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HEALTH AND SAFETY COMMISSION

NEW DIRECTIVE FOR SIMPLIFYING AND RATIONALISING THE REPORTS ON PRACTICAL IMPLEMENTATION OF OCCUPATIONAL SAFETY AND HEALTH DIRECTIVES

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Issue

1. The UK negotiating position on a proposal for a directive to simplify and rationalise the reports on the practical implementation of Occupational Safety and Health (OSH) directives.

Timing

2. Routine.

Recommendation

3. The proposal has no health and safety policy implications because its aim is to tidy up the current administrative arrangements for reports on the practical implementation of OSH directives. You are therefore asked to agree the current negotiating line and note the benefits of the proposal.

Background

4. The European Commission (EC) has produced a draft directive to simplify and rationalise the reports on the practical implementation of directives concerning protection of the health and safety of workers at work. This is the first occupational safety and health proposal to come from the EC's simplification plan, 'Implementing the Community Lisbon programme: A strategy for the simplification of the regulatory environment' published in October 2005.
5. The 1989 Framework Directive on Health and Safety (89/391/EEC) and its daughter directives contain provisions requiring Member States (MS) to report to the EC on the practical implementation of a number of occupational safety and health Directives at either 4 or 5 yearly intervals. These reports are currently submitted individually, at different intervals on a template provided by the EC. The current system of reporting is

extremely piecemeal and burdensome on MS governments and so far has yielded limited benefit for both the MS's undertaking the report and for the EC who analyse the reports.

6. The proposed directive seeks to simplify and rationalise the reporting process by:
 - a) Aligning the reporting cycle to 5 years so reports will be submitted less frequently;
 - b) Specifying that only one report, covering all of the directives to be submitted every 5 years.
 - c) Developing a standard reporting structure with two parts consisting of a general section covering generic issues such as 'monitoring of implementation', 'methods used for monitoring', and 'enforcement of health and safety legislation' across the directives and annexes consisting of a specific section for each individual directive.
7. The proposal will also extend the reporting obligations to include Directives 83/477/EEC, 2000/54/EC and 2004/37/EC on asbestos, biological agents and carcinogens respectively. The origins of these Directives predate the framework directive, which introduced reporting.
8. The proposed directive will not have to be implemented by means of UK regulations. This is because the requirement to report on the implementation of directives does not have to be transposed into UK law.
9. The Finnish Presidency of the European Union fast-tracked this proposal and negotiations began at the Social Questions Working Party (SQWP) on 12 October. This prompted an urgent consultation on the negotiation line across Whitehall departments and with the TUC and CBI.

Argument

10. This proposal is a welcome first step to simplify EC health and safety legislation and remove unnecessary administrative burdens.
11. The benefits fall chiefly on the governments, as authors of the reports, and representative groups such as TUC and CBI, as primary consultees of the reports, rather than businesses themselves. The fixed reporting cycle should ensure that the reports are all presented to the EC at the same time and the general section of the revised reporting structure will avoid the requirement to duplicate this information for each directive (as was previously required). Moreover, the preparation of the detailed annexes at the same point of time will bring economies of scale in extracting information from data files.
12. The draft directive also proposes to add annexes on three additional OSH directives whose origins predate the framework directive (which introduced reporting) and which currently have no reporting requirements. However there is a general reporting requirement in the framework directive, and the relevant HSE policy teams are content with this proposal.

13. More to the point, the proposed new arrangement will allow, for the first time, a comprehensive, across the board review of the whole EC acquis, at both Member State and EU level. It will facilitate a thorough examination of its impact, potential overlaps and an evaluation of its effectiveness. This in turn could flag up areas for further simplification and for the removal of unnecessary or duplicate administrative burdens. We will be able to look at the acquis strategically and possibly identify key themes for particular scrutiny. This will be aided by the addition of the annexes on the three additional directives.
14. In light of this the current negotiating line, agreed across Whitehall departments and with the TUC and CBI, is:
- a) to support the text proposed by the EC; and
 - b) to argue against any amendments which could create additional obligations (beyond the proposed inclusion of reporting on the three further directives).

Next Steps

15. The draft text was presented at the SQWP meeting on 12 October and supported by the UK. Some amendments have been proposed to improve clarity in the text and will be presented at the next meeting. None of the amendments suggested present any substantial change to the directive itself.
16. Once the proposed directive has been agreed by the SQWP, the Finnish Presidency is expected to seek an agreement at the December Council meeting. It will then go through the standard co-decision procedures. We do not foresee any problems clearing this proposed directive through the European Parliament.

Consultation

17. The TUC, CBI have been consulted on the draft directive and generally welcome the proposal. We have also consulted other government departments who have expressed no concerns on the negotiating line.

Presentation

18. HSE will lead on any publicity during negotiations and after the directive has been agreed. We expect little media interest.

Costs and Benefits

19. As this proposal will have little or no impact on business, no Regulatory Impact Assessment is required. The benefits of a comprehensive report on all the OSH directives are detailed in paragraph 13 of this paper.

Financial/Resource Implications for HSE

20. There are no significant financial implications although the proposal will include three extra directives to be reported on. This will mean there will be some additional costs to the HSE policy teams responsible for compiling these reports, but there will also be savings for those teams responsible for directives with existing reporting requirements.
21. We estimate that the cost of the current arrangements is £70K over a reporting cycle (£3.5K for each of the 20 policy teams producing a report, and going through their individual clearance processes including HSC and ministers). We estimate that producing the single report would involve costs averaging no more than £2K per annex on an individual directive; with the Europe and International team producing the single general section and dealing with clearance of the whole package. This implies a total cost of no more than £50K.

Environmental Implications

22. None

Other Implications

23. None.

Action

24. Commissioners are asked to agree the current negotiating line and note the benefits of the proposal. Any questions on the proposal can be relayed to the contact below.