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THE EUROPEAN UNION**

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ADD 1**

**PV/CONS 69
SOC 834
SAN 296
CONSOM 120**

ADDENDUM to DRAFT MINUTES

Subject: **3053rd** meeting of the Council of the European Union (**EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS**), held in Brussels on 6 and 7 December 2010

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS :

- 1. Regulation of the European Parliament and of the Council amending Regulation (EC) No 663/2009 establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy**
PE-CONS 51/10 ENER 274 ECOFIN 602 CODEC 990
+ COR 1 (de)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, the German delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: point (c) of Article 194(1) of the TFUE)

Statement by the United Kingdom

"The UK notes its concern about the process for development of this instrument in relation to the budgetary principles of the EU budget, and of budget discipline. Moreover, in the current financial and economic climate, the UK believes that proposals for new EU expenditure must be subjected to rigorous scrutiny. However, the UK notes the potential EU added value offered by this proposal and its focus on priority policy areas. The UK also recognises the very difficult negotiations which have taken place, and the significant progress which has been made both within the Council and between the Council and the European Parliament. Therefore, as an exception, and in no way setting a precedent, the UK can support the compromise proposal."

- 2. Regulation (EU) No .../... of the European Parliament and of the Council amending Council Regulation (EC) No 2187/2005 as regards the prohibition of highgrading and restrictions on fishing for flounder and turbot in the Baltic Sea, the Belts and the Sound**
PE-CONS 49/10 PECHE 224 CODEC 974

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2))

3. Proposal for a Regulation of the European Parliament and of the Council on textile fibre names and related labelling and marking of fibre composition of textile products and repealing Council Directive 73/44/EEC, Directive 96/73/EC and Directive 2008/121/EC (first reading) (LA + S)

- Adoption of
 - the Council's position at first reading
 - the statement of reasons
 - 13807/10 TEXT 7 MI 311 ENT 113 CHIMIE 25 ECO 75 CONSOM 75
 - CODEC 866
 - + REV 1 (es)
 - + REV 2 (cs)
 - + REV 3 (bg)
 - + ADD 1
 - 16705/10 CODEC 1344 TEXT 8 MI 483 ENT 186 CHIMIE 50 ECO 104
 - CONSOM 109
 - + ADD 1

The Council approved its position at first reading, with the Italian delegation voting against, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union.

(Legal basis: Article 43(2))

Statement by the Italian delegation

"Italy is voting against the proposal for a Regulation on textile names and related labelling of textile products owing to the absence from the Council text of a provision on compulsory indication of the country of origin.

Italy hopes that in the further course of the ordinary legislative procedure, such a provision will be inserted in accordance with the position expressed by a large majority in the European Parliament and endorsed at the policy and technical levels by the European Commission."

4. Proposal for a Regulation of the European Parliament and of the Council on novel foods, amending Regulation (EC) No 1331/2008 and repealing Regulation (EC) No 258/97 and Commission Regulation (EC) No 1852/2001 (second reading)

- Non-approval of the European Parliament's amendments
 - 15737/10 CODEC 1181 DENLEG 130 AGRI 438

The Council decided not to approve the European Parliament's amendments and consequently to convene the Conciliation Committee in accordance with Article 294(8)(b) of the TFEU.

AGENDA ITEMS :

3. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

- Progress report
- Policy debate
 - 13983/08 SOC 575 SAN 217 CODEC 1285
 - + COR 1
 - 16509/10 SOC 772 SAN 255 CODEC 1296
 - + REV 1 (hu)
 - + COR 1
 - + COR 2 (pl)
 - 16510/10 SOC 773 SAN 256 CODEC 1297
 - + COR 1 (hu)

The Council took note of the Progress report set out in 16509/10 and held a policy debate on the basis of the questionnaire prepared by the Presidency set out in doc. 16510/10

In their interventions, a large majority of delegations considered that the main amendments in the European Parliament's position at first reading (in particular regarding maternity leave of 20 weeks with full pay) could not be accepted. Eight delegations entered a statement set out hereafter.

The President concluded that while a number of EP amendments (20 weeks duration, full pay and paternity leave) were not considered acceptable to the Council, the delegations were more open towards certain other amendments (the so-called "passerelle" clause, the evaluation of health risks, reintegration into working life after the maternity leave). The majority of Ministers wished to continue discussing the proposal. A detailed examination of the EP amendments, including the European social partners' views on the amendments and a possible Council impact assessment, would take time. The Presidency indicated that a Belgian Presidency document on how to proceed with the dossier would be submitted, after consulting the future Hungarian and Polish Presidencies.

Statement by the Czech Republic, Denmark, Estonia, Germany, Netherlands, Slovakia, Sweden and the United Kingdom:

"High standards of maternity provisions are important for women, families and societies as a whole. The minimum standards set out in Council Directive 92/85/EEC have been important in ensuring that there is an adequate minimum level of support for maternity across Europe. There is a case for looking at further enhancements to the minimum conditions. This is an area where Member States provide support to their citizens in a wide variety of equally legitimate ways, including but not limited to maternity pay, and appropriate account must be taken of the diverse forms of national practices as to how to provide an appropriate level of support. Our exchanges in Equality Summits and the experiences of several Member States have also shown that a better combination between different kinds of familial leaves is a promising way of ensuring a better sharing of domestic responsibilities between men and women. In the framework of the new Europe 2020 strategy, it is of the utmost importance that new Commission initiatives in the social field fully support the efforts by Member States with respect to poverty reduction and inclusion, and raising the employment rate for men and women.

In this context it is also important to respect the principles of subsidiarity and proportionality; the EU's competence to set minimum not maximum requirements; the right of Member States to define the fundamental principles of their social security systems and the financial equilibrium thereof; and the differing and important involvement of the social partners in social policy formation at EU and Member State level. The room for social dialogue at the European and national level needs to be preserved.

We are concerned that the extensive modification of the Commission proposal by the European Parliament does not respect the above considerations, and could in many Member States lead to an outcome that would not be socially progressive.

Given this, we find it difficult to envisage how it will be possible to come to an acceptable accommodation on the file between the Council of Ministers and the European Parliament. We therefore call on all Member States to consider how best to proceed. In addition, before further negotiations in Council, we believe that the impact of the European Parliament's amendments should be analysed and discussed thoroughly and that, for example, sufficient time should be allowed for further deliberations by national and European social partners about the links between the maternity and parental leave directives.

Furthermore, the Council should consider and commission its own in-depth Impact Assessment given the particular circumstances of this dossier. This would provide a shared view of the financial, economic and social impacts on all Member States of the Commission's proposal as well as of the European Parliament's key amendments."

4. 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
 - 16335/10 SOC 760 JAI 964 MI 455
 - + REV 1 (hu)
 - + COR 1 (mt)

The Council took note of the Progress report set out in 16335/10.

5. Proposal for a Decision of the European Parliament and of the Council on the European Year for Active Ageing (2012)

- General approach
 - 13216/10 SOC 509 SAN 166 CODEC 787
 - 16511/10 SOC 774 SAN 257 CODEC 1298
 - + REV 1 (hu)
 - + REV 2 (lv)
 - + COR 1

The Council reached a general approach as set out in document 16511/10, pending the position of the European Parliament at first reading. The Commission welcomed the general approach and stressed the importance of the decision being adopted rapidly in order to start as early a possible with the necessary preparations.

13. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (*)

(Legal basis proposed by the Commission: Article 114 TFEU)

- Political agreement
 - 16555/10 DENLEG 139 AGRI 485 CODEC 1306
 - + COR 1

The Council reached a political agreement, by qualified majority, on the text of the draft regulation as set out in doc. 16555/10 + COR 1. The Italian delegation voted against.

The Council further took note of the statements hereafter.

Statement by Germany, Denmark, Spain, The Netherlands and Sweden on country of origin

"Germany, Denmark, Spain, the Netherlands and Sweden can accept the proposal on the Regulation of Food Information to Consumers for political agreement. However, the envisaged mandatory labelling of origin of meat is deemed to be very problematic for the following reasons:

An introduction of mandatory labelling on the country of origin/place of provenance could disturb the functioning of the single market.

The far-reaching provision of the envisaged labelling of origin of meat should be based on a thorough cost/benefit analysis. Regrettably no impact assessment of the proposed mandatory labelling has been conducted. The provisions of this Regulation would rather create discrimination between sectors by imposing mandatory labelling on meat without prior analysis, whereas other products will be thoroughly examined before a possible extension of those mandatory provisions. A mere transfer of the concept of beef labelling to other types of meat does not appear justifiable.

No scientifically and sound consumer survey ascertains the extent to which consumers actually need this information, and what additional costs consumers are prepared to pay for it. The experiences with the labelling of beef rather raise doubts whether consumers actually request this information.

Work is ongoing on EU and national level to reduce the administrative burden for businesses with the set target of 25% reduction by 2012. It is therefore of utmost importance that the implementation of provisions keeps the administrative burden on companies, in particular small and medium-sized ones, to a minimum and that costs are proportionate to the benefit.

Against this background Germany, Denmark, Spain, the Netherlands and Sweden believe that the possibility of introducing mandatory labelling of origin should be reserved to specific and justified cases only."

Statement by Austria, France, Greece, Italy and Portugal on country of origin

"According to the current legal framework, the indication of origin is mandatory for beef and beef products, fruits and vegetables, fish, olive oil and honey. It is voluntary for other agricultural products, except where failure to provide the indication might mislead the consumer as to the true origin or provenance of a food.

There is a strong demand from consumers to have more information on the country of origin or the place of provenance of food products, especially for non processed products and primary ingredients of processed products, and to be ensured that the indication of origin is provided in a manner that is not misleading.

Austria, France, Greece and Portugal deem it necessary to take into account consumers' demands for more origin labelling. These Member States recognize that the additional declaration of origin for fresh, chilled or frozen meat of swine, sheep and goat and poultry, as provided for in the Council first reading position, is a positive step.

However, they regret that the origin labelling for other types of products whose importance has been continuously stressed during the first reading could not be retained. These Member States expect that the discussion on origin labelling will continue in the context of the second reading."

Statement by Spain on additional forms of expression and presentation

"Spain can accept the proposal for a Regulation on the provision of Food information to consumers, for the benefit of European consumers.

However, Spain strongly believes that the possibility of the employment of additional forms of expression and presentation in the nutritional labeling, as proposed in the draft Regulation, is problematic and does not entail better information of consumers.

The coexistence of different forms of expression and presentation without an harmonized basis will promote the existence in the market of foodstuffs whose labeling will include different type of information difficult to understand by consumers.

Advertising campaigns – intended to improve the knowledge of graphical forms and symbols employed under these new forms of expression and presentation – that will be developed in countries where these alternative models will be implemented, will not be available for consumers in other Member States.

In addition we would like to highlight the difficulties when trying to export nutritional policies from one country to other, due to different eating habits in Member States.

Furthermore, additional forms of expression and presentation pose the risk of a fracture of internal market with consequences on competition. Finally, the current proposal implies more administrative burdens for Member States and impedes progress to an homogeneous internal market.

Taking into account these reasons, Spain would have preferred the harmonization of these issues as the only mechanism to achieve a high level of consumers' information and a smooth functioning of the internal market."

Statement by the European Commission

"In a spirit of compromise, the Commission will not stand against a qualified majority vote in favour of the Presidency text although there are remaining concerns given that the Presidency text contains some elements departing from the Commission's proposal and some legal elements to be revised in line with the Lisbon Treaty. Furthermore, the Council has not considered the EP first reading opinion and consequently the EP amendments that the Commission had indicated it could accepted are not covered by the Presidency text.

In particular, the Commission regrets to see that the Council has opted for deleting the "front-of-pack" nutrition declaration. The Commission considers that this is weakening the benefits that the consumers could get from the mandatory nutrition declaration and is convinced of the benefits that front-of-pack labelling would bring to consumers by allowing them to readily see the nutrition information when purchasing foods."

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)

7. Employment policies in the framework of the Europe 2020 strategy and the European semester

- Exchange of views

The Council held an exchange of views on the points (a) to (d). In their interventions, the Ministers who took the floor focused in particular on point (d).

(a) Commission Communication on the flagship initiative "An agenda for new skills and jobs: A European contribution towards full employment"

- Presentation by the Commission
17066/10 SOC 807 EDUC 223 COMPET 403 MI 504 ECOFIN 787
+ REV 1 (en, fr, de)

The Council took note of Commissioner ANDOR's presentation of the flagship initiative "An agenda for new skills and jobs: A European contribution towards full employment" set out in 17066/10.

- Presentation of Presidency conclusions on the flagship initiatives "Youth on the move" and "New skills and jobs"
16993/10 SOC 803 ECOFIN 779 EDUC 221

The Council took note of the Presidency conclusions set out in 16993/10.

(b) Employment policy for a competitive low-carbon economy

- Opinion of the Employment Committee on "The employment dimension of tackling environmental challenges"
= Endorsement of the Employment Committee's opinion
16514/10 SOC 777 ENV 786 ECOFIN 743 EDUC 206
+ REV 1 (fr)

The Council endorsed the Opinion of the Employment Committee set out in 16514/10.

- Employment policies for a competitive, low-carbon, resource-efficient and green economy
= Adoption of Council conclusions
16992/10 SOC 802 ENV 810 ECOFIN 778 EDUC 220
+ COR 1
+ REV 1 (fr)

The Council adopted the conclusions as set out in 16992/10.

(c) Impact of an ageing workforce and population on employment policies

- Adoption of Council conclusions
16506/10 SOC 770 ECOFIN 739
+ REV 1 (lv)

The Council adopted the conclusions as set out in 16506/10.

(d) European semester

(i) Joint Assessment Framework and the Employment Performance Monitor

- Approval of the joint opinion of the Employment Committee and the Social Protection Committee
16984/10 SOC 800 ECOFIN 776 EDUC 218

The Council endorsed the Opinion of the Employment Committee and the Social Protection Committee set out in 16984/10.

(ii) "Light" examination by country on the basis of draft national reform programmes: conclusions on action to take

- Approval of the opinion of the Employment Committee
16985/10 SOC 801 ECOFIN 777 EDUC 219

The Council endorsed the Opinion of the Employment Committee set out in 16985/10.

8. Equality between women and men

(a) Supporting the implementation of the European Commission's Strategy for equality between women and men 2010 – 2015

- Adoption of Council conclusions
13767/10 SOC 549
16880/10 SOC 791
+ REV 1 (hu)
+ COR 1 (lv)
+ COR 2 (mt)

The Council adopted the conclusions as set out in 16680/10.

(b) Strengthening the commitment and stepping up action to close the gender pay gap, and review of the implementation of the Beijing Platform for Action

- Adoption of Council conclusions
16881/10 SOC 792
+ ADD 1
+ COR 1

The Council adopted the conclusions as set out in 16681/10 + COR 1. The Council decided, moreover, to publish the Conclusions in the Official Journal of the European Union.

9. Social protection and social inclusion

(a) Social dimension in the context of the Europe 2020 Strategy

- Adoption of Council conclusions
16512/10 SOC 775
+ REV 1 (pt)

The Council adopted the Conclusions as set out in doc. 16512/10.

(b) Social impact of the economic crisis and of policy responses: Updated joint assessment by the Social Protection Committee and the European Commission (2010 update)

- Presentation by the Chairman of the Committee
16905/10 SOC 793 ECOFIN 786 ADD 1

The Council took note of the updated joint assessment on the social impact of the economic crisis and of policy responses (doc. 16905/10).

10. The future of pensions systems

- Policy debate
17082/10 SOC 808 ECOFIN 791

The Council held a policy debate on the basis of a Presidency questionnaire (doc. 17082/10).

(a) Second joint report by the Social Protection Committee and the Economic Policy Committee

- Presentation
15886/10 ECOFIN 684 SOC 732 ADD 3
+ ADD 3 REV 1 (es)

The Council took note of the joint report of the Social Protection Committee and the Economic Committee (doc. 15886/10 ADD 3).

(b) Adequate, safe and sustainable pensions for all European citizens

- Adoption of Council conclusions
16513/10 SOC 776 ECOFIN 742
 - + REV 1 (lv)
 - + REV 2 (pt)

The Council adopted conclusions on adequate and sustainable pensions, as set out in doc. 16513/10.

11. The European Year for Combating Poverty and Social Exclusion: Working together to fight poverty in 2010 ... and after

- Adoption of the declaration by the Council
16435/10 SOC 767
 - + REV 1 (pt)

The Council adopted the declaration as set out in document 16435/10 and decided to publish it in the *Official Journal*.

12. Social services of general interest

(a) Second biennial report on social services of general interest

- Presentation by the Commission

The Council took note of the presentation of the second biennial report by the Commission.

(b) A voluntary European Quality Framework for Social Services

- Presentation of the Social Protection Committee document
16319/10 SOC 759 COMPET 365 MI 454 CONSOM 105
 - + REV 1 (es)
 - + COR 1 (mt)

The Council took note of the presentation of the Voluntary European Framework by the Chairman of the Social Protection Committee;

(c) Social Services of General Interest: at the heart of the European Social Model

- Adoption of Council conclusions
16515/10 SOC 778
 - + REV 1 (lv)
 - + REV 2 (pt)
 - + COR 1 (hu)

The Council adopted the conclusions as set out in doc. 17566/10.

14. Follow-up to Council conclusions on "Lessons to be learned from the A/H1N1 pandemic – Health security in the European Union" as regards the development of a mechanism for joint procurement of vaccines and antiviral medication

- Exchange of views
16862/10 SAN 271

Based on a presidency questionnaire, ministers exchanged views on the follow up to the Council conclusions on the lessons learnt from the pandemic A/H1N1 adopted in September 2010, and in particular on the joint procurement of vaccines and antiviral products.

The following conclusions were drawn by the Presidency from the debate:

- Most Member States were in favour of framework contract.
- Progress could be made as long as national priorities did not prevail over Union priorities.
- A wide majority of MS were willing to give priority to minimum quantities of vaccines for at risk population.

The Presidency took note of the Commission's estimate that such a framework contract should be ready within 9 months.

15. Joint report by the Commission and the Economic Policy Committee on healthcare systems in Europe

- Exchange of views
16940/10 ECOFIN 768 SAN 274
+ ADD 1
17056/10 SAN 276 ECOFIN 785

Based on a presidency questionnaire (17056/10), ministers exchanged views during lunch on the Joint report by the Commission and the EPC on healthcare systems in Europe.

The following conclusions were drawn by the Presidency from the debate:

- The member states' health security systems' budgets are currently facing pressures caused by the financial crisis, the ageing population and the necessity to make expensive investments.
- Health should not be considered as a budgetary adjustment variable, and preventive health measures should not solely be regarded as expenditure, but also as an investment which may reduce expenditures in the future.
- The Commission will have a key role in developing the issues discussed during the lunch in its upcoming report on growth.

The Commission emphasised that sustainability was not about cutting costs, but about higher cost-efficiency, using new tools such as the Internet and new medical technologies. Health ministers should be heard in the financial sector, but there should be no conflict between health and finance. Ministers in those fields must work together.

The ECOFIN Council taking place the same day as the EPSCO Council adopted conclusions on the same subject.

16. Investing in Europe's health workforce of tomorrow: scope for innovation and collaboration

- Adoption of Council conclusions
16558/10 SAN 259 SOC 782

The Council adopted the conclusions as set out in the Annex to the document 16558/10 that will be published in the Official Journal of the European Union.

17. Innovation and Solidarity in Pharmaceuticals

- Adoption of Council conclusions
16586/1/10 MI 467 SAN 263 COMPET 374 RECH 384 ECO 100 ENT 180
IND 156 REV 1

The Council adopted the conclusions as set out in the Annex to the document 16586/1/10 that will be published in the Official Journal of the European Union.

18. Innovative approaches for chronic diseases in public health and healthcare systems

- Adoption of Council conclusions
16559/10 SAN 260

The Council adopted the conclusions as set out in the Annex to the document 16559/10 that will be published in the Official Journal of the European Union.

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