

| Health and Safety Commission Paper |   | HSC/04/13         |  |
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| Exemptions:                        | The following material will be removed from the public version: part or all of paragraphs 3, 5, 6, and 9 – 15; Annex closed ... <i>exemption 2 (indent 2) (Internal discussion and advice).</i> |                   |  |

## HEALTH AND SAFETY COMMISSION

### DRAFT DIRECTIVE ON TRADE IN SERVICES – POSSIBLE HEALTH AND SAFETY IMPLICATIONS

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#### Issue

1. The Government is to welcome a draft European Directive on trade in services. It would change how EU service providers temporarily in GB are regulated.

#### Timing

2. **DTI will launch a public consultation on the draft directive on Monday 29 March.** DTI are going to invite HSC and others to comment by 30 June.

#### Recommendation

3. The Commission is invited to note that:
  - we are examining the potential impact of the draft directive;
  - **→ ← exemption 2(2)**
  - a further paper will be submitted for the Commission's 8 June agenda to enable a timely response to the consultation.

#### Background

4. The proposed internal market directive supports the Lisbon agenda of expanding the EU economy to USA size by 2010. The directive aims to promote freedom of EU trade in services. The European Commission plan a first reading in the Parliament in Sept/October; adoption by end of 2005; implementation by 2007.
5. **→ ← exemption 2(2)**
6. Under the directive, a service provider from one Member State set up for an indefinite period in another would be regulated under the host Member State's legislation, subject to some limitations. But service providers operating in another Member State (MS) temporarily **→ ← exemption 2(2)** would be regulated by their Home MS authorities, under Home MS legislation ('country of origin principle'). Concerns about health and safety risks from temporary service provider activities would normally be raised with the Home authorities.
7. Certain sectors are excluded to the extent that other European requirements cover them: electronic communications; financial services; and transport. 'Services'

includes eg. engineering design, construction, self-employed gas fitting, asbestos removal, private sector health services.

8. The directive offers restricted derogations. A MS could maintain justified prohibitions for public health purposes; and 'in exceptional cases only', take measures in relation to the safety of services. Any licensing or other authorisations could not discriminate against incoming providers.
9. → ← *exemption 2(2)*

### **Consideration**

10. → ← *exemption 2(2)*

**Annex ... .. draft DTI consultation document** **CLOSED exemption 2(2)**

(*draft directive at:* [http://www.europa.eu.int/eur-lex/en/com/pdf/2004/com2004\\_0002en03.pdf](http://www.europa.eu.int/eur-lex/en/com/pdf/2004/com2004_0002en03.pdf) – **page 44 onwards**)