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9 June 2005

**FIRST-PHASE CONSULTATION OF THE SOCIAL PARTNERS ON THE  
SIMPLIFICATION OF THE PROVISIONS OF THE HEALTH AND SAFETY AT WORK  
DIRECTIVES CONCERNING THE REPORTS ON THEIR PRACTICAL IMPLEMENTATION**

**UNICE REPLY**

**Executive Summary**

UNICE is favour of harmonising the periodicity of implementation reports and of requiring implementation reports for all health and safety directives. Should the Commission wish to opt for a single report, UNICE stresses that such a report would have to be sufficiently detailed to provide for a sound analysis and evaluation of each of the transposed directives and its implementation. UNICE is not convinced of the necessity to provide for a standard reporting format over and above the existing "standard outline" and is clearly opposed to attempts to harmonise the social partners' contributions in any way.

A new specific directive to amend the reporting provisions in relation with existing directives seems the most appropriate and straightforward means swiftly to achieve a certain simplification and unification with regard to the implementation reports. UNICE would not be in favour of amending either each single directive or the framework directive.

While UNICE is consulted on a simplification of health and safety provisions which will essentially benefit Member States' authorities, it stresses that what is mostly needed is a genuine simplification of the complex regulatory environment for companies, alongside a true commitment to better regulation.

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SIMPLIFICATION OF THE PROVISIONS OF THE HEALTH AND SAFETY AT WORK  
DIRECTIVES CONCERNING THE REPORTS ON THEIR PRACTICAL IMPLEMENTATION****UNICE REPLY****Introduction**

In its consultation document on the simplification of the provisions of the health and safety at work directives concerning the reports on their practical implementation, the European Commission highlights the following:

- A number of directives in the field of occupational health and safety require Member States to report to the Commission at regular intervals on the practical implementation of the provisions of individual directives. However these intervals vary between four and five years. Other health and safety directives do not mandate the preparation of an implementation report at all.
- The social partners' views are sometimes missing in the national reports that are required and, in other cases, the scope of contributions from the social partners varies greatly.
- As current rules lead to certain disparities and impose administrative burdens on Member States, steps could be taken to rationalise the provisions concerning the national implementation reports, thereby contributing to the announced simplification and rationalisation of the existing legal framework,

In the light of the above, the Commission invites the social partners to answer the following questions:

1. Do you recommend taking an initiative with a view to rationalising and simplifying the final provisions of the directives concerning the preparation of reports on the implementation of the existing directives in the field of health and safety of workers at work?
2. What are your views on the opportunities offered by addressing the question, notably as to whether amendments should be restricted to harmonising the periodicity of the reports submitted to the Commission or whether one should also envisage rationalising these reports, for example by opting for a single report containing different sections?
3. The Commission would also like to know the social partners' opinions on the possibility of an agreement concerning harmonisation of their contributions to the national reports to be established by the Member States.

### **Reply to questions 1 to 3**

In line with the 1999 ACSH opinion on the implementation of directives, UNICE generally supports the idea of harmonising the periodicity for national implementation reports and unifying to some extent the reporting requirements on the implementation of occupational health and safety directives, with a view to reducing disparities and improving the availability and quality of information in this field.

In this context, it highlights that the preparation of national reports on the practical implementation of directives provides for the opportunity to assess the efficiency and real impact of legislation, investigate positive aspects of the experience with implementation and identify implementation problems and their causes. Such an exercise is indispensable for any legislator. Member States should therefore also be required to report on the implementation of occupational health and safety directives which so far do not mandate this.

It is only on the basis of detailed reports and assessments that possible adaptations of the existing legal framework should be discussed, particularly with regard to achieving the EU goals of simplification, rationalisation and better regulation (for example, through learning from errors of the past).

While UNICE is not generally opposed to the proposal to provide for a single implementation report, it recalls however that - in order to be of any use at all - a single report would have to be sufficiently detailed to provide for a sound analysis and evaluation of *each* of the transposed directives and its implementation. The volume of such a report and the work demanded from the Member States at a specific moment in time would thus be considerable, which might have adverse impacts on the quality of such a single report. It is therefore questionable whether a single report would provide for the desired results. UNICE also recalls that ACSH in its 1999 opinion stated that it considers it unnecessary to collate individual reports on implementation of directives in a single general report.

A “standard outline” on the structure and content of the implementation reports exists and is used by the Member States. It has been elaborated by the Commission in cooperation with the Member States and adapted in the light of the 1999 ACSH opinion. While this “standard outline” may warrant an update, which would then also have to be discussed at the level of ACSH, UNICE considers however that it constitutes a good basis for achieving a large degree of consistency in the analysis and the kind of information that is submitted. At the same time, it provides for sufficient flexibility, enabling Member States to make specific remarks and observations and take account of national differences and specificities with regard to the implementation of directives.

Member States are obliged to provide the social partners with the possibility to express their views on the practical implementation of directives and should also systematically and duly reflect their views in each report. This does however not require a harmonisation of the contributions of the social partners to which UNICE is opposed for the following reason: the social partners must have the possibility to respond as they see fit and emphasise the issues most important to them.

Finally, UNICE recalls that is attached to the fact that national reports which the Commission receives are circulated to ACSH members. Moreover, once the Commission has produced its synthesis report on the basis of the national implementation reports, it is important that this is submitted to ACSH members for examination at the level of the interest groups.

## **Conclusion**

UNICEF is in favour of harmonising the periodicity of implementation reports and of requiring implementation reports for all health and safety directives. Should the Commission wish to opt for a single report, UNICEF stresses that such a report, with a view to be of any use at all, would have to be sufficiently detailed to provide for a sound analysis and evaluation of *each* of the transposed directives and its implementation. UNICEF is not convinced of the necessity to provide for a standard reporting format over and above the existing "standard outline" and is clearly opposed to attempts to harmonise the social partners' contributions in any way.

A new specific directive to amend the reporting provisions in relation with existing directives seems the most appropriate and straightforward means swiftly to achieve a certain simplification and unification with regard to the implementation reports. UNICEF would not be in favour of amending either each single directive or the framework directive.

While UNICEF is consulted on a simplification of health and safety provisions which will essentially benefit Member States' authorities, it stresses that what is mostly needed is a genuine simplification of the complex regulatory environment for companies, alongside a true commitment to better regulation.

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