



**COUNCIL OF
THE EUROPEAN UNION**



9658/06 (Presse 148)

**PROVISIONAL VERSION (only
Employment and Social policy items)**

PRESS RELEASE

2733rd Council Meeting

Employment, Social Policy, Health and Consumer Affairs

Luxembourg, 1-2 June 2006

President **Ms Ursula HAUBNER**
Federal Minister for Social Security, Generations and
Consumer Protection
Mr Martin BARTENSTEIN
Federal Minister for Economic Affairs and Labour, and
Ms Maria RAUCH-KALLAT
Federal Minister for Health and Women,
of Austria

P R E S S

Rue de la Loi 175 B - 1048 BRUSSELS Tel.: +32 (0)2 281 8716 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.eu.int <http://ue.eu.int/Newsroom>

9658/06 (Presse 148)

1
EN

Main Results of the Council

To be completed.

CONTENTS¹

PARTICIPANTS..... 4

ITEMS DEBATED

EMPLOYMENT AND SOCIAL POLICY 6

– EU SUSTAINABLE DEVELOPMENT STRATEGY – SOCIAL INCLUSION 6

– SOCIAL SERVICES OF GENERAL INTEREST 8

– SOCIAL SECURITY 9

– EU INSTITUTE FOR GENDER EQUALITY 10

– BEIJING PLATFORM FOR ACTION - Council conclusions 11

– FLEXICURITY 15

– PORTABILITY OF SUPPLEMENTARY PENSION RIGHTS 16

– PROGRAMME FOR EMPLOYMENT AND SOCIAL SOLIDARITY – PROGRESS 17

– GUIDELINES FOR THE EMPLOYMENT POLICIES 19

– WORKING TIME 20

OTHER BUSINESS 21

OTHER ITEMS APPROVED

FISHERIES

– Blue whiting and herring 22

¹

- 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 abovementioned Council Internet site or may be obtained from the Press Office.

PARTICIPANTS

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

Belgium:

Mr Peter VANVELTHOVEN
Mr Rudy DEMOTTE

Minister for Employment
Minister for Social Affairs and Public Health

Czech Republic:

Mr Čestmír SAJDA

Deputy Minister for Labour and Social Affairs,
Department of the Deputy Minister for the European
Union and International Relations

Denmark:

Mr Claus Hjort FREDERIKSEN
Ms Eva Kjer HANSEN

Minister for Employment
Minister for Social Affairs and Equal Opportunities

Germany:

Ms Gerd ANDRES

Parliamentary State Secretary to the Federal Minister for
Economic Affairs and Labour

Estonia:

Mr Jaak AAB

Minister for Social Affairs

Greece:

Mr Savvas TSITOURIDIS

Minister for Employment and Social Protection

Spain:

Mr Jesús CALDERA SÁNCHEZ-CAPITÁN

Minister for Labour and Social Affairs

France:

Mr Gérard LARCHER

Minister with responsibility for Employment, Labour and
the Integration of Young People into Employment

Ireland:

Mr Séamus BRENNAN
Mr Tony KILLEEN

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

Italy:

Mr Cesare DAMIANO
Ms Franca DONAGGIO

Minister for Labour and Social Policy
State secretary for Welfare, Ministry for Labour and
Social Policy

Cyprus:

Mr Christos TALIADOROS

Minister for Labour and Social Insurance

Latvia:

Ms Dagnija STAŽE

Minister for Welfare

Lithuania:

Mr Rimantas KAIRELIS

State Secretary at the Ministry of Social Security and
Labour

Luxembourg:

Ms Marie-Josée JACOBS

Minister for the Family and Integration, Minister for Equal
Opportunities

Mr François BILTGEN

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

Mr Mars DI BARTOLOMEO

Minister for Health and Social Security

Hungary:

Mr Gábor CSIZMÁR

Minister for Labour and Employment

Malta:

Mr Louis GALEA

Minister for Education, Youth and Employment

Netherlands:

Mr Aart Jan de GEUS Minister for Social Affairs and Employment

Austria:

Mr Martin BARTENSTEIN Federal Minister for Economic Affairs and Labour
Ms Ursula HAUBNER Federal Minister for Social Security, Generations and
Consumer Protection
Ms Maria RAUCH-KALLAT Federal Minister for Health and Women

Poland:

Ms Anna KALATA Minister for Labour and Social Policy

Portugal:

Mr José VIEIRA DA SILVA Minister for Labour and Social Solidarity

Slovenia:

Mr Janez DROBNIČ Minister for Labour, the Family and Social Affairs

Slovakia:

Mr Miroslav BEBLAVÝ State Secretary at the Ministry of Labour, Social Affairs
and the Family

Finland:

Ms Tarja FILATOV Minister for Labour
Ms Tuula HAATAINEN Minister of Social Affairs and Health

Sweden:

Mr Hans KARLSSON Minister at the Ministry of Industry, Employment and
Communications, with responsibility for Working Life

United Kingdom:

Mr Alistair DARLING Secretary of State for Trade and Industry
Ms Anne McGUIRE Parliamentary Under-Secretary of State for Disabled
People

.....
Commission:

Mr Vladimír ŠPIDLA Member

.....
Other participants:

Mr Tom MULHERIN Chairman of the European Social Protection Committee
Mr Maarten CAMPS Chairman of the Employment Committee

.....
The Governments of the Acceding States were represented as follows:

Bulgaria:

Ms Emilia MASLAROVA Minister for Labour and Social Policy

Romania:

Mr Gheorghe BARBU Minister for Labour, Social Solidarity and Family

ITEMS DEBATED

EMPLOYMENT AND SOCIAL POLICY

– ***EU SUSTAINABLE DEVELOPMENT STRATEGY – SOCIAL INCLUSION***

The Council held an extensive policy debate (*public debate*) and endorsed a joint opinion of the Social Protection and of the Employment Committees (9330/06) on the review of the EU Sustainable Development Strategy (SDS).

Special emphasis was given to the issue of reducing poverty (in particular for children and older people) and strengthening social cohesion. The following issues received particular attention:

- a substantial increase in employment, improving quality and productivity at work, as well as strengthening social cohesion should continue to be crucial components of the SDS;
- the social dimension of the SDS must be strengthened by ensuring close cooperation with the existing processes under the open method of coordination in social protection and social inclusion, and the revised Lisbon strategy;
- Member States should continue to pursuing the shift towards active and preventive policies, in particular in the light of the challenges raised by globalisation and demographic change;
- promoting good governance is essential. In this respect, the participation of people directly experiencing poverty is important and inspiration should be taken from the annual meetings at European level of people experiencing poverty;
- there is a need for greater prioritisation of the objectives, targets and key actions, and the mix of policy instruments proposed in the SDS review package; the role of indicators is of particular importance in this respect;
- the EPSCO Council has a role to play in delivering visible results and measurable progress in implementing the EU SDS, in particular through increased synergies across policies and processes, including the Lisbon agenda;
- an ambitious EU SDS should contribute to greater coherence between EU internal policies and its international commitments. In the social area, particular efforts should be made to promote decent work.

In summing up the debate, the President noted that delegations were of the opinion that there was no need for a new procedure in this area as the open method of coordination (in particular exchange of good practices and use of indicators for monitoring developments) provided an adequate framework for integrating social inclusion into the SDS as one of its essential elements.

It is recalled that, in June 2005, the European Council adopted a Declaration on Guiding Principles for Sustainable Development based on 4 objectives: *environmental protection, social equity and cohesion, economic prosperity and meeting international responsibilities*¹.

In December 2005, the European Council took note of the presentation by the Commission of its communication on a renewed sustainable development strategy for the next 5 years (15796/05) and looked forward "*to adopting in June 2006 an ambitious and comprehensive strategy, comprising targets, indicators and an effective monitoring procedure, which should integrate the internal and external dimensions and be based on a positive long-term vision, bringing together the Community's sustainable development priorities and objectives in a clear, coherent strategy that can be communicated simply and effectively to citizens.*"²

The Presidency is currently consulting all the relevant Council configurations with a view to the adoption of the renewed EU SDS by the European Council in June 2006.

¹ 10255/05.

² Paragraph 13 of the December 2005 European Council conclusions (15914/1/05).

– ***SOCIAL SERVICES OF GENERAL INTEREST***

The Council was briefed by the Commission on its Communication: *Implementing the Community Lisbon programme: social services of general interest in the EU (9038/06)*. The Chairman of the Social Protection Committee presented orally the preliminary views of the Committee on this communication.

The aim of the Communication is to identify the specific characteristics of social services of general interest and to clarify to what extent EU state aid, internal market and public procurement rules should apply to these services. It is to be seen in the context of the overall discussion on the draft "services" Directive, from the scope of which certain social services are excluded.

The Communication puts forward an open list of characteristics reflecting the specific nature of social services of general interest. In addition to the traditional criteria (universality, transparency, continuity, accessibility, etc), these characteristics refer to the organisational conditions and modalities applying to those services.

The Communication will constitute the starting point for a consultation by the Commission of Member States, service providers and users of services.

– **SOCIAL SECURITY**

Implementing regulation

Pending the European Parliament first reading opinion, the Council reached a *partial*¹ general approach on a draft regulation aimed at implementing Regulation (EC) No 883/2004² on the coordination of social security systems (9584/06 + ADD 1).

Regulation (EC) No 883/2004 was the first step of a process aimed at modernising and simplifying EU rules on the coordination of the national social security systems, which are intended to allow EU citizens to move freely within Europe, while maintaining their rights to social security benefits (health, pensions, unemployment benefits, etc.). This process must be completed with the adoption of an implementing regulation³, to replace Regulation (EEC) No 574/72 and for which a proposal is now under examination.

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

Annex XI

Pending the European Parliament first reading opinion, the Council reached a *partial*⁴ general approach on a draft regulation amending Regulation (EC) No 883/2004 on the coordination of the social security systems and determining the content of its Annex XI (9613/06).

The proposed regulation provides for provisions regarding specific aspects of individual Member States's legislation that will form the content of Annex XI of Regulation (EC) No 883/2004⁵.

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

¹ Covering Titles I and II of the Commission proposal. The examination of the proposal will be pursued under the incoming Presidencies.

² Regulation of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, 30.4.2004, corrigendum OJ L 200, 7.6.2004.

³ See Article 89 of Regulation (EC) No 883/2004.

⁴ Covering the parts of the proposal corresponding to Titles I and II of the proposed implementing regulation. The examination of the proposal will be pursued under the incoming Presidencies.

⁵ See Article 83 of the Regulation.

– ***EU INSTITUTE FOR GENDER EQUALITY***

The Council reached political agreement by unanimity¹ on a draft regulation establishing a European Institute for Gender Equality. The Commission, however, could not support the representative Management Board adopted by the Council, preferring a Board of a limited size, as set out in its amended proposal².

The draft regulation aims at establishing an European Institute to give technical support to the Community institutions and the Member States, in particular as regards the collection, analysis and dissemination of data and comparable statistics and the development of methodological tools for integrating gender equality policies (gender mainstreaming), as well as to increase awareness among European Union citizens.

An overall amount of € 52.5 million for 2007 to 2013 to cover the Institute's expenses is indicated in the Commission's financial statement.

Legal basis proposed: Articles 13(2) and 141(3) of the Treaty – co-decision procedure with the European Parliament applicable and qualified majority required for a Council decision. The European Parliament delivered its opinion on 14 March 2006 (5133/06). Many of the amendments were incorporated in the text submitted to the Council.

The text, as agreed, will be adopted as a common position at a forthcoming Council session and sent to the European Parliament with a view to the second reading.

¹ Poland abstained, as the national consultation procedure with its Parliament was still ongoing.

² 9195/06.

– ***BEIJING PLATFORM FOR ACTION - Council conclusions***

The Council adopted the following conclusions on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action¹:

"THE COUNCIL OF THE EUROPEAN UNION

Whereas:

1. Gender equality is a fundamental principle of the European Union enshrined in the EC Treaty and one of the objectives and tasks of the Community and that mainstreaming equality between women and men in all its activities represents a specific mission for the Community.
2. 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.
3. The follow-up process in 1996 and 1997 revealed a need for more constant and systematic EU monitoring and assessment of the implementation of the Beijing Platform for Action.
4. 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 set of quantitative and qualitative indicators and benchmarks.
5. Since 1999, sets of quantitative and qualitative indicators have been developed by subsequent Presidencies in some of the 12 critical areas of concern in the Beijing Platform for Action, namely: 1999 - Women in political decision-making; 2000 - Women in the economy (reconciliation of work and family life); 2001 - Women in the economy (on equal pay); 2002 - Violence against women; 2003 - Women and men in economic decision-making; 2004 - Sexual harassment at the workplace. Each year the Council has adopted conclusions on these indicators.
6. In the context of the 10-year review of the Beijing Platform for Action, the EU ministers responsible for gender equality, on 4 February 2005 adopted a common declaration which, inter alia, reaffirms the strong support for and commitment to the full and effective implementation of the Beijing Declaration and Platform for Action.

¹ With the abstention of Germany.

7. In line with the European Council of 20-21 March 2003 the Commission prepares, in collaboration with the EU Member States, an annual report to the Spring European Council on developments towards gender equality and orientations for the gender mainstreaming of policy areas.
8. On 29 June 2000 the Council agreed on establishing the Social Protection Committee (SPC) in order to serve as a vehicle for cooperative exchange between the European Commission and the Member States of the EU about modernising and improving social protection systems. The Committee established an Indicators' Sub-Group to work on the development of indicators and statistics in support of its tasks. Part of the Committee's mandate is to work on the policy challenges "to ensure high quality and sustainable health care".
9. On 4 October 2004, the Council endorsed the SPC's Opinion on the Commission's Communication regarding the application of the Open Method of Coordination to health care and long-term care.
10. On 23 September 2002, the European Parliament and the Council adopted a "Programme of Community action in the field of Public Health (2003-2008)", the overall objectives being to improve health information and knowledge, to respond rapidly to health threats and to promote health and prevent diseases by addressing health determinants across all policies and activities.
11. In the framework of the Beijing Platform for Action, health is understood as defined by the World Health Organisation as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The Austrian Presidency of the EU has issued a report drawing up the following three indicators concerning women and health:
 - Healthy Life Years

The "Healthy Life Years" indicator is in the core set of the European Structural Indicators.
 - Access to health care (unmet demand)

In 2002, the Barcelona European Council recognised three guiding principles for the reform of health care systems, one of them being accessibility for all.

– Cardio-Vascular Diseases

Cardiovascular disease is the largest cause of death of women in the European Union.

These indicators should be disaggregated by sex.

1. RECALLS the commitment taken by Member States to secure women's rights to the enjoyment of the highest standard of physical and mental health throughout the whole life cycle in equality with men, and that the lack of a gender perspective in health represents an obstacle to achieving gender equality, as laid down in the Beijing Platform for Action.
2. RECALLS that within the “Programme of Community action in the field of Public Health (2003-2008)” the Council declares that all relevant statistics should be broken down and analysed by gender.
3. RECALLS that Member States have committed themselves to taking measures and developing proper indicators and statistics in order to further implement the Beijing Platform for Action and that in June 2005, the Council invited the Commission to include the assessment of relevant indicators, developed for the follow-up of the implementation of the Beijing Platform for Action, in its annual report to the Spring European Council.
4. STRESSES that the recognition of the gender dimension in health, as mentioned in the “Roadmap for equality between women and men, 2006-2010” (COM(2006) 92 final), is an essential part of EU health policies.
5. TAKES NOTE of the report on women's health presented by the Austrian Presidency and of the three indicators for the future follow-up of the Beijing Platform for Action regarding the critical area of women and health.
6. RECOGNISES
 - that women tend to have a lower percentage of life expectancy without disability;
 - that the EU needs to take into account a specific gender perspective while identifying the various barriers to access to, and use of, health care;
 - that for a long time the research on cardiovascular disease has been based on long-term studies of men, so the findings are not necessarily applicable to women.

7. INVITES forthcoming Presidencies, in cooperation with Member States, as well as the Commission to take the necessary measures to ensure a gender perspective in health policies and in the Open Method of Coordination on health and long term care and to focus, within the Sub-Group on Indicators, on the gender perspective of indicators on health.
8. INVITES the Member States to further improve the collection, compilation, analysis and dissemination of timely, reliable, comparable data disaggregated by sex and age, inter alia through the involvement of the National Statistical Institutes, as well as in the framework of the Community Statistical Programme so that statistics and medical information on the three indicators proposed by the Austrian Presidency, as well as statistical information on other indicators relating to the topics of the Beijing Platform, can be regularly produced and regular examinations conducted; ALSO INVITES the Member States to collect gender-specific data and further develop gender health indicators at Community level.
9. UNDERTAKES to continue its focus on the critical areas of concern mentioned in the Beijing Platform for Action and to review regularly the progress achieved and invites forthcoming Presidencies, in collaboration with Member States, to return to issues which have previously been discussed and assess progress in those areas by means of the established indicators.
10. URGES the European Commission and the Member States to take into account the issues discussed in the context of the follow-up of the Beijing Platform for Action, for which indicators have already been adopted, in other Community processes, where appropriate.
11. CALLS upon governments to:
 - determine the prerequisites for good health in both women and men, taking into account the specific aspects of women's health in order to establish an enabling environment for each sex;
 - promote research on gender equality in health.
12. INVITES the Commission and the Member States, according to their respective competencies, to integrate gender health considerations into health policies with particular emphasis on the three indicators (Healthy life years, Access to health care (unmet demand), Cardio-Vascular Diseases) proposed by the Austrian Presidency."

The Council also took note of the Presidency report presenting three indicators for the future follow-up of the Beijing Platform for Action in the critical area of "Women and Health".

– ***FLEXICURITY***

The Council endorsed the joint contribution of the Employment Committee and the Social Protection Committee on flexicurity (9633/06).

The Spring 2006 European Council invited Member States to pay special attention to "flexicurity" and to promote flexibility combined with employment security and reduce labour market segmentation¹.

The joint contribution identifies four elements for achieving a good balance between flexibility and security in the labour market: availability of suitable contractual arrangements, active labour market policies, credible lifelong learning systems and modern social security systems.

It recognises that further analysis is needed to take account of the particular situation of Member States, concerning, *inter alia*,

- specific examples of what works well in different countries;
- internal quantitative and functional flexibility (i.e. the organisation of work) and various aspects of labour law;
- the measurement of flexicurity;
- the costs and benefits of flexicurity for different groups on the labour market, including for people on its margins;
- the costs and benefits of flexicurity for public finance and society as a whole;
- sustainability of social and financial commitments, especially in adverse economic conditions;
- different pathways towards (more) flexicurity for Member States with different starting points.

The Committees note the intention of the Commission to publish a Green Paper on Labour law, analyse flexicurity aspects in the context of the Annual Progress Report and adopt a Communication on a set of common principles in 2007 and the intention of the forthcoming Finnish Presidency to include this issue on the agenda of the Tripartite Social Summit in the autumn of 2006.

¹ See 7775/06.

– ***PORTABILITY OF SUPPLEMENTARY PENSION RIGHTS***

Pending the first reading opinion of the European Parliament, the Council took note of a progress report describing the state of the examination of the proposal for a Directive on improving the portability of supplementary pension rights (9100/1/06).

In view of the increasing importance of supplementary pension schemes to cover the risk associated with old age in Member States, the Commission proposal aims to simultaneously facilitate worker's freedom of movement across Member States and their mobility within a Member State, by eliminating any restrictive provisions linked to these supplementary pension schemes which may limit the opportunities for mobile workers to build up sufficient pension rights throughout their working lives.

Its main objectives are to:

- facilitate the acquisition of occupational pension rights;
- guarantee an adequate protection of the dormant rights of outgoing workers;
- facilitate the transfer of acquired pension rights;
- ensure that workers receive appropriate information in the event of their occupational mobility.

Legal basis proposed: Articles 42 and 94 of the Treaty – unanimity required for a Council decision and co-decision procedure with the European Parliament.

– ***PROGRAMME FOR EMPLOYMENT AND SOCIAL SOLIDARITY – PROGRESS***

Now that an agreement on the financial framework for 2007-2013 has been reached, the Council reached a full¹ political agreement on a draft Decision establishing a Community programme for Employment and Social Solidarity.

The aim of the programme is to financially support the implementation of the objectives of the European Union in the employment and social affairs area and thereby contribute to the achievement of the Lisbon Strategy.

It comprises five sections: employment, social protection and inclusion, working conditions, anti-discrimination and diversity, and gender equality.

By establishing a single and streamlined financial instrument, the decision will consolidate the four specific action programmes currently in place, providing for the continuation and development of the activities launched on the basis of:

- Council Decision establishing a Community action programme to combat discrimination (2001 to 2006)²;
- Council Decision establishing a Programme relating to the Community framework strategy on gender equality³;
- European Parliament and Council Decision establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion⁴;

¹ At the (EPSCO) Council of 8-9 December 2005, the Council reached a partial political agreement on the proposal.

² Council Decision 2000/750/EC of 27 November 2000 (OJ L 303, 2.12.2000, p. 23).

³ Council Decision 2001/51/EC of 20 December 2000 (OJ L 17, 19.1.2001, p. 22).

⁴ European Parliament and Council Decision 50/2002/EC of 7 December 2001 (OJ L 10, 12.1.2002, p. 1).

- Council Decision on Community incentive measures in the field of employment¹, and
- European Parliament and Council Decision establishing a Community action programme to promote organisations active at European level in the field of equality between men and women²,

as well as those activities undertaken at Community level in relation to working conditions.

The budget for the duration of the programme is EUR 658 million at 2004 prices.

Legal basis proposed: Articles 13(2), 129 and 137(2)(a) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion on 6 September (11954/05).

The text as agreed will be adopted as a common position by a subsequent Council and sent to the European Parliament with a view to the second reading.

¹ European Parliament and Council Decision 1145/2002/EC of 10 June 2002 (OJ L 170, 29.6.2002, p. 1).

² European Parliament and Council Decision 848/2004/EC of 29 April 2004 (OJ L 157, 30.4.2004, p. 18, corrected in OJ L 195, 2.6.2004, p.7).

– ***GUIDELINES FOR THE EMPLOYMENT POLICIES***

The Council reached political agreement on a draft Decision establishing the Guidelines for the Employment Policies of the Member States for 2006 (9471/06).

As proposed by the Commission, the guidelines adopted last year (10205/05) remain unchanged.

Legal basis proposed: Article 128(2) of the Treaty – qualified majority required for a Council decision; consultation of the European Parliament, the Economic and Social Committee, the Employment Committee and the Committee of the Regions required.

The text as agreed will be submitted to the European Council in June 2006 for endorsement and formally adopted at a forthcoming Council session.

– **WORKING TIME**

The Council held extensive discussions on a modified proposal for a European Parliament and Council directive aimed at amending Directive 2003/88/EC concerning certain aspects of the organisation of working time¹, on the basis of a set of compromise texts tabled by the Presidency.

At the end of the debate, the Presidency concluded that, given the differences in labour market situations in the Member States and the character of the new provisions, it was not possible to reach overall agreement at that stage.

The objectives of the Commission amended proposal are two-fold:

First, to take into account the European Court of Justice's case law, in particular rulings in the SIMAP² and Jaeger³ cases which held that on-call duty performed by a doctor when he is required to be physically present in the hospital must be regarded as working time.

Second, to review some of the provisions of Directive 2003/88/EC concerning the possibility of not applying the maximum weekly working time (48 hours) if the worker gives his agreement to carry out such work (the "opt-out" provision).

The key issues still to be resolved relate to the opt-out provision as well as to the question of whether the maximum weekly working time is calculated per contract or per worker.

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

¹ OJ L 299, 18.11.2003, p. 9.

² Judgement of the Court of 3 October 2000 in case C-303/98, Sindicato de Médicos de Asistencia Pública (SIMAP) v. Conselleria de Sanidad y Consumo de la Generalidad Valenciana, ECR 2000, p. I-07963.

³ Judgement of the Court of 9 September 2003 in case C-151/02, Reference for a preliminary ruling: Landesarbeitsgericht Schleswig-Holstein (Germany) in the proceedings pending before that court between Landeshauptstadt Kiel and Norbert Jaeger, ECR 2003, p. I-08389.

OTHER BUSINESS

The Council was briefed by the Presidency on the following issues:

- Proposal for a regulation establishing the European Globalisation adjustment Fund (9594/06);
- Information on Presidency conferences:
 - "Conference on Social Services of general interest" (Vienna, 20 April 2006) (9459/06);
 - "Fifth meeting of people experiencing poverty" (Brussels, 12-13 May 2006) (9682/06);
 - "Conference on cultural and political conditions of social models in Europe" (Vienna, 19-20 May 2006) (9849/06);
 - "Conference on closing the pay gap between men and women" (Brussels, 22 May 2006) (9841/06);
 - "Outcome of the first International Conference on Chemicals Management (ICCM 1)" (Dubai, 4-6 February 2006) (8930/06).

The Council was briefed by the Commission on the following issues:

- Communication from the Commission "Guidance on the posting of workers in the framework of the provision of services" (9924/06);
- Communication from the Commission "Implementing the partnership for growth and jobs: Making Europe a pole of excellence on corporate social responsibility" (9918/06);
- Communication from the Commission "Decent Work" (9921/06);
- European Year of Equal Opportunities for all, 2007 (9916/06).

The Council was briefed by the Portuguese delegation on the following issue:

- Conference of Council of Europe Ministers on Family Matters: "Changes in Parenting" (9893/06).

OTHER ITEMS APPROVED

FISHERIES

Blue whiting and herring

The Council adopted a Regulation amending Council Regulation (EC) No 51/2006¹ in order to implement the Community and the Faroe Islands arrangement of 23 February 2006 on mutual access on blue whiting stock and the herring stock in each others fishing zones.

¹ OJ L 16, 20.1.2006, p. 1.