



**COUNCIL OF
THE EUROPEAN UNION**



16825/08 (Presse 358)

PRESS RELEASE

2916th Council meeting

Employment, Social Policy, Health and Consumer Affairs

Brussels, 16 and 17 December 2008

President **Ms Roselyne BACHELOT-NARQUIN**, French Minister
for Health, Youth, Sport and the Voluntary Sector
Mr Xavier BERTRAND, French Minister for Labour,
Social Relations, Family and Solidarity

P R E S S

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16825/08 (Presse 358)

Main results of the Council

The Council adopted a common position on the two Regulations on the **coordination of social security systems** and reached political agreement on a draft Directive implementing the **Maritime Labour Convention**.

The Council also adopted conclusions on

- health security;
- Alzheimer's disease;
- the inclusion of people excluded from the labour market;
- the indicators concerning women and armed conflicts;
- the reconciliation of work and family life.

The Council also held a public debate on the social impact of the economic crisis.

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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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PARTICIPANTS

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

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Deputy Prime Minister and Minister for Social Affairs and Public Health

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Minister for Health and Social Security

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Minister of State for Public Health

Mr Jonathan SHAW

Parliamentary Under Secretary of State for Disabled People and Minister for the South East

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Mr Vladimir ŠPIDLA
Ms Androulla VASSILIOU

Member
Member

Other participants:

Ms Elise WILLAME
Mr Emilio GABAGLIO

Chairman of the Social Protection Committee
Chairman of the Employment Committee

ITEMS DEBATED

HEALTH

Patients' rights in cross-border healthcare

The Council held a public policy debate on the proposal for a Directive on the application of patients' rights in cross-border healthcare on the basis of a progress report ([*16514/08*](#)) and a Presidency questionnaire ([*16534/08*](#)).

All delegations wanted all the Court of Justice case-law on the application of the principle of free movement of goods and services in the field of health to be codified in the Directive.

The majority of delegations recommended that the Regulation on the coordination of social security systems (1408/71) should be supplemented by the Directive on cross-border healthcare and that a "third method" of reimbursement should be avoided.

So as not to compromise equal access to healthcare, the ministers asked that Member States should be able to make the use of cross-border healthcare subject to prior authorisation or to apply the "gatekeeping" principle, for example by the attending physician.

Delegations also wanted the Member State providing the healthcare to be responsible for giving patients information on the quality and safety of cross-border healthcare.

All delegations considered that the French Presidency's compromise proposal formed a good basis for future work.

However, the Commission representative entered reservations on the approach selected by the Presidency regarding the quality and safety of healthcare (Article 5) and prior authorisation (Article 8).

In its conclusions on the debate, the Presidency supported the idea of a balance between the rights of patients and of Member States. Mandatory reimbursement by a Member State should not exceed the level provided for by its own system. The Presidency also identified outstanding issues, inter alia the management of incoming patient flows, the definition of healthcare and the quality of care.

European action in the field of rare diseases

The Council held a first exchange of views on the proposal for a Council Recommendation on a European action in the field of rare diseases ([15776/08](#)).

All the delegations that took the floor congratulated the Commission on this initiative. Several Ministers mentioned their national action plans and asked that the resources and structures provided those be taken into account when the Recommendation was adopted. The Ministers agreed that the particular nature of rare diseases made this an area in which Europe could bring substantial added value.

The European Union initiated a policy in this area with the adoption in 1999 of the Regulation on orphan medicinal products (Regulation 141/2000). In tandem with its Communication "Rare Diseases: Europe's challenges" ([15775/08](#)), which sets out an overall Community strategy, the Commission proposes that, in the Recommendation, the Council should adopt a common approach to combating rare diseases that is based on existing best practice. The Member States are invited to establish overall strategies incorporating aspects such as access to care (diagnostics, treatments and orphan drugs), the provision of information to patients and research. The Recommendation advocates that this work be carried out together with patients' associations. The Commission also proposes that a common definition of rare diseases should be applied throughout the European Union and that there should be cooperation with the World Health Organisation (WHO) in its work on codification of rare diseases carried out in the framework of the current revision of the international classification of diseases. Lastly, Member States are invited to promote the sharing of expertise via European reference centres.

Health security - *Council conclusions*

Following a public debate, the Council adopted conclusions on health security ([16515/08](#)).

Neuro-degenerative diseases associated with ageing and in particular Alzheimer's disease – *Council conclusions*

Following another public debate, the Council adopted conclusions on public health strategies to combat neuro-degenerative diseases associated with ageing and in particular Alzheimer's disease ([16516/08](#)).

EMPLOYMENT AND SOCIAL POLICY

Social impact of the crisis, the employment situation and monitoring of the implementation of the Social Agenda

On the basis of a Presidency questionnaire ([16780/08](#)), the Council held a public exchange of views on the social impact of the crisis, the employment situation and monitoring of the implementation of the Social Agenda.

All the delegations welcomed the Commission communication entitled "A European Economic Recovery Plan" and stressed the added value of an approach coordinated at European level. To prevent the economic crisis from becoming a social crisis, the delegations advocated employment support measures, taking care not to neglect social protection and to protect the most vulnerable in particular. In that context, several delegations stressed the advantages of the flexicurity approach for which the Council defined common principles ([15497/07](#)) at its meeting on 5 and 6 December 2007. The ministers also argued in favour of measures to reinforce social cohesion. The majority of delegations also supported reinforcing the open method of coordination for social protection and social inclusion. Several delegations considered that short- and long-term measures should be combined and stressed the importance of having the Member States continue with the reform of their social systems.

The majority of delegations supported the idea of facilitating payments by the European Social Fund (ESF) and the European Globalisation Adjustment Fund. Some delegations wanted a monitoring system to be set up to monitor labour market developments in the EU.

Many Member States outlined the measures taken at national level to deal with the economic crisis and advocated maintaining a balance between the European initiative and those national measures. The presidency trio comprising Spain, Belgium and Hungary (the countries holding the EU presidency from the beginning of 2010 to mid-2011) requested the ESPCO Council to adopt conclusions at its next meeting on 9 March 2009 relating to the employment section of the European Economic Recovery Plan and wanted the plan extended to include considerations on social protection and inclusion.

In its communication on a European Economic Recovery Plan, the Commission proposed to simplify the criteria for ESF support and to revise the rules of the European Globalisation Adjustment Fund so that it can intervene more rapidly in key sectors, either to co-finance training and job placements for those who are made redundant or to keep in the labour market skilled workers who will be needed once the economy starts to recover. The Commission also asked Member States to consider reducing employers' social charges on lower incomes to promote the employability of lower skilled workers.

The ministers' public debate followed on from the discussion on the effects of the crisis which took place with the European social partners at the Tripartite Social Summit on 15 October 2008.

The Council also approved the following opinions:

- the Employment Committee opinion on the "European Economic Recovery Plan" and the impact of the financial crisis on EU labour markets ([16506/08](#));
- the Joint Social Protection Committee-Employment Committee opinion on the Renewed Social Agenda ([16495/08](#));
- the Social Protection Committee opinion on the Commission communication: A renewed commitment to Social Europe: reinforcing the Open Method of Coordination for Social Protection and Social Inclusion ([11560/08](#)+ [15308/08](#)).

The Council approved the conclusions of the Social Protection Committee on the application of Community rules to social services of general interest ([16062/08](#)). The Council also took note of the report by the "flexicurity" mission (17047/1/08) and several Commission initiatives:

- the Commission communication: a European Economic Recovery Plan ([16097/08](#));
- the document on new skills for new jobs: Anticipating and responding to the skills requirements of the labour market, which is to be adopted on 16 December 2008 by the College of Commissioners;
- the proposal amending Regulation (EC) No 1081/2006 on the European Social Fund (ESF) to extend the types of costs eligible for a contribution from the ESF ([16543/08](#)).

Directive on the organisation of working time

The Presidency briefed Ministers on the main results of the Parliament's second reading which took place on 17 December 2008.

With a conciliation procedure in prospect, the Presidency stressed the importance of reaching agreement with Parliament swiftly, for reasons of both legal certainty and social protection, since the Directive currently in force allows Member States to authorise a working week of up to 78 hours.

The main differences between Parliament's second reading and the common position adopted by the Council on 15 September 2008 ([10597/02/08](#)) relate to on-call time, the non-participation clause and compensatory rest.

With regard to **on-call time**, the Council draws a distinction between active on-call time and the inactive part of on-call time. The inactive part of on-call time (any period during which the worker has the obligation to be available at the workplace but is not required by his employer to actually carry out his activity or duties) is not regarded by the Council to be part of working time, unless national law or, in accordance with national law and/or practice, a collective agreement or an agreement between the social partners provides otherwise.

With regard to **weekly working time**, the Council argues for a standard limit of 48 hours a week, including overtime and active on-call time, calculated as over a reference period. Member States may, however, decide to allow this limit to be exceeded (**non-participation clause**) provided that they ensure the effective protection of the health and safety of workers and subject to the express, free and informed consent of the worker concerned. Use of the clause must be subject to appropriate safeguards and close monitoring. A recital refers to the Charter of Fundamental Rights and in particular every worker's right to a limitation of their maximum working hours. The special ceiling for workers who choose not to participate is in general 60 hours, calculated as an average over a period of three months (which may be exceeded under a collective agreement) or 65 hours, calculated as an average over a period of three months (only when the inactive part of on-call time is regarded as working time and in the absence of a collective agreement).

With regard to **compensatory rest**, the Council provides that where there are derogations to the provisions applicable to daily rest periods, breaks, weekly rest periods, night work and reference periods, compensating rest periods must be granted within a reasonable period, to be determined by national legislation or a collective agreement or an agreement concluded between the social partners.

Legal basis proposed: Article 137(2) of the Treaty; qualified majority required for a Council decision, codecision procedure with the European Parliament. The European Parliament issued its first-reading opinion on 11 May 2005 ([8725/05](#)) and the Commission presented its amended proposal on 31 May 2005 ([9554/05](#)).

European Works Council

The Presidency briefed the Council on the agreement at first reading on recasting the Directive on European Works Councils ([13475/08](#)).

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

The main amendments proposed are as follows:

- introduction of general principles for transnational **information and consultation arrangements** for workers, the introduction of a definition of information and clarification of the definition of consultation;
- **limitation of the powers** of the European Works Council to matters of a transnational character and the introduction of a link, defined first and foremost by agreement within the undertaking, between national and transnational levels of information and consultation of workers;
- **clarification** of the role of the workers' representatives and of the possibilities of benefiting from training, as well as recognition of the role of workers' organisations among workers' representatives;
- **clarification of responsibilities** in providing information which allow negotiations to be begun and rules for negotiating agreements to be drawn up with a view to setting up new European Works Councils.

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

- **adaptation** to developments in **needs** for subsidiary rules applicable in the absence of an agreement;
- the introduction of an **adaptation clause** governing the European Works Councils in the event of any change in the structure of the undertaking or group of undertakings and, where this clause does not apply, upholding the agreements in force.

Fourteen years after the adoption of Directive 94/45/EC, around 820 European Works Councils are functioning, whereby 14,5 million workers are represented for the purpose of being kept informed and consulted at transnational level. They are at the heart of the development of transnational social relations and help to reconcile economic aims and social aims within the single market, in particular via the key part they play in anticipation and responsible management of the change.

Legal basis: Article 137 of the Treaty, which lays down that the Community shall support and supplement the activities of the Member States in the fields of information and consultation of workers.

Maritime Labour Convention

The Council reached political agreement on a proposal for a Directive ([11588/08](#)) implementing the agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, adopted by the International Labour Organisation (ILO) in 2006.

That draft Directive has yet to be formally adopted by the Council after finalisation. The new legislative act will amend Directive 1999/63/EC and integrate certain provisions of the ILO Convention into Community law. Its main objective is to improve seafarers' working conditions by setting minimum standards for recruitment, accommodation and social protection, thus increasing the attractiveness of maritime labour for European seamen. That should contribute to creating more and better quality employment.

The new Directive will enter into force at the same time as the Convention, that is to say 12 months after it has been ratified by the requisite number of countries. Member States will have twelve months from the date of entry into force to transpose the Directive at national level.

Free movement of workers following the enlargement of the European Union

The Council took note of a Commission report entitled "The impact of free movement of workers in the context of European Union enlargement" ([16162/08](#)). In that document the Commission reports on the first stage of the application (from 1 January 2007 to 31 December 2008) of the transitional provisions laid down in the Accession Treaty of 2005.

Coordination of Social Security systems

The Council adopted Common Positions on two draft Regulations which complement the basic Regulation (EC) No 883/2004 on the coordination of social security systems. The first of these is a Regulation laying down the procedure for **implementing** the basic Regulation ([14516/08](#)). The second is on the content of the **annexes** to the basic Regulation ([14518/08](#)).

These two Regulations will complete the process of modernising European legislation on the coordination of national social security systems begun with the adoption of Regulation (EC) No 883/2004. The adoption of the implementing Regulation and of the Regulation with the annexes is necessary for the basic Regulation to become applicable.

Regulation (EC) No 883/2004 replaces a 1971 Regulation (No 1408/71) and enhances the rights of insured persons, in particular by extending them to all the traditional branches of social security and to all European citizens, including non-active persons; in addition, it introduces the principle of good administration, requiring that the institutions concerned process applications within a reasonable time and that they cooperate more closely to ensure proper operation of the procedures. This provision is intended to allow citizens of the Union to move freely within Europe while maintaining their social rights and expectations (health, pensions, family benefits, unemployment protection, etc.).

To adopt these two drafts, the Council must act unanimously and follow the co-decision procedure with the European Parliament, which adopted its opinion at first reading in July 2008. Subsequent to this opinion, the Commission submitted amended proposals in October, into which it incorporated most of the Parliament's amendments. On that basis the Council's bodies drew up common positions. They will now be transmitted to the European Parliament in order that a definitive agreement may be reached as soon as possible.

In view of the subject concerned, these Regulations, once adopted, will also apply to the Member States of the European Economic Area and to Switzerland.

More specifically, the two draft Regulations may be summarised as follows:

The **Regulation laying down the procedure for application** of Regulation (EC) No 883/2004 will specify for all those concerned (insured persons or their employers, the social security institutions and the competent authorities in the Member States) the procedures for practical implementation of the rules laid down in the basic Regulation.

It seeks to clarify the rights and obligations of the various stakeholders and to improve and simplify the current procedures. Bearing this in mind, emphasis is also placed on the use of electronic data exchange and enhanced cooperation between social security institutions.

The basic Regulation includes **annexes** that contain provisions in respect of individual Member States. The draft Regulation amending Regulation (EC) No 883/2004 and determining the content of its annexes is intended to ensure that the specific characteristics of Member States' different systems are taken into account.

To that end, it:

- determines the contents of certain of these annexes which were left empty when the basic Regulation was adopted, namely Annexes II (provisions of bilateral conventions which remain in force), X (special non-contributory cash benefits) and XI (special provisions for the application of the legislation of certain Member States);
- updates some of the Annexes to take into account the requirements of the Member States that have acceded to the European Union since the adoption of the basic Regulation, as well as recent developments in other Member States.

The Commission had originally presented two separate proposals for Regulations concerning the Annexes. Further to the European Parliament's opinion, the two proposals were merged into a single text.

Active inclusion of people excluded from the labour market - *Council conclusions*

The Council adopted conclusions on the active inclusion of people excluded from the labour market, further to the Commission Recommendation of 3 October 2008 highlighting the common principles on the matter ([15984/08](#)). These common principles are based around three pillars: a guaranteed minimum income, support on the road to the labour market and access to quality services.

Directive on the principle of equal treatment

The Presidency briefed Ministers on progress with regard to the proposal for a Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ([16769/1/08](#)).

The Council's preparatory bodies have so far examined particularly the links between Community and national competences, the legal basis, the provision to prevent discrimination based on disability, legitimate differing treatment depending on age and disability, and legal security.

The proposal for a Directive seeks to extend protection against various forms of discrimination outside the labour market. On the basis of Article 13 of the Treaty, the Council has already prohibited such discrimination with regard to **employment and occupation** by adopting Directive 2000/78/EC¹.

Similarly, as regards education and access to goods and services, Directive 2000/43/EC² prohibits discrimination based on race or ethnic origin while Directive 2004/113/EC³ extends the ban on discrimination to that based on sex.

¹ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

² Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

³ Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

Beijing Platform for Action - *Conclusions*

The Council adopted conclusions on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action, and in particular the indicators concerning women and armed conflicts ([17099/08](#)), and the reconciliation of work and family life ([17474/08](#)).

Other business

- (a) Council High-level Working Party on Public Health on the health strategy
 - Information from the Presidency over lunch
- (b) Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers
 - Presidency progress report ([16519/08](#))
- (c) Proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX
 - Presidency progress report ([17100/08](#))
- (d) Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/82/EC and Directive 2001/83/EC as regards variations to the terms of marketing authorisations for medicinal products
- (e) Proposal for a Directive of the European Parliament and of the Council on the quality and safety of organ donation and transplantation
 - Commission briefing ([16521/08](#) + *ADD1* + [ADD2](#))

- (f) Proposal for a Council Recommendation on patient safety and the quality of health services including the prevention and control of healthcare-associated infections
 - Commission briefing
- (g) Commission Green Paper on members of the health professions
 - Commission briefing (16535/08)
- (h) Information on events organised during the French Presidency
 - (i) Third Conference of the Parties to the WHO Framework Convention on Tobacco Control
 - (ii) Euromed health
 - (iii) European health at the service of patients
 - (iv) Sport and Health
- (i) Commission's High Level Group on health services and medical care
 - Commission briefing (14582/08)
- (j) New proposals for pharmaceutical legislation:
 - (1) Proposal for a Directive of the European Parliament and of the Council on rules concerning information for the public on prescription drugs, amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, and proposal for a Regulation of the European Parliament and of the Council on rules concerning information for the public on prescription drugs, amending Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency

- (2) Proposal for a Directive of the European Parliament and of the Council on drug monitoring, amending Directive 2001/83/EC on the Community code relating to medicinal products for human use and a proposal for a Regulation of the European Parliament and of the Council on drug monitoring, amending Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency
- (3) Proposal for a Directive of the European Parliament and of the Council on the prevention of the introduction into the food chain of illegal pharmaceutical products because of their wrong identification, history or provenance, amending Directive 2001/83/EC on the Community code relating to medicinal products for human use
- (4) Commission communication on the safety, innovation and accessibility of pharmaceutical products: a new view of the pharmaceutical sector
 - Presentation by the Commission
- (k) Proposal for a Council Directive amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC on the structure and rates of excise duty applied on manufactured tobacco
 - Commission briefing ([12583/08](#))
- (l) Strengthening of cooperation between Member States in the field of e-health
 - Information from the Austrian delegation (*16532/08*)
- (m) Work programme of the incoming Presidency
 - Information from the Czech delegation

- (n) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding ([13983/08](#))
 - Progress report from the Presidency
- (o) Proposal for a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC ([13981/08](#))
 - Progress report from the Presidency
- (p) Follow-up to the Forum on Workers' Rights and Economic Freedoms on 9 October 2008 organised by the Commission
 - Information from the Presidency and the Commission
- (q) EuroSkills – evaluation and future perspectives
 - Commission briefing
- (r) Communication from the Commission to the Council on the economic and social impact of the Agreement annexed to Directive 2005/47/EC, concluded on 27 January 2004 between the social partners, on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector
 - Commission briefing
- (s) Information on events organised during the French Presidency:
 - (i) 7th European Round Table on poverty and social exclusion and meeting of Ministers responsible for poverty reduction

(Marseille, 15 and 16 October 2008)

http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-10_2008/PFUE-15.10.2008/7e_table_ronde_europeenne_sur_la_pauvrete_et_l_exclusion_sociale

(ii) Forum on social services of general interest

(Paris, 28 and 29 October 2008)

http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-10_2008/PFUE-28.10.2008/deuxieme_forum_sur_les_services_sociaux_d_interet_general_en_europe

(iii) Euro-Mediterranean Ministerial Conference of Ministers for Employment and Labour (Marrakech, 9 and 10 November 2008)

http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-11_2008/PFUE-09.11.2008/premiere_conference_ministerielle_euromediterraneenne_sur_l_emploi_et_le_travail;jsessionid=2B6810279DF1B478ABB2A897ED0FA0F2

(iv) Conference on new social issues in a changing Europe

(Paris, 12 November 2008)

http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-11_2008/PFUE-09.11.2008/premiere_conference_ministerielle_euromediterraneenne_sur_l_emploi_et_le_travail

(v) Conference on the equality of men and women in working life and ministerial meeting on equality between men and women

(Lille, 13 and 14 November 2008)

http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-11_2008/PFUE-13.11.2008/conference_l_egalite_professionnelle_entre_les_femmes_et_les_hommes

(vi) Conference on employing senior citizens (Le Puy-en-Velay, 23 and 24 November 2008)

http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-11_2008/PFUE-23.11.2008/conference_sur_l_emploi_des_seniors

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

European Judicial Network

The Council adopted a Decision on the European Judicial Network, thereby repealing Joint Action 92/428/JHA on the creation of that network ([14914/08](#)).

Since mutual legal assistance takes place through direct contacts between competent judicial authorities and the principle of mutual recognition of judicial decisions in criminal matters is being implemented gradually, and bearing in mind the enlargement of the European Union in 2004 and 2007, which widened the range of these contacts, it was necessary to strengthen judicial cooperation between Member States and to that end allow contact points of the European Judicial Network and Eurojust to communicate directly and more efficiently, whenever needed. It should be noted that Eurojust maintains privileged relations with the European Judicial Network based on consultation and complementarity.

Strengthening of Eurojust

The Council adopted the Decision on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime ([14927/08](#)).

Following an assessment of the experience gained by Eurojust, it was found that a further enhancement of its operational effectiveness was needed. To that end, an On-Call Coordination (OCC) is being set up within Eurojust to make Eurojust available around the clock and enable it to intervene in urgent cases. Eurojust will thus become more operational, while the status of national members will be approximated

Schengen Information System – Budget for 2009

The Member States, meeting within the Council, adopted the multiannual table of authorised C.SIS installation expenditure (situation at 31 December 2007) and the C.SIS installation and exploitation budget for 2009 ([15047/08](#)).

The contributions from the Member States concerned and from Iceland, Norway and Switzerland are calculated according to the distribution key laid down in the C.SIS Financial Regulation.

EU list of terrorists and terrorist organisations

The Council amended the Common Position containing the list of persons and entities subject to the EU's autonomous regime on specific measures directed against certain persons and entities with a view to combating terrorism (Common Position 2008/586/CFSP updating Common Position 2001/931/CFSP) ([16573/08](#) and [16573/08 ADD1 REV1](#)).

Thirteen persons are added to the list and the definition of the terrorist group ETA is expanded.

The Common Position, with the new additions, will be published in Official Journal of the EU No L 338 of 17 December 2008.

The list was last updated on 15 July. For further information follow this link:

http://consilium.europa.eu/uedocs/cmsUpload/080715_combat%20terrorism_EN.pdf

ECONOMIC AND FINANCIAL AFFAIRS

Modernisation of the general arrangements for excise duty

The Council adopted a Directive recasting and modernising excise duty arrangements in the EU¹ in order to combat excise duty fraud more effectively ([15787/08](#)).

The Directive will permit the introduction of a computerised monitoring system making excise duty procedures simpler and more effective, without however compromising the quality of monitoring, and the existing provisions on the movement of products are adjusted to the procedures of the new system, which was provided for in a Decision adopted in 2003.

The computerised system will offer a simplified, paperless environment for business and will facilitate more integrated and faster monitoring for the authorities.

¹ Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products.

The 2003 Decision¹ stipulates that Member States and the Commission must establish the computerised system by the first half of 2009; the Directive therefore had to be adopted by the end of 2008, to enable the computerised system to be applied from 1 April 2010.

Combating VAT evasion*

The Council adopted a Directive and a Regulation stepping up the fight against evasion of VAT (value added tax) (*16242/08* and *16243/08*).

The new legislative acts are intended to ensure that information on cross-border transactions is collected and exchanged between Member States more quickly, to enable more rapid detection of cases of fraud, and in particular of "VAT carousels".

The fight against VAT fraud represents a major challenge both for the EU and for national budgets. Every year, this type of fraud costs Member States billions of euros. It most often takes the form of fraud circuits known as "VAT carousels", which target cross-border transactions.

In November 2006, the Council agreed to establish a strategy to supplement at EU level the efforts being made nationally to combat fraud. In June 2007, it requested the Commission to propose legislative measures to strengthen the VAT system and decided to give those measures a high priority.

The adoption of the Directive and the Regulation constitute an initial response to that request. The two legislative acts provide for a reduction in the statutory time limits imposed on operators for the declaration of transactions for VAT purposes, together with a reduction in the time limits for transmission of such information between Member States.

However, in order to prevent the administrative burden on undertakings becoming excessive, the Council decisions focus particularly on supplies of goods, which are the principal conduit for "carousel" fraud.

¹ Decision 1152/2003/EC on computerising the movement and surveillance of excisable products.

Consequently, according to the Council texts:

- as a general rule, as from 1 January 2010 transactions will be declared for VAT purposes on a monthly basis;
- Member States will nevertheless be able to authorise operators with less than EUR 50 000 (excluding VAT) per quarter for cross-border supplies of goods (EUR 100 000 up to 31 December 2011) and all service providers to continue to submit recapitulative statements on a quarterly basis;
- Before 30 June 2011 the Commission will evaluate the impact of the new provisions on Member States' capacity to fight fraud.

EXTERNAL POLICY

Police Mission for the Palestinian Territories

The Council adopted a Joint Action on the EU Police Mission for the Palestinian Territories, amending the existing Joint Action and extending it for two years ([15402/08](#)).

AGRICULTURE

Equivalence of forest reproductive material

The Council adopted a Decision on the equivalence of forest reproductive material produced in third countries ([16152/08](#)). The new legislative act lays down the conditions for the import into the Community of forestry material of the "source identified" and "selected" categories produced in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States of America.

BUDGET**Financing of the food facility – transfer from the emergency reserve**

The Council gave a favourable opinion on a proposal for a transfer of appropriations within the Community budget for 2008 ([16462/08](#)) whereby EUR 262 million will be transferred from the Emergency Aid Reserve to a new budget article ("Rapid response to food price increases in developing countries"). EUR 240 million of this sum comes from an increase in the Emergency Aid Reserve adopted following amendment of the Interinstitutional Agreement on budgetary discipline and sound financial management in May 2006.

ENERGY**Spent Fuel and Radioactive Waste Management - *Council Resolution***

The Council of the European Union adopted the following Resolution:

"RECALLING the Council Resolution of 19 December 1994 on radioactive waste management (94/C 379/01);

RECALLING the work done within the ad hoc Working Party on Nuclear Safety (WPNS), its final report (15475/2/06) and its recommendations on the safe management of radioactive waste and spent fuel;

RECALLING the conclusions of the European Council of March 2007, which stress the need to further improve the management of radioactive waste in the European Union and accordingly encourage, on the one hand, the continuation of R&D in this field through the Euratom framework programme for research and development and, on the other hand, the setting up of a High-level Group on nuclear safety and radioactive waste management¹;

WHEREAS all Member States generate some radioactive waste, from power generation or in the course of industrial, medical or research activities;

¹ Commission Decision 2007/530/Euratom of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management (OJ L 195, 27/7/2007, p. 44).

RECALLING the Council Conclusions on Nuclear Safety and Safe Management of Radioactive Waste and Spent Fuel adopted in May 2007 (8784/2/07), and in particular paragraph B.II.4, which urges "(...) each EU Member State to establish and keep updated a national programme for the safe management of radioactive waste and spent fuel";

TAKES NOTE of the sixth situation report from the Commission on radioactive waste and spent fuel management in the Community (COM(2008)542);

CONSIDERS that the information it contains on the volumes and methods of management for radioactive waste and spent fuel in the Member States could usefully inform the work of the High level Group;

IS AWARE that, as reflected in European opinion polls (for example Special Eurobarometer 297 of June 2008), the people of Europe expect the national and European authorities to guarantee them safe and transparent management of radioactive waste and spent fuel in the European Union;

NOTES that the European Parliament, in its recent resolution on the 50th Anniversary of the Euratom Treaty¹ "regrets the absence of a legislative corpus on harmonised standards for nuclear safety, the management of radioactive waste (...)"; NOTES also that the European Parliament, in its resolution on conventional energy sources and energy technologies² "calls on the Commission and the Member States to finally make progress on the issue of final disposal;

NOTES that the European Nuclear Energy Forum is expressing a similar concern and has set up a working group on this topic;

WELCOMES the fact that, since 2000, Member States' experts working within the WPNS have jointly identified ways of achieving progress in the safe management of radioactive waste and spent fuel; RECALLS that the High-level Group, which was set up in 2007, has been instructed *inter alia* to establish a "common approach" in this area and has created a working party for this purpose;

¹ European Parliament resolution of 10 May 2007 on Assessing Euratom – 50 Years of European nuclear energy policy (2006/2230(INI)).

² European Parliament resolution of 24 October 2007 on conventional energy sources and energy technology (2007/2091(INI)).

In this connection, and in the light of the presentations made to the EU Council's Atomic Questions Working Party, WELCOMES the rapid progress achieved in that appropriate working party of the High-level Group;

NOTES in particular, on the basis of the work of the High-level Group, that the EU Member States agree on the following principles:

- (i) each Member State is responsible for its own spent fuel and radioactive waste management policy. That policy should respect the fundamental principles of nuclear safety and management of nuclear waste developed under the auspices of the IAEA¹. It is important that EU Member States seek to continuously improve their management of spent fuel and radioactive waste in order to ensure a high level of safety at all times;
- (ii) it is essential that each Member State should put in place a national spent fuel and radioactive waste management plan. Such plans should take a long-term view, cover all types of radioactive waste and describe all the stages of implementation. They should at least include an inventory of spent fuel and radioactive waste present in the national territory and the future prospects, examine existing solutions, formulate the R&D strategies deployed to improve existing solutions or to develop new solutions, establish a timetable for putting these solutions into effect, evaluate their costs and funding methods, describe the regulatory framework and the decision-making processes for the implementation of new solutions, and determine the spheres of responsibility. The plans must be made available to the public and be reviewed and, if necessary, revised on a regular basis;
- (iii) policies for spent fuel and radioactive waste management, based on scientific and technological progress, should be implemented through transparent processes enabling the public to be properly informed and to be involved in decision-making (especially as regards the location of disposal sites);
- (iv) in order to improve the policies of Member States individually and the EU globally, better use needs to be made of the results of the review mechanism of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management under the auspices of the IAEA;

¹ Safety Series No. 111-F, *Principles of Radioactive Waste Management*, IAEA, Vienna, (1995).

- (v) the peer-review mechanism, whether it is implemented as part of the Joint Convention reviews, in the context of the High-level Group or in any other context, is an excellent means of building on experience, comparing the arrangements for implementing national policies, and identifying best practices in order to enable steady improvement in nuclear safety and in the management of radioactive waste and spent fuel in the European Union. In particular, peer reviews provide the opportunity to become familiar with national spent fuel and radioactive waste management plans and, where necessary, to make adjustments, taking advantage of the exchanges of views to which they will give rise, and taking account of the comments made by the other Parties;

Consequently, and in the light of the progress achieved, ENCOURAGES the High-level Group to continue its work in this area, laying particular emphasis on the practical details of the implementation of these principles; STRESSES the fact that the safe management of radioactive waste and spent fuel is an important issue requiring the full attention of the High-level Group;

CONSIDERS that, given the convergence of views among Member States on the general principles mentioned above, any European initiative concerning spent fuel and radioactive waste management should be based on those principles;

INVITES the Member States and the Commission to take these principles into account when formulating and implementing their spent fuel and radioactive waste management policies."

COMMERCIAL POLICY

Anti-dumping measures

- *polyethylene terephthalate – India*

The Council adopted a Regulation amending Regulation No 193/2007 imposing a definitive countervailing duty on imports of certain polyethylene terephthalate, originating in India and amending Regulation No 192/2007 imposing a definitive anti dumping duty on imports of certain polyethylene terephthalate originating in, inter alia, India ([15943/08](#)).

- *welded tubes and pipes of iron or non-alloy steel*

The Council adopted a Regulation ([16092/08](#)) imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel:

- originating in Belarus, the People's Republic of China and Russia following a proceeding pursuant to Article 5 of Regulation (EC) No 384/96,
- originating in Thailand following an expiry review pursuant to Article 11(2) of the same Regulation,
- originating in Ukraine following an expiry review pursuant to Article 11(2) and an interim review pursuant to Article 11(3) of the same Regulation,
- and terminating the proceedings in respect of imports of the same product originating in Bosnia and Herzegovina and Turkey.

Food facility for developing countries

Following agreement at first reading with the Parliament, the Council adopted a Regulation establishing a facility for rapid response to soaring food prices in developing countries ([16732/08](#) + [ADD1](#)). This food facility has an endowment of EUR 1 billion for the period 2008 to 2010 and is intended to encourage an increase in supply in the agricultural sector in the countries and regions targeted, reducing the negative effects of food price volatility on the local population and reinforcing production capacity.

To achieve those objectives, the EU will support

- measures to improve access to agricultural inputs and services, including fertilisers and seeds;
- safety net measures aiming at maintaining or improving the agricultural productive capacity, and at addressing the basic food needs of the most vulnerable populations;
- other measures aiming at increasing production based on country needs: microcredit, investment, equipment, infrastructure and storage; as well as vocational training and support to professional groups in the agriculture sector.

The aid, which lies between emergency aid and medium- and long-term development cooperation, will concentrate on high priority target countries identified on the basis of criteria set out in the Regulation and in coordination with other donors and other development partners.

The Commission is to present an overall plan before 1 May 2009 listing the third countries covered by the Regulation and the actors implementing the measures.

Parliament approved the Regulation on 4 December 2008.

INTERNAL MARKET

Construction of motor vehicles – Protection of pedestrians

The Council adopted a Regulation intended to reinforce measures contributing to safety and to the protection of pedestrians and other vulnerable road users in the event of accidents with vehicles ([3651/08](#)).

The aim of the Regulation is to lay down additional requirements for the construction of motor vehicles and frontal protection systems in order to reduce the number and severity of injuries to pedestrians and other vulnerable road users who are hit by vehicles, and in order to avoid such collisions.

It also provides for the mandatory fitting of Brake Assist systems in new motor vehicles.

A study carried out by the Commission shows that pedestrian protection can be significantly improved by a combination of active and passive measures affording a higher level of protection than the previously existing provisions. In particular, the study shows that the Brake Assist active safety system, combined with changes to passive safety requirements, would significantly increase the level of pedestrian protection.

Owing to the increasing number of heavier vehicles being used on urban roads, the provisions of the Regulation will apply not only to vehicles of maximum mass not exceeding 2 500 kg, but also, after a limited transitional period, to vehicles exceeding that limit.

The Regulation is one of the individual legislative acts, relating to the Community procedure for type-approval of vehicles, adopted under Directive 2007/46/EC establishing a framework for the approval of motor vehicles and of their technical systems and components (*Official Journal L 263, 9.10.2007*).

Textiles

The Council approved, in the interests of clarity, a recast of Directive 96/74/EC on textile names¹, since it has been substantially amended several times ([3650/08](#)).

The Directive has ensured the harmonisation within the EU, since 1996, of the names of textile fibres and the particulars appearing on labels, markings and documents which accompany textile products.

Hydrogen-powered vehicles – Type-approval rules

The Council adopted a Regulation aimed at including hydrogen-powered vehicles in the type-approval rules applicable to the construction of motor vehicles ([3674/08](#)).

Hydrogen is considered a clean way of powering vehicles for the future, on the way towards a pollution-free economy based on the re-use of raw materials and on renewable energy resources, as vehicles propelled with hydrogen emit neither carbon-based pollutants nor green-house gases. This propulsion technology is based on a promising energy carrier.

The Regulation provides for transitional periods to allow vehicle manufacturers sufficient time.

TRANSPORT

Computerised reservation systems

The Council adopted a Regulation introducing a code of conduct for computerised reservation systems ([3675/08](#)).

The code of conduct for computerised reservation systems was established in 1989 (Regulation No 2299/89), at a time when airline ticket reservations were generally made using computerised reservation systems most of which were operated and controlled by air carriers.

¹ OJ L 32, 3.2.1997, p. 38.

The Regulation is intended to simplify the existing code of conduct and strengthen competition between suppliers of computerised reservation systems. At the same time, basic safeguards against potential competitive abuses should be maintained, to ensure the provision of neutral information to consumers. The Regulation also ensures that rail services which are integrated into an air transport computerised reservation system are given a non-discriminatory treatment in that system.

Significant market developments, such as the rise of alternative booking channels (air carriers' websites and call centres, etc.) have made it necessary to adapt the code of conduct to current market conditions, to ensure that it does not impede competition, but contributes to fair distribution costs.

The Regulation repeals Council Regulation (EEC) No 2299/89.

Air traffic management – SESAR programme*

The Council adopted a Regulation amending Council Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR) (*14103/08, 14103/08 COR1, [16756/08 ADD1](#)*).

The Regulation is being amended in order to clarify the legal status of the SESAR joint undertaking and to align its statutes with those of other joint undertakings created recently in the framework of joint technological initiatives such as Clean Sky or Artemis. To this end, provisions on the following have been included in the Regulation: recognition of the SESAR joint undertaking as a Community body; application of the status of European Community temporary staff to its personnel; application of the Protocol on the Privileges and Immunities of the European Communities to the joint undertaking, its staff and its executive director, etc.

The SESAR programme (Single European Sky Air Traffic Management Research) aims to modernise air traffic management in Europe and to provide the Community with an efficient air traffic control infrastructure by 2020, in order to facilitate the development of safe and environmentally-friendly air transport. SESAR is the technological and industrial dimension of the Single European Sky. It comprises three phases: the definition phase (2005-2008), which has made it possible to draw up the SESAR Master Plan for establishing the future air traffic management system; the development phase (2008-2013), which will be supervised by the joint undertaking; and the deployment phase (2014-2020).

EDUCATION

Erasmus Mundus 2009-2013 action programme

The Council adopted a Decision establishing an action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus 2009-2013) ([3702/08](#)).

The new programme, which follows on from the previous Erasmus-Mundus 2004-2008 programme, introduces improvements such as extending the programme to doctoral level, integrating higher education institutions located in third countries more strongly and providing more funds to European participants.

The programme also aims to attract the best students from third countries due to the quality of the studies on offer, the quality of the reception arrangements and a scholarship scheme that can compete with any in the world.

The Decision provides, for a five-year period, a budget of EUR 500 million for the development of Erasmus Mundus, and an additional sum of EUR 460 million to be funded through existing Community external cooperation instruments.

Further information on Erasmus Mundus can be obtained at the following address:

http://ec.europa.eu/education/programmes/mundus/index_fr.html

STATISTICS

Statistical classification of products by activity – Business statistics

The Council decided not to oppose the adoption by the Commission of a Regulation (implementing Regulation 295/2008 as regards the series of data to be produced for structural business statistics and the adaptations necessary after the revision of the statistical classification of products by activity).