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REPORT FROM THE COMMISSION

**27TH ANNUAL ACTIVITY REPORT OF THE ADVISORY COMMITTEE ON
SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK**

2002

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1. CHARACTERISTICS OF THE COMMITTEE

In view of the need to establish a standing body to assist the Commission in the preparation and implementation of activities in the field of safety, hygiene and health protection at work, and to facilitate cooperation between national administrations, trade unions and employers' organisations, the Council of the European Communities, by its Decision of 27 June 1974 (74/325/EEC), set up an Advisory Committee on Safety, Hygiene and Health Protection at Work.

The Committee is a tripartite body made up of full members comprising, for each Member State, two government representatives, two representatives of trade unions and two representatives of employers' organisations. An alternate member is appointed for each full member. The full and alternate members of the Committee are appointed by the Council, which publishes the list of members in the Official Journal of the European Communities, for information purposes. The Committee is chaired by a Member of the Commission or, where he or she is prevented from so doing, by a Commission official designated by him or her.

The Committee produces an annual report on its activities, which the Commission forwards to the European Parliament, the Council and the European Economic and Social Committee¹.

In 2002, the Committee met twice in Luxembourg. At both meetings the Commission informed the Committee of developments with regard to all matters concerning safety, hygiene and health protection at work.

The Committee adopted the annual activity report for 2001, together with two opinions which are reviewed in section 2.2 of this report, and looked at potential subjects for its 2003 work programme.

2. ACTIVITIES IN 2002

On 18 December 2000, the Council, acting on a proposal from the Member States, appointed the full and alternate members of the Committee for the period from 18 December 2000 to 17 December 2003, the previous term of office having run from 7 July 1997 to 6 July 2000. The list of members for 2002 is attached as Annex B.

In 2002, the Committee met on two occasions in Luxembourg, in April and November. At each meeting the Commission informed the Committee of developments with regard to all matters concerning safety, hygiene and health protection at work.

Meetings of the interest groups representing governments, employers and workers were held on the day before the Committee meetings. Two additional meetings of the interest groups were held during the year.

¹ The Consultative Committee of the European Coal and Steel Community, to which the activity report was also forwarded in accordance with Article 3 (2) of Decision 74/325/EEC, ceased work in 2002 on expiry of the ECSC Treaty.

The course of the Committee's activities in 2002 mirrored the work of the Commission, taking account, among other things, of the adoption by the Commission of its Communication on a new strategy for health and safety at work 2002-2006 [COM(2002) 118 final].

The proposed activities and priorities were put to the Committee by the Planning Group, which met on five occasions.

18 meetings were organised for the nine ad hoc groups set up to look into specialised areas on which the Committee wished to give an opinion.

The Committee disbanded one group, whose work had been completed:

- Community strategy 2002–2006

The Committee set up one group, for which a mandate was adopted:

- Enlargement (Doc. No 11937/02)

The Committee also revised the mandates of the following groups: "Community strategy 2002-2006" (Doc. No 0994/1/01), "Teleworking" (Doc. No 0509/1/99) and "Planning" (Doc. No 0316/1/99), and extended the part of the mandate of the "Chemicals in the workplace" group with regard to the establishing of occupational exposure levels (Doc. No 2502/2/01).

The work of the groups is summarised in section 3 of this report.

The Committee adopted its annual activity report for 2001, together with two opinions which are reviewed in section 2.2 of this report, and looked at potential subjects for its 2003 work programme.

2.1. 26th activity report of the Advisory Committee

Doc. No 11569/02

The Committee adopted its 26th report, covering activities in 2001, at its 65th plenary meeting on 13 November 2002.

2.2. Opinions adopted

2.2.1. Committee Opinion (Doc. No 11881/2/02) on the Community strategy for health and safety at work (2002-2006)

On 15 May 2001, as part of the preparations for a new Community strategy for health and safety at work, the Committee decided to establish the "Community strategy 2002-2006" group. The mandate for this group — whose first draft opinion had been adopted by the Committee in November 2001 — was revised and updated at the 64th plenary meeting on 18 April 2002, following adoption of the Commission's Communication [COM(2002) 118 final].

The group's new mandate was to "prepare an Advisory Committee opinion on the measures to be envisaged and actions with a view to implementation of the Community strategy for health and safety at work in the period 2002-2006" (Doc. No 0994/1/01). The Committee had entrusted this task to the "Planning" group.

Following on from the opinion adopted in November 2001, the Committee's new opinion established the essential priorities for the correct implementation of the Community strategy 2002-2006.

Coordination, allocation of sufficient resources, and inclusion of health and safety at work in all Community policies are all essential to the success of the new strategy.

Analysis of the occupational health and safety situation, including the current position in the candidate countries, should make it possible to identify areas for priority action at European level and in individual Member States or candidate countries. In this connection, the Committee emphasises the importance of establishing a European Risk Observatory, preparing a discussion document setting out the criteria for a possible benchmarking exercise in the field of health and safety at work, and defining indicators and ensuring that they are reliable through a rigorous examination of the credibility of existing sources or any sources that might be created.

As regards possible legislation, an improvement in, and a concrete evaluation of, the way in which existing directives are applied must be undertaken by adapting evaluation reports (to be produced on the basis of a simplified and rational procedure with a view to obtaining homogeneous data) and consolidating/simplifying existing legislation (a document setting out the principles of the proposed consolidation of directives should be examined by the Advisory Committee). The Committee would also welcome the rapid adoption of the new legislation currently under examination (physical agents, asbestos), adaptation of existing legislation on carcinogenic products, and amendment of the list of occupational diseases.

Among the non-legislative instruments envisaged under the new strategy, the Committee emphasises the importance to be placed on the preparation of guides facilitating the implementation of directives and the need, in this connection, to develop a general approach for these instruments, identifying the users and appropriate forms of dissemination. It is also necessary to promote prevention training targeting employees, young people at school and persons attending vocational training. Special attention must also be paid to emerging risks (musculoskeletal disorders, psychosocial risks) and action to be taken in the context of the enlargement process.

The Committee unanimously adopted the draft opinion on 13 November 2002.

2.2.2. Committee opinion on the draft work programme for the Bilbao Agency for 2003

In accordance with Article 10 of the Regulation establishing the Agency, the Administrative Board adopts the Agency's annual work programme on the basis of a draft prepared by the Director, after consultation with the Commission and the Advisory Committee.

The Agency's programme for 2003 was submitted to the Committee at its 65th plenary meeting on 13 November 2002. The comments by the three interest groups may be summarised as follows:

The three groups welcome the fact that this year the Committee has been able to take note of the programme before its adoption by the Agency's Administrative Board.

The **government group** fully supports the outlines and essential themes of the programme, while emphasising the importance of avoiding any duplication of work by the different

institutions, given the very limited resources and the need for the various aspects of the programme to be better integrated.

The **employers' group** emphasises the need to find a reasonable balance between the necessarily ambitious nature of a European project and the associated risk of aiming too high. The group considers the objective very ambitious, in particular regarding the Agency's communication strategy, but the first thing should be to ensure that it corresponds to the right actors, the priorities of European policy and the available resources.

The **workers' group** supports certain remarks concerning the work programme, with which it is also generally in agreement. Its first comment concerns the number of subjects, which is very large and in some cases may mean they are not dealt with in detail. Similarly, but in a different field, the group is concerned that the maintaining, updating and topicality of information on the Agency's site might be neglected. In future, preparation of the new Community strategy must make it possible to reaffirm and define more precisely the links between the Agency's activities and the Commission's policy.

2.3. Operational procedures

2.3.1. Work programme 2003

Doc. No 11831/02

At its meeting on 13 November 2002, the Committee adopted its work programme for 2003, which reflects the indicative priorities set out in the forward timetable for implementation of the new Community strategy 2002-2006.

3. ACTIVITIES OF THE AD HOC GROUPS/END-OF-YEAR STRUCTURE

3.1. Ad hoc groups active in 2002 and continuing their activities in 2003

3.1.1. Planning/Community strategy 2002-2006

The Planning Group met on five occasions in 2002 to prepare the new mandates and organise and monitor the work of the groups. Three of these meetings were partly devoted to preparing the opinion on the "Community strategy 2000-2006" (see 2.2.1), in accordance with the mandate under which the Committee had entrusted this task to the Planning Group.

3.1.2. Standardisation

This group's activities are of an ongoing nature. Its remit from the Committee is to study standardisation mandates as and when they are submitted by the Commission. The group also deals with general problems relating to health and safety at work in the context of standardisation.

In 2002 the group met once.

3.1.3. Chemicals in the workplace

Created on 29 November 2001 following the merger of the former "Establishment of occupational exposure levels" and "Guidelines on chemical agents" groups, the tasks of this

group include monitoring action based on the Commission's White Paper "Strategy for a future chemicals policy" [COM (2001) 88 final] and suggesting further action on problems relating to organic solvents.

The group met five times in 2002 and will continue its work in 2003.

3.1.4. Report on the European Agency for Safety and Health at Work

This group, created in May 1999, did not meet in 2002 but will continue its work in 2003.

3.1.5. Teleworking

The mandate of this group, created on 18 May 2000, was revised on 13 November 2002 following the signing in July 2002 of a voluntary European-level framework agreement on teleworking, pursuant to Article 139 of the Treaty.

The new mandate requires the group, in the context of the framework agreement on teleworking and links with current legislation in the field of health and safety at work, to examine the problems likely to arise and propose possible solutions.

The group did not meet in 2002.

3.1.6. Occupational diseases

The mandate of this group, created on 18 May 2000, is to prepare an Advisory Committee opinion on Commission proposals concerning the updating of the "European Schedule of Occupational Diseases" (Annex I to Commission Recommendation 90/326/EEC).

The group met three times in 2002 and will continue its work in 2003.

3.1.7. ATEX

The remit of this group, established on 19 December 2000, is to assist the Commission in the preparation of a guide to good practice enabling the employer to produce the "explosion protection document" required by Article 8 of the ATEX Directive (1999/92/EC). This preliminary and preparatory work will be put out to tender.

The group met three times in 2002 and will continue its work in 2003.

3.1.8. Health and safety in the hospital sector

The task of this group, created on 29 November 2001, is to prepare, on the basis of a Commission document setting out proposed Community measures, an Advisory Committee opinion on possible measures to ensure better protection of the health and safety of workers in the hospital sector.

The group did not meet in 2002.

3.1.9. Fisheries

On 29 November 2001, the Committee adopted the mandate for this group, which was to monitor work relating to the health and safety of workers in the fisheries sector in conjunction with the preparation of a new European common fisheries policy.

The group met once in 2002 and will continue its work in 2003.

3.2. Creation of ad hoc groups in 2002

The Committee created one ad hoc group and adopted its mandate.

3.2.1. Enlargement (Doc. No 11937/02)

The task of this group, established on 13 November 2002, is to provide the Advisory Committee with an opinion on possible initiatives in the course of 2003 concerning health and safety at work, as part of the preparations for the accession of new Member States.

3.3. Dissolution of ad hoc groups

The Committee decided to disband one group whose work had been completed.

3.3.1. Community strategy 2002-2006

Following the adoption of Doc. No 11881/2/02 (see 2.2.1), this group was formally disbanded on 13 November 2002.

4. COOPERATION WITH OTHER BODIES

4.1. Safety and Health Commission for the Mining and Other Extractive Industries

The main tasks of the Safety and Health Commission are to monitor developments in the field of safety and health in the extractive industries, to submit to the governments of the Member States practical proposals for improving safety and health protection at the workplace and to foster exchanges of useful information.

Since 1994, representatives of the Safety and Health Commission have attended meetings of the Advisory Committee as observers. Similarly, representatives of the Committee are invited to the plenary meetings of the Safety and Health Commission, each interest group sending two observers. This arrangement ensures a better information flow between the two bodies. Experience acquired so far shows points in common, but the impression of two separate bodies persists. The Safety and Health Commission is essentially a technical body which deals with safety problems specific to the extractive industries. Technical aspects constitute a key element of its work, whereas the Advisory Committee is also in a position to discuss fundamental issues of safety and health at work.

4.2. Senior Labour Inspectors' Committee

Created by Commission Decision 95/315/EC of 12 July 1995, the Senior Labour Inspectors' Committee is composed of two representatives of the labour inspectorates from each Member State and is chaired by a representative of the Commission.

The Committee submits an annual report on its activities to the Commission, with particular reference to any problem relating to the enforcement or monitoring of secondary Community legislation in the field of health and safety at work. The Commission forwards the report to the Council, the European Parliament, the European Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

4.3. Scientific Committee for Occupational Exposure Limits to Chemical Agents

Set up in response to a request from the Council by Commission Decision 95/320/EC of 12 July 1995, this scientific committee is required to examine the health effects of chemical agents on workers at work. Its activities are monitored by the Advisory Committee and, more particularly, by the "occupational exposure levels" group as it prepares its opinions on draft proposals for directives adopting occupational exposure limits under Directive 98/24/EC.

4.4. Social partners

A representative of the European Trade Union Confederation (ETUC) and a member of the Union of Industrial and Employers' Confederations of Europe (UNICE) are invited to attend the meetings of the Committee.

4.5. Trade Union Technical Bureau

The European Trade Union Technical Bureau for health and safety (TUTB) was set up in 1989 by the ETUC as a vehicle for keeping close track of the technical work carried out by the standardisation organisations. Backed by the European Parliament, which allocated a budget heading in 1989, the TUTB signed a multiannual agreement with the Commission in the same year. It conducts studies and supplies information tying in closely with European harmonisation and standardisation work in the field of safety and health at the workplace and with the Committee's standardisation group. A representative of the TUTB is invited to attend the Committee's meetings.

4.6. International Labour Office (ILO)

A representative of the ILO is invited to meetings of the Committee.

4.7. European Foundation for the Improvement of Living and Working Conditions

A representative of the European Foundation for the Improvement of Living and Working Conditions is invited to meetings of the Committee and presents, amongst other things, the Foundation's work programme.

4.8. European Agency for Safety and Health at Work

Under the Decision establishing the Agency, the Committee is consulted on its annual work programme and annual report.