

Conference "Workers and creativity: How to improve working conditions by participative methods?" (26 June 2017)

Notes for an introduction and welcome speech by the European Commission

1. Presentation: Mario Gabrielli Cossellu, Policy Officer for Mechanical Engineering in the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) of the European Commission, in charge of several EU legislative acts on health and safety of products in the single internal market, including the Machinery Directive 2006/42/EC, based on the "New Approach - New Legislative Framework".

2. The regulatory framework at EU level might appear not favourable to "creativity", as legislation – Regulations, Directives and the related implementing acts when necessary – is established on a set of requirements, both of administrative and technical nature, which are to be compulsorily applied by the relevant economic operators to ensure that only compliant products are placed on the EU market.

3. Nevertheless, the current EU legislation based on the "New Approach / New Legislative Framework" is neither a rigid nor a close tool to be applied as such. It is based on "essential requirements" which have to be fulfilled by using European harmonised standards (conferring presumption of conformity) or other technical specifications, when available, or by specific technical solutions developed by the manufacturers themselves, when they are able and consider convenient to do so. In this sense, EU legislation is open to innovation and to creativity, also coming from the workers, on the basis of their practical expertise with the equipment they produce and use, in particular by the point of view of working conditions and the related ergonomics aspects.

4. The Machinery Directive 2006/42/EC contains specific provisions on ergonomics, among the essential health and safety requirements of Annex I, in point 1.1.6. to reduce to the minimum possible "the discomfort, fatigue and physical and psychological stress faced by the operator" under the intended conditions of use, taking into account the relevant ergonomic principles, and in point 1.2.2 with respect to control devices. This is further developed in the "Guide to application of the Machinery Directive 2006/42/EC", sections § 181 and § 193, as well as in a "Guidance on the application of the essential health and safety requirements on ergonomics" developed with the active co-operation of ETUI.

5. In this respect, it is very important to underline the key role played by standardisation to provide technical solutions to comply with the requirements of the Machinery Directive, at European and international level. In CEN, the Technical Committee CEN/TC 122 "Ergonomics" produced a number of harmonised standards which references are published

on the Official Journal of the European Union. Also notified bodies participate in the system taking into consideration ergonomics aspects in some of their "Recommendations for Use".

6. In addition to the EU legislation based on the "New Approach / New Legislative Framework", which makes reference to Article 114 TFEU¹, there is also the EU legislation on safety and health at work, referred to Article 153 TFUE, dealing in particular with workplaces and working conditions, as the "framework" Directive 89/391/EEC on the safety and health of workers at work; the Directive 89/654/EEC on the minimum safety and health requirements for the workplace; and the Directive 2009/104/EC on the use of work equipment by workers at work. This legislation is managed by the Directorate General for Employment, Social Affairs and Inclusion (DG EMPL) and the European Agency for Safety and Health at Work.

7. We had the opportunity to directly know the "Feedback Method" conceived and developed by Mr Fabio Strambi in some events developed in Tuscany and we remained very positively impressed by the objectives, the methodology and the results. We do agree on the need, and the convenience, to actively involve participation of workers as the main actors of the productive processes, for a continuous improvement in terms of both safety and well-being issues, already from the conception and design phases of machinery (inherently safe machinery design and construction), within the principles of safety integration.

8. The process towards a possible revision of EU legislation on machinery has already started, with an evaluation study which final results should be delivered by the external consultants in July 2017. After that, the Commission services will analyse the results and, in its case, carry out the identification of possible changes and the relative impact assessment, in view of drafting a Commission proposal to be submitted to the co-legislators: the European Parliament and the Council. Participation and contributions from all the sectorial interested parties and stakeholders (Member States authorities, European standardisation, notified bodies, industry, trade unions...) is very important and very much appreciated on the different issues at stake – included also those related to ergonomics, working conditions, participation, etc.

9. In support of your activities, the Commission services remain available at the Commission's sectorial website for Machinery: <http://ec.europa.eu/growth/sectors/mechanical-engineering/machinery> and the Policy Officers in charge: felicia.stoica@ec.europa.eu and mario.gabrielli-cossellu@ec.europa.eu as well as the functional mailbox grow-machinery@ec.europa.eu.

¹ Article 114 of the Treaty on the Functioning of the European Union enables the EU to adopt measures to harmonise the legislation of the Member States in order to ensure the establishment and functioning of the internal market.