

14892/02 (Presse 376)

2470th Council meeting

**- EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS -**

Brussels, 2-3 December 2002

Presidents : **Mr Bendt BENDTSEN**  
Minister for Economic Affairs, Trade and  
Industry

**Mr Klaus Hjort FREDERIKSEN**  
Minister for Employment

**Ms Henriette KJÆR**  
Minister for Social Affairs and Equal  
Opportunities

**Mr Lars Løkke RASMUSSEN**  
Minister for the Interior and Health

of the Kingdom of Denmark

Internet: <http://ue.eu.int/>  
E-mail: [press.office@consilium.eu.int](mailto:press.office@consilium.eu.int)

*For further information call 32 2 285 84 15 – 32 2 285 60 83 – 32 2 285 68 08*  
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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.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *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 above mentioned Council Internet site or may be obtained from the Press Office.*

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## **PARTICIPANTS**

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

### **Belgium :**

Ms Laurette ONKELINX  
Mr Jef TAVERNIER

Deputy Prime Minister and Minister for Employment  
Minister for Consumer Protection, Public Health and the Environment  
Minister for Social Affairs and Pensions

Mr Frank VANDENBROUCKE

### **Denmark :**

Mr Bendt BENDTSEN  
Mr Klaus Hjort FREDERIKSEN  
Ms Henriette KJÆR  
Mr Lars Løkke RASMUSSEN  
Mr Finn MORTENSEN  
Mr Bo SMITH  
Mr Ib VALSBORG

Minister for Economic Affairs, Trade and Industry  
Minister for Employment  
Minister for Social Affairs and Equal Opportunities  
Minister for the Interior and Health  
State Secretary for Social Affairs  
State Secretary for Employment  
State Secretary for the Interior and Health

### **Germany :**

Ms Ulla SCHMIDT  
Mr Gerd ANDRES

Federal Minister for Health and Social Security  
Parliamentary State Secretary to the Federal Minister for Economic Affairs and Labour  
State Secretary, Federal Ministry of Consumer Protection, Food and Agriculture

Mr Alexander MÜLLER

### **Greece :**

Mr Dimitros REPPAS  
Mr Apostolos-Athanasios TSOCHATZOPOULOS  
Mr Kostas STEFANIS  
Mr Rovertos SPYROPOULOS  
Mr Eleftherios TZIOLAS

Minister for Labour and Social Security  
Minister for Development  
Minister for Health and Social Welfare  
State Secretary for Labour and Social Security (Social Security)  
State Secretary for Labour and Social Security (Labour)

### **Spain :**

Ms Ana María PASTOR JULIÁN  
Mr Gerardo CAMPS DEVESA  
Mr Juan CHOZAS

Minister for Health and Consumer Affairs  
State Secretary for Social Security  
Secretary-General for Employment

### **France :**

Ms Nicole AMELINE

Minister attached to the Minister for Social Affairs, Labour and Solidarity, with responsibility for Gender Equality and Equal Employment  
Minister for Health, the Family and Disabled Persons

Mr Jean-François MATTEI

### **Ireland :**

Mr Frank FAHEY

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

Mr Brian LENIHAN

Minister of State at the Department of Health and Children, at the Department of Justice, Equality and Law Reform and at the Department of Education and Science (with special responsibility for Children)

### **Italy :**

Mr Roberto MARONI  
Mr Girolamo SIRCHIA

Minister for Labour and Social Policy  
Minister for Health

### **Luxembourg :**

Mr François BILTGEN  
Mr Henri GRETHEN  
Mr Carlo WAGNER

Minister for Labour and Employment  
Minister for Economic Affairs, Minister for Transport  
Minister for Health and Social Security

**Netherlands :**

Mr Aart Jan de GEUS

Minister for Social Affairs and Employment

**Austria :**

Mr Martin BARTENSTEIN

Federal Minister for Economic Affairs and Labour

**Portugal :**

Mr António BAGÃO FELIX

Minister for Social Security and Labour

Mr Luís Filipe PEREIRA

Minister for Health

**Finland :**

Ms Eva BIAUDET

Minister of Health and Social Services

Ms Tarja FILATOV

Minister for Labour

Ms Maija PERHO

Minister for Social Affairs and Health

**Sweden :**

Ms Berit ANDNOR

Minister for Children and Families

Mr Lars ENGQVIST

Minister for Health and Social Affairs

Mr Hans KARLSSON

Minister for Labour

Ms Ann-Christin NYKVIST

Minister for Agriculture, Food and Fisheries

**United Kingdom :**

Mr Alan JOHNSON

Minister of State for Employment Relations, Industry and the Regions

Mr Alan MILBURN

Secretary of State for Health

Mr Andrew SMITH

Secretary of State for Work and Pensions

\* \* \*

**Commission :**

Mr Erkki LIIKANEN

Member

Mr David BYRNE

Member

Ms Anna DIAMANTOPOULOU

Member

\* \* \*

**Other participants:**

Mr Raoul BRIET

Chairman of the Social Protection Committee

Mr Clive TUCKER

Chairman of the Employment Committee

## **ITEMS DEBATED**

### **CONSUMER AFFAIRS**

#### **CONSUMER POLICY STRATEGY 2002-2006 - Council Resolution**

"THE COUNCIL OF THE EUROPEAN UNION,

RECALLING THAT:

1. The Community consumer policy, in order to ensure a high level of consumer protection and to promote the interests of consumers, shall contribute to protecting the health, safety and economic interests of consumers as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.
2. The condition for a coherent Community consumer policy strategy is that consumer interests are integrated in defining and implementing other Community policy areas in order to strengthen consumer confidence, growth and welfare within the Community. The integration of consumer interests into other policies is a collective endeavour of all EU institutions and Member States.
3. Consumers together with business are key players in the internal market. A well-functioning internal market promoting consumer confidence in cross-border transactions will have a positive impact on competition to the benefit of consumers.
4. A targeted consumer policy with a solid evidence base should ensure that policy initiatives are in accordance with the needs of the consumers and the development on the market generally and aim at a balance between these interests and those of business. A goal-oriented consumer policy implies a development of the co-operation between the Commission and the Member States on a strategic and analytical approach to consumer policy.
5. Community legislation should ensure a high level of consumer protection. Besides Community legislation, in order to enhance the advantages of the internal market and for strengthening safe trading across national borders, it is necessary that business and where possible consumers together contribute to securing confidence in products and services. In order to realise this objective, organisations should be encouraged to enter into a dialogue and take appropriate measures in order to establish the necessary balance between consumer interests and business considerations. The responsibility of consumers and business may be strengthened through better use of other forms of regulation, for example co-regulation and self-regulation, where appropriate.

6. The enlargement of the EU will have an important impact on the functioning of the internal market, including in the area of consumer policy. Consumers, their representatives and national authorities from candidate countries should be helped to prepare for accession.
- I. WELCOMES the Commission consumer policy strategy 2002-2006<sup>1</sup>, the objectives expressed therein
- Objective 1: a high common level of consumer protection;
  - Objective 2: effective enforcement of consumer protection rules;
  - Objective 3: proper involvement of consumer organisations in Community policies, and the follow-up actions proposed therein
- II. CALLS UPON THE COMMISSION to implement its strategy with its three policy objectives and to put a specific emphasis on the following issues:
1. to prioritise a high level of consumer protection also in other Community policies and activities,
  2. to take into consideration consumers' interests in services of general interest; to take note in this context of its Communication of 18 June 2002 on the horizontal evaluation of services of general economic interest<sup>2</sup>, in accordance with the relevant conclusions of the European Council,
  3. to consider as priorities for its work the development of guidance and appropriate standards under the general product safety Directive, the presentation of an analysis of the options for addressing the safety of services and the development of sectoral Community legislation concerning safety aspects, such as new legislation concerning chemicals,
  4. in the light of its follow-up to the Green Paper on EU consumer protection to take steps in view of possible actions, while taking into account the results of the consultation process,
  5. to continue its review of the existing Community consumer legislation and its reporting on the implementation of existing directives,
  6. to present the appropriate proposals to complete the internal market for financial services,

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<sup>1</sup> Doc. 8907/02.

<sup>2</sup> Doc. 10387/02.

7. in line with the eEurope 2005 Action Plan:
  - to continue its work on initiatives in order to promote security, good practices and awareness of security risks in all users, and report on progress by the end of 2003, and
  - to continue its work and take steps towards actions in order to increase consumer confidence in cross-border transactions including electronic payments in the internal market,
8. to present the results of the work on follow-up of the Communication on European contract law<sup>1</sup>,
9. to promote consumer interests in international bilateral and multilateral trade relations.

### III. CALLS UPON THE COMMISSION AND THE MEMBER STATES:

10. to examine the existing enforcement systems in the Member States and, taking those results into account, to examine the possibilities of strengthening enforcement co-operation by and between the enforcement authorities and the Commission within the areas covered by the strategy. It welcomes the Commission's intention to present a proposal in order to strengthen co-operation on consumer protection between Member States,
11. without prejudice to consumers' option for seeking judicial redress, to promote and support alternative dispute resolution mechanisms to facilitate for consumers to resolve disputes across borders, including the consolidation of the European Extra-Judicial Network, in the light of the report which the Commission will present in 2003,
12. to continue discussions on and investigate the possibilities to develop a common approach and objectives for consumer statistics and other data which can form an evidence base for a strategic, goal-oriented approach to consumer policy and other policy areas for the benefit of the policy development in the entire Community,
13. to ensure that the proposal for a future legal act for Community activities in favour of consumers reflects and supports the objectives outlined in the Commission strategy,

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<sup>1</sup> Doc. 10996/01.

14. to support representative consumer organisations so that they can independently promote consumers' interests at Community as well as national level and enable them to exert influence, enter, for example, into a balanced dialogue with business and participate in Community policy making. The development of capacity-building projects in order to strengthen consumer organisations where appropriate as well as education tools on specific aspects of cross-border transactions would be key to this end,
15. among other tools, to encourage the development of dialogue between consumer organisations and business to enable them i.a. to participate in the work with the preparation of other means of regulation, particularly self-regulation and co-regulation,
16. to ensure the representation of consumer interests in the standardisation work in relevant areas, both at European and national level. Consumer influence should also be encouraged in international standardisation, in particular through national standard bodies where appropriate,
17. to generally consult with the consumer organisations in connection with the formulation of legislation and policy in all relevant policy areas.

IV. CALLS UPON THE MEMBER STATES to ensure that the objectives of the consumer policy strategy are, where relevant, also taken into account in the national policies.

V. INVITES the Commission to present to the Council every 18 months a review of the consumer policy strategy 2002-2006 based on a constant monitoring of the short-term rolling programme of actions including an assessment and evaluation of the effects of the Community and national activities in support of the objectives of the strategy."

## **SEMINAR ON CONSUMER STATISTICS**

The Council took note of the conclusions of the seminar, organised jointly by the Commission and the Presidency, entitled “Consumers and the market Europe – developing a knowledge base”, which took place in Copenhagen on 7-8 November 2002. The President encouraged delegations to follow up on this theme with a view to examining it further at a forthcoming Council meeting.

The seminar was aimed at developing a common knowledge on consumer statistics, with a view to informing policymakers on the formulation and evaluation of policy regulations and related initiatives.

The conclusions emphasise that a well-functioning internal market and good consumer conditions require that public authorities at Community and national level are able to obtain sufficient information on consumers in order to be able to react quickly and effectively to market problems which may arise.

**EXTRA-JUDICIAL NETWORK FOR CONSUMER CROSS-BORDER DISPUTES**

The Council heard a progress report from the Commission on a pilot project aimed at facilitating the resolution of cross-border disputes between consumers and businesses concerning goods and services through the establishment of an extra-judicial network covering the Member States as well as Iceland and Norway.

The Commission indicated that the pilot project has been extended to March 2003 and that it is planning a conference with all interested parties in April 2003 to evaluate the functioning of the network.

The network is aimed at reinforcing consumer confidence in cross-border transactions and at improving in this way the functioning of the internal market.

## HEALTH

### TOBACCO

– *Advertising and sponsorship of tobacco products*

*Public deliberation*

The Council reached a political agreement on the proposal for a Directive of the European Parliament and of the Council on advertising and sponsorship of tobacco products, with a view to enabling adoption at first reading. The German and United Kingdom delegations voted against. The Directive will be adopted after finalisation of the text, on the basis of the Commission's initial proposal with the addition of the two amendments voted by the Parliament, at a forthcoming meeting of the Council.

The proposal is intended to replace Directive 98/43/EC, which was annulled by the Court of Justice on 5 October 2000 on the grounds that some of its provisions were not in conformity with the legal basis on which it had been adopted, namely article 95 of the Treaty. It is aimed at harmonising national regulations on tobacco advertising in printed media, radio broadcasting and information society services, as well as on sponsorship of events with cross-border effects with the aim of promoting tobacco products, whilst ensuring the free movement of the media concerned and eliminating obstacles to the operation of the internal market.

In particular, it is aimed at banning tobacco advertising in the printed media, with a few limited exceptions, and in radio broadcasting, as well as the sponsorship of events or activities of cross-border significance with the objective of promoting a tobacco product. The proposal is based on articles 47 (2), 55 and 95 of the Treaty. It builds on the relevant provisions – with regard to television advertising and sponsorship of tobacco products – of Directive 89/552/EEC ("Television without frontiers") as amended by Directive 97/36/EC.

– *WHO Framework Convention on Tobacco Control*

The Council heard a report from the Presidency and the Commission on the outcome of the fifth session of the Intergovernmental Negotiating Body (INB5) of the World Health Organisation Framework Convention on Tobacco Control, which took place in Geneva from 14 to 25 October 2002.

One of the main outstanding issues for the Community and the Member States at this stage concerns tobacco advertising, promotion and sponsorship, which was discussed by the Council at its meeting on 8 October. The Presidency and the Commission emphasised the importance of finalising a position at INB6, which is planned for 17–28 February 2003.

The Commission also informed the Council that it is planning a round table conference on tobacco control at the beginning of February 2003, in collaboration with the WHO and the World Bank, at which the Member States will be invited to participate.

– *Recommendation on the prevention of smoking*

The Council agreed by qualified majority, the German delegation voting against, on a Council Recommendation on the prevention of smoking and on initiatives to improve tobacco control.

The text is intended to supplement a number of Community measures on tobacco control, notably the tobacco products Directive and the draft Directive on tobacco advertising (agreed on by the Council at the same session) and sponsorship, by addressing aspects of tobacco control which are the responsibility of the Member States.

This concerns in particular tobacco sales to children and adolescents, tobacco advertising and promotion that has no cross-border effects, the provision of information on advertising expenditure, and the environmental effects of tobacco smoke. The Recommendation also aims to be consistent with the anticipated World Health Organisation Framework Convention for Tobacco Control.

## **PHARMACEUTICAL LEGISLATION - EUROPEAN AGENCY FOR THE EVALUATION OF MEDICINAL PRODUCTS**

The Council held an exchange of views, on the basis of a progress report from the Presidency, on some of the key issues raised by the proposal for a Regulation of the European Parliament and of the Council aimed at amending:

- Community procedures for the authorisation and supervision of medicinal products for human and veterinary use; and
- the rules regarding the European Agency for the Evaluation of Medicinal Products.

The Council requested the Permanent Representatives Committee to pursue work actively on the proposal, taking into account the positions expressed by delegations and the opinion of the European Parliament in first reading. In the light of this discussion, the President concluded that:

- Views continue to differ on the scope of the centralised authorisation procedure, with a slight majority opposed to its extension as regards medicinal products for human use and a clear majority opposed as regards veterinary medicinal products.
- A majority of delegations are favourable to each Member State being represented on the management board of the European Agency for the Evaluation of Medicinal Products.
- A majority of delegations are in favour of maintaining a first renewal of market authorisations after five years, with unlimited validity thereafter.

The proposal is part of a wide-ranging review of the Community's pharmaceutical legislation with the aim of providing a response to new challenges, particularly the development of new therapies, thus safeguarding a high level of health protection, and ensuring the proper operation of the internal market in view of the EU's forthcoming enlargement. The review is also aimed at enhancing the competitiveness of Europe's pharmaceutical industry and improving the transparency of regulatory procedures and decisions.

## **DRUG DEPENDENCE**

The Council established a general approach, pending the European Parliament's opinion, on a draft Council Recommendation on the prevention and reduction of risks associated with drug dependence. The Italian delegation was unable to endorse this general approach. The Recommendation will be adopted at a future Council session, once the Parliament has given its opinion.

The draft Recommendation is part of the 2000–2004 drugs strategy, endorsed by the European Council at Helsinki in December 1999 with the aim of reducing the prevalence of illicit drug use, reducing substantially the incidence of drug-related health damage, and increasing substantially the number of successfully treated addicts. It calls on Member States to make available a range of different services and facilities, particularly aiming at risk reduction.

The text provides a number of specific recommendations with regard to information and counselling, outreach-work, peer involvement, emergency services, networks between agencies, integration of health and social care, and training and accreditation of professionals. Particular emphasis is placed on the prevention of drug-related infections (such as HIV, hepatitis B and C, tuberculosis and sexually transmitted diseases).

The German, Luxembourg and Netherlands delegations made a separate statement for the Council minutes on the use of public injection rooms in bringing chronically ill drug-users within the reach of health institutions and in initiating the process of rehabilitation.

## **HUMAN TISSUES AND CELLS**

The Council took note of a progress report from the Presidency on the proposal for a Directive aimed at setting quality and safety standards for the donation, procurement, testing, processing, storage and distribution of human tissues and cells. It agreed that examination of the proposal should continue with a view to enabling a rapid adoption.

The proposal is aimed at strengthening requirements on the suitability of donors and the screening of donated substances, whilst establishing national accreditation and monitoring structures, and establishing provisions for a register of accredited establishments and for a quality system for tissues and cells-related establishments. It also aims to establish rules for ensuring the traceability of tissues and cells of human origin from donor to patient and vice versa, as well as a system for the regulation of imports of human tissues and cells from third countries, ensuring that equivalent standards of quality and safety will apply.

## **PATIENT MOBILITY**

The Council heard a report from the Commission on the ongoing high-level reflection process on patient mobility and health care developments in the European Union, and in particular on progress made in developing an organisational framework in this regard. The President noted the importance that the Council attaches to this matter, and its intention to follow developments at its future meetings.

It is recalled that, at its meeting on 26 June 2002, the Council agreed on conclusions recognising the value of the Commission pursuing a high-level reflection process, in close co-operation with the Council and the Member States, with the aim of drawing conclusions on possible further action.

## **BIO-TERRORISM**

The Council heard a report from the Commission on work underway with the aim of preventing and limiting the consequences of possible chemical or biological terrorist threats.

The Commission's report, which will shortly be followed up by a formal communication, focuses on the establishment of a Health Security Committee, comprising high-level representatives of the Member States, responsible for alert raising, exchanging information and co-ordinating health responses in the event of a bio-terrorist attack.

## **HEALTH-RELATED INTERNET SITES**

The Council took note of the presentation by the Commission of its communication on the validation criteria for health-related Internet sites in the Union.

The communication addresses the lack of resources available to citizens for assessing the quality and authenticity of health-related information on the Internet, by providing a list of core criteria with which the content of Internet sites may be evaluated.

## **OBESITY - Council Conclusions**

### **"THE COUNCIL**

- EMPHASISES its great concern about the serious health, social and economic impact of the increasing prevalence of overweight and obesity in individuals, particularly children, and in the European Community,
- REFERS to scientific results showing that obesity is the major cause of a range of serious associated diseases, and indicating that 15% of children and adolescents in Europe are suffering from obesity, and that this number will increase dramatically in many Member States unless appropriate action is taken,
- REAFFIRMS the Council Resolution of 3 December 1990 regarding the action programme on nutrition and health<sup>1</sup>, the Conclusions of the Council and the Ministers for Health of the Member States meeting within the Council of 15 May 1992<sup>2</sup> on nutrition and health, and the Council Resolution on health and nutrition of 14 December 2000<sup>3</sup>,
- REFERS to the focus, which the EU Conference on Obesity in Copenhagen on 11 to 12 September 2002 put on the multiple problems caused by obesity, and the urgent request from leading international experts to act as quickly as possible on the basis of the existing documentation, simultaneously with the gathering of new knowledge,
- UNDERLINES the need, in preventing and responding to the problems resulting from obesity, to take a cross-sectoral approach, including, inter alia, the health, social, food, educational, cultural and transport sectors.

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<sup>1</sup> OJ C 329, 31.12.1990, p. 1.

<sup>2</sup> OJ C 148, 12.6.1992, p. 2.

<sup>3</sup> OJ C 20, 23.1.2001, p. 1.

INVITES THE MEMBER STATES to take account in their national public health policies of the need to address the issue of obesity.

INVITES THE COMMISSION TO:

1. Reinforce its efforts to prevent and combat obesity and, in particular, its response to the invitations of the Council in its Resolution of 14 December 2000;
2. Support the Member States in their efforts to prevent and manage obesity, taking into account the potential risk of eating disorders, particularly by developing innovative measures and approaches concerning nutrition and physical activity;
3. Continue to strengthen the research on obesity;
4. Ensure that prevention of obesity is taken into account in all relevant Community policies, and, in particular, in the framework of the programme of Community action in the field of public health (2003-2008)."

**OTHER BUSINESS**– *Post-polio*

The Council took note of a statement by the Irish delegation on the need for action at Union level to provide an adequate response to Post-polio Syndrome sufferers.

*(Doc.14636/02)*

Post-polio Syndrome (also referred to as Late Effects of polio) is a neurological condition which affects muscles previously damaged by the poliovirus. It causes weakness, fatigue, muscular pains, pains in joints, sleep disorders and respiratory/swallowing problems. It is estimated that 60% of polio survivors will develop Post-polio Syndrome 35 years after the poliovirus attack.

It is recalled that the Belgian Presidency had presented an information note on this matter to the Health Council on 15 November 2001.

– *WHO*

The Council took note of an intervention from the Belgian delegation drawing attention to the application of Dr. Peter Piot to the post of WHO Director-General, a position currently held by Dr. Gro Harlem Brundtland (Norway). He is the only Union candidate to this position. Dr. Piot is at present Executive Director of the Joint United Nations Programme on HIV/AIDS.

– *G 10 - Pharmaceuticals*

The Council took note of a request for information by the Dutch delegation on the follow-up to the report of the high-level group on innovation and the provision of medicines (so-called “G10 Pharmaceuticals”). The delegation justified the request in view of the impact of the group’s results on the work of the Council (Health part). Its intervention took place in the context of the Council’s exchange of views on pharmaceutical legislation.

*(Doc. 14868/02)*

Following this request, the Commission informed the Council on the outcomes of the “G10 Pharmaceuticals” work, whose report had been previously presented to the Industry and Energy Council on 6 June and to the Competitiveness Council on 26 November.

## **EMPLOYMENT AND SOCIAL POLICY**

### **CO-ORDINATION OF SOCIAL SECURITY SYSTEMS**

The Council agreed on a general approach, pending the European Parliament's opinion in first reading, on part of Title III (various provisions of benefit) of the proposal for a Regulation of the Parliament and of the Council on the co-ordination of social security systems in the Community.

The general approach covers the following provisions of Title III of the draft Regulation:

- sickness, maternity and paternity (Chapter 1)
- accidents at work and occupational diseases (Chapter 2)
- death grants (Chapter 3)

It follows on from the broad consensus reached by the Council at its meeting on 3 June as regards Titles I (general provisions) and II (determination of competent legislation). The proposal contains three further sections: Title IV (Administrative Commission), Title V (miscellaneous provisions) and Title VI (transitional and final provisions).

Final approval will be subject to agreement on the text as a whole, pending which agreements on the different chapters are considered provisional.

The proposal is aimed at simplifying Community legislation in order to remove obstacles to the free movement of persons created by the co-existence of different national social security systems. It provides for the replacement of Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving within the Community.

## **EXTENSION OF EUROPEAN SOCIAL SECURITY PROVISIONS TO THIRD-COUNTRY NATIONALS**

The Council reached a political agreement on the proposal for a Council Regulation aimed at extending to third-country nationals, currently excluded on account of their nationality, the provisions of Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving within the Community. The Regulation will be adopted at a forthcoming session of the Council as an "A" item (points adopted without discussion), after finalisation of the text.

The proposal is aimed at granting rights as similar as possible to those enjoyed by Union citizens to third-country nationals legally resident in the Community who satisfy the other conditions provided for in Regulation 1408/71/EEC. It follows on from the request made by the Tampere European Council (October 1999) for the status of third-country nationals to be approximated to that of Member State nationals.

## **FIGHT AGAINST POVERTY AND SOCIAL EXCLUSION**

The Council endorsed revised common objectives, following the presentation of a report by Mr Briet, Chairman of the Social Protection Committee (SPC), in preparation of the 2003 National Action Plans (NAPs) against poverty and social exclusion.

The SPC report concludes that the existing common objectives have proved balanced, robust and viable, and that there is thus no need for significant change; emphasis is put on continuity and consolidation, as well as on building upon the progress made so far. Nevertheless, the report identifies three areas where changes should be made to further highlight the importance of the common objectives:

- Establishing targets in the NAPs for reducing significantly by 2010 the number of people at risk of poverty and social exclusion;
- Emphasis on taking gender fully into account in the development, implementation and monitoring of NAPs;
- Highlighting the high risk of poverty and social exclusion faced by immigrants.

It is recalled that the Nice European Council (December 2000) endorsed a set of objectives making the fight against poverty and social exclusion a central element in the modernisation of the European social model.

Those objectives formed the basis of the first round of biannual NAPs against poverty and social exclusion, which in turn contributed to the Joint Commission/Council Report on Social Inclusion, submitted to the Laeken European Council in December 2001. Member States are expected to submit their second round of biannual NAPs in the Spring/Summer of 2003, with a view to a new Joint Commission/Council Report in the run-up to the Spring European Council in 2004.

**"eACCESSIBILITY" FOR PEOPLE WITH DISABILITIES - Council Resolution**

**Council Resolution on "eAccessibility" – improving the access of people with disabilities to the Knowledge Based Society:**

"THE COUNCIL OF THE EUROPEAN UNION:

- (1) RECALLING that the Community has among its tasks to promote throughout the Community a high level of employment and social protection and to raise the standard of living and quality of life, and economic and social cohesion;
- (2) RECALLING the Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 17 December 1999 on the employment and social dimension of the information society<sup>1</sup>;
- (3) RECALLING that the Lisbon European Council of 23 and 24 March 2000 called for an Information Society for all;
- (4) RECALLING that the Commission adopted a Communication on 12 May 2000 "Towards a Barrier Free Europe for people with Disabilities"<sup>2</sup>;
- (5) RECALLING that a key objective of the "eEurope 2002 Action Plan", endorsed by the Feira European Council of 19 and 20 June 2000, is to achieve the participation for all in the knowledge-based economy;
- (6) RECALLING that on 27 November 2000, the Council adopted a Directive aimed at combating discrimination on several grounds, including disability, as regards employment and occupation;<sup>3</sup>
- (7) RECALLING that one of the objectives in the fight against poverty and social exclusion, approved by the Nice European Council of 7 to 9 December 2000, is to exploit fully the potential of the knowledge-based society and of new information and communication technologies and ensure that no-one is excluded, taking particular account of the needs of people with disabilities;

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<sup>1</sup> OJ C 8, 12.1.2000, p.1.

<sup>2</sup> COM(2000) 284 final of 12.05.2000.

<sup>3</sup> Council Directive 2000/78/EC of 27 November 2000.

- (8) RECALLING that on 3 December 2001, the Council adopted a Decision to designate 2003 as the European Year of People with Disabilities<sup>1</sup>;
- (9) RECALLING that the European Parliament and the Council in the Decision 50/2002/EC of 7 December 2001 concerning an EC action programme, furthering the cooperation between Member States in combating social exclusion, stress the importance of the gender equality aspect of the causes and effects of exclusion in the initial considerations. This section also draws attention to articles 2 and 3 of the Treaty, thus focussing on the fact that removal of inequality and promotion of equality between women and men are among the tasks of the Community, which ought to serve as a goal for all its activities;
- (10) RECALLING that the Council adopted a Resolution on "e-Inclusion – exploiting the opportunities of the Information Society for social inclusion"<sup>2</sup> which called on the Member States and the European Commission to, amongst other things, endorse actions for: "tackling technical barriers for people with different disabilities in terms of ICT equipment and web-content, in particular by implementing the respective eEurope actions, monitored by the e-Accessibility Expert Group";
- (11) RECALLING that the Council adopted a Resolution on the "accessibility of public web sites and their content" on 20 March 2002<sup>3</sup> that, amongst other things, "INVITES the High Level Group on the Employment and Social Dimension of the Information Society (ESDIS) to monitor progress in the adoption and implementation of the Web Accessibility Initiative (WAI) guidelines and to develop common methodologies and comparable data so as to facilitate the evaluation of progress";
- (12) RECOGNISING the existence of a report, submitted as a Commission Staff Working Paper entitled: "Delivering eAccessibility - improving disabled people's access to the Knowledge Based Society";
- (13) TAKING INTO ACCOUNT the recommendations made by the ESDIS High Level Group on the basis of this analysis ;

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<sup>1</sup> Council Decision 2001/903/EC of 3 December 2001.

<sup>2</sup> Council resolution 2001/C 292/02 published in the Official Journal of the European Communities of 18.10.2001 (C292).

<sup>3</sup> Council Resolution 7087/02 of 20 March 2002 on: the eEurope Action Plan 2002: Accessibility of public websites and their content.

**CALLS ON MEMBER STATES AND INVITES THE COMMISSION**

- I. To tap the Information Society's potential for people with disabilities and, in particular, tackle the removal of technical, legal and other barriers to their effective participation in the Knowledge Based Economy and Society. In doing so to utilise, as far as possible, existing funding mechanisms and facilitate liaison with the appropriate actors, such as the Disability NGOs, and the European Standards Organisations. In particular, via the following measures :
1. Promote a more coordinated and focused approach by the key players involved in *eAccessibility* activities and in the application and development of existing and new instruments in the areas of technology and standards, legislation and persuasion, and education and information;
  2. Provide a focus for such a more coordinated approach by a web portal, dedicated to *eAccessibility* issues, to be set up and maintained by the European Commission;
  3. Raise awareness in order that the development of any technology equipment, methodology or activity, within the scope of the Information Society avoids social exclusion;
  4. Encourage and empower people with disabilities to take more control over the development of the mechanisms for delivering *eAccessibility* by support for their increased participation in:
    - a) Technology programmes and projects;
    - b) Standardisation bodies and technical committees;
    - c) Committees looking at legislative and/or persuasive measures and education, training and empowerment initiatives.

II. To consider taking more particular measures in areas identified in the Commission Staff Working Paper on "Delivering *e*Accessibility", including :

1. Technical/standards instruments :

- (a) With regard to the utilisation of the WAI guidelines, to promote common methodologies and comparable data in relation to public web sites in the Member States and the European Institutions and to coordinate a monitoring process considering the separate Member States' activities and cooperate with them;
- (b) To promote a feedback of standardisation activities and their impact on the real-life situation of the elderly and people with disabilities;
- (c) To ensure that the Sixth Framework programme for Research and Technical Development 2003-2006 (6FP) will support actions to promote *e*Inclusion, developing both empowering technologies and barrier-free technologies and including the take-up of results. To consider, while drawing up projects, the consequences for people with disabilities and thus avoid social exclusion.

2. Persuasive instruments and/or legislative measures :

- (a) To consider the provision of an "*e*Accessibility mark" for goods and services which comply with relevant standards for *e*Accessibility;
- (b) To continue the current efforts for greater harmonisation of Member States accessibility criteria (e.g. via their public procurement rules) in order to persuade commercial goods and service providers to offer more *e*Accessible goods and services;
- (c) To promote measures to encourage private enterprise to make their ICT based products and services accessible including requiring accessible products and services for ICT public procurement contracts to be accessible. In this case to promote the utilisation of the possibilities that exist within existing European public procurement legislation to include specific references to accessibility criteria of relevant goods and services;
- (d) To ensure that, where possible, exceptions to copyright that are consistent with the legal framework laid down in Directive 2001/29/EC enable the dissemination of protected material in accessible formats for the use of people with disabilities;
- (e) To consider broadening the scope of measures of non-discrimination of people with disabilities.

3. Educative and informative instruments :
- (a) To promote the aim that the network of Centres of Excellence and networking in Design for All becomes ever more inclusive and covers all Member States;
  - (b) To promote the aim that proposed Design for All curricula are developed and adopted by the relevant educational authorities in each Member State. In this case use, where possible, funds earmarked for such an activity within appropriate "networks of excellence" projects financed under the European RDT Framework programme;
  - (c) To provide awareness raising of people with disabilities and the elderly as well as service providers of the opportunities of modern ICT and the net for people with disabilities and the elderly. Utilise appropriate existing Community structural programmes towards this end;
  - (d) To improve the employability of people with disabilities through appropriate vocational programmes targeted towards KBS jobs as well as training in KBS-oriented skills within other vocational programmes. Utilise appropriate existing Community structural programmes towards this end;
  - (e) Promote the application of principles of and apply existing facilities for lifelong learning to upgrade the skills of people with disabilities;
  - (f) To ensure that the multimedia materials and the use of ICT in education do not create new barriers for the integration of students with disabilities into schools and other places of learning;
  - (g) To ensure that eAccessibility become a regular part of all education programmes of vocational schools of any level, e.g. Web masters, multimedia authors and software developers. Utilise the eLearning initiative towards this end."

## **VIOLENCE AGAINST WOMEN - Council Conclusions**

The Council adopted Conclusions on domestic violence against women, in the context of the annual review of the implementation of the United Nations "Platform for Action", an agenda for women's empowerment established at the Fourth World Conference on Women at Beijing in 1995.

It also took note of a Presidency paper containing more details on the seven indicators referred to in the text, for further consideration by Member States and future Presidencies.

This work builds upon the report and "Good Practice Guide" on violence against women presented by the Spanish Presidency in June 2002.

### **Council Conclusions on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action:**

"THE COUNCIL OF THE EUROPEAN UNION

Whereas:

1. Following the UN's Fourth World Conference on Women in Beijing in 1995, the Madrid European Council (15 to 16 December 1995) requested an annual review of the implementation in the Member States of the Beijing Platform for Action.
2. The follow-up process in 1996 and 1997 revealed a need for more consistent and systematic EU monitoring and assessment of the implementation of the Platform for Action.
3. On 2 December 1998, the Council agreed that the annual assessment of the implementation of the Platform for Action would include a proposal on a simple set of quantitative and qualitative indicators and benchmarks.
4. On 22 October 1999, the Council therefore adopted conclusions which took note of the proposed indicators in relation to women's participation in power and the decision-making process.
5. The Council subsequently adopted conclusions concerning the "Reconciliation of family life and working life" (2000) and "Unequal pay" (2001).

6. When it adopted its conclusions on pay inequalities, the Council noted that "Violence against women" could usefully be taken up when the implementation of the Platform for Action was reviewed the following year.
7. The promotion of gender equality has become one of the Community's central tasks following the entry into force of the Amsterdam Treaty.
8. As a result of a resolution adopted by the European Parliament in 1997, the Commission conducted a European information campaign on violence against women in 1999 and 2000. One result of this was a Eurobarometer survey of the views of the EU's population on violence against women.
9. The DAPHNE programme for 2000 to 2003 is a Community programme on preventive measures to combat violence against children, young people and women, with a budget of EUR 20 million for the entire period. Under the DAPHNE Initiative (the precursor to the DAPHNE programme), the European Women's Lobby received support for the preparation of two reports entitled "Unveiling the hidden data on domestic violence in the EU" and "Towards a common European framework to monitor progress in combating violence against women".
10. The Barcelona European Council (15-16 March 2002) attached great importance to the declaration made at the Council (Employment and Social Policy) of 7 March 2002 on the subject of violence against women.
11. The Spanish Presidency of the EU carried out a comprehensive survey amongst the Member States concerning "Male violence against women" and subsequently issued a report and best practice guide.
12. On the basis of the Spanish Presidency's preparatory work concerning violence against women, the Danish Presidency has drawn up the following seven indicators concerning "Domestic violence against women":
  1. Profile of female victims of violence
  2. Profile of male perpetrators
  3. Victim support
  4. Measures addressing the male perpetrator to end the circle of violence
  5. Training of professionals
  6. State measures to eliminate domestic violence against women
  7. Evaluation.

## THE COUNCIL OF THE EUROPEAN UNION

1. TAKES NOTE of the seven indicators proposed by the Danish Presidency with a view to future follow-up to the Beijing Platform for Action as regards domestic violence against women;
2. INVITES future Presidencies to follow-up the indicators on violence against women;
3. RECALLS that the Member States have committed themselves to taking integrated measures, and to elaborating appropriate indicators, with a view to preventing and eliminating violence against women as specified in the Beijing Platform for Action, and urges the Member States to take the necessary measures;
4. RECALLS that according to the Beijing Platform for Action, violence against women infringes the victim's human rights and that violence against women is an obstacle to the achievement of the objective of gender equality;
5. URGES Governments, involving all relevant ministries, to adopt further active measures and strategies to combat domestic violence against women and to take account of any follow-up to the indicators;
6. ENCOURAGES the Member States to consider producing national data and progressively updating them, so that statistics may regularly be produced on the seven proposed indicators, or – as regards the qualitative indicators – so that regular examinations can be conducted;
7. RECOMMENDS that the Commission continues its work with its initiatives to combat violence against women, including programmes such as DAPHNE;
8. RECALLS that the Council has already prepared indicators on "Women in decision-making", "The relationship between family life and working life", and "Pay inequalities between women and men";
9. INTENDS during forthcoming Presidencies, in connection with activities under the programme for equality between women and men and other Community activities, to continue to develop indicators and benchmarks in respect of other forms of violence against women and in other critical areas mentioned in the Beijing Platform for Action;

10. INVITES forthcoming Presidencies to consider complementing these efforts by undertaking action in relation to domestic violence inflicted on, or witnessed by, children;
11. WILL CONSIDER reviewing the Member States' implementation of the Beijing Platform for Action, taking up the following issues: "Women and poverty", "Education and training of women", "Women and health", "Human rights of women" and "Women and the media";
12. URGES that the theme of "Women and decision-making within the private sector" should be taken up when the Member States' implementation of the Beijing Platform for Action is next reviewed;
13. ENCOURAGES forthcoming Presidencies jointly to undertake the annual review, including the development of indicators and benchmarks, and to share the burden of collecting and analysing data between several Member States;
14. UNDERTAKES regularly to review the progress achieved on the issues in question and INVITES future Presidencies, in cooperation with the Member States, to return to issues which have previously been discussed and to assess progress in those areas with the help of the established indicators;
15. URGES the European Commission to take account of the issues discussed in the context of the follow-up to the Beijing Platform for Action, for which indicators have already been adopted, in other Community processes, where appropriate."

## **GENDER MAINSTREAMING - Council Conclusions**

The Council adopted conclusions reiterating Member States' commitment to the principle of gender mainstreaming, which was defined at the United Nations Fourth World Conference on Women at Beijing in 1995.

It also took note of a report from the Presidency covering its experience in addressing the gender dimension in the area of employment and social policy.

Furthermore, the Council took note of a Presidency guide intended to offer specific advice to future Presidencies on how to gender mainstream different Council configurations. This guide was particularly welcomed by delegations.

In the context of gender mainstreaming the Presidency introduced specific notes on gender dimension concerning the following nine agenda points: co-ordination of social security systems; fight against poverty and social exclusion; "eAccessibility" for people with disabilities; temporary agency work; Tripartite Social Summit; application of health and safety legislation to self-employed workers; structural indicators; Joint Employment Report 2002; and corporate social responsibility.

### **Council Conclusions on the follow-up on the principle of gender mainstreaming of formations of the Council :**

"THE COUNCIL OF THE EUROPEAN UNION,

HAVING REGARD TO:

1. The request of the Madrid European Council (15-16 December 1995), following the United Nations Fourth World Conference on Women in Beijing in 1995, that the Council should conduct an annual review of the implementation in the Member States of the Beijing Platform for Action, including gender mainstreaming;
2. The adoption of the Treaty of Amsterdam in 1998, in particular Articles 2 and 3 which aim to eliminate inequalities, and to promote equality, between men and women in all activities;
3. The decision of the Vienna European Council (11-12 December 1998) to promote general integration of the principle of equal opportunities for women and men into the employment policies of the Member States;

4. The Council Resolution dated 22 February 1999, introducing the gender mainstreaming approach into the implementation of the four pillars of the European Employment Strategy;
5. The objectives adopted at the Nice European Council (7-9 December 2000) to combat poverty and social exclusion and the need to ensure that gender equality between women and men is a key aspect in all action to be taken to achieve these objectives;
6. The Presidency's practice, since the French Presidency in 2000, of gender mainstreaming one or two formations of the Council. Until now, the gender dimension has been examined in the context of the Education, the Internal Market, Research, Agriculture, Environment, General Affairs and Economic and Financial Affairs Council formations;
7. The Danish Presidency's decision to gender mainstream employment and social policy by including a gender and gender equality perspective in the consideration of individual agenda items of the relevant Council formation.

#### THE COUNCIL OF THE EUROPEAN UNION,

- (1) URGES the Commission to continue the development of gender mainstreaming in Community employment and social policy, including a plan for integrating the aspects of gender and gender equality into relevant policy initiatives. This approach should apply to:
  - a) the statistical basis (ensuring a gender-segregated data base that can serve in assessing the gender-specific impact of any initiative);
  - b) the decision-making process (ensuring that the gender perspective is taken into account in the decision-making process);
  - c) implementation guidelines (advice on how individual Member States can prevent different initiatives from increasing gender inequalities);
  - d) evaluation (including a gender and gender-equality perspective with a view to avoiding gender-bias in the relevant area).

The Council welcomes the Commission's feasibility study on establishing a European Gender Institute and urges the Commission to finalise this work rapidly as background for further consideration.

- (2) UNDERTAKES to consider making available in the Secretariat gender equality and gender mainstreaming expertise to support the gender mainstreaming process.

- (3) CALLS on Member States to strengthen their commitment to gender mainstreaming, in all policy areas, including employment and social affairs.
- (4) CALLS on Member States to continue to reflect on the possibility of establishing an appropriate Council Working Party.
- (5) INVITES the Member States to accumulate expert capacity in the gender equality area in the relevant ministries with a view to implementing gender mainstreaming in employment and social policies.
- (6) REQUESTS future Presidencies to continue the practice of gender mainstreaming within all formations of the Council."

**SOCIAL INCLUSION - Council Resolution****Council Resolution on Social Inclusion – through Social Dialogue and Partnership :****"THE COUNCIL OF THE EUROPEAN UNION,****RECALLING THAT:**

1. social inclusion was established as a political objective in the Presidency Conclusions of the Nice European Council, following the Conclusions of the Lisbon European Council which set strategic goals for sustainable growth, more and better jobs and greater social cohesion, and affirmed social inclusion as fundamental to the modernisation of the European social model. The Barcelona European Council Conclusions specified the contribution of the social partners to the achievement of these goals, and the Council is confirming its own commitment to making serious inroads into the eradication of poverty and social exclusion in adopting revised common objectives for the second round of the National Action Plans for the fight against poverty and social exclusion for the period of 2003-2005;
2. social dialogue is a force for promoting innovation and change through ensuring a balance between flexibility and security, through its response to challenges such as developing lifelong learning, improving mobility, active ageing and through promoting equal opportunity and diversity - as recognised by the High-Level Group on Industrial Relations and endorsed in the Laeken Declaration by the Social Partners and by the Commission's Communications on "The European Social Dialogue" and "Corporate Social Responsibility". The Commission's Communication on Social Dialogue called on the social partners to broaden the agenda of the social dialogue through developing their autonomous dialogue and increasing their involvement in both tripartite concertation and the open method of co-ordination processes. The Laeken Declaration by the Social Partners affirmed their intention to establish joint work programmes in order to promote modernisation and change within the European Union, as well as to prepare for enlargement;
3. partnership and improved governance are a means of accommodating the increasing demands which civil society places on the state. There is therefore a need to strengthen collaboration between European institutions, national governments, regional and local authorities, social partners and civil society organisations, to improve the involvement of stakeholders and to establish minimum standards for consultation - as most recently emphasised in the White Paper on Good Governance and the Commission's Communication on the European Employment Strategy. The European Round Table on Poverty and Social Exclusion held in Aarhus in October 2002 showed a strengthened commitment on the part of social partners, NGOs and other involved actors to contributing to the process. Accordingly, the revised common objectives and working methods for the social inclusion process stress the need to promote both dialogue with and the participation of all relevant bodies including social partners, NGOs and social service providers, and the active commitment of citizens in the fight against poverty and social exclusion. Furthermore, the Commission's Communication on Corporate Social Responsibility highlighted the fact that undertakings are increasingly taking social and environmental concerns into account in their behaviour;

EMPHASISING THAT:

4. there is an increasing need for more widespread social inclusion which will allow as many people as possible to be active participants in the labour market and in society at large, regardless of racial and ethnic background, gender, age, disability, religion and sexual orientation; a need which is underlined by current demographic changes which pose serious challenges to the future supply of labour and the smooth functioning of labour markets;
5. the promotion of increased social inclusion will require a strong, coordinated multi-dimensional policy response to rapidly changing economic and social conditions, using preventive measures as well as new policies and approaches. This policy can be strengthened in time by streamlining the open methods of coordination in the Social Protection field and considering how they relate to other strategies. Because social inclusion goes beyond traditional labour market approaches, covering issues such as health, education, housing and social services, it becomes necessary to involve a number of different players, making dialogue and partnership important means for helping formulate, implement and take shared responsibility for activities;
6. there is a need for all relevant actors to be aware of the effects of their actions on social inclusion and on people at risk of marginalisation, across policy fields and in their respective fields of competence and work, as well as in cooperation with other stakeholders;
7. the enlargement of the EU, adding significantly to the number of Member States, and the variety of regions and different levels of economic prosperity, sharpen the need for social inclusion as a means for ensuring greater social cohesion;

INVITES THE COMMISSION

8. to continue to promote social dialogue and partnership in the context of an enlarged Union as a means of promoting social inclusion at national, regional and local levels; particular emphasis should be placed on prevention, including keeping people in jobs, and remedial measures;
9. to ensure that particular attention is paid to the full integration of social inclusion in the economic and social strategy of the Union;
10. in the context of existing processes and programmes, to continue to collect and analyse national, regional and local examples of social inclusion through social dialogue and partnership, in order to help disseminate examples of good practice, in terms of stakeholders, target groups and models for collaboration;

INVITES THE MEMBER STATES

11. in line with the revised common objectives for the fight against poverty and social exclusion, to reinforce the involvement of the social partners and all other relevant actors in the Social Inclusion process including, according to national practice, the preparation, implementation and monitoring of the National Action Plans;
12. in line with the revised common objectives for the fight against poverty and social exclusion, and in the context of the European Employment Strategy, to ensure that social inclusion will contribute to the eradication of poverty and the promotion of social cohesion and will improve access to the labour market for both men and women, in particular by taking full account of the positive contribution to social inclusion of social dialogue and partnership;
13. to promote and invite the active participation in partnerships of stakeholders, such as local authorities, trade unions, companies, NGOs and those directly involved;

INVITES THE SOCIAL PROTECTION COMMITTEE IN CLOSE COOPERATION WITH THE SOCIAL PARTNERS

14. building on the informal consultations which have been developed to date, to consolidate tripartite concertation on the ongoing work on social inclusion, and to promote the active involvement of the social partners in the social inclusion process, in the spirit of the Commission's Communication on "The European Social Dialogue";

INVITES THE SOCIAL PROTECTION COMMITTEE

15. to promote opportunities, in particular in the context of the annual European Round Table, to strengthen the dialogue with civil society organisations;

INVITES THE SOCIAL PARTNERS

16. to identify possible partnership mechanisms and approaches for specific activities conducive to increased social inclusion;
17. to consider, within their autonomous dialogue, initiatives for strengthening social inclusion in an enlarged Union;
18. to increase their involvement in the open method of coordination on poverty, social exclusion and employment with a view to promoting an inclusive society and labour market;

INVITES THE CIVIL SOCIETY ORGANISATIONS

19. to identify and develop partnerships and approaches for specific activities with a view to promoting an inclusive society and, as appropriate, an inclusive labour market; and
20. to increase their involvement in the open method of co-ordination on poverty and social exclusion, with a view to promoting an inclusive society."

## **FOLLOW-UP TO THE JOHANNESBURG WORLD SUMMIT - Council Conclusions**

The following conclusions will be forwarded to the General Affairs and External Relations Council in preparation of the Spring European Council in 2003.

### **Council Conclusions of on the follow-up to the World Summit on Sustainable Development in Johannesburg in August–September 2002:**

#### **"THE COUNCIL OF THE EUROPEAN UNION,**

1. RECALLS the Conclusions of the Gothenburg European Council of 15 and 16 June 2001, the Barcelona European Council of 15 and 16 March 2002, the ECOFIN Council of 4 June 2002, the General Affairs Council of 17 June 2002, the Seville European Council of 21 and 22 June 2002, the General Affairs Council of 22 July 2002 and the Conclusions of the Council (General Affairs and External Relations) of 30 September 2002 on the assessment, setting of priorities and follow-up of the Johannesburg commitments;
2. RECALLS the mandate given to the Johannesburg Summit by the United Nations General Assembly to identify further measures to implement the Rio agreements, accomplishments and areas where more effort and action-oriented decisions were needed, as well as new challenges and opportunities;
3. WELCOMES the consensus achieved among Heads of States and Governments in Johannesburg at the World Summit on Sustainable Development in August–September 2002 on the Political Declaration and on the Plan of Implementation;
4. REAFFIRMS the commitment of the EU to further sustainable development in its internal as well as external policies through an integrated approach to economic development, social development and environmental protection;
5. STRESSES the continued commitment of the EU in Johannesburg and beyond to push forward this broad internal and global agenda and to further integrate the social, economic and environmental components of sustainable development, inter alia by strengthening the institutional framework for sustainable development at all levels;
6. NOTES that the Council (General Affairs and External Relations) in November 2002 reviewed and took stock of preliminary EU-work on the follow-up to Johannesburg;];

#### *The role of the International Labour Organisation:*

7. WELCOMES the consensus on support for the International Labour Organisation and encourages its ongoing work on the social dimension of globalisation. Globalisation should be fully inclusive and equitable, with a view to promoting income generating and decent employment opportunities;

8. NOTES the commitment to take immediate and effective measures to eliminate the worst forms of child labour as defined in ILO Convention No. 182 and to elaborate and implement strategies for the elimination of child labour that is contrary to accepted international standards;

*Employment and Social Cohesion:*

9. WELCOMES the recognition in Johannesburg of the importance of the social pillar of sustainable development and of the need to strengthen it, in particular through employment measures and concrete measures for social inclusion;
10. ACKNOWLEDGES that the EU shall emphasize its efforts, in its internal as well as external sustainable development policies, through an integrated approach to economic development, social development and environmental protection, to increase access of people living in poverty to decent employment opportunities, to develop and implement workplace-based partnerships and programmes, including training and education programmes, to provide assistance to increase income-generating employment opportunities taking into account the ILO Declaration on Fundamental Principles and Rights at Work, and to increase decent employment while mainstreaming gender issues;
11. ACKNOWLEDGES, in particular, the statement to the effect that eradicating poverty is the greatest global challenge facing the world today and is an indispensable requirement for achieving sustainable development through a multidimensional approach;
12. RECALLS the conclusions from the Lisbon European Council in March 2000 on, inter alia, "modernising the European social model, investing in people and combating social exclusion" in order to make the EU "the most competitive and dynamic knowledge-based economy in the world", and that "steps must be taken to make a decisive impact on the eradication of poverty", and notably the ongoing process within the open method of coordination for combating poverty and social exclusion;
13. NOTES the furthering of the social dimension of sustainable development, building on the UN World Summit for Social Development in Copenhagen in 1995 and its review and appraisal process in Geneva in 2000, and in particular the ILO Declaration on Fundamental Principles and Rights at Work of 1998;
14. WELCOMES, in the view of strengthening the institutional framework for sustainable development at the international level, the commitment made by the international community in Johannesburg of promoting the full integration of sustainable development objectives into programmes and policies of bodies that have a primary focus on social issues, and undertakes to strengthen this perspective in the follow-up of the World Summit for Social Development and its five-year review;

*The Gender Dimension:*

15. WELCOMES the message from Johannesburg on women's equal access and full participation, on the basis of equality with men, in decision-making at all levels;
16. ENDORSES the commitment to ensure that women's empowerment and emancipation, and gender equality are integrated in all activities encompassed within Agenda 21, the Millennium Development Goals and the Johannesburg Plan of Implementation;
17. RECALLS THE mainstreaming of gender perspectives in all policies and strategies;
18. CALLS FOR the elimination of all forms of violence and discrimination against women;
19. SUPPORTS the commitment to improve the status, health and economic welfare of women and girls through full and equal access to economic opportunity, land, credit, education and health-care services;
20. RECALLS the follow-up process that takes place in the Council (Employment, Social Policy, Health and Consumer Affairs) regarding the Action Platform which emerged from the Fourth UN World Conference on Women in Beijing in 1995 and from the follow-up conference in 2000;
21. INVITES forthcoming Presidencies to include in the European Union's annual evaluation of the implementation of the Beijing Platform for Action the issues regarding gender equality and the advancement of women, which are mentioned in the Johannesburg Plan of Implementation and in the EU final statement made at the Johannesburg meeting;

*Corporate Social Responsibility:*

22. WELCOMES the Johannesburg reference to enhancing corporate environmental and social responsibility and accountability in the efforts to ensure sustainable development in a globalised world;
23. RECALLS the ongoing efforts to develop and raise awareness in the field of corporate social responsibility in the European Union;
24. CONFIRMS, by the parallel adoption of a Resolution, its commitment to developing a strategy on corporate social responsibility as set out in the European Commission's Communication on Corporate Social Responsibility: a business contribution to Sustainable Development;

*Health:*

25. REAFFIRMS the commitment of the EU and its Member States to follow up the objectives in the Johannesburg implementation plan regarding health within the framework of the programme on Community action in the field of public health (2003–2008) and other relevant Community programmes, as well as action on standards of quality and safety for human blood and blood components, human cells and tissues, medical devices and pharmaceutical products;
26. NOTES the Johannesburg agreement on the need to address the causes of ill health, including environmental causes, and their impact on development, and to support social protection systems and deliver basic health services to all, in an efficient, accessible and affordable manner aimed at preventing, controlling and treating communicable diseases, especially HIV/AIDS, and reducing the burden imposed by non-communicable diseases and conditions, and associated risk factors, including tobacco;

*Sustainable consumption:*

27. WELCOMES the Johannesburg call for the promotion of sustainable consumption and production patterns through consumer awareness and information;
28. RECALLS the EU Sustainable Development Strategy adopted by the Gothenburg European Council in June 2001 as well as the Strategy for the integration of environmental protection and sustainable development into internal market policy, in particular the objective to increase consumer awareness and knowledge on sustainable consumption and lifestyles;
29. NOTES the work on the development of a ten-year framework of programmes for sustainable consumption and production, and the follow-up processes to the above-mentioned strategies which take place in the relevant Council formations with due consideration to the Johannesburg commitments, and UNDERTAKES to follow closely and, where necessary, contribute to this work; and
 

\*       \*       \*
30. INVITES the European Council to endorse the outcome of the World Summit and to review fulfilment of the commitments made at the Summit through the further implementation of the EU strategy for sustainable development and the Cardiff Process of sectoral integration, in particular at the Spring European Council in 2003, as decided at the Barcelona European Council, and with a particular and new effort to create opportunities of mutual support between the social - including employment – and the environmental and economic components of this EU strategy."

## **TEMPORARY AGENCY WORK**

The Council held a policy debate on key issues raised by the proposal for a Directive of the European Parliament and of the Council on working conditions for temporary workers on the basis of a Presidency note containing a set of questions for Ministers.

The debate focused on five main outstanding issues: restrictions on the use of temporary workers; exemptions for temporary workers on assignments of less than six weeks; temporary agency work as a labour market instrument; non-discrimination of temporary workers in relation to the concept of a "comparable worker" and the role of the social partners.

A number of delegations and the Commission also referred to certain of the Parliament's amendments, which could serve as a useful basis for future discussions in relation to these issues.

Delegations welcomed the efforts made by the Presidency to move this dossier forward and emphasised the importance of temporary work in allowing for increased competitiveness whilst underlining the need to protect workers' rights. There was broad consensus that the two overriding issues which needed to be taken into account in order to achieve a political agreement under the Greek Presidency, were the restrictions on temporary agency work (Article 4) and the periods of exemption for temporary workers as regards the principle of non-discrimination (Article 5.4).

The proposal aims at striking a balance between the protection of temporary workers and ensuring flexibility in the labour market. It completes a package of measures aimed at regulating working conditions for so-called "atypical" workers in the context of the economic reform strategy laid down by the Lisbon European Council in March 2000.

## **TRIPARTITE SOCIAL SUMMIT**

The Council approved a report from the Presidency concerning the proposal for a Council Decision establishing a Tripartite Social Summit for growth and employment, and agreed to submit it to the General Affairs and External Relations Council, for the attention of the European Council.

The vast majority of delegations welcomed the intended formalisation of the Summit whilst recognising that there are still a number of legal and procedural matters requiring further study.

The report identifies the following compromise solutions aimed at overcoming those difficulties:

- the Tripartite Social Summit would for the time being continue to be held on an informal basis, in accordance with established practice, at least before each Spring European Council;
- the Council would continue to examine the proposal with a view to formalising the summit in a way that is compatible with the arrangements for the European Council;
- the Standing Committee on Employment would not be replaced until the Tripartite Summit has been formalised.

Informal social summits have taken place on the eve of Spring European Councils for a number of years, bringing together the Member States, the Commission and the social partners. At Laeken in December 2001, the European Council decided to hold a social affairs summit before each Spring European Council and the Commission's proposal aims to formalise this.

## **HEALTH AND SAFETY OF SELF-EMPLOYED WORKERS**

The Council reached a political agreement on the draft Council Recommendation on the application of health and safety legislation to self-employed workers. The Recommendation will be adopted at a forthcoming session of the Council as an "A" item (points adopted without discussion), after finalisation of the text.

The Recommendation aims at preventing the risks of occupational accidents and diseases to which self-employed workers are exposed, given that existing Community health and safety legislation, based on Article 137 of the Treaty, applies only to employees and therefore excludes the self-employed. One of the reasons behind this Recommendation is the high number of self-employed workers in "high-risk" sectors, namely agriculture, fishing, communication, and transport.

The draft Recommendation calls on Member States to promote prevention and health and safety actions through, *inter alia*, awareness-raising campaigns and access to training opportunities and health surveillance.

## **STREAMLINING ECONOMIC AND EMPLOYMENT POLICY CO-ORDINATION CYCLES**

The Council approved a report on the streamlining of the annual economic and employment policy co-ordination cycles and held an exchange of views, following a presentation by Mr Clive Tucker, Chairman of the Employment Committee (EMCO), and Mr Raoul Briet, Chairman of the Social Protection Committee (SPC).

The report was approved jointly by the Council on 3 December in both its Employment, Social Policy, Health and Consumer Affairs, and Economic and Financial Affairs configurations, on the basis of work undertaken by the EMCO, the SPC and the Economic Policy Committee.

Delegations welcomed the joint report and emphasised the importance of maintaining the autonomy of both processes, in particular the leading role of the Employment, Social Policy, Health and Consumer Affairs Council in deciding on the employment guidelines.

In its report the Council recommends, in particular, that:

- the processes should focus on medium and longer-term challenges, as well as on implementation,
- in order to prepare the Spring European Council as the defining moment in the annual policy-co-ordination cycle, the Commission's Spring Report and other relevant implementation reports should be presented in January of each year,
- a determined effort should be undertaken to streamline Member States' reporting obligations,
- overlaps and duplications should, wherever possible, be avoided, in particular by increased co-ordination and complementarity, while preserving the distinctive roles of both processes.

The synchronisation of the two timetables, which follows on from a request by the Barcelona European Council (March 2002), is expected to result in improved effectiveness of the respective policy co-ordination cycles.

## **STRUCTURAL INDICATORS**

The Council adopted Conclusions on the structural indicators to be used by the Commission in evaluating the EU's employment and social inclusion processes in the context of its "Synthesis Report" to be submitted to the Spring European Council in 2003. The conclusions were approved jointly by the Council on 3 December in both its Employment, Social Policy, Health and Consumer Affairs, and Economic and Financial Affairs configurations, on the basis of work undertaken by the Employment Committee, the Social Protection Committee and the Economic Policy Committee.

The structural indicators are drawn up in accordance with the objective set by the Lisbon European Council (March 2000) of making Europe the most competitive knowledge-based economy by 2010. In its annual "Synthesis Report", the Commission assesses progress made in different fields in reaching these goals.

In updating the structural indicators, the overriding aim has been to maintain the highest possible degree of stability, in order to guarantee comparability in the medium-term of data obtained.

Taking into account the work of the above-mentioned Committees, the Council:

- encourages, the Commission in particular, to make more intensive and systematic use of the structural indicators, and
- identifies priorities for further work.

Moreover, the Council took note of the endorsement by the Economic and Financial Affairs Council of a short list of indicators aimed at providing a concise overview of Member States' performance and at focusing public debate.

**JOINT EMPLOYMENT REPORT 2002**

The Council took note of the presentation by the Commission of the draft Commission/Council Joint Employment Report 2002. It requested the Employment Committee and the Economic Policy Committee to continue their examination of this text in order to enable it to be adopted in the run-up to the Spring European Council.

The 2002 report provides an overview of the employment situation in the EU and an assessment of the progress made by Member States in the implementation of the Employment Guidelines and Recommendations during 2001. It underscores a number of challenges for the future as regards, in particular, the use of national targets, the provision of budgetary information, the situation of older workers, the intrinsic quality of jobs and the quality of social dialogue.

The report is part of the annual review of the European Employment Strategy, whose focus has shifted from the fight against unemployment to the broader priority of providing more and better jobs in an inclusive society. This shift in focus comes in response to the objective set by the Lisbon European Council (March 2000) of making Europe the most competitive knowledge-based economy by 2010.

## **CORPORATE SOCIAL RESPONSIBILITY - Council Resolution**

**"THE COUNCIL OF THE EUROPEAN UNION,**

**Recalling :**

The Commission Green Paper on promoting a European framework for Corporate Social Responsibility \*, which launched a consultation procedure on the concept of corporate social responsibility (CSR);

The Council Resolution of 3 December 2001 on follow-up to the Commission's Green Paper\*\*, which recognised that CSR can contribute to reaching the objectives laid down by the European Council in Lisbon, Nice and Göteborg for the European Union to become the most competitive and dynamic knowledge-based economy in the world fostering social integration and sustainable development;

The Commission Communication concerning Corporate Social Responsibility: A business contribution to Sustainable Development \*\*\*, which constitutes a follow-up to the Green Paper;

Existing internationally agreed instruments, whose relevance to CSR was recognised in the above Resolution;

The World Summit on Sustainable Development in Johannesburg and the adopted plan of implementation according to which the international community should promote CSR, accountability and the exchange of best practices in the context of sustainable development;

**Welcoming** the Communication from the Commission, including the Commission's view that a strategy to promote CSR should be based on:

- recognition of the voluntary nature of CSR;
- a need for credibility and transparency of CSR practices;
- a focus on activities where Community involvement adds value;
- a balanced and broad approach to CSR, including economic, social and environmental issues as well as consumer interests;

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\* COM(2001) 366 final.

\*\* OJ C 86, 10.4.2002, p. 3.

\*\*\* COM(2002) 347 final.

- attention to the specific needs and characteristics of SMEs; and
- support of, and compatibility with, existing internationally agreed instruments;

**Emphasising** that CSR is behaviour by business over and above legal requirements, which should continue to be properly enforced, and that

- globalisation has created new opportunities for enterprises, but it also has increased their organisational complexity; therefore policies on CSR should focus not only on single undertakings, but also on their subsidiaries and subcontractors;
- the debate on CSR must be seen in the wider context of corporate governance and accountability;
- in order to be effective, CSR should be a part of a concerted effort by all those concerned towards meeting shared objectives, including social and civil dialogue in accordance with national law and practice;
- undertakings should address not only the external aspects of CSR, but also the internal aspects such as health and safety at work and management of human resources;

**Supporting** the intentions of the Commission, in particular to focus its strategy on :

- increasing knowledge about the positive impact of CSR on business and societies in Europe and abroad, in particular in developing countries;
- developing exchange of experience and good practice on CSR between undertakings, including SMEs, in particular through business organisations and networks;
- promoting the development of CSR management skills;
- facilitating convergence and transparency of CSR practices and tools, which should, inter alia, build on the fundamental ILO Conventions and on the OECD Guidelines for Multinational Enterprises, as minimum common standards of reference;
- integrating CSR into Community policies;

**Welcoming** the launch of a Multi-Stakeholder Forum on CSR at EU level;

**Welcoming** the commitment of the Commission to involve the candidate countries in the implementation of the EU strategy to promote CSR;

**Calls upon the Commission and the organisations represented in the Multi-Stakeholder Forum :**

- to continue to ensure the transparency and efficiency of the work of the Multi-Stakeholder Forum through regular reporting on their work;
- to make sure that the views of all relevant actors at European, national, regional and local level will be channelled into the work of the Multi-Stakeholder Forum;
- to make sure that any outcome of the work in the Multi-Stakeholder Forum, operating on the basis of consensus, takes fully into account and respects the above-mentioned principles of CSR;
- to ensure that the Multi-Stakeholder Forum addresses the gender dimension in its work; and
- to continue to put an emphasis on how CSR can contribute to the objectives of the European Union as laid down particularly at the European Councils in Lisbon, Nice and Göteborg.

**Calls upon the Commission :**

- to take into account, when developing a European strategy on CSR, the goals and commitments agreed at the World Summit on Sustainable Development in Johannesburg; and
- to increase awareness about the valuable involvement of all those concerned, including social partners and civil society organisations, in practices of CSR at all levels.

**Calls upon the Member States, while bearing in mind the principles of CSR outlined above :**

- to promote CSR at national level in parallel with the development of a strategy at Community level, in particular by making companies aware of its benefits and highlighting the potential results from constructive co-operation between governments, business and other sectors of society;
- to continue to promote the dialogue with social partners and civil dialogue;
- to promote transparency of CSR practices and tools;
- to exchange information and experiences regarding their policies;
- to integrate CSR into national policies; and
- to integrate, where appropriate, CSR principles into their own management.

**Calls upon future Presidencies :**

- to continue to stimulate the debate on CSR and maintain the involvement of the Council in the Multi-Stakeholder Forum."

## **ELECTROMAGNETIC FIELDS AND WAVES**

The Council took note of information from the Presidency on the preparation of a new text for a Directive on minimum requirements for safety and health in relation to workers' exposure to risks due to electromagnetic fields and waves.

It is the Presidency's intention to present a new text on this matter before the end of the year. The new text is expected to contain similar general provisions to those on vibration and noise, such as:

- risk assessment by employers,
- information and training of workers,
- introduction of limit values of exposure.

It is recalled that the Presidency presented the outcomes of a technical seminar on this topic, organised in Luxembourg on 20 September 2002, at its meeting on 8 October.

The background to this initiative is the Commission's 1992 proposal for a Directive on minimum health and safety requirements regarding the exposure of workers to the risks arising from four different physical agents: noise, mechanical vibrations, optical radiation and electromagnetic fields and waves. In 1999 there was agreement that each physical agent should be treated separately and Directives on vibration and noise have already been approved. The Danish Presidency has now chosen to address electromagnetic fields and waves.

**PRESIDENCY ACTIVITIES**

The Council took note of information from the Presidency on recent activities in the field of employment and social affairs, in particular:

- Seminar on quality of life and services provided to the disabled (31 October - 1 November, Copenhagen);
- Conference on care services for children and other dependent people - Equal opportunities in the European Employment Strategy process (25-26 November, Elsinore);
- Conference on Equal Pay (29 November, Copenhagen).

## **ITEMS APPROVED WITHOUT DEBATE**

### **TRADE ISSUES**

#### **Armenia - Accession to WTO**

The Council agreed on the position to be taken by the Community and the Member States on the accession of Armenia to the World Trade Organisation (WTO) at the meeting of the General Council of the WTO on 10 December 2002.

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