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Answer given by Mr Andor  
on behalf of the Commission  
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A prevention approach based on risk assessment is the cornerstone of the EU approach to the health and safety of workers. If the risk assessment process is not done well or not done at all, the appropriate preventive measures are unlikely to be in place.

As a general rule, however, persons exercising their occupational activity without an employment relationship with an employer are not covered by the EU Directives on health and safety at work, in particular the Framework Directive 89/391/EEC<sup>1</sup> and its individual Directives, including those on Vibration<sup>2</sup> and Noise<sup>3</sup>. An exception is the Construction Sites Directive 92/57/EEC<sup>4</sup> which extends certain EU health and safety provisions to self-employed persons. It is therefore in principle up to the Member States to legislate in this area.

Since self-employed, whether they work alone or with workers, may be subject to the same health and safety risks as workers, and may jeopardize the safety and health of other persons at the same workplace, the EU recommends that Member States promote the safety and health of self-employed<sup>5</sup>. It underlines that work accidents and occupational diseases to which self-employed are exposed result in high costs in both social and human terms, and that improving the standards of safety and health of self-employed can improve the conditions of competition and competitiveness on a European level.

The Commission is aware that several Member States apply their workers' health and safety provisions to the self-employed, which would normally mean that the latter are required to conduct risk assessments.

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<sup>1</sup> Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.6.1989, p. 1.

<sup>2</sup> OJ L 177, 6.7.2002, p. 13.

<sup>3</sup> OJ L 42, 15.2.2003, p. 38.

<sup>4</sup> OJ L 245, 26.8.1992, p. 6.

<sup>5</sup> Council Recommendation 2003/134/EC of 18 February 2003 concerning the improvement of the protection of the health and safety at work of self-employed workers, OJ L 53, 28.2.2003, p. 46.