

7 December 2005

SECOND CONSULTATION OF SOCIAL PARTNERS ON SIMPLIFICATION OF THE PROVISIONS OF THE HEALTH AND SAFETY AT WORK DIRECTIVES CONCERNING REPORTS ON THEIR PRACTICAL IMPLEMENTATION

UNICE REPLY

Introduction

In its second 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 that a general consensus on the need to simplify the provisions on practical implementation reports clearly emerged from the first consultation of the social partners.

Following examination of the replies of the social partners, the Commission therefore proposes the following:

- Member States to draw up one single implementation report on all health and safety at work directives that currently contain reporting obligations and to extend the reporting requirement to directives 2000/54/EC (biological agents) and 2004/37/EC (carcinogens);
- a harmonised reporting interval to be fixed at every five years;
- a standard implementation report containing a general part (e.g. general legal context, information and dissemination, etc.) complemented by specific chapters to be categorised by different criteria (groups of workers exposed, hazardous substances, use of certain work equipment, workplaces, specific risks, work organisation aspects, best practices and dissemination, etc.), which would cover aspects specific to the directives;
- a discussion within ACSH of such a standard format for the implementation report;
- submission to ACSH and other institutions of the Commission's report on the implementation of safety and health directives drawn up on the basis of the 25 national implementation reports, rather than of the 25 national reports themselves (which could however be communicated at the specific request of an institution);
- amendment of the existing reporting provisions in the above-mentioned sense by means of a new directive.

In the light of the above, the Commission invites the social partners:

- to submit an opinion or, where appropriate, a recommendation on the objectives and content of the planned proposal, pursuant to Article 138(3) of the EC Treaty;
- to inform the Commission, if appropriate, of their desire to undertake dialogue based on the proposals in this document, in accordance with Articles 138(4) and 139 of the EC Treaty.

Comments

UNICE welcomes the proposal by the Commission to harmonise the reporting interval and to fix it at every five years. It also welcomes extending the requirement to report on implementation to the “biological agents” and “carcinogens” directives.

As regards the proposal to introduce a single implementation report, UNICE already highlighted in its first reply that, in order to be of use, a single report would have to be sufficiently detailed to provide a sound analysis and evaluation of each of the transposed directives and its implementation. In this context, UNICE welcomes the proposal to discuss a standard format/structure for a single implementation report further within the framework of ACSH, as this might be a way to ensure that future single reports will be sufficiently detailed and complete. At the same time, those discussions should only aim at identifying areas where the “standard outline” concerning the structure and content of the implementation reports which already exists and is used by the Member States may warrant an update or needs to be adapted. UNICE considers that, also in the context of a single implementation report for several health and safety directives, the existing “standard outline” constitutes a good basis for achieving a large degree of consistency in the analysis and the kind of information that is submitted by the Member States and therefore should be the basis for discussions within ACSH.

UNICE agrees with the Commission that it is the synthesis report which the Commission produces on the basis of the national implementation reports, which needs to be submitted to ACSH for examination, and this preferably at the level of the interest groups. UNICE believes at the same time that while there is no need to ask ACSH to examine the different national implementation reports, circulation of national implementation reports to ACSH for information remains nevertheless important.

As pointed out in its reply to the first consultation, UNICE believes that the introduction of a new directive to amend the existing reporting provisions of concerned directives would be the most appropriate way to achieve certain simplification and unification with regard to the implementation reports.

Finally, UNICE does not intend to undertake dialogue in accordance with Articles 138(4) and 139 of the EC Treaty on any of the issues raised in the second consultation document on the simplification of provisions relating to implementation reports on health and safety directives.

Conclusion

UNICE generally welcomes the Commission’s plans to simplify and unify provisions of the health and safety directives concerning practical implementation reports in the way that is set out in the second consultation document and by means of a new directive. It is, however, attached to ACSH being involved in the discussion of the standard format for the single implementation report to be drawn up in the future. The basis for a discussion within ACSH should be the existing “standard outline” for implementation reports which Member States currently use.