

# COMMISSION OF THE EUROPEAN COMMUNITIES

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## RECOMMENDATION FOR A COUNCIL DECISION

authorizing the Commission to conduct negotiations, during the 67th International Labour Conference, for the adoption of a Convention and Recommendation concerning occupational safety and health in the working environment

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(submitted to the Council by the Commission)

Explanatory memorandum

For the most part, the provisions of the proposed Convention and the proposed Recommendation concerning occupational safety and health and the working environment cover the same subjects as those covered at Community level by Council Directive 80/1107/EEC of 27 November 1980, on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work, Council Directive 80/836/Euratom of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation, and Council Directive 79/83/EEC of 18 September 1979 amending for the sixth time Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

In addition, the Council Resolution of 29 June 1978 on an action programme of the European Communities on safety and health at work expresses the political will to develop a joint action programme for all areas covered by the proposed Convention and the proposed Resolution of the ILO.

There also exist proposals for Directives on the major accident hazards of certain industrial activities, on lead and on asbestos at work (OJ C 212 of 24.8.1979, OJ C 324 of 28.12.1979 and OJ C 262 of 9.10.1980).

Two other factors which must also be considered are the very close intertwining in the proposed Convention and proposed Recommendation of those subjects which fall within the competence of the Community and those which do not, and the need to establish a joint position on those items not yet within the competence of the Community.

Apart from the powers specified explicitly in the Treaties, Community competence to conclude agreements is based not only on powers conferred explicitly by the Treaty establishing the European Economic Community (e.g. Articles 113 and 238) and by the Treaty establishing the European Atomic Energy Community (Article 101) but may also be based implicitly on other provisions of the Treaties and acts of secondary legislation. In particular the Member States may no longer enter into international commitments in any cases where common rules of secondary legislation have been adopted in order to implement a policy laid down in the Treaties.

RECOMMENDATION

for a Council Decision authorizing the Commission to conduct negotiations, during the 67th International Labour Conference, for the adoption of a Convention and Recommendation concerning occupational safety and health and the working environment.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Recommendation of the Commission,

Whereas the 67th Session of the International Labour Conference will be devoted, *inter alia*, to the examination and adoption of a Convention and Recommendation concerning occupational safety and health and the working environment;

Whereas the provisions of the proposed Convention and proposed Recommendation are largely covered by Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work, Council Directive 80/836/Euratom of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation and Council Directive 79/83/EEC of 18 September 1979 amending for the sixth time Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;

Whereas the Council also adopted a Resolution on 29 June 1978 on an action programme on safety and health at work, a subject covered by the proposed Convention and proposed Recommendation of the ILO;

Whereas the Council has received proposals for Directives on dangerous activities, lead and asbestos at work.

DECIDES :

Sole article

The Commission shall conduct negotiations for the adoption of the Convention and Recommendation of the ILO concerning occupational safety and health and the working environment.

It shall conduct these negotiations, assisted by a Special Committee composed of representatives of the Member States, in accordance with the directives annexed hereto and any others which it may subsequently receive.

Done at Brussels,

1981.

For the Council.

Directive of the Council to the Commission

The Commission, while taking into account the specific problems deriving from the tripartite system applied to International Labour Conferences, shall endeavour to ensure that the proposed Convention and proposed Recommendation of the ILO concerning occupational safety and health and the working environment, which will be negotiated during the 67th Session of the International Labour Conference, are consistent with the measures already taken by the Community, in particular in Council Directive No. 80/1107/EEC of 27 November 1980, Council Directive No. 80/836/Euratom of 15 July 1980 and Council Directive No. 79/831/EEC of 18 September 1979, and with the measures laid down in the Council Resolution of 29 June 1978 on an action programme of the European Communities on safety and health at work.

The annex to this document constitutes a preliminary working paper for the negotiations to be conducted by the Commission.

ANNEX

Working paper concerning the negotiations to be conducted by the Commission for the adoption of the Convention and Recommendation of the ILO concerning occupational safety and health and the working environment (item on the agenda of the 67th Session of the International Labour Conference, ILO, Geneva, from 3 to 26 June 1981).

The following are the initial remarks and proposals of the Commission relating to the proposed Convention and proposed Recommendation concerning occupational safety and health and the working environment which are on the agenda of the 67th Session of the International Labour Conference (ILO, Geneva, from 3 to 26 June 1981).

REMARKS

The present proposed Convention and proposed Recommendation are compatible with the texts of Council Directive 80/1107/EEC of 27 November 1980, Council Directive 80/836/Euratom of 15 July 1980 and Council Directive 79/831/EEC of 18 September 1979 and with the spirit of the Council Resolution of 29 June 1978 on an action programme of the European Communities on safety and health at work.

The deletion of the reference of the concept of well-being in Articles 4 and 17 of the proposed Convention and the transposition of the mention of the possibility of stopping work to Article 17(f) should facilitate discussions.

PROPOSALS

Article 11

b) after "... responsible authorities" add: "the determination of technical preventive measures and safety and health measures".

Add one item:

f) Notification to workers of the potential risks related to exposure to harmful chemical, physical and biological agents.

Article 12

New item b):

"shall carry out research into the toxicity of new chemical substances".