

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 75 final

Brussels, 7 March 1988

Proposal for a  
COUNCIL DIRECTIVE  
concerning the minimum safety and health requirements for the use by  
workers of machines, equipment and installations

(second individual Directive within the meaning of Article 13  
of Directive ...) (1)

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(presented by the Commission)

(1) COM(88) 73 final

## EXPLANATORY MEMORANDUM

### 1. Legal basis

The proposal is based on Article 118A of the EEC Treaty.

It is the subject of the Communication from the Commission on its programme concerning safety, hygiene and health at work <sup>1)</sup>.

The proposal is also connected with the completion of the internal market <sup>2)</sup> in implementation of the new approach <sup>3)</sup>.

### 2. Aims of the proposal

The aims of the proposal are as follows:

- improvement of the health and safety of workers with regard to the use of work equipment;
- the introduction of a social element in relation to several Directives aiming at the completion of the internal market for work equipment;

The proposal aims to improve the safety and health of workers at the workplace by establishing minimum requirements for the use of work equipment. The Directives concerning the completion of the internal market through the elimination of technical barriers to trade are based on the new approach, which lays down essential safety requirements (described in detail in harmonized European standards); these Directives concern the safe design,

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<sup>1)</sup> COM (87) 520 - Council Resolution 88/C28/01 of 21.12.1987, OJ C 28 of 3.2.1988

<sup>2)</sup> Commission white paper on the completion of the internal market (Ref. COM 85 (310) final)

<sup>3)</sup> Council Resolution of 7.5.1985 - OJ C 136 of 4.6.1985

manufacture or construction of products with a view to their initial placing on the market and their free movement. The introduction of this social element ensures the safety and health of workers at the workplace with regard to the use of all products, including products already in use or bought second-hand. The proposal constitutes a social supplement to several "internal market" directives on different types of machines and devices used as work equipment.

In drawing up this proposal the Commission has taken account of the specific nature of SMUs. To this end, the proposal provides that the application of the provisions of the Directive may be modulated to take account of the size of the undertaking and "socio-economic factors". Member States should apply the same principles when implementing the provisions of the Directive at national level.

### 3. The proposal in relation to existing national legislation

Laws and regulations concerning safety in the use of equipment at the workplace exist in all Member States of the European Community. In most instances, general provisions exist in the Labour Codes on framework legislations regarding the requirements for designers and suppliers of equipment to ensure that the goods they supply are provided with the necessary safety devices and are safe and without risks to health when properly used.

This is the case, for example, in:

- Part IV of the Danish Work Environment Act of 1977
- Article 120 of the 1869 Industrial Code (Federal Republic of Germany)
- Title II, Chapter 1 of the Belgian General Regulations for the Protection of Labour
- Book 2, Parts III and IV of the French Labour Code
- The United Kingdom Factories Act of 1961
- The Irish Safety in Industry Act of 1980

Special technical specifications are, however, usually in the form of technical regulations, guidance notices or national standards.

Their very large number and specific nature prevents representative examples being given; however, the overall coverage and the nature of these national specifications is sufficiently different to render some degree of harmonization at Community level necessary to ensure a minimal level of protection for all workers and to avoid competitive advantages.

#### 4. Characteristics of the proposal

As provided for in Article 118A of the EEC Treaty, the proposal contains minimum requirements.

The proposed measures aim to protect workers in all undertakings.

The proposal adds a social element to the internal market directives which concern, or will concern, work equipment. The broad scope of the proposal is attributable to the structure of the annexes which leave room for subsequent additions or amendments; by making additions or amendments to one or more of these annexes, it is possible to add a social element to any internal market directive, without having to draft a complete new directive on social aspects each time. As they stand at present, the annexes relate mainly to the free movement of machines in general.

Annex I is compulsory, Annex II serves as a guideline. Annex I lays down minimum safety and health conditions for work equipment in use or bought second-hand (new products are covered by the more detailed requirements of the internal market directives). Annex II contains safety and health references as a basis for selecting the right work equipment to suit the characteristics and conditions of use in each undertaking.

All these provisions are a means of achieving the gradual implementation provided for in Article 118A of the EEC Treaty. The proposal's annexes can be expanded to allow specific minimum requirements to be established for work equipment.

## 5. Consultation of the parties concerned

Experts, government representatives and workers' and employers' organizations were consulted by the Commission and were involved in the preparation of the proposal.

The Advisory Committee on Safety, Hygiene and Health Protection at Work (set up by Council Decision No 74/325/EEC of 27.4.1974 - OJ L185 of 9.7.1974) was consulted and gave an opinion which was taken into account in the drafting of the proposal.

## 6. Comments on the Articles of the proposal

- Article 1 outlines the scope of the Directive.
- Article 2 provides definitions.
- Article 3 indicates the Member States' obligations concerning work equipment (machines, equipment and installations).
- Article 4 establishes measures to be taken concerning:
  - existing work equipment or equipment already in use at the workplace;
  - work equipment to be chosen in the future by means of reference to the annexes.
- Article 5 lays down the necessary instructions for the use of the work equipment.
- Article 6 provides for consultation of workers or their representatives on work equipment.
- Article 7 sets out the procedure for the adaptation of the annexes.
- Articles 8 and 9 contain the final provisions and refer in particular to the need for the Member States to make periodic reports.

Proposal for a Council Directive  
of .....

concerning  
the minimum safety and health requirements for the use by workers  
of machines, equipment and installations  
(second individual Directive within the meaning of Article 13 of Directive ...  
....)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, with particular reference to Article 118A,

Having regard to the Commission proposal<sup>1</sup>, drawn up after consultation with the Advisory Committee for Safety, Hygiene and Health Protection at Work<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

In cooperation with the European Parliament<sup>4</sup>,

Whereas Article 118A of the EEC Treaty provides that the Council shall issue directives containing minimum requirements designed to encourage improvements, especially in the working environment, as regards the health and safety of workers;

Whereas Article 118A also recommends that Directives shall avoid imposing administrative, financial and legal constraints which would hold back the creation and development of SMUs;

Whereas the Communication from the Commission on its programme concerning safety, hygiene and health at work<sup>5</sup> provides for the adoption of directives designed to guarantee the safety and health of workers;

Whereas the Council Resolution of 21 December 1987<sup>6</sup> concerning safety, hygiene and health at the workplace noted the Commission's intention to present to it in the near future minimum requirements concerning the safety and health of workers at work;

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<sup>1</sup> OJ .....

<sup>2</sup> Council Decision 74/325/EEC of 27.6.1974

<sup>3</sup> OJ .....

<sup>4</sup> OJ .....

<sup>5</sup> COM (87) 520 and Council Resolution 88/C 28/01 of 21.12.1987, OJ C 28 of 3.2.1988

<sup>6</sup> 88/C28/01, OJ C 28 of 3.2.1988

Whereas it is incumbent on Member States to ensure the safety and health of persons, in particular workers, within their national territory;

Whereas the completion of the internal market<sup>7</sup> entails the drawing up of directives based on Article 100A, in accordance with the new approach to harmonization and standardization<sup>8</sup>, making compliance with essential safety requirements for the design, manufacture or construction of products a condition for their sale and free movement throughout the Community and in view of the fact that these products include several types of work equipment, in particular machines<sup>9</sup>;

Whereas the Member States have very different systems of legislation on safety and health at work; whereas national provisions on the subject, which often include technical specifications and/or self-regulatory standards, may result in different levels of safety and health protection and distort competition;

Whereas compliance with the minimum health and safety requirements for the use of work equipment is essential to ensure the safety and health of workers and to promote fair competition;

Whereas there is a need to supplement the directives referred to in Article 100A the scope of which is confined to the initial placing of products on the Community market, with minimum requirements concerning safety and health during the use of all work equipment;

Whereas this Directive covers the social aspects of the various technical harmonization directives designed to complete the internal market for work equipment;

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<sup>7</sup> White paper - COM 85 (310) final

<sup>8</sup> Council Resolution 85/C 136/01 of 7.5.1985 - OJ C 136 of 4.6.85

<sup>9</sup> COM (87) 564 final of 14.12.1987



Whereas this Directive is designed to protect the safety and health of workers by laying down essential minimum requirements, without impeding the retention or institution by each Member State of specific measures for safer working conditions;

Whereas these requirements should not entail alterations to work equipment covered by Community Directives which concern health and safety aspects of work equipment design and construction;

Whereas under Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (1) Member States are required to notify the Commission of any draft technical regulations relating to machines, equipment and installations;

Whereas the employers' obligations under the Directive concerning the implementation of measures to encourage the improvement of the safety and health of workers at work must be supplemented by special measures for work equipment;

Whereas it is important to ensure adequate consultation with both sides of industry, and in particular with workers' organizations, on the technical work relating to this Directive;

Whereas it is important to encourage cooperation between management and labour with regard to decision making and measures concerned with the protection of safety and health at the workplace, at all levels;

Whereas there is a need for a committee to assist the Commission in implementing supplementary measures provided for by the Directive;

HAS ADOPTED THIS DIRECTIVE:

S U B J E C T

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Article 1

1. This Directive, which is an individual Directive within the meaning of Article 13 of Directive.....(1), lays down minimum requirements for safety and health and for the use of work equipment, as defined in Article 2.
2. This Directive does not impede the retention or institution by each Member State of more stringent protection measures for working conditions compatible with the Treaty.

DEFINITIONS

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Article 2

For the purposes of this Directive, the following terms have the meanings hereby assigned to them:

- workplace:  
any place accessible to a worker in the undertaking and/or establishment;
- work equipment:  
machines, equipment or installations which may constitute a safety or health hazard for workers;
- undertaking and/or establishment:  
a public- or private-sector establishment engaged in industrial, agricultural, commercial, administrative, service, educational or cultural activities;

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(1) ...

- worker:

a person doing work of any sort, including students undergoing training and apprentices.

WORK EQUIPMENT

(machines, equipment and installations)

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Article 3

1. The Member States shall take all useful measures to ensure that the employer fulfils the obligations set out in this Directive concerning the use of work equipment.
2. The Member States shall carry out any necessary checks in accordance with paragraph 1.

Article 4

1. Work equipment existing and used at the time of entry into force of this Directive must satisfy the minimum conditions laid down concerning them in Annex I, at the latest five years after the entry into force of this Directive, without prejudice to the application of the Community provisions concerning health and safety aspects of the design and construction of work equipment.
2. Second-hand work equipment placed on the market after the entry into force of this Directive must satisfy the minimum requirements laid down concerning them in Annex I once the national provisions taken in compliance with this Directive enter into force, without prejudice to the application of the Community provisions concerning health and safety aspects of the design and construction of work equipment.

3. In selecting the work equipment which he proposes to use, the employer shall pay particular attention to the hazards this equipment presents to the safety and health of the workers, taking into account the specific characteristics of the undertaking.
4. The employer shall ensure that the equipment mentioned in Paragraph 3 is safe, taking into account the specific conditions of use in the undertaking:
  - a) when ordering such equipment
  - b) at the time of delivery and commissioning
  - c) during use
  - d) during maintenance, repair or conversion work which affects or may affect safety.
5. Annex II contains non-comprehensive guidelines relating to the provisions contained in Paragraphs 3 and 4.

#### Article 5

1. The workers shall have at their disposal written instructions concerning all the work equipment commissioned after the entry into force of the national provisions issued under this Directive.
2. In the case of work equipment already installed at the workplace at the time of entry into force of the national provisions issued under this Directive, the employer shall, as far as possible, provide the workers concerned with written instructions.
3. The written instructions must at least contain adequate safety and health information concerning:
  - the normal conditions for using the work equipment,
  - handling, installation, assembly, adjustment and maintenance of the work equipment.

These written instructions must be made available, whenever possible, in the languages of the workers concerned.

#### Article 6

1. The workers or their representatives shall be consulted on the health and safety aspects:
  - on the basis of Annex I in the case of existing work equipment,
  - on the basis of Annexes I and II in the case of second-hand equipment placed on the market,
  - on the basis of Annex II for the purchase of new work equipment.
2. Whenever, in the opinion of the workers or their representatives, the measures taken by the employer to ensure the safety of existing, used or future work equipment are not sufficient, they may request a visit by the authority responsible for safety and health at work.

#### CHANGES TO THE ANNEXES

#### Article 7

1. The Commission shall make changes to the annexes of the present Directive as a result of:
  - the adoption of Directives on technical harmonization and standardization of the design, manufacture or construction of work equipment;
  - technical progress, changes in international regulations or specifications and know-how in the field.

In making the changes referred to in the first paragraph, the Commission shall be assisted by a committee and shall follow the procedure set out in Article 14 of Directive.....(1).

## FINAL PROVISIONS

### Article 8

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991 at the latest. They shall immediately notify the Commission.
2. The Member States shall forward to the Commission the text of the national provisions which they are adopting in the field governed by this Directive.
3. At two-yearly intervals, the Member States shall report to the Commission on the practical implementation of the provisions of this Directive concerning work equipment, indicating the opinions of the two sides of industry. The Commission shall inform the Committee and tripartite Committee.
4. Any technical regulations which the Member States intend to adopt in accordance with this Directive shall be forwarded to the Commission at the draft stage in accordance with the procedure laid down in Article 8 of Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations.

### Article 9

This Directive is addressed to the Member States.

Done at Brussels,

By the Council,  
President

Minimum requirements referred to in  
Article 4, paragraph 1

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The definition of "machinery" in the Directive concerning the design, manufacture and placing on the market of machinery (COM (87) 564 final of 14.12.1987; OJ C 29 of 3.2.1988) is applicable to this Annex.

1. MACHINES

- The controls shall be located outside danger zones and so positioned that the operator can monitor all the danger zones.
- From each workstation it shall be possible to shut down any moving parts of a machine which effect the safety of that workstation.
- Having regard to the risks associated with the machine and the normal shut-down time, the machine shall be fitted with an emergency shut-down device.
- An operator shall be able to start or restart the machine only by deliberately activating a control provided for this purpose, except where an automatic device is working normally.
- A machine which may constitute a danger, due to objects falling or being ejected from it or to emissions from it shall be provided with guards or appropriate means of collection and evacuation.
- A machine which is not sufficiently intrinsically stable shall be properly anchored or secured in some other way.
- The moving parts of a machine shall be protected, if the work allows, by a guard to prevent contact with the workers.
- Areas and workplaces intended for the operation or servicing of machinery shall be adequately lit for the work which is to be carried out.



- Parts of a machine which have a high or very low temperature shall be protected by a guard to prevent contact with workers.
- A machine's warning indicators shall be conspicuous and easy to understand.
- A machine shall not be used for operations or in conditions for which it was not designed and for which it is unsuitable.
- A machine shall be properly maintained to ensure its safe operation. Maintenance shall be carried out outside the danger zones or during machine shut-down, if this is technically possible. If any machine has a maintenance log it must be kept up-to-date.
- It shall be possible to insulate a machine from each of its power sources.
- A machine shall bear the markings necessary to ensure safe operation.

Non-exhaustive guidelines referred to  
in Article 4, paragraph 5  
(check list)

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A. MACHINE

The definition of "machinery" in the Directive concerning the design, manufacture and placing on the market of machinery (COM (87) 564 final of 14.12.1987; OJ C 29 of 3.2.1988) is applicable to this Annex.

1. General

1.1 Definition of

- Danger zones and risk factors: in, on and around the machine
- Exposed persons: operators and other persons

1.2 General assessment

- Normal conditions of operation and use
- Foreseeable or potential abnormal situations
- Counter-indications for use
- Guards
- Other risks: personal protection
- Safety certification

1.3 Materials and products

- Risks associated with the materials used for building the machine and the products used by the machine: mechanical, thermal and chemical properties, welds and assemblies, erosion, abrasion and fatigue
- Risks associated with the use of fluids: filling, recovery, evacuation
- Risks associated with the products manufactured

#### 1.4 Lighting

- Lighting of the working area: shadow, dazzle, stroboscopic effect
- Lighting of inspection, control and maintenance work

#### 1.5 Handling

- Risks associated with installation, removal, packing and storage
- Problems caused by weight and shape
- Lifting gear
  - Fixed or mountable attachments to which lifting gear can be fixed
  - Suitable lifting gear

### 2. CONTROLS

#### 2.1 Reliability

- Failures
- Switches with positive mode
- Deliberate interference made impossible

#### 2.2 Appearance, arrangement and operation

- Visible, identifiable, appropriately marked
- Coherence between the movement of the control and the effect required
- Outside danger zones
- Risks involved in operating the controls
- Indication of the action required if several different actions are possible
- Shape, position, movement and mechanical resistance of the control
  - . Compatible with the action required
  - . Compatible with ergonomic rules
- Operator able to see warning signals and monitor danger zones from his workstation or, failing that, each start-up of the machine preceded by a warning signal

### 2.3 Machine start-up

- Starting a machine or restarting after a stoppage only possible by deliberate activation of a control (or by safe automatic control)
- Risks for operators (vis-à-vis one another) if there is more than one start-up control

### 2.4 Machine shut-down

- Normal shut-down: priority over start-up command
- Emergency shut-down
  - . if the normal shut-down time is excessive
  - . short shut-down time, visible and accessible controls, movement
  - . engagement - disengagement without restart-up
- Complex installations: normal and emergency shut-down stopping the entire machine and all equipment upstream and/or downstream

### 2.5 Mode selector

- If the machine has several control modes and several levels of operation, mode selector lockable in each position
- Each position corresponding to a single control mode or operating level
- Skilled operators
- If the machine can be operated with its protection devices neutralized:
  - . automatic control excluded
  - . controls needing sustained action
  - . restriction of the operation of the moving parts

### 2.6 Power supply, control circuit

Risks associated with interruption, re-establishment, fluctuation and failure of power supply

### 3. MECHANICAL RISKS

#### 3.1 Stability

- Intrinsic stability: through shape, weight distribution, centre of gravity; to combat falling, overturning, shifting
- Anchorage in the absence of intrinsic stability
- Falling by the operator

#### 3.2 Break-up during operation

- Parts of the machine and their linkages, tools, cables: resistance, anchorage, fatigue, ageing, corrosion, abrasion
- Replacement of parts
- Protection against fragments

#### 3.3 Falling or ejected objects

- Means of protection
- Objects in question: workpieces, materials used, tools

#### 3.4 Moving parts

- Sound construction or
- guard to prevent contact

#### 3.5 Guards for moving parts

##### A. Movable components of the transmission system

- fixed guards (see 1.4.1), or
- movable guards (see 1.4.2)

##### B. Moving element components which operate concurrently with the work itself

- fixed guards (preferably) (see 1.4.1), or
- sensitive devices, bimanual controls, etc. (see 1.4.3)

C. Moving parts which shall remain accessible

- fixed guards (see 1.4.1) preventing access to parts not used for the work and
- adjustable guards (see 1.4.4) restricting access to parts necessary to carry out the work.

4. GUARDS

4.1 Fixed guards

- Robust
- Fixed firmly in place
- Unopenable without the use of a tool

4.2 Removable guards

- Robust
- Remain attached to the machine when opened
- In open position: . the moving parts cannot be set in motion  
. the moving parts are stopped

4.3 Guards included in the control system (sensitive devices, dual controls, etc.)

- Impossibility of setting the moving parts in motion:  
. while the operator can reach them  
. if the guard is faulty or if there is no guard
- Guards sufficiently far away from the moving parts to prevent the operator reaching them before they have stopped
- Adjustment requiring the use of a tool
- Guards themselves protected against the risk of ejection

#### 4.4 Adjustable guards restricting access

- Robust
- Installation (manual or automatic)
- Easy to adjust without the use of a tool
- Risk of ejection
- Risks from the guards themselves
- Obstruction of view of work
- Removal not necessary during normal machine use and maintenance

### 5. OTHER RISKS

#### 5.1 Surfaces, edges, corners

No sharp, pointed or rough parts

#### 5.2 Electricity supply

Possibility of contacts; state of cables, anchorages, connections, plugs, sockets, insulation, fuses, earthing, switches, transformers

#### 5.3 Static electricity

Dispersion provided for

#### 5.4 Hydraulic, pneumatic or thermal energy

Suitable materials for conduits, circuits, and containers

#### 5.5 Extreme temperatures

- Parts and materials
- Measures to:
  - . avoid contact
  - . avoid proximity

## 5.6 Fire

- Measures to avoid the risk of fire: machines, gases, liquids, dusts, vapours and other substances used or produced
- Fire-fighting equipment

## 5.7 Explosions

- Suitability of the machine for use in a potentially explosive atmosphere
- Explosive atmosphere created in and around the machine: dusts, gases, vapours, waste materials produced by the machine
- Suitability of electrical equipment contained in the machine for use in a potentially explosive atmosphere

## 5.8 Noise

- Noise produced by the machine
- Actual situation at the workplace

## 5.9 Vibrations

Practical/admissible level

## 5.10 Radiation

- Electromagnetic, ionizing and other
- Admissible/practicable level

## 5.11 Other emissions

- Gases, liquids, dusts, vapours and other wastes
- Collection or ventilation as close as possible to the source
- Evacuation



## 6. MAINTENANCE

### 6.1 Maintenance

- Adjustment, lubrication and maintenance points: outside the danger zones
- Possible while the machine is stopped or without risk
- For proper assembly and disassembly: information on the parts which could be a source of risk
- Errors in connecting up power and fluid supply avoided through design or instructions

### 6.2 Access to intervention points

- Platforms, stairs, ladders, catwalks: size, anti-slip surface
- Falls of persons and objects: handholds, ramps, guard rails

### 6.3 Power supply cut-off

- Insulation of the machine from each power supply
- Permanent cut-off of power supply: locking

## 7. INSTRUCTIONS

### 7.1 Warning indicators

- Unambiguous and easy to see
- Measures to ensure permanent effectiveness
- Colours and warning signs

### 7.2 Hazard signs

- Location of risks
- Exposed persons
- Necessary markings
- Shapes, colours, signs, understanding

7.3 Marking

- Requirements: effectiveness, safety
- Legible, indelible

7.4. Instructions for operation

- Intelligible
- Adequate

## B. ERGONOMIC PRINCIPLES CONCERNING MACHINES

### 1. Presentation of the information

- All information relevant to safety to be displayed to the operator
- Type of display to be compatible with the requirements of the user
- Interpretation of the information displayed to be unambiguous
- Instruments for maintenance and test purposes to be located outside the normal field of vision
- Critical instruments (frequency of use - consequences of errors) to lie within the optimal area of vision
- Essential displays to include a means of indicating when the system is out of order
- Machines and arrangement of multidisplays to correspond

### 2. Control functions

- Type of control to be compatible with function
- Speed and accuracy of control movement to be geared to the capabilities of users
- Identification of control functions to be clear, to avoid confusion in their use
- Controls critical to safety to be guarded against inadvertent operation
- Rapid recovery from error to be possible
- Control separation to be geared to the abilities of users, taking into account the possible requirement for personal protective equipment
- Controls (size, lay-out, mechanical resistance, inertia) to be geared to the physical characteristics of users, and allowance made for the possible use of personal protective equipment
- Grouped controls to be mounted centrally below the optimal display area

### 3. Mental stress and fatigue

- Mental load, vigilance, sensory deprivation and isolation due to the machine
- Noise: . annoying noise  
          . noise liable to mask communication and signals
- Vibration: vibration levels and impairment of visual or manual efficiency

### 4. Physical fatigue

- Working space design and postural demands to be geared to the physical attributes of machine operators
- Work rates to be geared to the physiological attributes of users

FINANCIAL RECORD SHEET

1. Budget item concerned

B 6482 : Health protection, hygiene and safety at work.

A 2510 : Compulsory committees.

A 2513 : Advisory Committee on Safety, Hygiene and Health Protection at Work.

2. Legal basis

a) Article 118A of the EEC Treaty.

b) Commission Communication on its programme concerning safety, hygiene and health at work (COM (87) 520 – Council Resolution 88/C28/01 of 21.12.1987, OJ C 28 of 3.2.1988).

c) Commission White Paper on the completion of the internal market (COM 85 (310) final).

d) Council Resolution of 7.5.1985 (OJ C 136 of 4.6.1985) concerning the new approach.

3. Proposed classification into compulsory/non-compulsory expenditure

Non-compulsory.

4. Description and justification of the action

4.1. Description

4.1.1. Objectives of the proposed Directive

The proposed Directive has the following aims:

-to add a "social element" to various directives on technical harmonization designed to complete the internal market in work equipment

-to improve the safety and health of workers in respect of work equipment

4.1.2. Characteristics of the proposed Directive (with particular reference to those with financial implications).

4.1.2.1. The proposed Directive and, in particular, its annexes may be adapted and supplemented in order to

- to add a "social element" to the directives of the "technical harmonization - internal market" type which relate to the safety and health of workers in that they cover work equipment, without having to draw up a complete new directive on social aspects in each case.

4.1.2.2. The proposal stipulates that the Member States shall forward to the Commission their relevant national implementing legislation as well as reports on implementation.

4.1.2.3. The proposal also makes provision for the creation of a committee to assist the Commission in supplementary and management work in this area.

#### 4.2. Justification

The action is justified by the legal basis given in point 2. The financial implications will be associated with the additional activities to be undertaken in the future (see point 4.1.) and are set out in point 5.

#### 5. Nature of the expenditure and method of calculation

##### 5.1. Nature of the additional activities to be undertaken following the adoption of the Directive:

- a) monitoring of the implementation of the Directive in the individual Member States
- b) revision of the annexes and the addition of new annexes
- c) consultations with experts
- d) the running of an adaptation committee
- e) consultation of the Advisory Committee on Safety, Hygiene and Health Protection at Work.

##### 5.2. Types of activity resulting from 5.1. with financial implications.

These are:

- study and/or service contracts for
  - . the comparison and appraisal of the information received by the Commission
  - . the study of the problems associated with the implementation of the Directive
  - . the study of the problems associated with the annexes and the preparation of new annexes to be added to the Directive;
- costs of consultation meetings with experts
- costs of running the adaptation committee
- costs of consultations with the Advisory Committee on Safety, Hygiene and Health Protection at Work.

##### 5.3. Calculation of expenditure

- As only the nature and type of the additional activities are known with no indication of their scale or number, it is impossible to make a precise estimate of the expenditure.
- Costs are calculated on the basis of the "man/month" unit; at present, one unit is equivalent to 5 000 ECU.

The expenditure will be spread over several years and will be progressive. The figures given in 6.1. are approximate estimates.

#### 6. Financial impact of the action on intervention appropriations

6.1. Schedule of commitment appropriations and payment appropriations:

Item B 6482:

	CA (ECU)	PA (ECU)
1988	100 000	100 000
1989	400 000	400 000
1990	500 000	500 000
1991	600 000	600 000
1992	... <u>700 000</u>	.... <u>700 000</u>
Total	2 300 000	2 300 000

Item A 2510:

1988	—	—
1989	20 000	20 000
1990	35 000	35 000
1991	40 000	40 000
1992	<u>40 000</u>	<u>40 000</u>
Total	135 000	135 000

Item A 2531:

1988	—	—
1989	10 000	10 000
1990	10 000	10 000
1991	10 000	10 000
1992	<u>10 000</u>	<u>10 000</u>
Total	40 000	40 000

6.2. Percentage of Community funding in the total cost of the action

As regards the work provided for in the proposed Directive, the Commission will provide 100% funding.

7. Remarks

None.

8. Financial impact on staff appropriations

8.1. Personnel needed solely for the action itself

As from 1989, one full-time A official, one full-time B official and one full-time C official will be needed.

These resources are to be found either by redeployment of personnel within DG V or through the budgetary procedure.

8.2. Appropriations needed for staff

The estimated appropriations needed as from 1989 are 240 000 ECU per year.



Impact on  
competitiveness and employment

Proposal for a Council Directive concerning the minimum safety and health requirements for the use by workers of machines, equipment and installations (second individual Directive within the meaning of Directive.....)

1. The main aim of the proposal for a Council Directive is to protect the safety and health of workers through the safe use of work equipment.
2. The proposed Council Directive applies to all undertakings within the Community. All SME's are therefore included.
3. The national provisions introduced in implementation of this Directive will impose a number of obligations on undertakings.

As regards machines, machines marketed for the first time in the Community will have to comply with the safety provisions of the Council Directive concerning the approximation of the laws of the Member States relating to machines. The present Directive provides for an additional period for existing machines.

The main aim of all these obligations is to improve safety in undertakings, which should mean a substantial reduction in the cost to society.

The non-compulsory annexes provide guidelines for employers and workers and/or their representatives for the improvement, as far as possible, of the safety of work equipment.

4. The proposal provides that the Member States shall take appropriate measures, indicated in broad outline, to ensure that work equipment is used in such a way as to ensure the protection of the health and safety of workers. Undertakings will have to examine their work equipment accordingly and take the necessary measures to make them safer. This should lead to a reduction in occupational accidents and illnesses.
5. Although the proposal does not impose any particular constraints on SMUs compared with larger undertakings, SMUs could find themselves at a disadvantage if the Member States apply the various elements of the proposal to the letter.

This is why certain requirements may be modulated to take account of the size and activity of the undertaking and the safety and health risks involved for the workers.

The concept "where reasonably practicable" takes account of socio-economic factors.

As far as possible, special efforts will have to be made to help SMEs by providing them with instruction notices, for their workers, on work equipment.

6. Improvement of safety and health at workplaces should help to make undertakings more efficient by making them more competitive without adversely affecting employment.

The measures taken within the framework of this Directive will benefit employers because they will lead to a reduction in the number of working days lost.

7. The proposal was the subject of detailed consultation with the Advisory Committee for Safety, Hygiene and Health Protection at Work (set up by Council Decision No 74/325/EEC of 27.4.1974 - OJ L185 of 9.7.1974), which gave an opinion taken into account in the drafting of the proposal. This Committee has a tripartite membership and the different interests of employers are represented.

In view of the importance which the Commission attaches to introducing a social element into the completion of the internal market, this proposal for a Directive was drawn up as a matter of urgency by the Commission after it had forwarded, on 23 October 1987, its working plan in the field of safety, hygiene and health at the workplace. To lessen the financial impact of the Directive, Article 3 provides for an additional period of five years after the entry into force of the Directive, scheduled for 1 January 1990, for bringing existing work equipment into conformity with the Directive.