Basic information

2012/0320(NLE) NLE - Non-legislative enactments	Procedure completed
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 **Subject** 3.40.01 Chemical industry, fertilizers, plastics 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 4.15.15 Health and safety at work, occupational medicine 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	STEINRUCK Jutta (S&D)	15/01/2013
	Shadow rapporteur BAUER Edit (PPE) DELLI Karima (Verts/ALE) CABRNOCH Milan (ECR) MURPHY Paul (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3290	2014-01-28

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ANDOR László

Key events

Date	Event	Reference	Summary
20/11/2012	Preparatory document	COM(2012)0677	Summary
12/07/2013	Legislative proposal published	11463/2013	Summary
10/09/2013	Committee referral announced in Parliament		
14/11/2013	Vote in committee		
20/11/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0400/2013	Summary
10/12/2013	Decision by Parliament	T7-0523/2013	Summary
10/12/2013	Results of vote in Parliament		
28/01/2014	Act adopted by Council after consultation of Parliament		
28/01/2014	End of procedure in Parliament		
01/02/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0320(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/11299

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE519.835	03/10/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0400/2013	20/11/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0523/2013	10/12/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	11463/2013	12/07/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0677	20/11/2012	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2014/0052 OJ L 032 01.02.2014, p. 0033	Summary

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) - 20/11/2012

PURPOSE: the authorisation of 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).

PROPOSED ACT: Council Decision.

BACKGROUND: the Chemicals Convention No.170 was adopted at the 77th Session of the International Labour Conference on 25 June 1990 and entered into force on 4 November 1993. The purpose of the Convention is the **prevention and reduction of chemically induced illnesses and injuries at work, and the Convention shall also enhance the protection of the general public and the environment**.

As of June 2012, the Chemicals Convention No.170 has been ratified by 17 State parties to the ILO. It is among the ILO Conventions that have been classified by the ILO as up to date and are therefore actively promoted.

The European Union (EU) is committed to promote the decent work agenda, both internally and in its external relations. Labour standards are a core element of the concept of decent work. The ratification of ILO Conventions by Member States thus sends an important signal as to the coherence of the Union's policy in improving labour standards worldwide. It is therefore necessary that any legal impediments for ratification by Member States be removed at the level of the EU for such Conventions, the substance of which does not cause concern in the light of the existing Union *acquis*.

Shared competences: in accordance with the rules on external competences that have been elaborated by the Court of Justice of the European Union, and more specifically as regards the conclusion and ratification of the Chemicals Convention No.170, **Member States are not in a position to autonomously decide on the ratification of the Convention without prior authorisation by the Council**, because parts of the Convention fall under Union competence. At the same time, **the European Union as such cannot ratify any ILO Convention,** because only States can be parties thereto.

If the subject-matter of an agreement or contract falls in part within the competence of the Union and in part within that of the Member States, the Union institutions and the Member States must therefore take all the necessary measures in order to best ensure cooperation in the ratification of the Convention and in the implementation of commitments resulting from that Convention.

With reference to the Chemicals Convention No 170, the Court had already stated in 1993, that the degree of regulation on classification, packaging and labelling of dangerous substances and preparations had reached an advanced stage, to the point where Member States were no longer able to act sovereign in the external sphere in this regard. Since then, the related Union *acquis* has been further developed and consolidated. The area is mainly governed by Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures, hereinafter "the Regulation". The Regulation implements at Union level the Globally Harmonised System of Classification and Labelling of Chemicals ("the GHS") developed by the

United Nations. The Union legislation, which is based on Article 114 TFEU, is much more detailed than the general principles established in the Chemicals Convention No 170. There is no contradiction between the general principles established in the Convention and the Regulation.

There is no inconsistency in the approach taken under the rules on the safety and health of workers between the Convention and the minimum requirements under the Union *acquis* in this area.

The aim of this proposal is therefore to authorise Member States to ratify, in the interests of the Union, those parts the Chemicals Convention No 170 that fall under Union competence.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union in conjunction with Article 218 (6) (a) (v) and Article 218(8), first subparagraph thereof.

CONTENT: this proposal will permit Member States to ratify the ILO's Convention No 170 of 1990 concerning safety in the use of chemicals at work.

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: (i) the establishment of evaluation of chemicals,(ii) the obtaining of information by employers from their suppliers, (iii) the provision of information to workers, the need for appropriate preventive measures, and (iv) the establishment of protective programmes for workers.

BUDGETARY IMPLICATION: the proposal has no impact on the EU's budget.

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) - 20/11/2012 - Preparatory document

PURPOSE: the authorisation of 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).

PROPOSED ACT: Council Decision.

BACKGROUND: the Chemicals Convention No.170 was adopted at the 77th Session of the International Labour Conference on 25 June 1990 and entered into force on 4 November 1993. The purpose of the Convention is the **prevention and reduction of chemically induced illnesses and injuries at work, and the Convention shall also enhance the protection of the general public and the environment**.

As of June 2012, the Chemicals Convention No.170 has been ratified by 17 State parties to the ILO. It is among the ILO Conventions that have been classified by the ILO as up to date and are therefore actively promoted.

The European Union (EU) is committed to promote the decent work agenda, both internally and in its external relations. Labour standards are a core element of the concept of decent work. The ratification of ILO Conventions by Member States thus sends an important signal as to the coherence of the Union's policy in improving labour standards worldwide. It is therefore necessary that any legal impediments for ratification by Member States be removed at the level of the EU for such Conventions, the substance of which does not cause concern in the light of the existing Union *acquis*.

Shared competences: in accordance with the rules on external competences that have been elaborated by the Court of Justice of the European Union, and more specifically as regards the conclusion and ratification of the Chemicals Convention No.170, **Member States are not in a position to autonomously decide on the ratification of the Convention without prior authorisation by the Council**, because parts of the Convention fall under Union competence. At the same time, **the European Union as such cannot ratify any ILO Convention,** because only States can be parties thereto.

If the subject-matter of an agreement or contract falls in part within the competence of the Union and in part within that of the Member States, the Union institutions and the Member States must therefore take all the necessary measures in order to best ensure cooperation in the ratification of the Convention and in the implementation of commitments resulting from that Convention.

With reference to the Chemicals Convention No 170, the Court had already stated in 1993, that the degree of regulation on classification, packaging and labelling of dangerous substances and preparations had reached an advanced stage, to the point where Member States were no longer able to act sovereign in the external sphere in this regard. Since then, the related Union *acquis* has been further developed and consolidated. The area is mainly governed by Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures, hereinafter "the Regulation". The Regulation implements at Union level the Globally Harmonised System of Classification and Labelling of Chemicals ("the GHS") developed by the

United Nations. The Union legislation, which is based on Article 114 TFEU, is much more detailed than the general principles established in the Chemicals Convention No 170. There is no contradiction between the general principles established in the Convention and the Regulation.

There is no inconsistency in the approach taken under the rules on the safety and health of workers between the Convention and the minimum requirements under the Union *acquis* in this area.

The aim of this proposal is therefore to authorise Member States to ratify, in the interests of the Union, those parts the Chemicals Convention No 170 that fall under Union competence.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union in conjunction with Article 218 (6) (a) (v) and Article 218(8), first subparagraph thereof.

CONTENT: this proposal will permit Member States to ratify the ILO's Convention No 170 of 1990 concerning safety in the use of chemicals at work.

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: (i) the establishment of evaluation of chemicals,(ii) the obtaining of information by employers from their suppliers, (iii) the provision of information to workers, the need for appropriate preventive measures, and (iv) the establishment of protective programmes for workers.

BUDGETARY IMPLICATION: the proposal has no impact on the EU's budget.

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) - 12/07/2013 - Legislative proposal

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 Organization (Convention No 170).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT : Council may adopt the act only if Parliament has given its consent to the act.

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.

The Chemicals Convention No.170 was adopted at the 77th Session of the International Labour Conference on 25 June 1990 and entered into force on 4 November 1993. The purpose of the Convention is the **prevention and reduction of chemically induced illnesses and injuries at work, and the Convention shall also enhance the protection of the general public and the environment**.

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 EU cannot ratify the Convention, as only States can be parties thereto. In this situation, Member States and the Union's institutions must cooperate in 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: under this proposed Decision, the Member States are hereby authorised to ratify, for the parts falling under the competence conferred upon the Union by the Treaties, the Convention concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organization (Convention No 170).

To recall, the Convention concerns :

- 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,
- the establishment of protective programmes for workers.

For information as regards the main provisions of the Convention and its implications on EU law, in terms of shared competence, *please refer to the summary of the Commission initial legislative proposal dated 20/11/2012*.

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) - 20/11/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Jutta STEINRUCK (S&D, DE) on the draft Council decision 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 Organisation (Convention No 170).

Members recommended the European Parliament to give its consent to the draft Council Decision for the purpose of **achieving and enhancing health and safety at work**.

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) - 10/12/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision 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 Organisation (Convention No 170).

Parliament gave its consent to the draft Council Decision.

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.