

**EUROPEAN TRADE UNION CONFEDERATION**

**UNION OF INDUSTRIAL AND EMPLOYERS' CONFEDERATIONS OF  
EUROPE**

**EUROPEAN CENTRE OF ENTERPRISES WITH PUBLIC PARTICIPATION  
AND ENTERPRISES OF GENERAL ECONOMIC INTEREST**

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**JOINT PROPOSALS REGARDING THE PROCEDURE FOR CONSULTATION  
OF THE SOCIAL PARTNERS ON OCCUPATIONAL SAFETY AND HEALTH**

24 October 2000

The Social Partners would like the Advisory Committee on Safety, Hygiene and Health protection at work (ACSHH) to continue to play a role in the procedure for consultation of the European Social Partners and indicate their attachment to its proper functioning. They attach to this statement their joint comments on the questions formulated by the Commission on restructuring of the advisory committees for safety and health issues.

Several situations have been envisaged:

- parallel consultation procedure (ACSHH and Social Partners);
- involvement of the advisory committee on in the second stage when the Social Partners have decided not to negotiate;
- regard the advisory committee's interest groups as representing the European Social Partners.

Each of these hypotheses poses problems.

The quest for a solution requires the following elements to be taken into account:

- occupational safety and health is protected by a set of legislation (acquis communautaire) but the area cannot be defined *a priori*;
- the possible orientation of EU action (art. 138) could be based on the advisory committee's earlier work (e.g. on application of a directive) and/or will have to take account of existing EU legislation in this area;
- the EU stance underpins and supplements action by Member States with a view to improvement, in particular, of the work environment and protection of worker safety and health (art. 137); Member States play a determinant role for ensuring equal treatment and guaranteeing results;
- any legal decision regarding the committee must ultimately be taken by the Council.

The proposals by the European Social Partners are based on a desire to establish channels for communication between the committee's interest groups to ensure that:

- in the first stage of consultation, when the Social Partners establish their views on the principle and scope of EU action, they have the possibility to receive clear information about the committee's work (e.g. to prevent the committee's opinions from being regarded as out of context);
- in the second stage of consultation, when the tripartite committee is consulted, all groups are well informed about the basis for the Social Partners' opinions.

### **Proposals**

1. Social Partners hold the view that consultation of the social partners on the possible direction of EU action must be the preferred channel for the Commission.
2. In addition, Social Partners believe that the advisory committee's three interest groups must be simultaneously informed of documents submitted to the Social Partners by the Commission when they relate to questions already debated or under discussion within the committee or when they relate to directives on which the committee has given an opinion.
3. If they deem it necessary, the interest groups may formulate a contribution addressed to the social partners. Such contributions are also circulated to the other interest groups, for information.
4. At the end of the first consultation phase, the Social Partners may decide that the initiative in question does not fall within their remit and ask the Commission to refer, in the framework of the legislative process, to ACSHH for the second consultation stage (on the content)
5. As the coordinators of the Interest groups, ETUC and UNICE invite members to participate in meetings of the interest groups and of working groups ; in addition, these meetings are also open to a number of representatives of the European social partners.
6. The social partners also invite the government interest group within ACSHH to identify practical arrangements for coordinating its own work in order to ensure optimal functioning of the Committee.

