



5.2.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0638/2023 by Gheorghe Cosmin Theodor (Romanian) on the implementation of the EU Strategic Framework on Health and Safety at Work 2021-2027 in Romania**

### 1. Summary of petition

The petitioner stresses that there is a need to strengthen the implementation of the EU Strategic Framework on Health and Safety at Work 2021-2027 in Romania, in order to prevent work accidents resulting in serious injuries and even deaths. He gives the example of the largest Romanian oil refinery (Petromidia refinery), where according to him, three serious work accidents took place between 2021 and 2023. He considers that the failure to apply occupational health and safety rules leads to employee deaths and unplanned shutdowns of the refining process. Therefore, he asks the European Parliament to express a position on the frequency and seriousness of the work accidents occurred at the above mentioned refinery.

### 2. Admissibility

Declared admissible on 23 October 2023. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 5 February 2024

#### The Commission's observations

In the area of health and safety at work, the main piece of EU legislation is Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work, the so-called Framework Directive<sup>1</sup>. The Directive lays down among others, the general principles concerning the prevention of risks, the protection of safety and

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<sup>1</sup> OJ L 183, 29.6.1989, p. 1.

health of workers at the workplace, as well as general guidelines for the implementation of the said principles. It applies to all sectors, both public and private, and covers all risks. It imposes a number of obligations on the employer, including to ensure the safety and health of workers in every aspect related to the work, the assessment of all risks to which workers are or can be exposed and the establishment of the resulting preventive and protective measures. The Directive also provides that Member States shall ensure adequate controls and supervision. In addition to the Framework Directive, a series of related directives focusing on specific aspects of safety and health at work were adopted to tailor the principles of the Framework Directive to, among others, specific risks at work (e.g. exposure to dangerous substances or physical agents, explosive atmospheres), specific workplaces and sectors (e.g. construction sites, extractive industries), specific groups of workers (e.g. pregnant women, young workers, workers with a fixed duration employment contract).

It is important to highlight that EU health and safety directives are adopted on the basis of Article 153 of the Treaty on the Functioning of the European Union and set minimum requirements, whereby Member States may introduce more stringent or more specific protective requirements at national level.

In addition, the “*Petromidia refinery*”, located in Năvodari (Romania), is a facility subject to the Seveso III Directive (Directive 2012/18/EU), which pertains to the “*control of major-accident hazards involving dangerous substances*”. The Directive establishes rules for preventing major accidents caused by certain industrial activities and aims to limit the consequences for human health and the environment. Industrial facilities subject to the directive must identify risks, develop safety plans, adopt preventive measures, and prepare to manage any emergency situations involving hazardous substances.

Despite the Seveso Directive being created to prevent major accidents as well as other relevant legislation, workplace incidents in industrial facilities can still occur due to various circumstances, such as human errors, technical failures, lack of adequate training, non-compliance with safety regulations and/or others.

EU directives shall be transposed into national legislation of Member States and it is thus the national legislation transposing the directives that applies to a specific case. Therefore, it is up to the Member States to ensure that these rules are transposed, correctly implemented and enforced by the competent national authorities.

According to the EU “Strategic framework on health and safety at work 2021-2027 - Occupational safety and health in a changing world of work”<sup>2</sup>, the last three decades the safety and health of workers has greatly improved, with a significant decrease of fatal accidents at work in the EU<sup>3</sup>.

However, the strategic framework stresses that further efforts are needed and focuses on three crosscutting key objectives for the coming years, in particular as regards the need to improving prevention of workplace accidents and illnesses and indicates that "all efforts must be deployed to reduce work-related deaths as much as possible, in line with a Vision Zero approach to work-related deaths in the EU."

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<sup>2</sup> COM (2021) 323

<sup>3</sup> Fatal accidents at work in the EU decreased by about 70% between 1994 and 2018.

In this respect, several actions have been carried out, for instance an opinion prepared by a dedicated Vision Zero working group was adopted by the tripartite Advisory Committee Safety and Health.

The opinion contains several recommendations to identify and prioritise appropriate actions to promote prevention of work-related accidents and illnesses in accordance with the vision zero approach and addresses recommendations for relevant actions, in particular to Members States<sup>4</sup>.

In addition, and as mentioned by the strategic framework, strengthening enforcement is of major importance and the Commission is supporting the Senior Labour Inspectors Committee (SLIC) in actions aiming at increasing awareness on reducing work-related deaths at company level, sharing good practices, and supporting increased training for labour inspectorates. For instance, currently SLIC is preparing its next campaign which will be launched beginning of 2024 on the topic of the prevention of serious or fatal accidents at work.

The petitioner refers to three serious work accidents which took place between 2021 and 2023 the largest Romanian oil refinery, leading to several death. The data collection “European Statistics on Accidents at Work” (ESAW) reports a total of 172 fatal accidents in 2021. Work accidents data for 2022 and 2023 will be available from July 2024 and 2025 respectively, according to Commission Regulation (EU) No 349/2011<sup>5</sup>. The latest (2021) relevant statistical data of Eurostat on Romania’s fatal work accidents<sup>6</sup> seem to indicate a decrease in the number of workplace fatalities over recent years<sup>7</sup>. As regards the related economic sector (Manufacture of coke and refined petroleum products)<sup>8</sup>, there were three fatal accidents in Romania in 2021 and no fatal accidents from 2017 to 2020. Number of fatal accidents (and their incidence rates) can vary greatly from one year to the next.

It is to be noted that the petitioner only provides general information without sources and much details, and does not indicate if the national competent enforcement authorities have been seized, for example labour or environmental ones.

## Conclusion

EU health and safety minimum requirements are laid down in the relevant OSH directives, and it is up to the Member State to transpose the directives into national legislation and to take the necessary steps to ensure that employers and workers are subject to the legal provisions necessary for their implementation. Member States are required, in particular, to ensure adequate controls and supervision and are primarily competent to ensure the effective enforcement of such provisions.

The EU OSH strategic framework, with its Vision Zero approach, implies that all efforts must

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<sup>4</sup> See <https://circabc.europa.eu/ui/group/cb9293be-4563-4f19-89cf-4c4588bd6541/library/6dd45935-308c-4ed4-bc88-7fb4471af27a/details>.

<sup>5</sup> OJ L 97, 12.4.2011, p. 3–8

<sup>6</sup> See the current European Statistics on Accidents at Work (ESAW) data from Eurostat for Romania for all economic sectors (NACE Rev2, 2008 onwards): <https://ec.europa.eu/eurostat/databrowser/bookmark/4d9fcf59-4d8f-403f-9d0f-d192f8622ef1?lang=fr>

<sup>7</sup> The total number of fatal accidents that occurred in Romania in 2021 was 172 in 2021, 179 in 2020, 227 in 2019 and 235 in 2018. The decrease in 2020 and 2021 could be influenced by the effect of COVID-19 pandemic on economic activity levels.

<sup>8</sup> NACE division 19.

be taken to reduce work-related accidents and diseases and this requires the cooperation of all the actors involved, and that action be taken within each establishment.

As the Commission has no specific information about the fatal and serious accidents at work mentioned by the petitioner nor if the national competent enforcement authorities have investigated them and of possible actions undertaken, the issues raised in this petition would need to be addressed by the national competent authorities.