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THE EUROPEAN UNION**

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REPORT

from: Permanent Representatives Committee (Part I)
to: COUNCIL (EPSCO)

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No. Cion prop.: 15305/09 SOC 643 DEVGEN 302 PHARM 20 SAN 292 - COM(2009) 577 final

Subject: Proposal for a Council Directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU
- Political agreement

I. INTRODUCTION

On 26 October 2009, the Commission, acting in accordance of Article 138 of the EC Treaty¹, submitted a proposal to the Council with the aim of giving legal effect to the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU.

¹ Renumbered Article 155 of the Treaty of the Functioning of the European Union.

The Permanent Representatives' Committee examined the proposal on 17 February 2010 and reached agreement in principle on the text of the draft Directive. The remaining open points are explained in Section III: the extension of the transposition period to three years, and certain parliamentary and linguistic reservations by a number of delegations.

The text as it resulted from the meeting of 17 February can be found in the Addendum.

In addition, the Hungarian delegation has indicated its intention to make a statement to the minutes of the Council on the importance of the social partners' joint clarification for the implementation of the Directive.

Article 139 did not provide for consultation of the European Parliament; however, the proposal was forwarded to the Parliament by the Commission. At its meeting on 11 February 2010, the European Parliament adopted a resolution, stressing the importance of the draft Directive and its urgent adoption.

II. FRAMEWORK AGREEMENT CONCLUDED BY THE SOCIAL PARTNERS

While the Council is not in a position to amend the Framework Agreement concluded by the social partners, the delegations examined in detail its elements during four meetings of the Working Party on Social Questions. The Working Party also invited the signatories of the Agreement to its meeting of 25 January, in order to better understand certain provisions in the Agreement. During this meeting, the social partners stressed that the objective of the Framework Agreement was to create the safest possible work environment in the hospital and health care sector.

As a follow-up to the meeting of the Working Party on 25 January, the social partners prepared a joint document confirming their replies to the delegations' questions (doc. 6179/10). The Working Party then examined these written replies during its meeting of 4 February. The delegations and the Commission representatives thanked the social partners for their clarifications and considered that the document provided by them would be useful for the transposition of the Directive.

III. OPEN ISSUES

(a) Transposition period in Article 3(1)

During the discussions on the proposal, a number of delegations had advocated for a longer transposition period than the two years proposed by the Commission. In its proposal, the Commission had given Member States the possibility to have an additional period of one year to comply with the Directive, if necessary, "to take account of particular difficulties or in case of implementation by collective agreement".

During the meeting of the Permanent Representatives' Committee of 17 February, the Commission stressed the need for swift implementation of the Framework Agreement and expressed its preference for maintaining the original proposal. However, following a Presidency's suggestion, the delegations agreed unanimously that all Member States would be allowed a three-year transposition period.

(b) Parliamentary scrutiny reservations

DK, MT, NL and UK have maintained parliamentary scrutiny reservations.

(c) **Linguistic reservations**

BG, CZ, ES, IT and HU have maintained linguistic reservations on their respective language versions.

IV. CONCLUSION

The Council is invited to examine the outstanding issues with a view to reaching political agreement during the Council (EPSCO) on 8 March.
