic

"Malta and the Czech Republic fully recognise and support the objective of these Council Decisions with respect to the State of Israel, the Former Yugoslav Republic of Macedonia and the Republic of Croatia.

These delegations, however, consider that these Council Decisions should implement the principles for the coordination of social security as set out in the Association Agreements and should not exceed the remit of such Agreements or extend their scope. These delegations hold that, in view of the fact that the respective Association Agreements do not contain an equal treatment clause, the insertion of Article 2a in these Council Decisions goes beyond their intended scope.

Malta and the Czech Republic therefore abstain on these Council Decisions."

- (e) **within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, with regard to the adoption of provisions on the co-ordination of the social security systems;**

- Political agreement
6049/08 COWEB 44 SOC 72
10223/10 SOC 382 COWEB 154
10526/10 SOC 398 MA 42 AL 41 TU 42 ISR 45 HR 44 COWEB 161

The Council reached a political agreement on the text of the draft decision as set out in doc. 10223/10 and agreed that a new Article 7(7) be added which would read as follows:

"(7) The Member States and the Former Yugoslav Republic of Macedonia may provide for national provisions that establish conditions for verification of the entitlement to benefits to take into account the fact that the beneficiaries are staying or residing outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and in accordance with the principles of this Decision. Such provisions shall be notified to the Association Council."

The Czech and Maltese delegations abstained and made a statement.

Statement by Malta and Czech Republic

"Malta and the Czech Republic fully recognise and support the objective of these Council Decisions with respect to the State of Israel, the Former Yugoslav Republic of Macedonia and the Republic of Croatia.

These delegations, however, consider that these Council Decisions should implement the principles for the coordination of social security as set out in the Association Agreements and should not exceed the remit of such Agreements or extend their scope. These delegations hold that, in view of the fact that the respective Association Agreements do not contain an equal treatment clause, the insertion of Article 2a in these Council Decisions goes beyond their intended scope.

Malta and the Czech Republic therefore abstain on these Council Decisions."

- (f) **within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, with regard to the adoption of provisions on the coordination of the social security systems;**

- Political agreement
16599/07 SOC 537 HR 18
10225/10 SOC 383 HR 43
10526/10 SOC 398 MA 42 AL 41 TU 42 ISR 45 HR 44 COWEB 161

The Council reached a political agreement on the text of the draft decision as set out in doc. 10225/10 and agreed that a new Article 7(7) be added which would read as follows:

"(7) The Member States and the Republic of Croatia may provide for national provisions that establish conditions for verification of the entitlement to benefits to take into account the fact that the beneficiaries are staying or residing outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and in accordance with the principles of this Decision. Such provisions shall be notified to the Association Council."

The Czech and Maltese delegations abstained and made a statement.

Statement by Malta and Czech Republic

"Malta and the Czech Republic fully recognise and support the objective of these Council Decisions with respect to the State of Israel, the Former Yugoslav Republic of Macedonia and the Republic of Croatia.

These delegations, however, consider that these Council Decisions should implement the principles for the coordination of social security as set out in the Association Agreements and should not exceed the remit of such Agreements or extend their scope. These delegations hold that, in view of the fact that the respective Association Agreements do not contain an equal treatment clause, the insertion of Article 2a in these Council Decisions goes beyond their intended scope.

Malta and the Czech Republic therefore abstain on these Council Decisions."

10. **Advancing Roma Inclusion**

- Adoption of Council conclusions
10058/10 SOC 373 JAI 452 EDUC 93 SAN 124

The Council adopted the set of conclusions on "Advancing Roma Inclusion" as set out in 10058/10.

11. **Active Ageing**

- Adoption of Council conclusions
9489/10 SOC 324 SAN 101
+ COR 1
+ COR 2
+ REV 2 (lt)
+ REV 3 (hu)

The Council adopted the conclusions on "Active Ageing" as set out in document above.

12. **A new European Disability framework - Draft Resolution of the Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council**

- Adoption of the resolution
10173/10 SOC 375 COHOM 134

The Council adopted the resolution on "A New European Disability framework" as set out in 10173/10.

HEALTH AND CONSUMER AFFAIRS

LEGISLATIVE DELIBERATIONS

(public deliberation in accordance with Article 16(8) of the Treaty on European Union)

13. **Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare**

- Political agreement
9948/10 SAN 121 SOC 356 MI 165 CODEC 450
+ COR 1

The Council reached, by qualified majority (Poland, Portugal and Slovakia voting against and Romania abstaining), a political agreement on this proposal on the basis of a compromise proposal of the Spanish presidency.

The discussions focused on four issues:

- With regard to the definition of "the member state of affiliation" (in particular the issue of reimbursement of healthcare costs of pensioners living in the EU outside their country of origin and receiving healthcare in a third member state), the Council agreed that the member state competent to grant a prior authorisation according to Regulation 883/2004 (i.e. the member state of residence) reimburse the cost of cross-border healthcare of pensioners. However, if a pensioner is treated in his country of origin, it would be this country that has to provide healthcare at its own expenses.
- Concerning healthcare providers, the agreed compromise ensures that patients looking for a healthcare in another member state will enjoy the quality and safety standards applicable in this country, independently of the type of provider. In addition, the member states may adopt provisions aimed at ensuring that patients enjoy the same rights when receiving cross-border healthcare as they would have enjoyed if they had received healthcare in a comparable situation in the member state of affiliation.
- Concerning the legal basis, the Council agreed on a double legal basis, striking herewith a balance between the case law of the European Court of Justice on the application of Article 114 to health services and the member states' competencies recognized by Article 168 of the Treaty for the organisation and provision of health services.
- As far as e-health is concerned, the ministers agreed on a close collaboration between the member states and the Commission in this field.

14. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers

- Policy debate
10273/10 DENLEG 54 AGRI 194 CODEC 481

The Council hold a policy debate focused on two issues outlined in the Presidency note. There was a large support for mandatory minimal letter size for provision of food information. On the other hand, the regulation of responsibilities of food business operators needs more consideration by the Council.

NON-LEGISLATIVE ACTIVITIES

(public deliberation pursuant to Article 8 (2) of the Council's Rules of Procedure)

15. Equity and Health in All Policies: Solidarity in Health

- Adoption of Council conclusions
14848/09 SAN 269 SOC 615
9947/10 SAN 120 SOC 355

The Council adopted conclusions as set out in the Annex to the document 9947/10.

The Council invited the Commission to assess the effectiveness of interventions aimed at reducing inequalities in health. The member states are called on to further develop policies and actions to reduce health inequalities and implement policies aiming at ensuring a good start in life for all children, including actions to support pregnant women and parents.

Ministers also expressed their concern that vulnerable and socially excluded groups such as the unemployed, the homeless, people with mental health problems, people with disabilities and ethnic minorities such as Roma experience particularly poor average levels of health.

16. Action to reduce population salt intake for better health

- Adoption of the Council Conclusions
9827/10 DENLEG 51 SAN 119

The Council adopted the conclusions as set out in the Annex to the document 9827/10.

17. Any Other Business

Employment and social policy

- (a) **Proposal of a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC**

- Information from the Presidency
10443/10 SOC 395

The Council took note of the information from the Presidency and of comments by the Commission.

- (b) **ESF simplification of procedures (at the request of the Italian Delegation)**
- Information from the Commission

The Council took note of the information from the Commission.

Health and consumer affairs

- (c) **Preparation for the Conference of the Parties (CoP 4) to the Framework Convention on Tobacco Control, Uruguay (15-20 November 2010)**
- Information from the Presidency

The Council took note of the information provided by the Presidency.

- (d) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards the prevention of the entry into the legal supply chain of medicinal products which are falsified in relation to their identity, history or source**
- Information from the Presidency
10469/10 MI 186 SAN 130 ECO 42 ENT 61 CODEC 503 UD 164

The Council took note of a Presidency progress report on the state of play in the negotiations on the prevention of falsified medicines from entering into the legal supply chain of medicinal products.

- (e) **Proposal for a Regulation of the European Parliament and of the Council amending, as regards pharmacovigilance of medicinal products for human use, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency and
Proposal for a Directive of the European Parliament and of the Council amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medical products for human use**
- Information from the Presidency

The Presidency provided the Council with oral information on the progress in the discussions on this proposal.

(f) Conclusions of the Working Party on Public Health at Senior Level

- Information from the Presidency
10392/10 SAN 127

The Council took note of the on the conclusions of the meeting of the Working party on public health at senior level held on 28 May 2010.

(g) Mutual recognition of qualifications for health professionals'

- Information from the Danish delegation

The Danish delegation, supported by the Swedish delegation, drew the Council's attention to the importance of strengthen the exchange of information between member states concerning the licensing of health professionals.

(h) Greater protection for children with regard to toys

- Information from the German delegation
10605/10 CONSOM 55 MI 196

The German delegation, supported by the Austrian and the Italian delegations, called on the other Member States and the Commission to achieve a high level of protection for children with regard to toys.

(i) Internet cost traps - Directive on Consumer Rights

- Information from the German delegation
10604/10 CONSOM 54 MI 195

The Council took note of the German delegation's note.

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(j) Outcomes and Conferences of the Spanish Presidency

- Information from the Presidency
10393/10 SAN 128 SOC 392
10504/10 SOC 396

The Council took note of the information from the Presidency.

(k) Work programme of the incoming Presidency

- Information from the Belgian delegation

The Council took note of the information from the Belgian delegation.

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