Participants:

Employer representatives

Mr Vladimir Budinsky EURACOAL, CZ (in the chair)
Mr Brian Ricketts, EURACOAL, Belgium
Ms Magdalena Chawula-Kosuri, EURACOAL, Belgium
Ms Corina Hebestreit, Euromines, Belgium
Ms Kasia Palaczanis, Euromines, Belgium
Mr Tobias Andres, Euromines, Belgium
Mr Lukasz Wereszczynski, Euromines Poland
Mr Rafał Szkop, Euromines, Poland
Mr Dirk Fincke, UEPG, Belgium
Ms Miette Dechelle, UEPG, Belgium
Ms Florence Lumen, IMA Europe, Belgium
Ms Cecilia Andersson, SveMin, Sweden
Mr Friedhelm Mester, APEP, Germany
Ms Christine Marlet, Eurogypsum, Belgium

Employee representatives

Ms Corinna Zierold, industriAll, Belgium
Mr Jean-Pierre Damm, FNEM FO, France
Mr Guido Nelissen, industriAll, Belgium
Mr Luis Angel Colunga, industriAll, Belgium
Mr Ralf Bartels, industriAll, IG BCE, Germany
Mr Szabolcs Beothy-Feher, BDSZ, Hungary
Mr Ferencz Rabi, BDSZ, Hungary
Mr Alberto Simoes, SIMA, Portugal
Mr Victor José Fernandez Vazquez, FITAG-UGT, Spain
Mr Socrates Fernandez Lopez, Spain

EESC
Ms Eisenvortova

European Commission
Ms D'Agostini DG EMPL
Ms Vicente DG EMPL
Mr Strohbach, DG EMPL
1. Welcome and adoption of the agenda

The meeting was chaired by Mr Budinsky. The draft agenda was approved.

2. Adoption of the minutes of the previous meeting

The minutes of the SSDC meeting on 12 October 2017 were adopted.

3. Briefing from the European Commission on the OSH Directives upcoming guidelines and reviews (e.g. the Personal Protective Equipment Directive (89/656/EEC) and the Carcinogens and Mutagens Directive (2004/37/EC) – third and fourth batches)

Ms D’Agostini presented the review of Directive 89/656/EEC which is part of the modernisation of the EU OSH policy and legislation. Following a comprehensive ex-post and REFIT evaluation of 24 EU OSH Directives, the Commission adopted a Communication setting out the main principles of a modern EU OSH policy and legislation on 10 January 2017.

Pursuant to Article 17a (4) of Directive 89/391/EEC (Framework Directive on the introduction of measures to encourage improvements in the safety and health of workers at work), the European Commission was required to evaluate the implementation of the OSH Directives and to make it future-proof. Therefore a two-year programme for removing or updating outdated provisions while maintaining or improving workers’ protection in several Directives has been launched. This process has been carried out in close cooperation with the governments representatives and social partners within the Advisory Committee on safety and health at work (ACSH) in particular for the topics (display screen equipment, OSH signs, biological agents, medical assistance on board, workplaces and personal protective equipment). The ACSH (opinion on 31 May 2017) supported the identification of the six directives that are to be reviewed.

During the experts group meeting on the review of Directive 89/656/EEC on 28 June 2017 a need was seen to review the annexes of the Directive 89/656/EEC in the light of technical developments. On 6 December 2017 the ACSH made specific suggestions for the revision process of the Directive 89/656/EEC and provided a mandate to the working party (21 December 17) to prepare a draft opinion on purely technical adjustments. The expert group meeting on 16 January 2018 made some proposals in that respect. Finally, the next procedural steps of reviewing the Directive 89/656/EEC were explained. It is expected that the revised directives will be adopted by the end of 2018.

In addition, Ms Vicente informed about the current state of play of the revision of the Carcinogens and Mutagens Directive (CMD) at the workplace. The CMD is an individual Directive within the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. Its requirements are based on the principle of minimisation of the exposure and on a set of hierarchical risk management measures, with substitution of the hazardous chemicals.

Annex I of the CMD contains a list of identified process generated substances (PCGs). The aim of this list is to clarify for workers, employers, and enforcers whether a given chemical agent, if it has not otherwise been classified according to CLP
(Classification, Labelling and Packaging Regulation), is in scope of the CMD controls. Currently, Annex I has 5 entries.

In Annex III the CMD sets binding occupational exposure limit values for a number of carcinogenic or mutagenic chemicals (hardwood dust, vinyl chloride and benzene). Member States should implement in their national legislation a corresponding occupational exposure limit value that must not exceed the EU-one established by the directive.

On 13 May 2016, the European Commission submitted a proposal amending the Carcinogens and Mutagens Directive (2004/37/EC). It aimed at limiting exposure to certain cancer-causing chemicals at the workplace by introducing occupational exposure limit values (OELs) for 13 of 25 priority chemical agents. Finally, after the Trilogue discussion, the Council formally adopted the directive (EU) 2017/2398 on 7 December 2017. It entered into force on 16 January 2018.

The European Commission published a second proposal on 10 January 2017, which addressed workplace exposure to an additional 8 priority chemical agents. The Council reached a general approach on this second proposal at its session of 15 June 2017. The EP vote (EMPL Committee) is expected in March 2018 and Trilogue negotiations are planned as of May 2018.

There is a third EC proposal (impact assessment is ongoing) in preparation which covers another five cancer-causing chemicals, in addition to the 21 substances that have already been limited or proposed to be limited since the beginning of this mandate. As a next step the inter-service consultation will be launched March 2018. The formal adoption of the European Commission is envisaged April 2018 and the final adoption by the Council at the end of 2019.

4. Work programme

The chairman presented the work programme 2018. It was discussed in detail among the social partners.

Mr Fernandez Vazquez pointed out that coal is an integral part of this Committee and this should be the case in the future as well. Therefore, coal should always be an item on the SSDC EI meeting’s agenda.

Mr Fincke underlined UEPG’s support for the SSDC Extractive Industries and referred to the comments sent in preparation of the work programme on 14 December 2017. It has to be ensured that all organisations of this Committee can identify with the work programme and its results.

Social partners agreed to work together and to focus on all sub-sectors of the Committee in order to ensure that there is a future of the sector. Particular attention will be given to the EU industrial policy and EU raw material strategy. Social partners finally agreed that each SSDC will cover the 3 main topics (H&S; energy and industrial policy, skills and competences) as stipulated in the work programme.

5. H&S updates by social partners (Social Partner Organisations)

a) Presentation on Health & Safety in coal mines in Czech Republic

Mr Budinsky presented the topic health and safety in Czech coal mines. The "vision zero" of the International Social Security Association (ISSA) guides the way (7 golden
rules) for the Czech coal mines with regard to health and safety. The integrated approach between workers and employers organisations is crucial for increasing the health and safety standards. In addition, the Czech State Mining Administration provides supervision of compliance with the Mining Law which governs the safety and health protection at work, safety of equipment, fire protection and working conditions in active mining operations. Mr Budinsky pointed out that due to the cooperation among three parties remarkable progress has been made. Nonetheless, the tripartite alliance confirmed their willingness to achieve further progress in the occupational health and safety in the Czech mining industry. Particular attention has been given to underground mining.

b) NEPSI

Ms Lumen presented developments with regard to respirable crystalline silica. The amendment of the Carcinogens and Mutagens Directive (2017/2398) was published in the Official Journal (L 345) and came into force on 16 January 2018. Member States have a 2-year period to transpose the directive into national law. Annex III of the directive stipulates the binding limit value for respirable crystalline silica dust at 0.1 mg/m³. The NEPSI agreement is recognized in Recital 19 of the directive. With regard to the second EC proposal (see point 3). Ms Lumen highlighted that a compromise amendment would recognise social dialogue agreements (like the NEPSI SDA) as providing guidance and tools to support the effective implementation of the employers' obligations as laid down in this directive. A specific new Article would be inserted in the directive and a new Annex (Annex IV) listing these SDAs would be created. Within the next 5 years NEPSI will support the implementation on the ground of the CMD and will prepare for the evaluation of the BOEL (binding occupational exposure limit). Therefore 5 actions are planned which focus on the extension of the scope as well as on SMEs and new workers. To do so it is planned to launch a project within the 2018 social dialogue's call. Finally Ms Lumen informed that 3 new signatories signed the NEPSI agreement.

c) Update on SWPEI work on OELs on NOx and CO

Ms Palaczanis informed social partners about EU Directive 2017/164 of 31 January 2017 which amended the Directives 98/24/EC and 2004/37/EC. The Directive 2017/164 refers to 31 substances including NOx and CO (fourth list). Due to the difficulties for the EI sector to implement the requirements of the Directive 2017/164 a five years transition period was agreed. Euromines has developed a good practice guide for reducing NOx and CO gases in the extractive industries. The guide was presented.

In addition, Ms Palaczanis pointed out that a baseline study/survey to map the current situation and to identify the necessary measures was suggested in the last SWPEI meeting.

d) Diesel exhaust emissions

Ms Palaczanis presented Euromines' position on the compromise amendments on the proposal for Directive of the EP and of the Council Amendment to Directive 2004/37/EC of February 2018. Euromines is very concerned about the proposal to include diesel engine exhaust emissions into the scope of the directive in particular because of:
Euromines believes that the issue of diesel exhaust emissions should be regulated with the EU machinery legislation rather than the CMD. Therefore, Euromines opposes both compromise amendments.

Social partners agreed on concentrating efforts to achieve common goals and developing a joint position.

6. Skills: Proposal of a project on skills and H & S
Ms Hebestreit presented a project proposal "Improving OSH Management" for this year’s social dialogue call. The project proposal focuses on identifying OSH company needs, in particular training and coaching for SME’s. In order to ensure a real transnational perspective the involvement of several Member States is crucial. The project proposal still needs some fine-tuning.

Social partners were invited to comment on the project proposal, establishing a task force in order to finalise the project and to launch the project proposal.

Mr Strohbach pointed out that the social dialogue call is envisaged to be published in the beginning of May 2018.

7. Report on other current issues (Social Partner Organisations)

a) Industry4europe - update on industrial policy

I) Mr Nelissen, IndustriAll presented industriALL’s draft action programme on the European industrial policy. He pointed out that the production in Europe has recovered and has reached the level as before the crisis (2007). However, 4 million jobs had been lost in European industry in the period 2008 – 2013. In addition, 2 million jobs had been lost in construction/services within the same period. These job losses concerned the male population because the female employment rate remained stable. Some sectors were resilient (e.g. car manufacturing, pharmaceutical) others like the mining and quarrying sector (approx. 140,000) lost quite a number of jobs. Mr Nelissen underlined that the main EC industrial policy initiatives were a step in the right direction. However, the EC coordination was not sufficient. More efforts are needed and key indicators have to be defined to achieve the EC industrial objective (20% of GDP currently the figure is 16%). Therefore, supporting innovation and new technologies (in particular digitalisation), more investment (public, private) as well as stimulating demand within Europe are needed to strengthen European industry/economy and to stay competitive.

In addition, more attention has to be given to foreign investment (in particular from China) in Europe when taking over European key industrial sectors/branches (e.g. KUGA) in order to defend European strategic interests. Thus, adequate and just in time trade defensive instruments (TDI) have to be in place when needed. IndustriALL puts strong emphasis on a just transition (e.g. mining) for industrial sectors in
change/restructuring. With regard to energy industriALL demands policies which ensure secure, affordable and sustainable energy supply.

Social partners underlined that a positive narrative for European industry is crucial.

II) Ms Hebestreit informed about the industry4europe initiative of more than 130 industry associations representing different sectors. These associations push the European industrial policy in the same direction as it was mentioned in Mr Nelissen’s presentation.

So far, 6 task force exercises on several topics have been launched which aim at defining indicators to measure progress. Although the EC communication "Investing in a smart, innovative and sustainable Industry - A renewed EU Industrial Policy Strategy" paves the way towards the future European industrial policy, the alliance of the 130 industry associations would like to measure the progress which will be made within the next 2 years. In addition to this overall industrial scheme there are also activities in extractive industries which are ongoing. On 18 May 2018 a raw material conference will be held in Sofia. In addition, there will be an event (raw material supply chain) under the Austrian presidency at the end of September 2018 and there are currently negotiations for an event under the Romanian presidency.

b) MWEI BREF summary

Ms Hebestreit informed about the project updating the BREF. BREF is the reference document on best available techniques for the management of tailings and waste-rock in mining activities (BAT Reference Document (BREF)). The project was managed by the JRC in Seville and will be published in English in spring/summer 2018.

The BREF document covers activities related to tailings and waste-rock management of ores that have the potential for a significant environmental impact. In particular the work sought out activities that can be considered as examples of “good practice”. Mining techniques and mineral processing are only covered as far as they are relevant to tailings and waste-rock management. The intention is to raise awareness on best available techniques and promote their use across all activities in this sector.

The starting point for the work and the actual development of this document was the Communication from the European Commission COM(2000)664 on the ‘Safe Operation of Mining Activities’. As a follow-up to the tailings dam bursts in Aznalcollar and Baia Mare this Communication proposed an action plan which includes the elaboration of a BAT Reference Document based on an exchange of information between the European Union’s Member States and the extractive industry. This document is the result of this information exchange. It supports the implementation of the Directive on the management of waste from extractive industries (2006/21/EC), which requires measures to be based on BAT.

c) Coal Regions in Transition Platform

I) Mr Ricketts informed about the first meeting of the “coal regions in transition platform” held on 26-27 February 2018. He reminded social partners of the fact that the platform was launched in Strasbourg on 11 December 2017.

The platform will facilitate the development of projects and long-term strategies in coal regions, with the aim of kick-starting the transition process and responding to
environmental and social challenges. It will bring together EU, national, regional and local stakeholders involved in the transition to help them foster partnerships and learn from each other’s experiences. The platform’s activities will initially focus on coal regions, with the aim to expand to carbon-intensive regions in the future. It is designed to boost the clean energy transition by bringing more focus to social fairness, structural transformation, new skills and financing for the real economy.

2 working groups [(I) post coal economy and structural transformation; (II) eco, innovation and coal technology] in which Euracoal and industriALL are represented have been established so far. In addition to the working group meetings an event took place in the EP to discuss the issue of financing the transition.

Mr Ricketts underlined that the EC information policy needs to be improved and that Euracoal is interested in 4 key issues which are: climate action, competitiveness of coal against gas in Europe, competitiveness of indigenous coal against imported coal and social acceptance of mining. However, Mr Ricketts said that the EC is not interested in these issues within the platform discussions. With the platform the EC focusses on managing the transition rather than questioning the transition. Therefore, the main part of the platform discussion was on using existing funds (modernisation fund, innovation fund, ESIF) and the presentation of already existing transition projects in coal regions. In view of the next MFF a specific budget geared towards the coal regions in transitions might be discussed.

Ms Zierold pointed out that additional funding (just transition funds) is needed. In addition the selection of pilot projects has to be broadened and has to be more transparent.

The Chairmen pointed out that 41 regions are concerned but only 4 regions have been selected so far. This can only be seen as an inspiration and therefore more funding is indispensable.

II) Ms Eisenvortova (Member of EESC) which worked in the Consultative Committee on industrial change (CCMI) informed about the EESC strategy for industrial regions in change and requested social partners' expertise in this field. The CCMI succeeded the consultative committee of the ECSC (European Coal and Steel Community) when the latter expired on 23 July 2002. It is established as a distinct body within the EESC and has a remit which extends to all sectors of industry in both manufacturing and services. The CCMI is a forum of EESC members and external delegates.

CCMI supports pilot projects (indigenous coal in the EU energy transition) in BU, DE and CZ in 2018 and next year ES, RO and BU will follow. She referred as well to the EC’s coal regions in transition platform, which was established in 2017. The working groups selected 3 pilot countries (PL, GR, SL). Particular attention will be given to training, education, VET as well as up- and re-skilling.

There is cooperation/exchange between the COM’s platform and the CCMI.

Although the focus will be on coal regions the whole industry/economy of the regions and the energy transition policy as a whole will be taken into consideration. Ms Eisenvortova invited the social partners to actively participate in and contribute to the CCMI projects.

Social partners welcomed the EESC initiative and asked for further information especially with regard to the dates of the planned meetings.
d) European network for sustainable quarrying and mining

Ms Marlet gave a presentation on the "European network for sustainable quarrying and mining". She pointed out that the European network for sustainable quarrying and mining is a raw material commitment (approval by the EC July 2016) under the European Innovation Partnership linked with the Strategic Implementation Action Plan under the non-technological pillar "Improving Europe's raw materials framework conditions, public awareness". This commitment implies joint undertakings by several partners, who commit to activities aimed at achieving the European Innovation Partnerships' (EIP) objectives.

The mission of the European Network for sustainable quarrying and mining is a platform aiming at boosting sustainable quarrying and mining by creating dialogue and a culture of cooperation among all the stakeholders both at national and European level. To do so, special attention is given to sustainable quarrying and mining practices, improving law enforcement, protecting and conserving biodiversity, promoting health and safety and managing environmental and social impacts. Finally, she presented some first results of the European network for sustainable quarrying and mining.


Mr Strohbach reminded social partners of the relaunch of social dialogue in 2015. Due to this relaunch social dialogue has been strengthened at both national and European level because of:

- a better involvement of social partners in EU policy making
- a more substantial involvement of social partners in the European Semester
- a stronger emphasis on capacity-building of national social partners.

In addition, he mentioned the current developments of the European pillar of social rights.

9. AOB

The next SSDC meeting will be on 20 June 2018.

The Chair thanked the participants and closed the meeting.