



European Commission
Marianne Thyssen, Commissioner for Employment and Social Affairs
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Minister for Employment
Ved Stranden 8
DK-1061 Copenhagen K

T +45 72 20 50 00
E bm@bm.dk
uk.bm.dk

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Peer Review on “The efficient transposition, implementation and enforcement of EU OSH legislation” – Next steps

File No. 2017 - 7537

Dear Commissioner Thyssen,

I would like to thank you and your services very much for the fruitful cooperation regarding the organization of the Peer Review on “The efficient transposition, implementation and enforcement of EU OSH legislation” held in Denmark in June 2018.

I believe the event gave valuable insights into Member States’ experiences and practices when implementing and enforcing the EU’s occupational health and safety legislation.

I am pleased with the participants’ keen interest in learning about different Member States’ approaches, including our experiences from Denmark, using evidence based and data driven analyses in relation to the enforcement of occupational safety and health legislation.

I am also pleased that our experiences from the work of the Danish Implementation Committee and Council could act as an inspiration for the participants. As you know, this has been an important tool in ensuring efficient implementation of EU regulation and reducing administrative burdens for companies in Denmark.

In fact, as the Peer Review helped shed light on, a concrete outcome of the Implementation Committee’s work comes from the field of occupational safety and health. Following deliberation in the committee we launched a simplification project of the Danish regulatory framework for chemicals. The simplification consisted of improving the efficient transposition of the EU’s occupational safety and health directives without lowering the level of protection of workers with the overall aim of facilitating enterprises’ compliance with the legislation.

The participating Member States also contributed with a number of interesting insights into their approaches to implementing and enforcing occupational safety and health legislation which I believe can feed into the continued efforts to ensure a timely and proper implementation and efficient enforcement of safety and health legislation across the EU.

Looking ahead, the Peer Review has also confirmed my firm belief that the area of enforcement, in particular, is still in need of further attention from the Commission.

As uncovered through concrete examples from the Peer Review and the reports formulated ahead of it, there still appears to be situations at the national level where employers are unaware of certain occupational safety and health regulations let alone aware of what the regulations encompass and which actions need to be taken to protect the workers.

This, I believe, is a serious concern that requires attention. Not only should we ensure that Member States implement EU occupational safety and health rules in a timely and proper manner. We must also continually and consistently make sure that the laws are effectively enforced across the EU.

Variation among Member States leads to different levels of protection for workers as well as to unfair competition between businesses. A level playing field for businesses is essential to the functioning of the internal market, as you will no doubt agree. I urge the Commission to focus more on securing effective enforcement across the EU in this and other areas. It is important that we do not experience competition or forum shopping on the basis of different levels of enforcement of e.g. occupational safety and health regulations.

I believe that the Peer Review has therefore given the Member States important food for thought and underscored that there is still considerable challenges ahead – not least in improving enforcement efforts.

While fully acknowledging that enforcement is a Member State competence, I believe that the Commission should also play its part in contributing to solve the enforcement challenge.

The Peer Review, we organized together, is a good example of this and an important first step. The Commission's annual report on "Monitoring of Application of Union Law" is a welcome addition, too, in highlighting how the application of the common rules to the benefit of fair and equal competition can be improved. But we must push on.

It is my hope, therefore, that the current as well as the upcoming Commission will use this occasion to put enforcement efforts higher on the agenda and work for concrete improvements of education, guidance, mutual learning, cooperation between stakeholders and other important tools to support businesses in complying with the rules and improve capacity among labour inspectorates.

I, for one, stand ready to engage further in addressing this challenge and look forward to continuing the dialogue with you and your services when taking the next steps forward.

Yours sincerely,

A handwritten signature in blue ink, reading "Troels Lund Poulsen". The signature is written in a cursive style with a large initial 'T' and 'P'.

Troels Lund Poulsen