



4 February 2010

RESPONSE TO 1ST STAGE SOCIAL PARTNER CONSULTATION: ALIGNING HEALTH AND SAFETY DIRECTIVES WITH CLP REGULATION

I. Introduction

1. The European Commission on 4 December 2009 launched a first-stage consultation of the European social partners on the amendment of certain EC directives on health and safety at work as a result of the adoption of the Regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation). This Regulation aligns the EC system with the United Nations Globally Harmonised System (GHS).
2. The consultation concerns the technical amendment of five health and safety directives to take account of the changes made to the classification and labelling system introduced by the CLP Regulation. The directives concerned are the following:
 - Protection of health and safety of workers from risks related to chemical agents at work
 - Protection of health and safety of workers from risks related to exposure to carcinogens or mutagens at work
 - Minimum requirements for provision of safety and/or health signs at work
 - Introduction of measures to encourage improvements in safety and health of pregnant workers and workers who have recently given birth
 - Protection of young people at work.

II. General comments

3. BUSINESSEUROPE supports the amendment of the specified directives on health and safety at work, in order to bring them in line with the CLP Regulation.
4. The implementation of GHS, in addition to REACH, already entails considerable administrative burdens and challenges for industry, for example integrating the software for the development of safety data sheets, changing safety instructions and labelling at workplaces and employee training. This also implies costs for industry. It is therefore important that amendments to the specified health and safety directives are purely technical and relate only to the changes necessary for compliance with the CLP Regulation. They should not affect the objectives of the directives nor entail additional burdens for companies.



III. Specific comments

5. BUSINESSEUROPE would like to make the following comments in response to the specific questions posed in the consultation document:

(1) Do you consider that the five existing directives on health and safety at work should be amended to reflect adoption of the Regulation on classification, labelling and packaging that implements the UN Globally Harmonised System within the EU?

6. BUSINESSEUROPE agrees that the five health and safety directives should be amended to reflect the adoption of the CLP Regulation. This is important in order to provide consistency in EU legislation and to provide legal certainty for companies, in particular SMEs.

7. The amendments should be purely technical and only where they are necessary to comply with the CLP Regulation. These should therefore relate to the classification-based provisions that define certain aspects of the scope of the directives, without affecting the objectives to be achieved by them.

(2) In particular, do you agree with the approach of amending the five existing directives by adopting a single amending directive under Article 137 of the Treaty?

8. BUSINESSEUROPE agrees with the approach of adopting a single amending directive, as long as this entails only technical changes and the objectives of the five directives are not affected.

9. A single amending directive should lead to a simplification of the five health and safety directives, an approach which BUSINESSEUROPE supports in general. Simplification helps employers, employees and health and safety technicians to implement and interpret rules, to undertake preventive actions or measures at workplaces and to identify, register and provide information about chemical substances.

(3) Should this amendment be designed to have a neutral effect on the requirements of the existing directives, i.e. should its overall objective be to maintain the level of worker protection provided by the five directives?

10. This amendment should be designed to have a neutral effect on the requirements of the existing directives, relating only to changes required by the CLP Regulation.

11. In line with maintaining the objectives of the five directives, the worker protection already provided for should be maintained at the current level. The implementation of the CLP Regulation, in addition to the REACH regulation, is already a challenge for companies. The responsibilities of companies should remain as in the current directives and the amendment must not include new requirements or additional costs for companies.



12. The amending directive should be a simple, technical instrument, along the lines of the amending directive 2008/112/EC which brings a number of existing directives in line with the CLP Regulation, including the cosmetic products directive, the directive on safety of toys, and the directive on waste electrical and electronic equipment.

(4) Do you agree that the Annex to Directive 94/33 on young people at work should be up-dated to reflect the changes to a number of pieces of EC legislation referred to in the Annex to the directive?

13. BUSINESSEUROPE supports in principle an updating of the Annex of directive 94/33 on young people at work. This should be limited to technical changes, firstly to reflect adoption of the CLP Regulation and secondly to clarify changes to certain other pieces of EC legislation referred to in this Annex. They should not entail any additional responsibilities or costs for companies.

14. Before giving full support, BUSINESSEUROPE would like further information on the 'minor amendments' that the Commission foresees for the Annex of the directive.
