

EUROPEAN PARLIAMENT

1999



2004

Session document

10 April 2002

FINAL
A5-0110/2002

*****III**

REPORT

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (16th individual Directive within the meaning of Article 16(1) of Directive 89/391/ECC)
(PE-CONS 3616/2002 – C5-0137/2002 – 1992/0449(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Helle Thorning-Schmidt

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At the sitting of 20 April 1994 Parliament adopted its position at first reading on the proposal for a Council directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (COM(1992) 560 – 1992/0449 (SYN)).

At the sitting of 5 July 2001 the President of Parliament announced that the common position had been received and referred to the Committee on Employment and Social Affairs (7914/1/2001 – C5-0293/2001).

At the sitting of 23 October 2001 Parliament adopted amendments to the common position.

By letter of 21 January 2002 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 26 February 2002.

In the light of the subsequent delegation meeting of 13 March 2002 agreement was reached by exchange of letters of 22 February and 13 March 2002.

At its meeting of 13 March 2002 the Parliament delegation approved the results of the conciliation unanimously.

The following took part in the vote: James L.C. Provan, Vice-President and chairman of the delegation; Helle Thorning-Schmidt, rapporteur; Philip Bushill-Matthews, Elisa Maria Damião, Françoise Grossetête (for Ingo Friedrich), Marie-Thérèse Hermange, Stephen Hughes, Elizabeth Lynne, Bartho Pronk, Ulla Margrethe Sandbæk, Peter William Skinner (for Renzo Imbeni) and Miet Smet (for Manuel Pérez Álvarez).

On 8 April 2002 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 10 April 2002.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (16th individual Directive within the meaning of Article 16(1) of Directive 89/391/ECC) (PE-CONS 3616/2002 – C5-0137/2002 – 1992/0449(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant joint Parliament and Council statement (PE-CONS 3616/2002 – C5-0137/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1992) 560²),
 - having regard to the amended proposal (COM(1994) 284³),
 - having regard to its position at second reading⁴ on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2001) 717 - C5-0604/2001)⁶,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0110/2002),
1. Approves the joint text and draws attention to the relevant joint Parliament and Council statement thereon;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 128 of 9.5.1994, p. 146.

² OJ C 77 of 18.3.1993, p. 12.

³ OJ C 230 of 19.8.1994, p. 3.

⁴ Texts Adopted, 23.10.2001, p. 11.

⁵ OJ C 301 of 26.10.2001, p. 1.

⁶ OJ C not yet published.

EXPLANATORY STATEMENT

Background

- 1) On 8 February 1993 the Commission presented a proposal for a directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents. The purpose of the directive is to protect workers against risks to their health and safety arising from exposure to physical agents. The original proposal covered four agents: noise (risk to hearing), vibrations (risks to hand, arm and whole body), electromagnetic fields and optical radiation (risks to the health from induced currents in the body, shock and burn hazards from absorption of thermal energy).
- 2) On 20 April 1994 the Parliament adopted 41 amendments at first reading. After that the Commission amended its proposal and the Council subsequently adopted its common position more than 7 years later on 25 June 2001. The Council's approach was to concentrate first on one element only: mechanical vibrations. The Council committed itself to deal with the other physical agents at a later stage. On 23 October 2001, at its second reading, Parliament adopted 7 amendments on the part of the directive which covers exposure of workers to mechanical vibrations.

Conciliation

- 3) The constituent meeting of the Parliament delegation was held in Strasbourg on 11 December 2001 and the delegation mandated its chair Mr Provan, the chair of the Committee on Employment and Social Affairs as well as the rapporteur Ms Thorning-Schmidt to start negotiations with the Council.
- 4) After two trialogues on 5 and 19 February, a compromise package was approved by COREPER on 22 February and by the Parliament Delegation on 13 March 2002. Conciliation on this directive was opened on 26 February and concluded by exchange of letters of 22 February and 13 March 2002.
- 5) The main points of the agreement reached in conciliation can be summarised as follows:
 - the Directive has to be transposed by the Member States by 2005 and they may, after consultation of the social partners, apply a maximum derogation period up until 2010 for machines given to workers before 2007; for forestry and agriculture machinery a longer derogation period will be permitted (until 2014).
 - the European Parliament and the Council commit themselves to continue examining the draft directives on exposure of workers to other physical agents: noise, optical radiation and electromagnetic fields and waves;
 - maximum daily exposure limit values and daily exposure action values for whole-body vibration are fixed to: 1,15 m/s² and 0,5 m/s² respectively (standardised to an eight-hour reference period);
 - a provision for vibration-reducing handles has been added to the text of the Directive,

which is important for the reduction of vibration transmitted to the hand-arm system.

- employers shall have to be provided with information on health surveillance taking into account any medical confidentiality;
- the Member States' reports to the European Commission on the implementation of the directive shall contain a description of best practises for preventing vibrations and of other forms of work organisation and action taken by the Member States on the basis of these practices. On the basis of the Member States' reports, the Commission shall carry out an overall assessment of the implementation of the Directive;

Conclusion

The Delegation regards the end result of conciliation as very satisfactory for Parliament. It therefore recommends that the House adopt the text at third reading. It thanks the European Commission and the Spanish Presidency for their constructive cooperation in concluding the conciliation procedure expeditiously.