



Recent directives in the social field and their possible impact on standardization

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Harmonization of laws, methods, rules and working procedures in Europe has always been one of the major objectives of European Community legislation, with the aim to guarantee fair competition in all Member States whilst ensuring on the one hand the bringing on the market of intrinsically safe products and, on the other hand, good, healthy and safe living and working conditions.

Now it must be recognised that in some areas confusion may occur because the same purpose is achieved by addressing a complex problem by different means and channels. Occupational health and safety is precisely one of these areas.

From one side, any manufacturer who wants to place a product on the European market – not only for industrial use – must comply with a number of rules, the so-called "essential requirements". One of the means to comply with them is to demonstrate that the product complies with provisions laid down in relevant European standards. All this stems from the well known article 95 of the EU treaty and is commonly referred to as the "New Approach".

On the other hand, the EU Treaty also foresees a robust legal framework in the field of social policy which aims, *inter alia*, at improving working conditions. In this context, the Council may, according to Article 137, adopt by means of directives, "minimum requirements" related to a series of domains, including occupational health and safety. These directives – whilst taking due account of the existence of directives for intrinsically safe products and equipment – impose obligations on the employers concerning the working procedures and the use of products, machines and equipments under healthy and safe conditions.

The rationale of the occupational health and safety directives is based on principles which are different but complementary to those of the "New Approach": responsibility of the employer, risk assessment at the workplace, prevention by elimination or reduction of risk, collective and personal protective measures, information, training and consultation of workers, and appropriate health surveillance. The text of a specific directive related to occupational health and safety may address a risk in different ways: by introducing limit values in the text itself or in an annex, by making reference to existing European standards or – when no appropriate standard exists – by requesting a European standards organisation to prepare such a standard.

At this stage, there is obviously an impact of standards upon occupational safety and health legislation but, having in mind the dual approach referred to above, there is also a clear impact of EU occupational health and safety legislation upon standards and the drafting thereof. Examples will be given during the presentation.