

# Health and safety



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BUSTER**

Health and Safety European Community directives have become law in the United Kingdom in a process normally known as "gold plating". (Hall, Smith and Tsukalis, 2001)

This led to a commission of study by an Efficient Scrutiny Team that looked into this issue. The Commission was headed by Rt. Hon Michael Heseltine the then President of the Board of Trade in 1992. A year later, the commission publishes a report titled "Review of the Implementation and Enforcement of EC Law in the UK". The report had three detailed case studies and one of them noted about reviewing of fire safety regulation.

The report recommended that there should be a role of Whitehall and Minister and the departments were argued to keep a close touch with European Parliamentary process for them to offer revised briefing. Another recommendation was the Deregulation Unit was required to work on guide by the end of 1993 on formulation and implementation of EC law in the UK. In the report, it was noted that UK approached negotiation and implementation as a separate process to a point that an opinion taken by European Economic and Social Committee's (EESC) noted that European Union in did had a problem of implementation and compliance.

(Hall, Smith and Tsukalis, 2001)

Member states indeed have a delay experience on the state of implementation of EU law in transposition of directive as shown by statistics. There is usually an incomplete or incorrect transposition as indicated by statistics of infringement proceedings. In 2002-2005, there has been transposition and application of directive cases up to 78 per cent of them initiated by the European Union against Member States. This indicates very

clearly that a problem is experienced by Member States in determining the national method of implementation to give effect to directives. (Hall, Smith and Tsukalis, 2001)

Better Regulation Task Force has always urged the UK government on the need for a better and regulatory impact assessment since the problem of "gold plating" is still continuing. The European Commission impact assessments that are supposed to be attached to their legislative proposals are not comprehensive. In addition to the financial impact of the business, it is recommended that their scope is supposed to be extended to require social and environmental impact assessment. Since the European Commission rely on the member state on this kind of information, the assessment has always been noted to be inadequate.

(Hall, Smith and Tsukalis, 2001)

"Gold plating" process will continue to be experienced in United Kingdom due to the government policy. The ministers and local authorities have been applying these EU directives which are not applicable in the country. There have been situations where the ministers and local authorities have been using these European Community's proposals in their scope of work therefore using them as a scapegoat to justify their deeds by citing them. For a better future of the country, it is the high time that United Kingdom should codify and come up with up-to-date national legislations that are applicable.

#### Reference

Hall, R, Smith, A. and Tsukalis, L. (2004): *Competitiveness and Cohesion in EU Policies*, Oxford University Press, New York