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(Information)

COUNCIL

COUNCIL DECISION

of 22 July 2003

setting up an Advisory Committee on Safety and Health at Work

(2003/C 218/01)

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 202 thereof,

Having regard to the Commission's proposal, presented after consultation of the Advisory Committee for Safety, Hygiene and Health Protection at Work,

Whereas:

(1) Protection against occupational accidents and diseases is amongst the objectives of the Treaty.

(2) The profound transformation in production methods in all sectors of the economy and the spread of dangerous techniques and materials have created new problems for the safety and health of workers at their place of work.

(3) A standing body should be envisaged to assist the Commission in the preparation and implementation of activities in the fields of safety and health at work and to facilitate cooperation between national administrations, trade unions and employers' organisations.

(4) A Mines Safety Commission was set up by decisions taken by the Representatives of the Governments of the Member States meeting within the Special Council of Ministers at the 36th and 42nd Council sessions of 6 September 1956 and 9 and 10 May 1957, the remit of which was established by the Decision of the Representatives of the Governments of the Member States meeting within the Special Council of Ministers of 9 July 1957 concerning the terms of reference and the rules of procedure of the Mines Safety Commission [1], and the responsibilities of which were extended by Council Decision 74/326/EEC of 27 June 1974 [2].

(5) Moreover, Council Decision 74/325/EEC of 27 June 1974 on the setting up of an Advisory Committee on Safety, Hygiene and Health Protection at Work [3] also set up a standing body for all economic activities, except for the extractive industries and the protection of the health of workers against the dangers arising from ionising radiation.

(6) The radical changes which have taken place over the past few years in working life and in the European project, specifically as a result of incorporating a social protocol in the Treaty of Amsterdam, and the new prospects opened up by the current enlargement process require a critical and constructive re-examination of the consultation process and the bodies set up for this purpose in the Community.

(7) In its Communication on a Community programme in the field of safety, hygiene and health protection at work (1996-2000), the Commission stressed the need to streamline the operation of the two advisory committees – the Advisory Committee for Safety, Hygiene and Health Protection at Work and the Safety and Health Commission for the Mining and Other Extractive Industries – by merging them, reducing the number of members and giving them a single secretariat.

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[1] OJ 57, 31.8.1957, p. 487. Decision as last amended by the 1994 Act of Accession.

[2] OJ L 185, 9.7.1974, p. 18. Decision as last amended by the 1994 Act of Accession.

[3] OJ L 185, 9.7.1974, p. 15. Decision as last amended by the 1994 Act of Accession.

(8) The communication from the Commission on 'Adapting to change in work and society: a new Community strategy on safety and health 2002-2006' also notes that effective implementation of Community law requires close cooperation between the Commission and the Member States' administrations and that this cooperation would be better and simpler if the two advisory committees were to be merged into a single Advisory Committee.

(9) The structure of the Advisory Committee on Safety, Hygiene and Health Protection at Work should be retained with changes made to streamline its operation and with a clear statement of the horizontal nature of its competences to cover all public and private sectors of activity in accordance with the scope of Community legislation on health and safety at work. The knowledge and experience acquired by the Safety and Health Commission for the Mining and Other Extractive Industries should also be safeguarded by setting up standing working parties for specific sectors within this Advisory Committee.

(10) This reform should be incorporated in a new decision setting up an Advisory Committee for Safety and Health at Work as a single advisory body, and repealing Decision 74/325/EEC.

(11) The Decisions setting up the Mines Safety Commission, the Decision concerning the terms of reference and rules of procedure of the Mines Safety Commission and the Decision 74/326/EEC should also be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

An Advisory Committee for Safety and Health at Work (hereinafter called the 'Committee') is hereby set up.

Article 2

1. The Committee shall have the task of assisting the Commission in the preparation, implementation and evaluation of activities in the fields of safety and health at work.

This task shall cover the public and the private sectors of the economy.

2. Specifically, the Committee shall:

(a) conduct, on the basis of the information available to it, exchanges of views and experience regarding existing or planned regulations;

(b) help to devise a common approach to problems in the fields of safety and health at work and identify Community priorities as well as the measures necessary for implementing them;

(c) draw the Commission's attention to areas in which there is an apparent need for new knowledge and for suitable training and research measures;

(d) define, within the framework of Community action programmes:

— the criteria and aims for preventing accidents at work and health hazards within the undertaking;

— methods enabling undertakings and their employees to evaluate and to improve the level of protection;

(e) contribute, alongside the European Agency for Safety and Health at Work, to keeping national administrations, trades unions and employers' organisations informed of Community measures in order to facilitate cooperation and to encourage any initiatives on their part to exchange experience and establish codes of practice;

(f) give an opinion on plans for Community initiatives which affect safety and health at work;

(g) give an opinion on the annual programme and the rotating four-year programme of the European Agency for Safety and Health at Work.

3. In order to accomplish the above tasks, the Committee shall cooperate with the other Committees which are competent for safety and health at work, inter alia with the Senior Labour Inspectors Committee and the Scientific Committee for Occupational Exposure Limits to Chemical Agents, mainly by exchanging information.

Article 3

1. The Committee shall consist of three full members for each Member State, there being one representative for each of the national governments, trade unions and employers' organisations.

2. Two alternate members may be appointed for each full member.

Without prejudice to Article 6(3), an alternate member shall attend Committee meetings only when the member for whom he deputises is unable to be present.

3. Full and alternate members shall be appointed by the Council. When submitting the list of candidates to the Council, Member States shall endeavour to ensure that the composition of the Committee fairly reflects the various economic sectors concerned and the proportion of men and women in the working population.

4. The list of the full and alternate members shall be published by the Council in the *Official Journal of the European Union* for information purposes.

Article 4

1. The term of office of full and alternate members shall be three years. Their term shall be renewable.

2. On expiry of their term of office, the full and alternate members shall remain in office until they are replaced or their terms are renewed.

3. A member's term of office shall end before the expiry of the three-year period with his resignation or following a communication from the Member State concerned indicating that the term of office is terminated.

For the remainder of the term of office, the member shall be replaced in accordance with the procedure laid down in Article 3.

Article 5

1. Within the Committee, there shall be three interest groups, made up of representatives of national governments, trade unions and employers' organisations respectively.

2. Each interest group shall select one of its members to be its spokesperson.

3. Each interest group shall designate a coordinator who will take part in meetings of the Committee, the Bureau and the interest group.

4. A Bureau shall be formed to organise the Committee's activities, made up of two representatives of the Commission and the spokespersons and coordinators designated by the interest groups.

Article 6

1. The Committee shall be chaired by the Director-General in charge of social policy at the Commission or, where he/she is prevented from so doing and as an exception, by one of the Directorate-General's directors to be nominated by him/her. The Chair shall not vote.

2. The Committee shall meet when convened by the Chair, either at the latter's initiative or at the request of at least one-third of its members.

3. The Chair may, on his/her own initiative, invite up to two experts to participate in Committee meetings.

Each interest group may be accompanied by up to two experts, provided that it so informs the Chair at least three days before the Committee meeting.

4. The Committee may establish working parties to be chaired by a Committee member or an alternate member. Each working party shall be made up of four experts for each interest group.

A standing working party made up of 5 experts for each interest group shall be set up within the Committee to deal on a regular basis with questions relating to the mining and extractive industries.

The Chairs of these working parties shall submit the results of their proceedings in the form of a report at a meeting of the Committee.

5. Representatives of any Commission department concerned shall participate in meetings of the Committee and the working parties. Secretarial services shall be provided by the Commission.

6. The following may attend meetings of the Committee as observers:

— the Director of the European Agency for Safety and Health at Work;

— the Director of the European Foundation for the Improvement of Living and Working Conditions;

— a representative for each interest group of the Member States of the European Economic Area.

7. The Chair may, on the basis of the Bureau's reasoned opinion, authorise other observers to attend meetings of the Committee.

Article 7

1. An opinion delivered by the Committee shall not be valid unless two-thirds of its members are present. Only members may vote.

2. An opinion delivered by the Committee shall state the reasons on which it is based; it shall be delivered by an absolute majority of the votes validly cast. It shall be accompanied by a written statement of the views expressed by the minority, if the latter so requests.

3. The Committee shall devise fast-track decision-making procedures to which the conditions of (1) and (2) shall apply *mutatis mutandis*.

Article 8

The Committee shall, having received an opinion from the Commission, adopt its rules of procedure which shall lay down the practical arrangements for its activities and, in particular, those for fast-track decision-making and cooperation with the other Committees which are competent for Safety and Health at Work, inter alia with the Senior Labour Inspectors Committee and the Scientific Committee for Occupational Exposure Limits to Chemical Agents. The rules of procedure shall be transmitted for information purposes to the European Parliament and Council; the latter shall also have the right of call-back.

Article 9

Without prejudice to Article 287 of the Treaty, Committee members shall be required not to disclose information to which they have gained access through Committee or working party proceedings, if the Commission informs them that the opinion requested or the question raised is of a confidential nature. In such cases, only Committee members and representatives of the Commission shall attend the meetings concerned.

Article 10

The Decisions setting up the Mines Safety Commission taken at the 36th and 42nd Council sessions of 6 September 1956 and 9 and 10 May 1957, the Decision of the Representatives of the Governments of the Member States meeting within the Special Council of Ministers of 9 July 1957 concerning the terms of reference and rules of procedure of the Mines Safety Commission and Council Decisions 74/325/EEC and 74/326/EEC are hereby repealed.

Article 11

This Decision shall enter into force on 1 January 2004.

Done at Brussels, 22 July 2003.

For the Council
The President
G. ALEMANNO