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Employment, Social Policy, Health and Consumer Affairs

Brussels, 1 and 2 December 2011

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Main results of the Council

Employment and Social Policy

*The Council reached a general approach on an amended regulation on the **coordination of social security systems**.*

*Since a qualified majority could not be achieved, the Council did not reach a political agreement on the extension of the crisis derogation concerning the **European globalisation adjustment fund**.*

*It held a policy debate on the implementation of the **Europe 2020 strategy** in the employment and social policy field, and took stock of progress on negotiations regarding directives on **maternity leave, equal treatment** and safety requirements for workers exposed to **electromagnetic fields**.*

*The Council adopted conclusions on **ageing** and on the **reconciliation of work and family life**.*

Health and Consumer Affairs

Ministers adopted three sets of conclusions on:

- *Prevention, early diagnosis and treatment of **chronic respiratory diseases in children**;*
- *Early detection and treatment of **communication disorders in children**, including the use of e-Health tools and innovative solutions;*
- *Closing health gaps within the EU through concerted action to **promote healthy lifestyle behaviours**.*

*Ministers also exchanged views on the Commission proposal for the **Health for Growth Programme 2014-2020**.*

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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.

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EMPLOYMENT AND SOCIAL POLICY

Coordination of social security systems

The Council agreed, by qualified majority, on a general approach on amendments to the coordination of social security systems regulations 883/2004 and 987/2009 ([17421/11](#)+[ADD1](#)), thus paving the way to seek an agreement at first reading with the European Parliament.

The amendments aim at providing a satisfactory solution in the case of wholly unemployed, formerly self-employed, frontier workers who were insured in their country of activity against unemployment and who have returned to their member state of residence, where no insurance against the risk of unemployment exists (new article 65a in regulation 883/2004).

Article 65a introduces a derogation whereby the country of last activity would provide unemployment benefits to a wholly unemployed self-employed person who had resided outside the competent member state, if there is no possibility for any category of self-employed persons to be covered by the unemployment benefits system in the country of residence.

Adopted amendments also cover the use of the "home base" criterion for determining the legislation applicable to aircrew members (new paragraph in article 14 of regulation 987/2009).

The aim of the amendment is to clarify the notion of "registered office or place of business" as "home base" for flying personnel. The home base is the place from which the air crew member habitually carries out his or her work in performance of his or her contract.

Exposure of workers to electromagnetic fields directive

The Council took note of a progress report on a directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) ([17019/11](#)).

The aim of the proposal is to revise directive 2004/40/EC in order to take into account new scientific studies, while ensuring high levels of worker protection and, inter alia, to review the impact of exposure limit values for magnetic resonance imaging (MRI) scanners.

Directive 2004/40/EC was adopted together with other measures intended to protect workers from the health effects of noise, vibration and optical radiation. However, soon after its adoption in 2004, the medical community working with magnetic resonance imaging (MRI) claimed that its activities would be hampered by the strict exposure limit values laid down therein.

Due to these difficulties in its application and to allow time for the directive to be amended in the light of new scientific information, Parliament and Council decided at that time to delay its transposition until 30 April 2012.

Despite significant progress made in the Council's bodies and given that the dossier is very complex and technical, there is still a need for further consultations with experts on two main sets of issues: the way of expressing exposure limitations and derogation(s) to binding exposure limits.

European globalisation adjustment fund

The Council did not reach a political agreement on the extension of the crisis derogation concerning the European globalisation adjustment fund (EGF), since a qualified majority could not be achieved.

However, the presidency was able to report on the progress made until now, based on the report contained in document [16706/4/11 REV 4](#).

The proposed regulation aims at extending the crisis-related derogation (introduced in 2009 and due to expire on 31 December 2011) for another 2 years until 31 December 2013, i.e. the end of the current multiannual financial framework. The extension of the derogation is thus without prejudice to the negotiations on the future of the EGF.

The EGF was established in 2006 by regulation 1927/2006 with the main objective of providing support to workers affected by redundancies resulting from changes in world trade patterns. By co-funding active labour market policy measures, the EGF aimed at facilitating the re-integration into the labour market of workers in sectors or regions suffering the shock of serious economic disruption.

In the light of the scale and speed of developments in the financial and economic crisis in 2008, the Commission proposed a first revision of the regulation. The aim of the 2009 revision was *inter alia* to introduce a temporary derogation as part of Europe's crisis response, turning the EGF into an early, more effective crisis intervention instrument in line with the fundamental principles of solidarity and social justice.

This derogation enlarged the scope of the EGF to cover support in favour of workers made redundant as a direct consequence of the financial and economic crisis and to increase the level of EGF co-funding from 50 to 65 %.

Since the introduction of the crisis derogation, there has been a sharp increase in the number of applications for EGF support and an increase in the number of member states applying for EGF support: between May 2010 and July 2011, 62 applications for 52 875 workers were introduced for a total amount of EUR 275 857 280.

Maternity leave directive

The Council took stock of progress made on the maternity leave directive on the basis of a Presidency report ([17029/11](#)).

The report draws the following preliminary conclusions:

- maternity leave (even shorter than 20 weeks) with full pay was not supported;
- considering further payment at the level of sick pay was the option that won the most support from delegations. Several delegations raised the concern that "sick pay" itself was an unclear term (there are different levels of sick pay, including statutory and contributory sick pay, and the level might also depend on the length of the sickness);
- there was also some support for an option entailing a maternity allowance with a ceiling, as a basis for further discussion;
- while some delegations considered the "passerelle" clause to be an interesting option, there were others who were not able to accept this approach.

Moreover, it concludes that, in the light of recent discussions and the informal ministerial meeting in Cracow on 21 October, it has become crystal clear that the period of 20 weeks of maternity leave with full pay is unacceptable to the Council. Taking into account the broad diversity of maternity protection and social security systems among the different member states, as well as the financial implications, especially during the crisis, the introduction of such a solution could have counterproductive effects.

Equal treatment directive

The Council took stock of progress in the negotiations on the directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ([16525/11](#)).

The proposed directive has been examined in the Council for more than three years now. It would extend EU legislation into new areas, based on article 19 of the EU treaty.

During the Polish presidency, the Council bodies' discussions have focused on a specific topic, namely, the provisions concerning age as a discrimination factor. In certain cases, differential treatment is justified. For example, age limits are needed to protect minors.

Further discussion is needed on a number of outstanding issues, such as:

- the division of competences, the overall scope and subsidiarity;
- the disability provisions, including accessibility and reasonable accommodation for persons with disabilities;
- the implementation calendar;
- legal certainty in the directive as a whole.

Employment and social policy in the Europe 2020 strategy

The Council held a policy debate on employment and social policy issues linked to the Europe 2020 strategy, on the basis of a Presidency background note ([17426/11](#)).

The Council took note of Commission's presentation of the annual growth survey for 2012 as well as the draft joint employment report annexed to the survey ([17229/11](#)+[ADD 3](#)).

Ministers analysed the first year's experience and expressed expectations for the second year of the implementation of the strategy in the employment and social policy field.

They stressed that fiscal consolidation and reform programmes should be well-balanced with respect to their social impact and to the European social model. Growth must go hand in hand with job creation. Efforts should concentrate on young people and the long-term unemployed, by offering them training and action programmes to improve their skills and re-enter the labour market. They also underlined that re-entering the labour market is essential to escape poverty and social exclusion.

The Commission pointed out that the EU needed to give a convincing response to the crisis, since not only financial affairs but also social cohesion and the European social model were at stake. Fiscal consolidation is needed, but it should be accompanied by job creation and restored confidence. The persistently high rate of unemployment in the EU and a growing number of people at risk of poverty require determined action. Those hit most by unemployment and economic inactivity risk losing their skills and leaving the labour market. Over the past three years, youth unemployment has risen from 15% to 21%. It is Europe's duty to ensure that an entire generation is not lost because of the crisis.

The Council adopted **conclusions** ([17423/11](#)) on the follow-up to the first European Semester, which both evaluate the work already undertaken and outline how implementation should continue in 2012. The conclusions are largely based on the thematic report, prepared by the Employment Committee (EMCO), and on a Social Protection Committee (SPC) opinion.

The **thematic report** covers a number of issues ([17239/11](#)). First, the role of labour costs and wage policies are examined. The report considers the role of labour costs with regard to productivity, inflation or deflation and international competitiveness, and with regard to economic growth in general. The report also looks into the issues of labour market participation and job creation. Particular attention is paid to the labour market participation of female workers and of older workers. It is important that there be sufficient stimulus for the participation of these workers. Incentives could include appropriate taxation and benefits and adequate provisions of care facilities, especially for children.

The Council also endorsed the above **SPC opinion** in anticipation of the full report of the latter on the social dimension of Europe 2020, planned for the beginning of 2012 ([17050/11](#)). The opinion focuses on the social impact of the crisis, stressing that the social consequences have revealed marked impacts, for example the growth of recipients of minimum income, social assistance and housing benefits. Social security schemes are under increasing pressure due to the prolonged economic crisis. It is therefore essential that social protection systems continue offering protection and improving people's employability.

The Presidency summarised the main aspects of the debate as follows:

- there is a need for urgent action; despite the crisis, it is important to increase efforts to raise employment, and work on social cohesion;
- there is a need for structural reforms, for instance in the benefit and pension systems;
- it is important to match education and training with the skills needed in the labour markets;
- the EPSCO Council has a role to play in the process of economic governance;
- and, above all, optimism must prevail in the EU.

The Presidency will submit the conclusions and related documents as the EPSCO contribution to the European Council of 9 December. In the European Council, member states participating in the Euro plus Pact will track progress on implementation at national level, in particular in the area of employment.

Ageing : an opportunity for the labour market and the development of social services and community activities

The Council adopted conclusions on ageing as an opportunity for the labour market and for the development of social services and community activities ([16474/11](#)).

The conclusions, in the context of the unprecedented demographic changes the EU is currently facing, call for greater involvement of and an active role for older people.

Older people represent a great potential for Europe's future competitiveness and prosperity in economic and social life. This should be achieved *inter alia* by removing employment obstacles, improving employment conditions, addressing premature exits from the labour market, fighting against discrimination and investing in lifelong learning.

The conclusions are also very timely in view of the forthcoming European year of active ageing and solidarity between generations (2012).

Reconciliation of work and family life in the context of the Beijing platform for action

The Council adopted conclusions on the reconciliation of work and family life in the context of the Beijing platform for action ([17420/11](#)).

Helping women and men to reconcile their duties at work with their duties as parents and carers is important. Finding the right balance is not only good for families: it is good for the economy, because it allows more people to fulfil their potential in the labour market.

The conclusions call for efforts to support the reconciliation of work, family and private life, including by means of different kinds of care provision, family-related leave and flexible working arrangements. They also highlight the need to ensure that reconciliation policies do not harm women's career prospects and economic situation. These questions are also relevant in the context of the Europe 2020 Strategy, where an employment target of 75% has been agreed for women and men aged 20-64.

The conclusions follow on from a report of the European institute for gender equality ([16835/11 ADD 1](#)), drafted in the context of the follow-up to the Beijing platform for action.

The Beijing platform for action is the United Nations agenda for women's empowerment.

Much of the Council's work in the area of gender equality takes place within the framework of the Beijing platform.

Free movement of workers from Bulgaria and Romania

The Council took note of Commission's report on the functioning of the transitional arrangements on the free movement of workers from Bulgaria and Romania ([16923/11](#)+[ADD 1](#)).

Over lunch, ministers discussed "youth employment" on the basis of a Presidency background note ([17590/11](#)).

ANY OTHER BUSINESS (Employment and Social Policy)**– First annual Convention of the European platform against poverty and social exclusion**

The presidency and the Commission briefed the Council about the first annual Convention of the European platform against poverty and social exclusion, which was held in Cracow, on 17-18 October.

– Legislative proposals in the area of migration

The presidency informed the Council that:

- on 24 November the Council adopted its position at first reading on the **single permit** directive, and that
- considerable progress has been made on the **intra-corporate transfer** and **seasonal workers** proposals.

– The Commission informed the Council about the state of play on

- the review of the **working time** directive
- the expected proposals regarding the **posting of workers**
- national **Roma integration strategies** and
- women on company boards.

- Informal meeting of ministers for family and gender equality

The presidency informed the Council about the informal meeting of ministers for family and gender equality organised in Cracow, on 21 October 2011, as well as about presidency conferences.

- Work programme of the incoming presidency

The Danish delegation gave the Council a first presentation of the Presidency programme for the first semester 2012.

HEALTH AND CONSUMER AFFAIRS

Chronic respiratory diseases in children

The Council adopted conclusions entitled "Prevention, early diagnosis and treatment of chronic respiratory diseases in children" ([16709/11](#)), calling upon member states to give appropriate consideration to the prevention, early diagnosis and treatment of chronic respiratory diseases in children in their health programmes. Member states should also increase public awareness of these diseases, strengthen smoking prevention and cessation programmes for pregnant women and follow the Council recommendation on smoke-free environment ([15937/09](#)). The Commission is invited to support member states in developing and implementing effective policies on the prevention of chronic respiratory diseases in children, improving networking among institutions responsible for the implementation of member states' programmes, and strengthening cooperation of national centres and reinforcing existing international research networks.

Chronic respiratory diseases in children are one of the priorities of the Polish Presidency in the field of public health.

Allergic rhinitis and asthma are the most common respiratory diseases in children and asthma is the most common reason for emergency room visits and hospital admissions among children.

The conclusions take into account the outcomes of the experts' conference on "Prevention and control of childhood asthma and allergy in the EU from the public health point of view: urgent need to fill the gaps", held on 21-22 September 2011 in Warsaw, which highlighted an urgent need to improve the prevention, early detection and treatment of chronic respiratory diseases in children by addressing them in health policy at local, regional, national and EU levels. The issue of chronic respiratory diseases in children was also brought to the attention of the ministerial level conference "Solidarity in health. Closing the health gaps within the EU", held in Poznań on 7-8 November 2011.

Communication Disorders in children

The Council adopted conclusions entitled "Early detection and treatment of communication disorders in children, including the use of e-Health tools and innovative solutions" ([16620/11](#)), inviting member states to continue to give priority to early detection by screening and follow-up for hearing, vision and speech disorders in children. Together with the Commission member states should consider the field of communication disorders in children as part of the ongoing process of work to be carried out on European reference networks in line with the cross-border health directive, and also give appropriate consideration to this topic in the context of the EU's current e-Health initiatives, including the e-Health network. The Commission is called upon to adopt the criteria and conditions for European reference networks by the end of 2013, taking into account the experience of cooperation among specialized centres for the treatment of communication disorders.

According to the World Health Organisation (WHO), half of all cases of deafness and hearing impairment are avoidable through prevention, early diagnosis and management.

The conclusions take into account the conclusions of the 10th Congress of the European Federation of Audiology Societies (EFAS), held on 22-25 June 2011 in Warsaw, highlighting the problem of communication disorders in children and the role of early detection and intervention.

On a Polish initiative, representatives of European scientific societies for audiology, ophthalmology and speech therapy signed the "European consensus on hearing, sight and speech screenings for children beginning the school education" on 22 June 2011.

Closing health gaps by promoting healthy lifestyle behaviours

The Council adopted conclusions on "Closing health gaps within the EU through concerted action to promote healthy lifestyle behaviours" ([16708/11](#)), inviting member states to continue, intensify or develop policies and actions promoting healthy lifestyle behaviours and addressing social determinants in order to contribute to closing health gaps. The member states and the Commission are also called upon to maintain and strengthen, as appropriate, those actions and policies shown to be effective in reducing health gaps, to promote the effective implementation of a 'Health in all Policies' approach with a focus on equity, and to strengthen cooperation and make better use of existing networks. They also call for the promotion of healthy lifestyle behaviours through tobacco control, reduction of fat, salt, sugar and energy in food, implementation of the World Health Organisation (WHO) set of recommendations for the marketing of food and non-alcoholic beverages as well as implementing effective alcohol policies and improving urban environments.

According to the Commission, there are large differences in health between member states. As an example, the probability of a child dying before its first birthday differs by a factor of five. Life expectancy at birth varies by eight years (for females) and 14 years (for males). In all member states, the level of disease and the age that people die at are strongly influenced by factors such as employment, income, length of education and ethnicity. In today's Europe, six of the seven biggest risk factors for premature death (blood pressure, cholesterol, Body Mass Index, inadequate fruit and vegetable intake, physical inactivity and alcohol abuse) relate to how we eat, drink and move.

The conclusions take into account the outcomes of the expert meeting on "Alcohol Policy in Poland and around Europe: Medical and Economic Disadvantages of Alcohol Use", held in Poznan on 11-12 October 2011, and the ministerial-level conference "Solidarity in health. Closing the health gaps within the EU", held in Poznan on 7-8 November 2011.

Health for Growth Programme 2014-2020

Ministers exchanged views on a draft regulation establishing a "Health for Growth Programme", the third multi-annual programme of EU action in the field of health for the period 2014-2020 ([16796/11](#)).

Ministers in general welcomed the Commission proposal and in particular the idea of focusing EU support for health on a smaller number of priorities that offer clear EU added value. They shared the view that health not only represented a cost factor but was also an important driver for economic growth. They considered that the principles of implementation of the programme reflected the recommendations made as a result of the evaluation of previous programmes. The proposed simplification of application procedures also received broad support. Work on the draft regulation will continue under the incoming Danish Presidency.

The proposed programme builds on the ongoing programme, which runs until the end of 2013. It is aimed at supporting and complementing the work of member states to achieve four objectives:

- developing innovative and sustainable health systems;
- increasing access to better and safer healthcare for citizens;
- promoting health and preventing disease, and
- protecting citizens from cross-border health threats.

The Commission proposed supporting the new programme with an amount of EUR 446 million, subject to an agreement on the multiannual financial framework (MFF).

ANY OTHER BUSINESS (Health and Consumer Affairs)**– Information on medicinal products and pharmacovigilance**

The Commission informed the Council that it would split its proposals on information to the general public on medicinal products on the one hand, and pharmacovigilance on the other.

– Outcomes and conferences of the Polish Presidency

The Polish Presidency informed the Council on the outcome of conferences organised since July.

– UNAIDS

The Presidency informed ministers on the Joint United Nations Programme on HIV/AIDS, UNAIDS.

– Foodstuffs

The Council took note of a Presidency progress report on the draft regulation on food intended for infants and young children and on food for special medical purposes ([17469/11](#)).

– Working Party on Public Health at Senior Level

The Presidency reported to ministers on the Working Party on Public Health at Senior Level which met in Brussels on 10 October 2011 ([17658/11](#)).

– European Innovation Partnership

The Commission informed the Council on the European Innovation Partnership and in particular the pilot project on active and healthy ageing ([17658/11](#)).

– Work programme of the forthcoming presidency

Denmark informed ministers on its work programme as the incoming Presidency of the Council of the EU.

OTHER ITEMS APPROVED**CULTURE****European Heritage Label panel**

The Council adopted a decision on the practical and procedural arrangements for the appointment by the Council of four members of the European panel responsible for selecting the sites to be awarded the European Heritage Label¹ and for their subsequent monitoring ([16808/11](#)).

This label may be granted to “sites” which have a strong symbolic - and not merely aesthetic - value in terms of European history and heritage (such as monuments and natural, underwater, archaeological, industrial or urban sites, cultural landscapes and objects). It also aims at strengthening European citizens’ sense of belonging to Europe, especially among young people.

TOURISM**Projects co-financed by the European Regional Development Fund - *Council conclusions***

The Council adopted conclusions on the special report No 6/2011 by the European Court of Auditors, concerning the effectiveness of tourism projects co-financed by the European Regional Development Fund.

The conclusions are set out in doc. [16947/11](#).

¹ [OJL 303, 22.11.2011](#)

AGRICULTURE

Statistics on permanent crops

The Council adopted a regulation concerning European statistics on permanent crops following a first-reading agreement with the European Parliament ([54/11](#)).

The aim of this proposal is to update, simplify and optimise the existing legal framework for European statistics on permanent crops (vines and fruits), replacing the existing two legal acts by a single one.

Since the existing legal acts, namely regulation 357/79 for vines and directive 2001/109 for fruit trees came into force, both the production conditions and the market situation have undergone significant changes. This is why the new regulation simplifies the breakdown of production and regions, and takes into account recent changes in the categories of wines. The regulation responds also to changes in user needs, e.g. for data on olive plantations, and it updates the data transmission deadlines. In addition, the proposal further simplifies the variables and concepts and significantly adapts the permanent crop statistics by cancelling the annual statistics on changes to plantations and very detailed breakdown of wine production.

APPOINTMENTS

Economic and Social Committee

The Council appointed Baron Philippe de BUCK van OVERSTRAETEN (Belgium), as member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015 ([16332/11](#)).

Committee of the Regions

The Council appointed Ms Ewa-May KARLSSON (Sweden) ([17006/11](#)), as member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015.