

## II

*(Preparatory Acts)*

## COMMISSION

**Amended proposal for a Council Decision adopting a Community programme (SAFE — Safety actions for Europe) to improve safety, hygiene and health at work <sup>(1)</sup>**

*(97/C 92/03)**(Text with EEA relevance)**COM(96) 652 final — 95/0155(CNS)**(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 9 January 1997)*

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<sup>(1)</sup> OJ No C 262, 7. 10. 1995, p. 18.

## ORIGINAL PROPOSAL

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adopting actions on non-legislative measures to improve safety and health at work

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas prevention of accidents at work, occupational diseases and occupational hygiene fall within the fields and objectives referred to in Articles 118 and 118a of the Treaty; whereas in this context collaboration should be strengthened between the Member States and the Commission and between the Member States themselves;

Whereas the incidence in the Community of accidents and death at work as well as occupational disease is still unacceptably high;

## AMENDED PROPOSAL

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adopting a Community programme (SAFE — Safety actions for Europe) to improve safety, hygiene and health at work

THE COUNCIL OF THE EUROPEAN UNION,

## ORIGINAL PROPOSAL

Whereas this represents an enormous and unnecessary human cost as well as being an economic burden to society; whereas improving safety and health at the workplace can enhance competitiveness since there is a clear correlation between successful companies and good safety and health practices;

Whereas, despite considerable efforts, a large number of companies and especially small and medium-sized enterprises have difficulties in incorporating new production methods or adapting existing ones while safeguarding the health and safety of workers and ensuring good working environment standards in conformity with new legislation;

Whereas legislation on safety and health at work must be supplemented by non-legislative measures including raising awareness aimed at improving safety, hygiene and health at work, in particular in small and medium-sized enterprises;

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Whereas it is important to create a stimulating and psychologically sound working environment in which human resources are used to best advantage, thus giving the undertaking increased flexibility and greater job satisfaction;

Whereas the countries of the European Economic Area, the associated countries of central and eastern Europe, Cyprus and Malta and the European Community partner countries in the Mediterranean area may participate in the programme, in accordance with the provisions set out in the relevant agreements,

Whereas in order to help raise that awareness, the European Parliament, in its resolution of 6 May 1994 on the general framework for action by the Commission in the field of safety, hygiene and health protection at work (1994 to 2000)<sup>(1)</sup>, proposed the creation of a programme to be called Safety action for Europe (SAFE);

<sup>(1)</sup> OJ No C 205, 25. 7. 1994, p. 478.

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Whereas the Community needs to make further strides to improve health and safety in individual sectors, in respect of the materials used or for particularly sensitive risk groups as yet inadequately protected; whereas it also needs to raise awareness, training levels and information exchange and to develop cooperation with third countries and international organizations.

Whereas the programme has to contribute to the enhancement of awareness of safety and health determinants and risk factors, early detection of adverse effects, counselling and advice, and social support;

Whereas, in accordance with the principle of subsidiarity, action on safety and health at work, by reason of their scale of effects can be undertaken with more efficiency by the Community;

Whereas a multiannual programme has to be launched with clear objectives for Community action, and priority action selected to promote the health and safety at work of all the workers of the Community as well as appropriate mechanisms for the evaluation of such action; whereas this programme has to have a five-year duration in order to allow sufficient time for actions to be implemented to achieve the objectives set;

Whereas there exist other Community programmes and initiatives fully or partly relevant as regards health and safety at work and therefore there is a need to ensure consistency between various Community actions;

Whereas, pursuant to Council Decision 74/325/EEC<sup>(1)</sup>, the Advisory Committee on Safety, Hygiene and Health Protection at Work can be consulted by the Commission on the drawing up of proposals in this field;

Whereas the Treaty provides no powers for the adoption of this Decision, other than those in Article 235.

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Whereas there exist other Community programmes and initiatives fully or partly relevant as regards health and safety at work and therefore there is a need to ensure consistency and budgetary complementarity between various Community actions;

<sup>(1)</sup> OJ No L 185, 9. 7. 1974, p. 15.

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HAS DECIDED AS FOLLOWS:

*Article 1*

A Community programme on non-legislative measures to improve health and safety at work is adopted for a five-year period, from 1 January 1996 to 31 December 2000.

The programme shall consist of:

- guidance notes and core information material to help apply correctly the Community legislation; improving information, education and training; investigating key problem areas as referred to in the Annex I,
- the SAFE (Safety Actions for Europe) programme referred to in the Annex II aimed at improving safety, hygiene and health at work, in particular in small and medium-sized enterprises.

*Article 1*

A Community programme (SAFE — Safety actions for Europe) to improve health and safety and prevent or reduce occupational risks, particularly in small and medium-sized enterprises, is adopted for a five-year period, 1 January 1996 to 31 December 2000.

*Article 2*

The programme shall have the general objective of supporting at European level actions designed to improve the work environment, work organization and working practices by:

- promoting the development of practical solutions to workplace risks,
- providing support for the identification and dissemination of best practices for combating occupational accidents and disease,
- suggesting means of effectively applying legislation on health and safety at work in enterprises,
- promoting innovative approaches to emerging areas of occupational risk,
- promoting education and training aimed at improving knowledge of Community legislation and awareness as regards the working environment.

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*Article 2*

The Commission shall ensure implementation of the action set out in Annexes I and II in accordance with Articles 5 and 6 in close cooperation with the Member States and the institutions and organizations active in safety, hygiene and health at work.

*Article 3*

The Commission shall ensure that there is consistency and complementarity between the Community action to be implemented under this programme and the other relevant Community programmes and initiatives.

*Article 4*

1. The action referred to in Annex I shall be carried out by the Community, the Member States, management and labour and public or private organizations. Applications for the financing of the action shall be submitted to the Commission.

2. The action referred to in Annex II shall be carried out by the Member States, management and labour and public or private organizations. Applications for the financing of the action shall be submitted to the Commission.

*Article 5*

The selection of the projects to be financed and the determination of the amount of financial assistance to be granted in conformity with the objectives and criteria set out in Annexes I, II and III shall follow the procedure provided for in Article 6 (2).

## AMENDED PROPOSAL

*Article 3*

The Commission shall ensure implementation of the action set out in Annex I in accordance with Articles 6 and 7 in close cooperation with the Member States and the institutions and organizations active in safety, hygiene and health at work.

*Article 4*

The Commission shall ensure that there is consistency and complementarity between the Community action to be implemented under this programme, other relevant Community programmes and initiatives as well as the work carried out by the European Foundation for the Improvement of Living and Working Conditions and the European Agency for Health and Safety at Work.

*Article 5*

1. The actions referred to in Annex I shall be carried out by the Community, the Member States, management and labour and public or private organizations.

2. Applications for the financing of the action shall be submitted either to the Commission by the competent bodies designated by the Member States or directly to the Commission. Copies of all applications shall be sent to the Commission and to the competent body of the Member State concerned.

2a. In the case of multilateral projects the participants mentioned in paragraph 1 shall decide which competent body shall submit the application to the Commission. However, where the application is submitted directly to the Commission, copies shall be forwarded to each competent body of the member States concerned.

*Article 6*

The selection of the projects to be financed and the determination of the amount of financial assistance to be granted in conformity with the objectives and the criteria set out in Annexes I and II shall follow the procedure provided for in Article 7.

The Community financial contribution shall be:

- in general a maximum rate of up to 60 %,
- up to 90 % for SMEs of less than 50 employees.

## ORIGINAL PROPOSAL

*Article 6*

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the committee of the manner in which its opinion has been taken into account.

*Article 7*

1. The Commission will encourage cooperation with third countries and with United Nations bodies and other organizations or agencies involved in the field.

2. EFTA countries in the framework of the EEA Agreement and countries with whom the Community has concluded association agreements may be associated with the activities described in Annexes I and II.

*Article 8*

1. The Commission will regularly publish information on the action undertaken and possibilities of Community support in the various fields of action.

## AMENDED PROPOSAL

*Article 7*

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by a representative of the Commission.

*Article 8*

The Commission may consult the committee referred to in Article 7 on any question concerning the application of this Decision.

*Article 9*

1. The programme activities which may be opened up to the participation of the countries of the European Economic Area, the associated countries of central and eastern Europe (Accee), Cyprus and Malta and the European Community's partner countries in the Mediterranean area shall be defined in the context of the European Community's relations with those countries.

2. The cost of the participation referred to in paragraph 1 shall be covered either by the countries concerned out of their own budgets or by Community budget headings relating to the implementation of the cooperation, association or partnership agreements with these countries in the area concerned, in accordance with the provisions set out in these agreements.

*Article 10*

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2. The Commission will submit to the European Parliament, the Council, the Economic and Social Committee a mid-term report on the actions undertaken, as well as an overall report by 31 of December 2001.

2. The Commission shall develop standard criteria concerning the dissemination of the results of the actions undertaken by this programme. These criteria shall include guidelines for:

- promoting the results of the projects to the press, employers, employees and interested parties,
- involving elected representatives in the promotion of the results.

The European Agency for Health and Safety at Work may be consulted in the development of these criteria.

3. The Commission shall set up, where appropriate with the assistance of the European Agency for Health and Safety at Work, an information point for small and medium-sized enterprises and other applicant organizations to offer practical advice in formulating and developing project proposals. The information point shall provide details of local and national contacts involved in the health and safety area. It shall also offer a helpline and full on-line service.

4. The results of the programme shall be evaluated by the Commission with the assistance of external organizations including, where appropriate, the European Agency for Health and Safety at Work. On the basis of these findings the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at work, not later than 30 June 1998, a mid-term report on the action undertaken, including a detailed study on the responsibilities and the activities undertaken on this matter by the specialized agencies concerned, as well as, not later than 30 June 2001, an overall assessment report demonstrating the impact of the programme on the structures and population groups targeted by the action.

*Article 9*

This Decision shall enter into force on ...

*Article 11*

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## ANNEX I

Deleted

**Guidance notes and core information material to help apply correctly the Community legislation; information, education and training; important or new problems**

(1996-2000)

1. *Guidance notes and core information material to help apply correctly the Community legislation, taking into account where necessary the reports required by the various Directives*
- 1.1. Prepare non-binding guides to legislation, which, while not pretending to guarantee and provide the detail necessary to cover every legal aspect, provide to employers, enterprises, workers and Member States useful assistance, technical support and background.
- 1.2. For effective targeting of such information it is essential to know what employers, in particular in small and medium-sized enterprises, want and need in relation to health and safety at work.
2. *Information, education and training*
- 2.1. Development of health and safety awareness
- 2.2. Information on Commission policies: in order to ensure transparency of its measures, the Commission will draft and disseminate information on Communities activities.
- 2.3. In keeping with the Commission's information policy relating to Community activity and the raising of awareness, particularly amongst the general public, the Commission will, in consultation with the Member States, arrange regularly a European week of health and safety at work, colloquia on health and safety education and training, competitions on training materials, festivals of audio-visual products on safety, hygiene and health at work.
3. *Investigation of certain key problem areas, taking into account existing information and research results and/or promote, where appropriate, new investigations*



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*ANNEX II**ANNEX I*

**SAFE (Safety Actions for Europe) aimed at improving safety, hygiene and health at work, in particular in small and medium sized enterprises**

**Actions to improve standards of safety and health at work, in particular in small and medium-sized enterprises**

(1996-2000)

(1996 to 2000)

- 1.1. SAFE (Safety Actions for Europe) will support projects of a practical nature intended to demonstrate:
- the promotion of improvements in the work situation specifically directed at safety, hygiene and health at work, especially in small and medium-sized enterprises,
  - the improvements in the organization of work practice which influence attitudes towards health and safety at work, in order to reduce work accidents and occupational diseases.
- 1.2. One of the objectives of the SAFE programme is therefore to support practices designed to improve the work situation, work organization and working practices which may be directed towards a specific problem impacting on health and safety at the workplace or by demonstrating best practices to combat work accidents and/or occupational diseases or at the ways and means of effectively complying with Community legislation in individual enterprises or undertakings.
- 1.3. This is why the SAFE programme will also support the development of reference workplaces, which have developed practical solutions to workplace risks and which will serve as models for others who would like to change existing workplaces or design new ones. It will also promote innovative approaches to emerging areas of risk or to high risk activities, whether this is by promoting the use of safe and/or clean technologies, or by other innovative measures.
- 1.4. Support will also be provided for specific education and training initiatives designed to improve knowledge of Community legislation and improve awareness of the working environment.
- 1.5. The SAFE programme will also consider projects prepared by European organizations, individual enterprises, employers or workers. Such projects should provide guidance for decisions concerning measures to be put into practice throughout entire sectors of activity especially in more than one Member State.

The programme is to support practical projects designed to improve the working environment as regards the safety and health of workers, in line with the general objectives set out in Article 2. In particular, it will support projects relating to one or more of the following points:

1. development of reference workplaces which have developed practical solutions to workplace risks and which can serve as models;
2. initiatives in the field of information, training and education designed to improve knowledge of health and safety legislation and improve awareness of safety and health at work;
3. projects which provide guidance on safety and health measures relevant to one or more sectors of activity, especially in more than one Member State;
4. innovative approaches to emerging areas of risk or to high-risk activities including the use of safe and/or clean technologies.

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## ANNEX III

## ANNEX II

## SELECTION CRITERIA

## I. General criteria

In order to be eligible for selection the projects submitted must meet all the following criteria:

- have a good cost-effectiveness ratio,
- generate a European plus value e.g. through a lasting multiplier effect on the European scale,
- demonstrate an effective and balanced degree of cooperation between the various partners at the levels of:
  - project design,
  - project implementation,
  - financial participation.

## II. Evaluation criteria

Priority will be given to projects satisfying, as far as possible, the following criteria. Projects should:

- contribute to the prevention of causes of accidents and occupational diseases rather than remedying their effects,
- facilitate the lasting integration of safety and health at work in enterprise management or in the quality management of products,
- promote the transfer and exploitation of innovative experiments on a European scale,
- promote social dialogue,
- promote permanent efforts rather than quantified results,
- encourage innovation and entrepreneurial activity, in particular in high risk activities,
- support the development of practical solutions to workplace risks,
- support cooperation between firms,

## I. General criteria

In order to be eligible for Community assistance, the projects submitted must meet all the following criteria:

1. generate a Community added value,
2. be relevant to the needs of SMEs,
3. have a good cost-effectiveness ratio,
4. specify expected outcomes and how they will be measured,
5. aim at outcomes that can be transferred,
6. specify a means of disseminating those outcomes,
7. avoid duplicating projects carried out at national level,
8. demonstrate resources commitment from partners involved in the project,
9. demonstrate the necessity of Community funding.

## II. Other criteria

Priority will be given to actions which meet one or more of the following criteria. They must:

1. contribute to the prevention of accidents and health risks (rather than remedying their effects) and promote mental-health protection;
2. encourage innovation in particular in tackling high risk activities;
3. have an innovative character;
4. support the development of practical solutions to workplace risks;
5. aim to address proven risks which either already affect or have the potential to affect workers and offer substantial reductions in those risks;
6. demonstrate likely effectiveness beyond the life of the project, e.g. by integrating health and safety into management practices;

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- support improved information exchange, education and training;
  - contribute also to the implementation of action programmes or Community policies concerning:
    - lifelong learning,
    - equal opportunities,
    - integration of the disabled,
    - bringing back to employment the long-term unemployed,
    - prevention of accidents to the public (domestic, sport, road, etc.),
    - sectoral policies (to be specified),
    - other programmes or policies (to be specified).

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- 7. promote social dialogue and cooperation between firms;
  - 8. contribute also to the implementation of action programmes or Community policies concerning:
    - lifelong learning,
    - equal opportunities,
    - integration of the disabled,
    - bringing back to employment the long-term unemployed,
    - prevention of accidents to the public (domestic, sport, road, etc.),
    - sectoral policies (to be specified),
    - other programmes or policies (to be specified).

**III. Exclusion criteria**

The following are not eligible:

- Actions limited to a single Member State and not transferable to others
  - Actions limited to achieving compliance with national requirements even if these result from Community law.
-