



Procedure file

| Basic information | |
|--|---------------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Directive | 2006/0127(COD) Procedure completed |
| Health and safety of workers at work: simplifying and rationalising the reports on practical implementation | |
| Subject 2.80 Cooperation between administrations 4.15.12 Workers protection and rights, labour law 4.15.15 Health and safety at work, occupational medicine | |

| Key players | | | |
|-------------------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | EMPL Employment and Social Affairs | | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | ENVI Environment, Public Health and Food Safety | The committee decided not to give an opinion. | |
| | ITRE Industry, Research and Energy | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Employment, Social Policy, Health and Consumer Affairs2803 | | 30/05/2007 |
| European Commission | Commission DG | Commissioner | |
| | Employment, Social Affairs and Inclusion | ŠPIDLA Vladimír | |

| Key events | | | |
|------------|---|---|---------|
| 13/07/2006 | Legislative proposal published | COM(2006)0390 | Summary |
| 07/09/2006 | Committee referral announced in Parliament, 1st reading | | |
| 01/03/2007 | Vote in committee, 1st reading | | Summary |
| 07/03/2007 | Committee report tabled for plenary, 1st reading | A6-0059/2007 | |
| 25/04/2007 | Debate in Parliament |  | |
| 26/04/2007 | Results of vote in Parliament |  | |
| 26/04/2007 | Decision by Parliament, 1st reading | T6-0157/2007 | Summary |
| 30/05/2007 | Act adopted by Council after Parliament's 1st reading | | |
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|------------|---|--|--|
| 20/06/2007 | Final act signed | | |
| 20/06/2007 | End of procedure in Parliament | | |
| 27/06/2007 | Final act published in Official Journal | | |

Technical information

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|----------------------------|--|
| Procedure reference | 2006/0127(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| Legal basis | EC Treaty (after Amsterdam) EC 137-p2 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | EMPL/6/39460 |

Documentation gateway

| | | | | |
|---|-------------------------------|------------|-----|---------|
| Legislative proposal | COM(2006)0390 | 14/07/2006 | EC | Summary |
| Committee draft report | PE382.212 | 23/11/2006 | EP | |
| Amendments tabled in committee | PE382.581 | 08/01/2007 | EP | |
| Economic and Social Committee: opinion, report | CES0093/2007 | 17/01/2007 | ESC | |
| Committee report tabled for plenary, 1st reading/single reading | A6-0059/2007 | 07/03/2007 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T6-0157/2007 | 26/04/2007 | EP | Summary |
| Commission response to text adopted in plenary | SP(2007)2625/2 | 31/05/2007 | EC | |
| Draft final act | 03617/3/2007 | 20/06/2007 | CSL | |
| Follow-up document | SEC(2011)0982 | 22/07/2011 | EC | Summary |

Additional information

| | |
|----------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

Final act

[Directive 2007/30](#)
[OJ L 165 27.06.2007, p. 0021](#) Summary

Health and safety of workers at work: simplifying and rationalising the reports on practical implementation

PURPOSE: to simplify national reporting on the practical implementation of health and safety provisions in the work place.

PROPOSED ACT: Directive of the Parliament and of the European Council.

CONTENT: the Commission is proposing a simplification of the reports prepared by the Member States on the practical implementation of provisions relating to a number health and safety at work issues. The proposal affects 24 acts in total some of which require obligatory reporting; others which do not. The main Directives affected by the proposal are:

- Council Directive 89/391/EEC on the introduction of measures to improve the health and safety of workers at work and its individual Directives (reporting obligatory).
- Council Directive 83/477/EEC on the protection of workers from risks related to the exposure of asbestos at work (reporting non-obligatory).
- Council Directive 92/29/EEC on the minimum safety and health requirements for improved medical treatment on board vessels (reporting non-obligatory); and
- Council Directive 94/33/EC on the protection of young people at work (reporting non-obligatory).

This proposal is being presented within the context of the 2002 'Better lawmaking' initiative and the European Parliament's resolution to codify and simplify (rather than de-regulate) existing Community legislation in the field of health and safety at work. Further, it is being presented in follow-up to a 2004 Competitiveness Council meeting in which the Member States made the simplification of EU law a priority.

The current situation of preparing numerous individual reports at varying intervals puts a huge strain on both national and EU administrations, the effect of which is to give an unclear picture of health and safety provisions.

To remedy the situation, the Commission is proposing three basic measures:

1. Insert a new article, entitled 'Implementation Reports' to Directive 89/391/EEC, which requires the Member States to submit to the Commission, every five years, a single report on the practical implementation of the Directive and its individual Directives. The social partners' views must be taken into account when preparing the single report. The new article will also contain provisions on the content and procedure for preparing and submitting reports and on the overall evaluation to be carried out by the Commission. The proposed provisions will allow for the same reporting exercise in the case of any future individual Directives relating to Directive 89/391/EEC.
2. Insert a new Article (Article 2) providing for the inclusion of implementation reports in those Directives which are not considered 'individual Directives'. This applies to: Directives 83/477/EEC; 91/383/EEC; 92/29/EEC; and 94/33/EC. Member States will be expected to submit their implementation reports concerning these Directives in the form of a 'specific chapter' to be included in the single report outlined above.
3. Repeal all provisions of the Directives currently in force dealing with implementation reports.

For further information concerning the financial implications of this measure, please refer to the financial statement.

Health and safety of workers at work: simplifying and rationalising the reports on practical implementation

The committee adopted the report by Ilda FIGUEIREDO (GUE/NGL, PT) amending the proposed directive under the 1st reading of the codecision procedure. The amendments were the result of a compromise agreed with the Council, with the aim of reaching an agreement at 1st reading:

- the single reports to be submitted by the Member States every 5 years on the implementation of Directive 89/391/EEC and its individual Directives should 'assess the various points related to the practical implementation of the different Directives and, where appropriate and available, provide data disaggregated by gender';
- the Commission shall draw up a questionnaire specifying the content of the report. The structure of the report as defined by the Commission, together with the questionnaire, should be submitted to the Member States 'at least' six months before the end of the period covered and the report should be transmitted to the Commission within 12 months (rather than 9 months as originally proposed) of the end of the five-year period it covers;
- the Commission shall inform Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety and Health at Work of the results of its evaluation based on the single reports 'within 36 months of the end of the five-year period';
- the provisions on implementation reports contained in the various directives currently in force should be repealed with effect from the entry into force of the proposed directive;
- the Member States shall adopt the measures needed to comply with the directive by 31 December 2012.

Health and safety of workers at work: simplifying and rationalising the reports on practical implementation

The European Parliament adopted a resolution drafted by Ilda FIGUEIREDO (GUE/NGL, PT) amending the proposed directive. The amendments were the result of a compromise agreed with the Council, with the aim of reaching an agreement at 1st reading. (For a summary of the amendments, please refer to the document dated 01/03/2007.)

Health and safety of workers at work: simplifying and rationalising the reports on practical implementation

PURPOSE: to simplify national reporting on the practical implementation of health and safety provisions in the work place.

CONTENT: The preparation by the Member States of practical implementation reports as a basis for the Commission's periodical reports on the implementation of the Community rules on the safety and health of workers, is provided for by Council Directive 89/391/EEC, its individual Directives and by Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC, and 94/33/EC.

These directives required the preparation of numerous individual reports at varying intervals, which put a strain on both national and EU administrations, the effect of which was to give an unclear picture of health and safety provisions.

This Directive aims to simplify the exercise by requiring Member States to submit to the Commission, every five years, a single report on the practical implementation of the Directive and its individual Directives.

The text is the result of a compromise agreed between the European Parliament and the Council, with the aim of reaching an agreement at 1st reading. The main points are as follows:

- Member States should submit single reports every 5 years. The first report should, exceptionally, cover a longer period. The reports on the implementation of Directive 89/391/EEC and its individual Directives should assess the various points related to the practical implementation of the different Directives and, where appropriate and available, provide data disaggregated by gender;

- there will be a single practical implementation report which will include a general part applicable to all the directives and specific chapters relating to the aspects particular to each directive. The provisions, and particularly the inclusion of a new Article 17a in Directive 89/391/EEC, will furthermore allow the inclusion in this implementation report exercise of the individual Directives within the meaning of Article 16(1) of Directive 89/391/EEC that do not require reports, namely: Directives 2000/54/EC and 2004/37/EC and any future individual directives;

- the Commission shall draw up a questionnaire specifying the content of the report. The structure of the report as defined by the Commission, together with the questionnaire, should be submitted to the Member States at least six months before the end of the period covered and the report should be transmitted to the Commission within 12 months of the end of the five-year period it covers;

- the reports will include relevant information on the preventive efforts deployed in the Member States so as to allow the Commission, taking into account any relevant findings of the European Agency for Safety and Health at Work and of the European Foundation for the Improvement of Living and Working Conditions, adequately to assess how the legislation works in practice;

- using these reports as a basis, the Commission shall evaluate the implementation of the Directives concerned in terms of their relevance, of research and of new scientific knowledge in the various fields in question;

- the Commission shall inform Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety and Health at Work of the results of its evaluation based on the single reports within 36 months of the end of the five-year period.

ENTRY INTO FORCE: 27/06/2007.

DATE OF TRANSPOSITION: 31/12/2012.

Health and safety of workers at work: simplifying and rationalising the reports on practical implementation

The Commission presents a staff working paper on the implementation by Member States of Council Directive 91/383/EC supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship. It is based on the information made available through two studies and the replies by Member States and social partners to a specific questionnaire.

The purpose of the paper is to analyse the transposition and the application of the Directive by all Member States and to assess its practical effects. It fulfils the Commission's obligation to monitor the implementation of the Directive and its practical effects.

The paper states that it is apparent that, while all Member States have implemented measures that cover the two categories of workers described by the Directive, they tend to have made comparatively more changes to national legislation in connection with workers employed by temporary employment agencies. This may be due to the legal complexity of the three-way relationship which is involved. As for fixed-term workers, the majority of Member States have implemented the Directive by means of their general rules on health and safety stating that they will apply to them, rather than enacting specific legislation. The problem is that a right to equal treatment is not automatically equivalent to a right to be afforded the same level of protection in a context where temporary and fixed-term workers are more exposed to risks.

In general terms, the implementation of the Directive does not raise substantial issues of interpretation or legal difficulties. There have been no recent cases brought before the Court and the number of complaints is very low. However, the paper identifies a number of problems with the implementation of the Directive, suggesting insufficient implementation by some Member States. Such problems are mainly related to the quality, timeliness and responsibility of providing information, especially to temporary workers. The achievement of the main purpose of the Directive may be impaired as a result, and the Commission services will give particular attention to the problems identified.