Basic information

2006/0127(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	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	FIGUEIREDO Ilda (GUE/NGL)	12/09/2006

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	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	2803	2007-05-30

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ŠPIDLA Vladimír

Key events

Date	Event	Reference	Summary
14/07/2006	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	Decision by Parliament, 1st reading	T6-0157/2007	Summary
26/04/2007	Results of vote in Parliament		
30/05/2007	Act adopted by Council after Parliament's 1st reading		
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

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

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE382.212	23/11/2006	
Amendments tabled in committee		PE382.581	08/01/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0059/2007	07/03/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0157/2007	26/04/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03617/3/2007	20/06/2007	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0390	14/07/2006	Summary
	SEC(2011)0982		

Follow-up document		22/07/2011	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0093/2007	17/01/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2007/0030
OJ L 165 27.06.2007, p. 0021 Summary

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

2006/0127(COD) - 26/04/2007 - Text adopted by Parliament, 1st reading/single reading

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

2006/0127(COD) - 14/07/2006 - Legislative proposal

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

2006/0127(COD) - 22/07/2011 - Follow-up document

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.

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

2006/0127(COD) - 20/06/2007 - Final act

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

PROPOSED ACT: Directive 2007/30/EC of the European Parliament and of the Council amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation.

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.