

WRITTEN QUESTION E-0648/04
by María Bergaz Conesa (GUE/NGL)
to the Commission

Subject: Incorrect transposition of Directive 89/391/EEC into Spanish law

Judging that Spain failed to transpose correctly into national law, within the prescribed period, the legal, regulatory and administrative provisions of Directive 89/391/EEC¹ on the introduction of measures to encourage improvements in the safety and health of workers at work, the Commission has launched infringement proceedings.

Can the Commission state what stage these infringement proceedings have now reached?

Can the Commission confirm, with regard to this directive, that in cases where a Member State has failed to transpose a given directive into national law within the prescribed period, individuals have rights they can invoke before a national court against the authorities of the Member State in question?

Is the Commission aware of the exclusion of non-civilian employees in the Spanish civil service from the scope of Law 31/1995 on the prevention of risks at work? Does this exclusion comply with EU legislation in this area?

¹ OJ L 183, 29.6.1989, p. 1.