



EUROPEAN COMMISSION

Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue

Social dialogue, Industrial Relations

Jean Paul Devos
TUNED chair
National Secretary,
CSC services publics
Belgium

Thomas Campeaux
EUPAE chair
Deputy Director General,
DGAFP
France

Dear Mr Devos and Mr Campeaux,

Thank you for your letter of 24 April 2014 to Commissioner Andor concerning the agreement on the protection of occupational health and safety in the hairdressing sector.

I wish to point out the procedural requirements that have to be applied when social partners jointly request, in accordance with Article 155(2) of the Treaty on the Functioning of the European Union (TFEU), the legislative implementation of social partners' agreement dealing with matters covered by Article 153 TFEU.

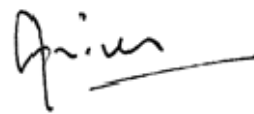
The Commission has to assess the agreement with regard to the representativeness and mandate of the signatory parties, as well as the legality of its clauses; it also considers the burden its implementation would imply for SMEs. As the agreement was concluded at the initiative of the social partners, the Commission has also to analyse the appropriateness of EU action in the area. Finally, in line with the Smart Regulation Agenda and in order to comply with the Inter-institutional Agreement on Better Lawmaking (2003), the Commission has to accompany any proposal for legislation with an analysis of its possible impact.

In this context, the Commission has undertaken an analysis of the costs and benefits of implementing the agreement in the hairdressing sector. Late 2012, the Commission departments commissioned an external study which has just been finalised and which will be used for preparing a staff working document to be presented to the Commission Impact Assessment Board. The length of the assessment process is due in particular to the difficulty of collecting data on occupational health and safety in the hairdressing sector, given the lack of comparative official statistics and the structure of the sector, which involves many micro-enterprises.

It was against this background that the Commission announced in its Communication 'Regulatory Fitness and Performance (REFIT): Results and Next Steps'¹ that it would not table a proposal for legislative implementation of the agreement during the current term of office.

However, the Commission is continuing its assessment of the agreement and will inform the EU social partners of the hairdressing sector on its progress, on a regular basis.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tricart', with a horizontal line extending to the right from the end of the signature.

Jean Paul Tricart
Head of Unit

¹ COM(2013) 685 final of 2 October 2013.