International Labour Organisation (ILO) Convention of 1990 concerning Safety in the Use of Chemicals at Work (Convention No 170): authorisation for Member States to ratify

2012/0320(NLE) - 28/01/2014 - Final act

PURPOSE : to authorise Member States to ratify, in the interests of the European Union, the Convention concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organisation (Convention No 170).

LEGISLATIVE ACT : Council Decision 2014/52/EU authorising Member States to ratify, in the interests of the European Union, the Convention concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organization (Convention No 170)

BACKGROUND: the European Parliament, the Council and the Commission are promoting the ratification of international labour conventions that have been classified by the International Labour Organisation as up-to-date, as a contribution to the European Union's effort to promote decent work for all both inside and outside the Union, of which the protection and improvement of workers' health and safety is an important aspect.

The rules under part III of Convention No 170 concerning Safety in the Use of Chemicals at Work, 1990 of the International Labour Organisation (ILO), are covered to a large extent by Union acquis on the approximation of laws, regulations and administrative practices in the area of classification, packaging and labelling that has been developed since 1967 and further consolidated.

As a consequence, parts of the Convention fall within the competence of the Union, and **Member States may not enter into commitments outside the framework of the Union's institutions** in relation to these parts.

The European Union cannot ratify the Convention, as only States can be parties thereto. In this situation, Member States and the Union's institutions must cooperate with regard to the ratification of the Convention.

The Council should therefore authorise the Member States that are bound by Union law on the approximation of laws, regulations and administrative practices in the area of classification, packaging and labelling to ratify the Convention in the interests of the Union.

CONTENT: with this Decision, Member States are authorised to ratify the Convention No 170 concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organisation, for the parts falling under the competence conferred upon the Union by the Treaties.

Main parts of the Convention: the Convention is subdivided into parts of which the main ones deal with the following:

- scope and definitions;
- general principles;

- classification systems and related measures;

- obligations of employers and the duties of workers respectively;

- workers' rights, including the right of the workers to remove themselves from a dangerous situation while remaining protected against undue consequences when exercising their rights; communication duties involved in exporting towards importing ILO Member States.

The main provisions of the Convention cover:

- the establishment of evaluation of chemicals,
- the obtaining of information by employers from their suppliers,
- the provision of information to workers,
- the need for appropriate preventive measures, and
- the establishment of protective programmes for workers.