

European Communities

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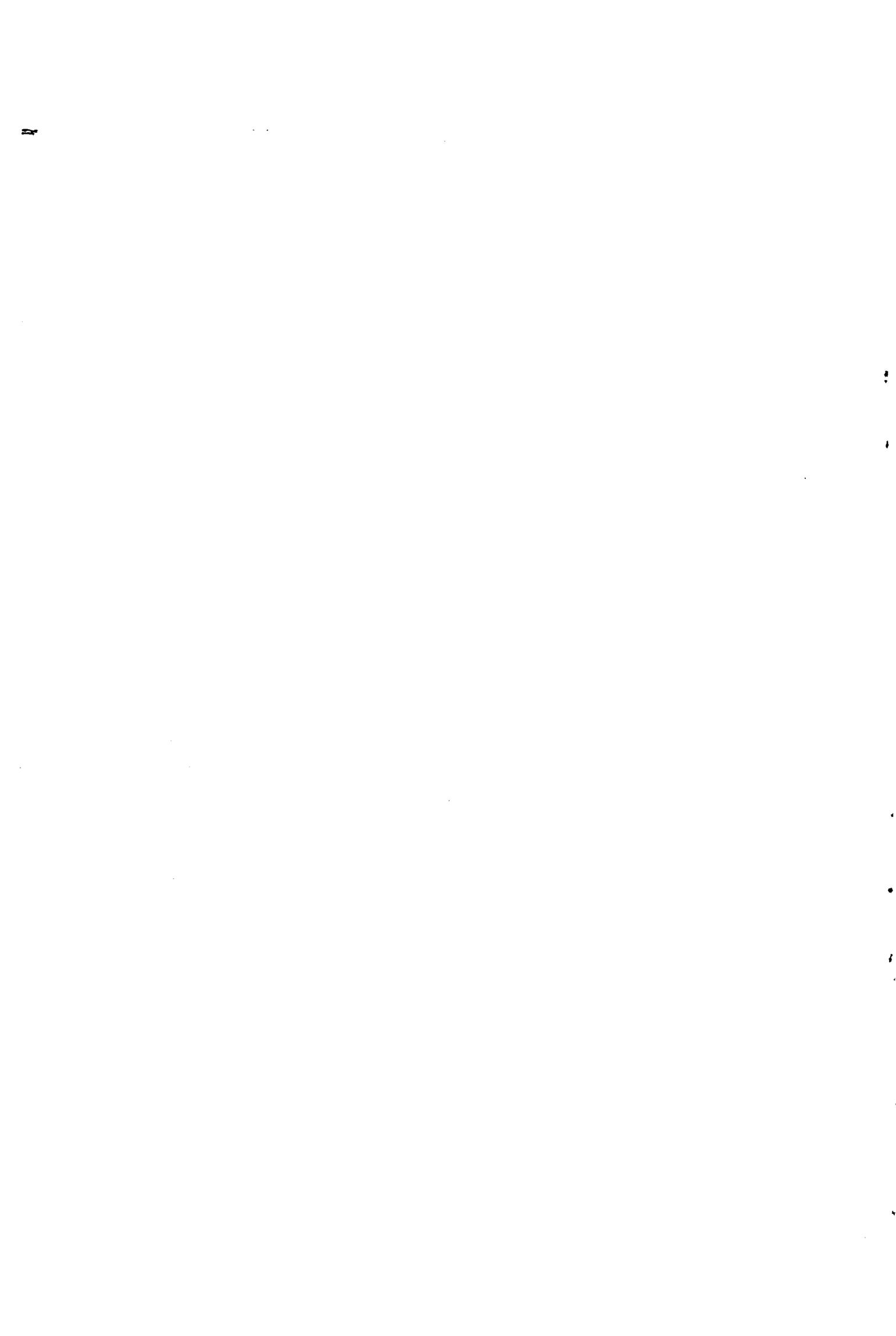
## Report

drawn up on behalf of the Committee on the Environment, Public Health and  
Consumer Protection

on the proposal from the Commission of the European Communities to the  
Council (Doc. 68/76) for a directive on the harmonisation of the Legal and  
Administrative Regulations of the Member States on the provisions of Safety  
Information at the Workplace

Rapporteur: Mr K.-H. WALKHOFF

PE 44.826/fin.



By letter of 23 April 1976 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100, second paragraph, of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the harmonization of the legal and administrative regulations of the Member States on the provision of safety information at the workplace.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Social Affairs, Employment and Education for its opinion.

On 18 May 1976 the Committee on the Environment, Public Health and Consumer Protection appointed Mr WALKHOFF rapporteur.

It considered this proposal at its meetings of 18 May 1976 and 24 June 1976.

At the latter meeting the committee unanimously adopted the motion for a resolution and the explanatory statement.

Present: Mr Jahn, vice-chairman and acting chairman; Lord Bethell, vice-chairman; Mr Walkhoff, rapporteur; Miss Boothroyd, Mr Bourdellès, Mr Guertin, Sir Peter Kirk, Mr Martens, Mr W. Müller, Mr Ney, Mr Noè, Mr Premoli, Mr Rosati (deputizing for Mr Giraud) and Mr Schultz (deputizing for Mr Härzschel).

The opinion of the Committee on Social Affairs, Employment and Education is attached.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities for a directive on the harmonization of the legal and administrative regulations of the Member States on the provision of safety information at the workplace

The European Parliament,

- having regard to the proposal from the Commission of the European Communities <sup>1</sup>,
- having been consulted by the Council pursuant to Article 100, second paragraph, of the EEC Treaty (Doc. 68/76),
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Social Affairs, Employment and Education (Doc. 217/75),

1. Welcomes the proposal for a directive as an important step towards the reduction of the number of industrial accidents;
2. Notes with satisfaction that the Commission hopes to make standardized safety information compulsory in all the Member States, making use of signs which are as simple and striking as possible;
3. Expresses the hope that the Commission, in a second stage, will add some further necessary signs to its list;
4. Urges the Commission to propose at an early date further measures detailing the scope and nature of the obligation to display signs, examining, for example, the question how to ensure that signs can be seen properly in poorly lit and very dusty locations;
5. Requests the Commission to check carefully and continuously whether this directive needs to be adapted to further developments in sign methods and requirements and to take the requisite measures;
6. Requests the Commission to include in its proposal the following amendments, pursuant to Article 149, second paragraph, of the EEC Treaty.

<sup>1</sup> OJ No. C 96, 29.4.1976, p.2

Council Directive on the Harmonization of the Legal  
and Administrative Regulations of the Member States on the  
Provision of Safety Information at the Workplace

Preamble and recitals unchanged

Articles 1 - 5 unchanged

Article 6

Article 6

Paragraphs 1 and 2 unchanged

3. a) Where the measures envisaged are in accordance with the Opinion of the Committee, the Commission shall adopt them.
- b) Where the measures envisaged are not in accordance with the Opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.
- c) If within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

3. The Commission shall adopt measures to be applied immediately. Where such measures are not in accordance with the Opinion of the Committee, the Commission shall inform the Council of this fact. In such cases the Commission may postpone application of the measures it has adopted until one month after their notification. The Council may decide otherwise acting by a qualified majority within one month.

Articles 7 and 8 unchanged

Annexes I and II unchanged

<sup>1</sup> For full text see OJ No. C 96, 29.4.1976, p.2

EXPLANATORY STATEMENT

I. GENERAL

1. This proposal corresponds to a desire expressed on many occasions by the European Parliament for the installation of uniform warning signs in places of work. In particular, point 15 of the motion for a resolution contained in the report by Mr MEINTZ, drawn up on behalf of the Committee on Public Health and the Environment, on guidelines for a Community Programme for safety, hygiene and health protection at work, states that:

'The European Parliament ...

- Hopes that uniform warning signs without texts will be introduced as soon as possible.' (Doc. 211/75)

2. These measures are urgent for the following reasons:

- various large firms have designed their own signs and this makes it difficult for employees to know what many of these signs mean;
- many signs carry textual information whose meaning escapes those who are unable to understand the language used;
- Member States have few legal provisions in this field.

3. The Commission bases its proposals on ISO (International Organisation for Standardisation) standards and does not consider the catalogue of signs given in the annexes to be final.

The present proposal has already been submitted to and approved by the Advisory Committee for Safety, Hygiene and Health Protection at Work.

4. Safety is to be increased by compulsory application of this directive in all the Member States and use of the simplest and most striking signs without, as far as possible, any text.

## II. DISCUSSION OF THE PROPOSAL

5. Article 1 states where this directive shall and shall not apply. It applies to all places of work except those in rail, road, inland waterway, marine or air transport; nor does it apply to the placing of dangerous materials and products on the market.

Your committee appreciates the difficulty of harmonizing signs in the traffic and transport sector because of problems that might arise vis-à-vis third countries. It nevertheless urges the Commission to continue its efforts in this field to attain substantial harmonization of safety information in agreement with the third countries concerned, possibly within the framework of the ISO.

The exception with regard to the placing on the market of dangerous substances is justified since the Council adopted a directive on the classification, packaging and labelling of dangerous substances on 27 June 1967<sup>1</sup>.

6. Article 2 defines the terms used in the present proposal for a directive.

Article 3 stipulates that the Member States shall take all necessary measures to ensure that the safety signs shown in Annex II are used in all places of work.

7. Articles 4, 5 and 6 provide that any amendments to this directive should first be referred to a Committee to be set up for this purpose.

The procedure for this Committee is laid down in Article 6. In this connection your committee recalls the position which both it and the European Parliament have constantly adopted with regard to this procedure: your committee therefore advocates the usual amendments in respect of the institutional aspect of this problem.

8. Finally, Articles 7 and 8 contain formal provisions to the effect that Member States shall adapt their legislation to comply with this directive within 18 months of its notification.

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<sup>1</sup>OJ No. 196, 16.8.1967, p. 1

9. Annex I sets out the basic principles of the system of safety signs.

In the Commission's proposals, two basic features, colour (red, yellow, green and blue) and shape, are used to indicate the meaning of the various safety signs - mandatory and prohibition, fire-fighting equipment, caution, no danger, rescue equipment, information and instruction.

10. Annex II then provides illustrations of the various signs and your committee notes that a number of desirable signs are not included. There are for instance no signs showing where fire-fighting equipment is located, or where telephones or emergency switches are to be found. Your committee urges the Commission, in a second stage, to adapt the list of safety signs to further developments in safety sign methods and requirements, and to add further essential signs.

11. Finally, your committee points out that this proposal applies to only part of the field of safety signs, namely, their colour and shape, and in certain circumstances a combination of colour, shape and symbol. It asks the Commission to submit to the Council at an early date further proposals on safety signs, dealing in particular with signs to be put up in poorly lit locations or where they may quickly be covered with dust.

OPINION OF THE COMMITTEE ON SOCIAL AFFAIRS, EMPLOYMENT AND EDUCATION

Draftsman : Mr NOLAN

On 26 April 1976 the Committee on Social Affairs, Employment and Education appointed Mr T. NOLAN draftsman of an opinion.

It considered the draft opinion at its meeting of 28 June 1976 and adopted it unanimously apart from one abstention.

Present: Mr Berkhouwer, acting chairman (deputizing for Mr Durand); Mr Nolan, vice-chairman and draftsman; Mr Albers, Mr Albertsen, Mr Artzinger (deputizing for Mr Pêtre), Mr Bertrand (deputizing for Mr Creed), Mr Bouquerel, Mr Dondelinger, Mrs Dunwoody, Mr Geurtsen, Mr Glinne, Mr Laudrin, Mr Meintz, Mr Mursch (deputizing for Mr Härzschel), Mr Radoux (deputizing for Mr Kavanagh) and Mr Rosati.

## I. INTRODUCTION

This proposal for a Council directive on the provision of safety information at the work-place stems directly from the 'guidelines for a Community Programme for safety, hygiene and health protection at work' published by the Commission on 8 April 1975<sup>1</sup>.

Objective 7 of this document refers to the promotion of safety and health protection within undertakings, while Action c) covers the preparation of uniform warning signs to be affixed at the work-place to warn workers against hazards.

In his report<sup>2</sup>, Carlo Meintz particularly welcomed this intended action, regarding it as 'an initial step towards uniform organization of work-places in the Community' and the then Committee on Public Health and the Environment also expressed the hope 'that this work will be given the greatest priority in order to obviate senseless accidents'.

Our committee is in complete agreement with these remarks, and would like to take the opportunity to express its appreciation to the Commission for the fact that the preparation of safety information at the work-place has now been crystallized in the present proposal for a directive.

The 1973 programme of action on the environment<sup>3</sup> and the 1974 social action programme<sup>4</sup> had already made reference to the need for positive action on health and safety at work. This need is underlined by the Commission's own information that 100,000 people are killed and 12 million injured every year in the Community in accidents of all sorts.

This need for immediate positive action on safety was also strongly emphasized during the debate<sup>5</sup> in the European Parliament on the Meintz report on safety, hygiene and health protection at work. One of the remarks made was that 'health protection at work is not to be achieved in the abstract but in each individual firm and, within each firm, at each job station'. While the present proposal from the Commission satisfies this wish in one limited sector of the whole safety field, it does not give any prominence to ensuring the education of workers in safety matters and to improving it in schools (not only vocational schools) and outside by using all the mass media.

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<sup>1</sup>COM(75) 138

<sup>2</sup>Doc. 211/75

<sup>3</sup>OJ C 112, 20.12.1973

<sup>4</sup>OJ C 13, 12.2.1974

<sup>5</sup>OJ Annex No. 194, September 1975, p. 208 ff

For example, in Annex I to the proposal, the Commission merely comments: 'The effectiveness of the system of safety signs is vitally dependent on full and constantly repeated instruction of all persons likely to benefit therefrom'. Considering that the majority of industrial accidents are caused by human error, this vague text is completely inadequate and ought to be followed by an instruction to Member States to set up courses within undertakings and undertake general campaigns for workers and the population at large, so that everyone will be able to recognize the meaning of each individual sign. This is already the case for traffic signs, and the appalling number of accidents at work ought to prompt the Commission to take similar action on safety at work.

In the preamble to the present proposal, the Commission merely observes: 'During the adaptation period there is a considerable risk of confusion, which may result in an accident'. But, as we have said above, beyond this the Commission does not put forward any practical proposals or instructions on properly informing workers. The question is whether one should not urge the setting up of special control committees within each firm including worker representatives which, in addition to supervising the provision of safety information and keeping it up-to-date, would provide basic instruction for employees in the understanding of the various signs.

This is of special importance for migrant workers, as the Commission itself has recognized, since in the preamble to the proposal it states that 'warning signs are often a completely new phenomenon to them', but these ideas have not found practical expression in the text of the proposal either.

## II. DISCUSSION OF THE PROPOSAL FOR A DIRECTIVE

Article 1 states that the directive shall be applied to places of work in general, with the exception of rail, road, inland waterway, maritime or air transport.

In this connection it might be interesting to hear what steps the Commission intends to take in order to provide safety signs at the places of work which have been excluded, and which might help to reduce the many industrial accidents which do in fact happen there. During the above-mentioned debate in the European Parliament, Mr Prescott stated that working at sea is very dangerous and that in the United Kingdom 'eight times as many seamen die as a result of occupational accidents as do in mining, which is considered a highly dangerous occupation. Twelve times more trawler men die than miners in carrying out their work. In the North Sea the number of deaths in proportion to the number of people involved is 40 or 50 times higher'. Mr Prescott then called on the Commission to take action in this area, and

our committee would like to follow this up with an appeal that the provisions on safety signs should be extended to include ships sailing in the various national waters. In the committee's view, neither rail nor inland waterway transport should have been excluded from the proposal, and the Commission should explain the reason for their exclusion.

All other places of work are, therefore, to be covered by this order. This includes public administration buildings, mines, farms etc. In this connection the Committee on Social Affairs, Employment and Education wonders how, in practice, implementation of the directive can be ensured in the large number of small work-places, particularly in agriculture, where businesses are run by families and one or two employees. Article 3 certainly makes the Member States responsible for implementing the directive, but it would have been reasonable for the Commission to devote some consideration to the possible means of implementing the directive in practice in the many different kinds of undertakings.

Article 2 consists of various definitions and our committee sees no cause to make any particular comments on these.

Article 3 hands over responsibility to the Member States for taking the necessary steps to ensure implementation of the directive.

Articles 4 to 6 concern the procedure for the Committee to be formed for the purpose of adapting Annexes I and II to technical progress and the future development of international methods of signposting.

In this connection the Committee on Social Affairs, Employment and Education wishes to draw attention to the fact that Parliament has often objected in its opinions to the procedure of the standing committees on implementing provisions, and has constantly requested that this procedure be replaced by the procedure used by the management committees. Parliament has always made it clear that the Commission's authority to take decisions on questions affecting the Community's interests must not be limited by national authorities' bodies of experts. Given the Community's institutional structure, it is only logical for the European Parliament to be consulted on politically relevant questions on which the Council has to take decisions. Our committee endorses this view and considers the proposal under consideration a case in point.

Turning finally to the Annex illustrating the safety signs, it seems natural to ask the Commission to what extent workers and particularly migrant workers were consulted when these were being drawn up. At first sight, some of them seem quite complicated, in view of the Commission's objective stated in the preamble that 'one glance should be sufficient to indicate what must

or must not be done'. This is particularly true of the signs for corrosive and radioactive matter. Furthermore, four different safety colours are used, since red stands for prohibition, yellow for possible danger, green for first aid and blue for information. For the sake of simplification and increased safety, the yellow signs ought to be made red since, after all, this group does indicate danger and this would also be in conformity with traffic signs.

Furthermore, one must question whether the suggested signs will be suitable for all the extremely varied work-places there are in the Community. For example, no mention is made of the need for luminous signs at work-places with poor lighting conditions, such as mines or places where work is carried out mainly at night, in which case illumination ought to be obligatory. In any case the proposed signs would appear incomplete; for instance there is no mention of water tanks or overhead cables.

There are a large number of work-places in the Community; perhaps the Commission could give some idea of how much it would cost to introduce safety signs throughout the Community. Even if our committee has always been of the opinion that no financial sacrifice should be baulked at when safety at work is at stake, it would still be useful, with a view to assessing the full extent of the proposal, to have some idea of its financial consequences.

The present proposal represents only one part of a single one of the eight objectives set out in the Commission's earlier Community programme for safety, hygiene and health protection at work. Since the remaining seven objectives encompass important proposals for action, our committee urges the Commission to put them into concrete form as soon as possible.

### III. CONCLUSION

The Committee on Social Affairs, Employment and Education,

1. Expresses its appreciation of the fact that the work on the preparation of safety information at the work-place has now been crystallized in the present proposal for a directive;
2. Regrets that the proposal does not include an obligation on Member States to provide courses within individual firms and general campaigns on the form and meaning of safety signs, particularly for migrant workers;
3. Considers, therefore, that the creation of supervisory committees within companies, including workers' representatives, should be urged, the duty of which, in addition to surveillance of safety information and keeping it up-to-date, would be to provide basic instruction for workers in the meaning of the various signs;

4. Calls on the Commission to prepare similar proposals on safety information for those work-places which are excluded from the present proposal;
5. Feels, despite the difficulties involved, that the directive should be implemented in such a way as to cover the large number of small work-places, especially in agriculture;
6. Is opposed to the procedure of the standing committees on implementing provisions and requests that this should be replaced by the management committees procedure;
7. Is also of the opinion that the proposed signs are not sufficient to cover conditions in all work-places and that, for example, there are no signs to indicate water tanks or overhead cables, whereas the need for luminous signs at poorly lit work-places is not touched on at all;
8. Does not wish for any economic sacrifice to be spared where safety at work is concerned;
9. Urges the Commission to draw up as soon as possible concrete proposals for all the objectives contained in its Community programme for safety, hygiene and health protection at work.

