

COMMISSION OF THE EUROPEAN COMMUNITIES

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17TH ANNUAL ACTIVITY REPORT OF THE ADVISORY COMMITTEE ON SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK

- 1992 -

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I. Legal basis

Council Decision of 27 June 1974 on the setting up of an Advisory Committee on Safety, Hygiene and Health Protection at Work (extracts):

"The Council of the European Communities ... Whereas a standing body should be envisaged to assist the Commission in the preparation and implementation of activities in the field of safety, hygiene and health protection at work and to facilitate cooperation between national administration, trade unions and employers' organisations ...

HAS DECIDED AS FOLLOWS:

Article 1

An Advisory Committee on Safety, Hygiene and Health Protection at Work is hereby established.

Article 2

The Committee shall have the task of assisting the Commission in the preparation and implementation of activities in the fields of safety, hygiene and health protection at work ...

Article 3

1. The Committee shall produce an annual report on its activities.
2. The Commission shall forward that report to the European Parliament, the Council, the Economic and Social Committee and the Consultative Committee of the European Coal and Steel Community".

II. General remarks

A) Membership of the Committee

For a list of members, see Annex A of OJ C237 of 21 September 1990 which contains appointments for the period 26 March 1990 to 25 March 1992.

B) Structures

- 10 ad-hoc groups pursued their work (see Annex B for the organisation of the AHG in 1992).
- The "Organisation" group held four meetings during this period (see Annex C for a list of members of the "Organisation" group).

C) Number of meetings and of meeting days in the period 1978-92

(See table overleaf)

MEETINGS OF THE ADVISORY COMMITTEE

| YEAR | NUMBER OF MEETINGS | NUMBER OF MEETING DAYS |
|------|--------------------|------------------------|
| 1978 | 18 | 30 |
| 1979 | 21 | 40 |
| 1980 | 16 | 31 |
| 1981 | 17 | 32 |
| 1982 | 16 | 30 |
| 1983 | 15 | 29 |
| 1984 | 14 | 28 |
| 1985 | 13 | 25 |
| 1986 | 15 | 30 |
| 1987 | 28 | 40 |
| 1988 | 43 | 60 |
| 1989 | 48 | 69 |
| 1990 | 43 | 58 |
| 1991 | 37 | 46 |
| 1992 | 39 | 45 |

III. Activities

A) Opinions delivered

- 1) Proposal for a Council Directive on physical agents (Doc. 4578/91)
- 2) Amendment of Council Directive 82/501/EEC on the major accident hazards of certain industrial activities.
- 3) Proposal for a Council Directive on the protection of workers from the risks related to exposure to chemical agents at work (Doc. 5478/1/91).
- 4) Initial draft of an information brochure on the choice and use of personal protective equipment (Doc. 42/92).
- 5) Proposal for a Council Directive amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (Doc. 6018/92).
- 6) Draft Council Directive III/4056/91 Rev. 3 on the approximation of the laws of Member States concerning freedom of movement for second-hand machines.

B) Activities of the ad hoc groups

- 1) AHG "Standardisation"
- 2) AHG "Demountable structures"
- 3) AHG "Work equipment"
- 4) AHG "Agriculture".

A) OPINIONS DELIVERED

1) **Proposal for a Council Directive on physical agents (Doc. 4578/91).**

The Committee adopted the draft opinion contained in Doc. 5369/91, accompanied by comments formulated by the interest groups.

This draft Directive deals with various physical agents (noise, vibration, optical radiation and electric, magnetic and combined fields with frequencies $\leq 3 \cdot 10^{15}$ Hz). The three interest groups favour a draft directive on vibrations. One interest group is in favour of a single directive covering all four physical agents and another group favours separate directives for each physical agent. The Committee also wishes to assess the application of the Directive on noise (86/188/EEC) in Member States and asks the Commission to give particular attention to the problem of health surveillance.

2) **Amendment of Council Directive 82/501/EEC on the major accident hazards of certain industrial activities**

The Committee adopted the draft opinion contained in Doc. 6521/92.

The Committee's main comment on this amendment concerns the choice of the legal basis, namely Article 100a of the Treaty, which appears to be unsuitable. The Committee considers that major accidents usually affect mainly workers at work and, therefore, that Article 118a seems more appropriate. In addition, part of the draft Directive relating to the environment, should, according to the Committee, fall within the scope of Article 130.

3) **Proposal for a Council Directive on the protection of workers from the risks related to exposure to chemical agents at work (Doc. 5478/1/91).**

On the basis of a draft opinion (Doc. 6603/91) prepared by the AHG, the Plenary Committee delivered an opinion accompanied by comments from the interest groups.

These related mainly to:

- provisional limit values, which should be the subject of a Recommendation rather than a Directive;
- information; it would be better to take the framework Directive as a guide, which would make for greater consistency in the transposition arrangements;
- the need to stress the aspect of reducing risks.

All these comments are contained in the minutes of the 41st plenary meeting of the Committee (Doc. 6945/92).

- 4) **Initial draft of an information brochure on the choice and use of personal protective equipment (Doc. 42/92).**

The Committee adopted a draft opinion (Doc. 6948/92). The interest groups point out that the text of this brochure is not legally binding. The Committee wants the presentation of the brochure to be better suited to users.

- 5) **Proposal for a Council Directive amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (Doc. 6018/92).**

The Committee adopted a draft opinion contained in Doc. 6610/92.

The Government Representatives' Group considers it necessary to continue research into R40-class substances and benzene. The Workers' Group, however, considers that these substances have their place within this draft Directive. Finally, the Committee considers that a limit of five years should be granted for the implementation of this Directive.

- 6) **Draft Council Directive III/4056/91 Rev. 3 on the approximation of the laws of Member States concerning freedom of movement for second-hand machines.**

The Committee adopted a draft opinion prepared by the ad hoc group (Doc. 7200/92) accompanied by comments from the interest groups.

The Committee stresses the importance it attaches to this draft Directive. The use of second-hand machines in industry is increasing, and it is important for workers to be protected by provisions as strict as those relating to new machines. The Committee notes the difficulties of implementing such a directive.

B) WORK IN PROGRESS

- 1) **AHG "Standardisation"**

The Group continued its work relating to European policy concerning standardisation. A draft opinion should be prepared for the first plenary meeting in 1993.

The Committee stressed the importance it attaches to the operation of this ad hoc group, as it is the only means for the two sides of industry to put forward their views on the problems posed by standardisation.

2) **AHG "Fourth action programme"**

The AHG has studied proposals which should lead to a draft programme to be presented at the first meeting of the Advisory Committee in 1993 (Doc. 43/93).

3) **AHG "Demountable structures"**

The AHG has met using an initial draft drawn up by DG III as a working document.

This draft directive is mainly concerned with demountable structures (scaffolding, etc.) and specific equipment for funfairs and amusement parks. A new document is to be prepared and presented to the AHG.

4) **AHG "Work equipment"**

The AHG finished its work in 1992. A draft opinion will be proposed at the plenary meeting in February 1993. The Employers' Group has noted that this draft supplements Directive 89/655, which should be transposed into national legislation before 31 December 1992. It considers that this might give rise to problems, and the draft must be considered very carefully.

5) **AHG "Agriculture"**

The AHG has examined this draft Directive, which makes provision for minimum safety and health requirements for agricultural activities. A draft opinion was presented at the plenary meeting in September, but the Committee's opinion had to be postponed until the plenary meeting in February 1993. The Government Representatives' Group, however, has already made the following comments:

- the two-year deadline for implementation is far too short;
- emphasis must be placed on risk assessment;
- this draft Directive must apply to self-employed workers.

IV. Annexes

- A) List of the members of the ACSH
- b) List of the members of the AHGs
- C) List of the members of the "Organisation" group

I

(Information)

COUNCIL

List of full and alternate members of the Advisory Committee on Safety, Hygiene and Health Protection at Work

(for the period 26 March 1990 to 25 March 1993)

following the Decision of the Council of the European Communities on 26 March 1990

(90/C 237/01)

I. GOVERNMENT REPRESENTATIVES

(a) *Members*

| | | |
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(b) *Alternates*

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| United Kingdom | Mr E. F. THAIRS | Mr H. A. BENN |

ORGANISATION OF THE AD HOC GROUPS - 1992 -

| NAME OF GROUP | TERMS OF REFERENCE | COMPOSITION | GOVERNMENT REPRESENTATIVES | WORKERS' REPRESENTATIVES | EMPLOYERS' REPRESENTATIVES | OFFICIAL RESPONSIBLE |
|----------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------|
| CARCINOGENS | Determination of strategy on carcinogens | Chairman: M. VERHOEF Vice-ch.: TRAV Rapporteur: M. FIRTH | GRAHAM / UK KLEIN / DE KERKLANN / NE GUERRIERI / IT FIRTH / UK | ESTEBAN / ES HEEGAARD / DA KONSTANTY / DE DE GREEF / BE GALLI / IT VAN DAMME / BTS MELLISH / UK | VERHOEF / NE BERTOLINO / IT BEEKHUIZEN / DE AUBRUN / FR BORMANS / UNICE | Dr. ARESINI Tél. 2260 |
| STANDARDISATION | Examination of proposed standards requested by the CEC from CEN/CENELEC | Chairman: JACQUES Vice-ch.: GOUV Rapporteur: GAMBELLI | CASTELA LOPEZ / ES BRUN / FR MC DONALD / UK ALVINO / IT RIBADEAU / FR OVERGAARD / DA | PARTIKEL / DE BENEDETTINI / IT SAPIR / BTS JACQUES / UK | GAMBELLI / FR GIUSTI / IT JANISZEWSKI / DE TORNOS / ES BORMANS / UNICE | M. LOMMEL Tél. 3871 |
| 4TH ACTION PROGRAMME | Examination of documents prepared by the Commission | Chairman: M. CASTLE Vice-ch.: TRAV Rapp.: M. WAGEMAKER | WEBER / LUX WAGEMAKER / NE PINTO MARVAO / PO DURNING / UK OLIVIER / NE SHEYE / DA | KONSTANTY / DE ETIENNE / FR JACQUES / UK BRIGHI / IT PINILLA G. / ES BUSCHAK / CES MAETER / BE POULSEN / DA SAPIR / BTS | JEPSEN / DA CORMAN / FR MANZANO S. / ES GIUSTI / IT CASTLE / UK SCARFINI / IT BORMANS / UNICE | M. GAUTHIER Tél. 2802 |
| SECOND-HAND MACHINES | Examination of directive drafted by DG III | Chairman: M. PEYRICAL Vice-ch.: GOUV Rapporteur: M. SEDES | ROCCA / IT DE JONG / NE HENRIET / BE NEVILLE / IRL LEJEUNE / FR | SEDES / FR NIELSEN / DA THISSEN / BE GERRA / ES SAPIR / BTS | JEFFREY / UK PEYRICAL / FR TEVES COSTA / PO GIUSTI / IT KRAMER / DE BORMANS / UNICE | M. LOMMEL Tél. 3871 |

ORGANISATION OF THE AD HOC GROUPS - 1992 -

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|------------------------|--------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------|--|
| DEMOUNTABLE STRUCTURES | Examination of directive drafted by DG III | Chairman: M. CASTELO Vice-ch: TRAV Rapporteur: M. GAMBELLI | ALVINO / IT SLIJM / NE CASTELO / PO | SEDES / FR LANDRO / PO POULSEN / DA PICKERT / BTS BLAIMONT / BE | READING / UK GAMBELLI / FR BERTOLINO / IT MANZANO / ES BORMANS / UNICE | M. LOMMEL Tél. 3871 | |
| WORK EQUIPMENT | Examination of directive drafted by DG V | Chairman: SEDES Vice-ch.: GOUV Rapporteur: DE LANGE | ROCCA / IT REVELL / UK LEJEUNE / FR DE JONG / NE | MELLISH / UK SEDES / FR DE GREEF / BE SAPIR / BTS NURENBERG/LUX | ASHERSON / UK DE LANGE / BE GAMBELLI / FR CASANO / IT BORMANS / UNICE | M. LOMMEL Tél. 3871 | |
| CHEMICAL AGENTS | Examination of directive drafted by DG V | Chair.: MME ASHERSON Vice-ch.: M. FIRTH Rapporteur: M. GUERRIERI | NOORDAM / NE FIRTH / UK GUERRIERI / IT | ESTEBAN / ES MALASPINA / IT BIBBINGS / UK MAUGIN / FR VAN DAMME / BTS WILDERS / NE | ASHERSON / UK JEPSEN / DA AUBRUN / FR FREGOSO / IT BEEKHUIZEN / DE BORMANS / UNICE | Dr. ARESINI Tél. 2260 | |
| AGRICULTURE | Examination of directive drafted by DG V | Chairman: M. BUSCHAK Vice-ch.: GOUV Rapporteur: NEALE | CASTELO / PO GROVE / DA ROCCA / IT STRETTON / UK ROBERT / FR | GALLI / IT BUSCHAK / CES WAGENMANS / NE BOEGH / DA WILLMS / DE NEALE / UK FUENTE / ES | KETTLEBOROUGH MOYA / ES TERENZI / IT DESANTIS / BE | M. GOEMINNE Tél. 2697 | |
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ORGANISATION OF THE AD HOC GROUPS - 1992 -

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|------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--|
| <p>MAJOR ACCIDENTS</p> | <p>Examination of directive drafted by DG XI and DG III</p> | <p>Chairman: M. KAFKA Vice-ch.: GOUV Rapporteur: TRAV</p> | <p>COWLEY / UK GROVE / DA HENRIET / BE HUSMANN / NE CANDREVA / IT</p> | <p>SAPIR / BTS CARCOBA / ES O'HALLORAN / IRL THEOHARI / GR BRIGHI / IT MELLISH / UK</p> | <p>MANZANO / ES REJASSE / FR CAMPBELL / UK KLAIS / DE BOSIA / IT KAFKA / BE BORMANS / UNICE</p> | <p>M. ARESINI Tél. 2260</p> | |
| <p>PHYSICAL AGENTS</p> | <p>Examination of a directive proposed by DG V</p> | <p>Chairman: M. MAETER/BE Vice-ch. M. PASQUIER/FR Rapporteur: M. PEYRICAL/</p> | <p>VAN VLIET/NL PASQUIER / FR HUBLET / BE CASTELO / PO</p> | <p>GALLI / IT PINILLA / ES MAETER / BE SAPIR / BE SEDES / FR</p> | <p>CULL / UK KODHAL / DA PEYRICAL / FR VIGONE / IT BORMANS / BE</p> | <p>M. VAN DER VENNE Tél. 2263</p> | |

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