



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.07.1995
SEC(95) 1189 final

94/0222 (COD)

COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 189 b (2) of the EC-Treaty

concerning the common position of the Council for the adoption of the European Parliament and Council decision adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health

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With the entry into force of the Treaty on European Union the Community acquired explicit competence in the field of public health. In order to achieve the health protection objectives set out in Articles 3(o) and 129 of the Treaty establishing the European Community, the Commission established, in its Communication COM(93) 559 final, a framework for action in the field of public health.

In initiating action under Article 129, the Community has to address itself to preventing disease and protecting health. Based on the criteria laid down in Communication COM(93) 559 final, AIDS and other communicable diseases were identified as a priority for Community action.

The objective data (morbidity, morbidity tables and health indicators) and more subjective elements confirm that AIDS and other communicable diseases are a major health scourge. And the fact that these are also diseases for which practicable prevention measures exist highlights the importance of pursuing Community action in this field.

The Commission therefore proposed a programme of Community action on the prevention of AIDS and certain other communicable diseases¹ which seeks to reinforce the competences required at each stage of the prevention process - awareness of the phenomenon, identification of risk situations, counselling and guidance, social and medical aid - and to encourage cooperation between the various players involved at each stage and coordination between the various policies and programmes. The specific activities for the prevention of AIDS and other communicable diseases envisaged under this programme are compatible with, and complement, other public health activities proposed under "horizontal programmes".

¹ OJ No C 333, 29.11.1994 - COM (94) 413 final

The Economic and Social Committee adopted its opinion on 30 March 1995.

The ESC supports the programme and the Commission's proposed approach².

The ESC underlines the modest nature of the resources envisaged compared with the ambitious scale of the programme and expresses surprise that the Commission has not proposed actions to promote blood safety within this programme.

It expresses the hope that the programme advisory committee will involve all interested parties in the consultation process.

The Committee of the Regions adopted its opinion on 21 April 1995³. It makes the same points as the Economic and Social Committee, adding that it would like to see regional representatives included in the programme advisory committee and would like to receive the reports on the implementation of the programme.

The European Parliament adopted its opinion at the first reading on 27 April 1995⁴, putting forward 61 amendments to the Commission's proposal. The proposed amendments focus in particular on the following points:

- the usefulness of condoms and disposable syringes in preventing HIV/AIDS;
- the importance of education in combating discrimination against HIV patients and their families and friends;
- the need for greater transparency in access to and implementation of the programme;
- the need for greater coordination between Member States in their actions to collect epidemiological data.

Of the 61 amendments proposed by the Parliament, the Commission accepted 33 in full or in part.

On 2 June 1995 the Council unanimously adopted a common position for the adoption of this European Parliament and Council decision adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health.

² Doc. CES 318/95

³ Doc CDR 144/95

⁴ OJ NO C 126, 22.5.1995

The Commission was unable to accept this common position and entered reservations concerning the following points:

- **Article 5 (Comitology):** The Council wanted to introduce a "mixed" comitology procedure for the implementation of the programme. Under this procedure, which is similar to that set up for the "Socrates" programme, there would be seven areas of activity which fell within the Committee's "administrative" competence, plus other areas which fell within its "advisory" competence. The Commission entered a reservation concerning this approach, preferring a purely "advisory" committee which could also include within its remit, if necessary, the seven areas of activity envisaged by the Council.

The Commission therefore entered a declaration in the Council minutes.

- **The Annex (actions to be implemented under the programme):** The Council accepted 30 amendments proposed by the European Parliament from the 33 incorporated by the Commission in its amended proposal. The three Parliament amendments which the Council chose not to include in its common position concern the combating of discrimination (Action 6 of the Commission's proposal, together with the corresponding recital) and the exchanging of information with regard to certain population categories (Action 4 of the Commission's proposal). Given the importance which the European Parliament attaches to these two aspects the Commission could only voice a reservation about the omission of these amendments from the Council's common position, and entered a declaration to this effect in the Council minutes.

The Commission points out that, under the terms of Paragraph 2(a) of Article 189b of the Treaty, if the European Parliament approves the common position within three months of receiving this present communication the Council will definitively adopt the Decision in accordance with this common position.