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Employment, Social Policy, Health and Consumer Affairs

Luxembourg, 2 October 2008

President

Xavier BERTRAND

French Minister for Labour, Social Relations, the Family and
Solidarity

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 5389 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

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Main results of the Council

*The Council held an initial policy debate on a draft Directive on implementing the **principle of equal treatment** outside the area of employment.*

*The Council agreed on partial general approaches on two draft Regulations concerning the **coordination of social security systems**.*

*The Council adopted a Decision designating 2010 as the **European Year for Combating Poverty and Social Exclusion**.*

*The Council took note of an interim report on the mission for **flexicurity**.*

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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.

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Joëlle MILQUET

Deputy Prime Minister and Minister for Employment and Equal Opportunities

Bulgaria:

Mr Vasil VAYNOV

Deputy Minister for Labour and Social Affairs

Czech Republic:

Mr Petr NEČAS

Deputy Prime Minister and Minister for Labour and Social Affairs

Denmark:

Mr Claus Hjort FREDERIKSEN

Minister for Employment

Germany:

Ms Ursula VON DER LEYEN

Federal Minister for Family Affairs, Senior Citizens, Women and Youth

Mr Günther HORZETZKY

State Secretary, Minister for Labour and Social Affairs

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Billy KELLEHER

Deputy Minister, Department of Enterprise, Trade and Employment, with responsibility for Labour Affairs

Greece:

Ms Sophia KALANTZAKOS

State Secretary, Ministry of Employment and Social Protection

Spain:

Ms Bibiana AÍDO ALMAGRO

Minister for Equality

Mr Graciano TORRE

Minister for Industry and Employment, Principality of Asturias

France:

Mr Xavier BERTRAND

Minister for Labour, Social Relations, the Family and Solidarity

Italy:

Ms Eugenia Maria ROCCELLA

State Secretary for Labour, Health and Social Policy

Cyprus:

Mr Georgios PAPAGEORGIOU

Permanent Secretary, Ministry of Labour and Social Insurance

Latvia:

Ms Iveta PURNE

Minister for Social Affairs

Lithuania:

Mr Rimantas KAIRELIS

State Secretary, Ministry of Social Security and Labour

Luxembourg:

Mr François BILTGEN

Minister for Labour and Employment, Minister for Culture, Higher Education and Research, Minister for Religious Affairs

Ms Marie-Josée JACOBS

Minister for Family and Integration, Minister for Equal Opportunities

Mr Mars DI BARTOLOMEO

Minister for Health and Social Security

Hungary:

Mr Gábor SIMON

State Secretary, Ministry of 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 Erwin BUCHINGER

Federal Minister for Social Affairs and Consumer Protection

Ms Christine MAREK

State Secretary, Federal Ministry of Economic Affairs and Labour

Poland:

Mr Radoslaw MLECZKO

Deputy State Secretary, Ministry of Labour and Social Policy

Portugal:

Mr José VIEIRA DA SILVA

Minister for Labour and Social Solidarity

Romania:

Ms Denisa-Oana PĂTRASCU

State Secretary with responsibility for Social Dialogue, Labour Law and Parliamentary Relations, Ministry of Labour, the Family and Equal Opportunities

Slovenia:

Ms Marjeta COTMAN

Minister for Labour, the Family and Social Affairs

Slovakia:

Mr Peter JAVORCÍC

Deputy Permanent Representative

Finland:

Ms Liisa HYSSÄLÄ

Minister for Social Affairs and Health

Sweden:

Ms Eva UDDÉN SONNEGÅRD

State Secretary, Minister for Employment

Mr Christer HALLERBY

State Secretary, Minister for Integration and Equal Opportunities

United Kingdom:

Mr James PLASKITT

Parliamentary Under-Secretary of State, Department for Work and Pensions

Mr Pat McFADDEN

Minister of State for Employment Relations and Postal Policy

.....
Commission:

Mr Vladimir ŠPIDLA

Member

.....
Other participants:

Ms Elise WILLAME

Chairman of the Social Protection Committee

Mr Emilio GABAGLIO

Chairman of the Employment Committee

ITEMS DISCUSSED

PRINCIPLE OF EQUAL TREATMENT

The Council conducted a policy debate, open to the public, on a proposal for a Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ([11531/08](#)).

The proposal is intended to extend protection against various forms of discrimination beyond the workplace. The Council has already outlawed such discrimination as regards employment and occupation by adopting Directive 2000/78/EC.

Similarly, as regards education and access to goods and services, Directive 2000/43/EC prohibits discrimination based on racial or ethnic origin and Directive 2004/113/EC extends the prohibition of discrimination to discrimination on grounds of sex.

The debate was conducted on the basis of a questionnaire submitted by the Presidency. The questionnaire aimed in particular to clarify Member States' ambitions in respect of the Directive, the scope which they wished to give to the principle of equal treatment at Community level, the link between a Community framework and national powers and their position concerning the equal treatment of persons with disabilities.

A large number of Ministers favoured a high level of ambition. Several Ministers said that their existing national legal systems went beyond the Commission proposal.

Some Ministers questioned the need to establish Community rules in this area, while supporting the principle of equal treatment.

Ministers underlined the importance of the proposal with regard to the United Nations Convention on the Rights of Persons with Disabilities, which had been signed by all the Member States and was in the process of being ratified by most of them¹. Some delegations would have preferred more ambitious provisions concerning measures to combat discrimination on grounds of disability.

¹ <http://www.un.org/french/disabilities/convention/>

Most delegations asked for certain parts of the proposal to be clarified in order to guarantee its legal certainty. A large number of delegations requested clarifications regarding the proposal's economic and financial impact.

Based on the distribution of powers as defined in the existing Directives, Commissioner Vladimír Špidla said that, according to his analysis, Member States' sovereignty in the areas concerned would not be affected by the proposal.

The Council asked its preparatory bodies to continue to work actively on this file with a view to improving the text both from a legal viewpoint and in terms of clarifying the provisions.

INTERIM REPORT ON THE MISSION FOR FLEXICURITY

The Council noted the preliminary conclusions of the Mission for Flexicurity launched by the Commission in the spring of 2008, following an exchange of views between Ministers¹.

The Council also noted that the Mission would continue its work during the months of October and November² with a view to presenting its final report to the Council in December.

In response to the mandate from the spring 2007 European Council³ and in the light of the Commission communication "Towards common principles of flexicurity"⁴, on 5 December 2007 the Council adopted conclusions defining common principles of flexicurity ([15497/07](#)).

The aim of the Mission is to facilitate dialogue between the European and national stakeholders in order to examine how in concrete terms these common principles can be applied in real national circumstances, which often vary widely in the different Member States.

¹ The Mission has already visited Spain, Finland, Poland, Sweden and France. The Czech Republic has announced that a conference on this subject will be held in Prague on 25 and 26 March.

² In particular, consultations with the European Parliament, the Economic and Social Committee, the Committee of the Regions and the social partners.

³ "The European Council looks forward to the discussion on the Commission communication on flexicurity, which should be instrumental in preparing a range of flexicurity pathways to find the right mix of policies tailored to labour market needs including increased labour-market participation." (7224/07, *point 18*).

⁴ 10255/07.

EUROPEAN-SCALE WORKS COUNCIL

The Council took note of the progress of work on the recasting of the Directive on European Works Councils ([13475/08](#)).

The Council welcomed and took note of the joint opinion of the European social partners on this draft Directive, submitted to the Presidency at the end of the summer.

The Council authorised the Working Party on Social Questions and the Permanent Representatives Committee to continue their work with a view to a possible first-reading agreement with the European Parliament.

The Directive aims to replace and update Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees¹.

The main amendments proposed by the Commission are as follows:

- the introduction of general principles regarding the **arrangements for transnational information and consultation** of employees, the introduction of a definition of information, and making the definition of consultation more precise;
- the **limitation of the competence** of European Works Councils to issues of a transnational nature and the introduction of a link, defined as a priority by agreement within the undertaking, between the national and transnational levels of information and consultation of employees;

¹ OJ L 254, 30.9.1994, p. 64. This Directive was subsequently extended to the United Kingdom by Council Directive 97/74/EC of 15 December 1997 (OJ L 10, 16.1.1998, p. 22) and adapted by Council Directive 2006/109/EC of 20 November 2006 by reason of the accession of Bulgaria and Romania (OJ L 363, 20.12.2006, p. 416).

- **clarification** of the role of employees' representatives and of the opportunity to benefit from **training**, as well as recognition of the role of trade union organisations in relation to employees' representatives;
- **clarification** of the **responsibilities** regarding the provision of information enabling the commencement of negotiations and rules on negotiating agreements to set up new European Works Councils;
- **adaptation** of the subsidiary requirements applicable in the absence of an agreement to developing **needs**;
- introduction of an **adaptation clause** applicable to agreements governing European Works Councils if the structure of the undertaking or group of undertakings changes and, unless the adaptation clause is applied, continuation of the agreements in force.

Fourteen years on from the adoption of Directive 94/45/EC, approximately 820 European Works Councils are active, representing 14,5 million employees with a view to providing them with information and consultation at transnational level. They are vital to the development of transnational industrial relations and help to reconcile economic and social objectives within the single market, particularly through the decisive role they play in anticipating and managing change responsibly.

Legal basis: Article 137 of the Treaty, which stipulates that the Community is to support and complement the action taken by Member States in the field of information and consultation of employees.

European Year for Combating Poverty and Social Exclusion (2010)

The Council formally and unanimously adopted a Decision declaring 2010 the European Year for Combating Poverty and Social Exclusion ([doc. 16600/07](#)).

The objectives of the European Year for Combating Poverty and Social Exclusion are as follows:

- recognising the right of people in a situation of poverty and social exclusion to live in dignity and to play a full part in society;
- increasing public ownership of social inclusion policies and actions;
- promoting a more cohesive society;
- reiterating the strong political commitment of the EU to the fight against poverty and social exclusion.

The actions designed to meet these objectives include, in particular, meetings and events, information, promotional and educational campaigns and surveys and studies.

Actions on a Community scale may be subsidised up to 80 %, while actions at local, regional or national level may be co-financed from the general budget of the European Union up to a maximum of 50 % of the total eligible costs.

The Decision adopted provides for a financial framework in the Community budget of EUR 17 000 000 for the actions.

The President of the Council pointed out that 2010 coincided with the expiry of the Lisbon Strategy.

The Council and the European Parliament had reached a first-reading agreement in June 2008.

SOCIAL SECURITY SYSTEMS - IMPLEMENTING REGULATION

The Council adopted a partial general approach on the texts of Title III, Chapters II and III, and Title V of the proposal for a Regulation implementing Regulation (EC) No 883/2004¹ ([13365/08](#) and [13366/08](#)) on the coordination of social security systems.

In accordance with the approach already taken for the adoption of Regulation (EC) No 883/2004, it has been decided to seek the Council's agreement on a chapter-by-chapter basis.

The Council noted that the progress which had thereby been achieved offered the prospect of the adoption of a common position in December.

Regulation (EC) No 883/2004 was the first step of a process aimed at modernising and simplifying European rules on the coordination of the national social security systems. Such rules are intended to allow EU citizens to move freely within Europe, while maintaining their social rights and expectations (health, pensions, unemployment protection, etc).

The process must be completed by adoption of an implementing regulation², the proposal for which is now under examination. The regulation will replace Regulation (EEC) No 574/72³, with provisions designed to strengthen cooperation between national institutions and improve the methods of data exchange.

The European Parliament's first-reading opinion was adopted on 9 July 2008.

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

¹ 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.

² See Article 89 of Regulation (EC) No 883/2004.

³ OJ L 74, 27.3.1972, as last amended by Regulation (EC) No 647/2005, OJ L 117, 4.5.2005.

OTHER BUSINESS

(a) Progress report on the development of an electronic information exchange system in connection with the application of Regulation (EC) No 883/2004 on the coordination of social security systems

– Information from the Commission (at the request of the Hungarian delegation, supported by the Belgian delegation)

The Council took note of the information provided by the Commission concerning the progress report on the EESSI system (Electronic Exchange of Social Security Information) for the electronic transmission of all social security data between Member States' social security institutions ([doc. 13492/08](#)).

The system should replace the hundreds of paper forms currently in use (of which there are more than 2000 if all the language versions are included), and thereby complete the simplification and modernisation of the coordination of social security systems at Community level¹.

The system will be based on a grid composed of contact points in the Member States, which will ensure the transmission of data between their competent authorities on the basis of the model which already exists in the field of customs.

(b) EU Roma summit (Brussels, 16 September 2008)

– Information from the Commission

The Council took note of the information provided by the Commission concerning the first EU Roma summit, held in Brussels on 16 September 2008 ([doc. 13487/08](#)), together with the comments made by certain delegations.

¹ This item is linked directly to Chapter V of the draft Regulation implementing Regulation (EC) No 883/2004 on the coordination of social security systems, in respect of which the Council adopted a partial general approach at the same meeting.

The Brussels European Council of 14 December 2007 had raised the question of the situation of the Roma¹, and the Commission had responded to that request by means of a report², adopted within the framework of the renewed social agenda, which "demonstrates that there is a powerful framework of legislative, financial and policy coordination tools available and that these are increasingly used, but that more can be done to make them work more effectively."³.

The 10-12 million Roma living in Europe continue to be subjected to discrimination and social exclusion, despite the efforts which have been made to integrate them, and the Commission has therefore called upon the joint responsibility of the European Union and its Member States to tackle this problem. It intends to report back to the European Council in December.

(c) Progress report on negotiations on the migration Directives

- **Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ("Blue Card")**
- **Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals, with particular reference to the employment policy and labour market aspects**
- **Information from the Presidency**

The Council took note of information from the Presidency concerning two proposals for Directives to which it had accorded priority during its term in office, together with the comments made by certain delegations.

At the Council meeting on 25 September 2008⁴ (Justice and Home Affairs), progress had been made on both texts. With regard to the proposal for a "sanctions" Directive, the Presidency is pursuing the objective of opening negotiations with the European Parliament in the form of a trialogue.

¹ 16616/1/07 REV 1.

² 11530/08 ADD 1 + COR 1.

³ 11530/08.

⁴ See Press Release 12923/08.

(d) European Equal Opportunities Summit

– **Information from the Presidency**

The Council took note of the information provided by the Presidency concerning the European Equal Opportunities Summit on 29 and 30 September 2008.

The Swedish delegation informed the Council that the next summit would be held in Stockholm in November 2009.

Following the first Equal Opportunities Summit, organised by the German Presidency in 2007, the French Presidency and the Commission organised a second Equal Opportunities Summit in Paris on 29 and 30 September 2008. The summit gave key stakeholders an opportunity to exchange views on the effective application of the principles of non-discrimination in the European Union. It also enable an analysis to be made of the results of the European Year of Equal Opportunities for All (2007).

(e) Tripartite Social Summit

– **Information from the Presidency**

The subject chosen for the forthcoming Tripartite Social Summit to be held in Brussels on 15 October 2008 would be the impact of climate change on employment and social cohesion.

OTHER ITEMS APPROVED

ECONOMIC AND FINANCIAL AFFAIRS

Macro-financial assistance – Montenegro and Serbia

The Council adopted a Decision establishing a separate liability of Montenegro and reducing proportionately the liability of Serbia with regard to the long-term loans granted by the Community to the State Union of Serbia and Montenegro (former Federal Republic of Yugoslavia), to take account of their separation into two independent states in June 2006 ([12913/08](#)).

ENERGY

Relations with Russia

The Council approved an annotated draft agenda for the third meeting of the EU-Russia Permanent Partnership Council on Energy, to be held in Paris on 8 October 2008.

This meeting forms part of the regular meetings between the EU and Russia aiming to strengthen their cooperation in the field of energy.

BUDGET

General budget of the EU for 2009

The Council adopted a Decision establishing Amending Letter No 1 to the Preliminary Draft Budget for 2009 ([13297/08](#)), concerning expenditure in the general budget of the EU and covering the following in particular:

- an additional amount of EUR 40 million in commitment appropriations, to support the stability and development of Kosovo;
- an additional amount of EUR 139 million in commitment appropriations and EUR 180 million in payment appropriations, to support the Palestinian Authority;

- the creation of a new budget article relating to consular cooperation;
- adjustments relating to the mandate of the Education, Audiovisual and Culture Executive Agency;
- the release of the appropriations which were entered following the extension of the Executive Agency for the Public Health Programme and the Trans-European Transport Network Executive Agency.

The Council also authorised the Presidency to transmit the budget documents to the European Parliament.

STATISTICS

Community statistics on public health and health and safety at work *

The Council adopted a Common Position and a statement of reasons at first reading, with a view to the adoption of the Regulation on Community statistics on public health and health and safety at work, pursuant to Article 251 of the Treaty ([9815/08](#), [9815/08 ADD 1](#), [13371/08 ADD1](#)).

The Regulation aims to establish a framework for the systematic production of Community statistics in the two aforementioned areas.

The statistics should take the form of a harmonised and common data set and would be produced by the European Statistical System (i.e. Eurostat, together with the national statistical institutes and all other national authorities responsible for the provision of official statistics in these areas). The Regulation is based on Article 285(1) of the EC Treaty.