

**Opinion of the European Economic and Social Committee on the Proposal for a Directive of the European Parliament and of the Council concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (Codified version)**

COM(2006) 652 final — 2006/0214 (COD)

(2007/C 97/06)

On 22 November 2006, the Council decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 22 January 2007. The rapporteur was Mr Verboven.

At its 433rd plenary session, held on 15 and 16 February 2007 (meeting of 15 February), the European Economic and Social Committee adopted the following opinion by 181 votes to 2, with 11 abstentions.

## 1. Conclusions and recommendations

1.1 The Committee essentially supports the proposal, but calls on the Commission to take account of the two reservations raised in this regard and to amend the text of the recitals accordingly. It hopes to see the swift approval of the proposal by the Parliament and the Council.

## 2. Background

### 2.1 Gist of the Commission proposal

2.1.1 The purpose of this proposal is to undertake a codification of Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work. The new Directive will supersede the various acts incorporated in it <sup>(1)</sup>; according to the Commission, this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with *only such formal amendments* as are required by the codification exercise itself.

### 2.2 Comments

2.2.1 Compliance with health and safety regulations in the use of work equipment is an important aspect of prevention measures. Since 1989 these measures have been the subject of a minimum harmonisation. The directive of 30 November 1989 has been amended several times so as to cover a large number of work situations (mainly related to work at a height) and to incorporate a broad approach to safety at work by referring to ergonomic principles. These various revisions may cause difficul-

ties for the intended users of this legislation even though the Commission has initiated an unofficial coordination of the applicable regulations.

2.2.2 A codification may not make any changes to the content. Having examined the proposal, the Committee believes that the text in question fully upholds this basic principle, subject to the following reservations:

- recitals (10) and (11) of Directive 2001/45/EEC drew attention to the need for specific training for workers required to use equipment to perform work at a height. The Committee would hope that such a recommendation is not omitted from the recitals of the proposed codification;
- the Committee believes that the present proposal should be submitted for consultation to the Advisory Committee on Safety and Health at Work in accordance with Council Decision 2003/C 218/01 of 22 July 2003. This consultation should be mentioned in the recitals of the directive in accordance with the practice applied hitherto.

2.2.3 Subject to the comments set out above, the Committee believes that the Commission proposal combines the provisions currently in force in a logical manner and makes them clearer and does not pose any major problem.

2.2.4 The Committee essentially supports the proposal, but calls on the Commission to take account of the two reservations raised in this regard and to amend the text of the recitals accordingly. It hopes to see the swift approval of the proposal by the Parliament and the Council.

Brussels, 15 February 2007.

The President  
of the European Economic and Social Committee  
Dimitris DIMITRIADIS

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<sup>(1)</sup> Directive 89/655/EEC of the Council, Directive 95/63/EC of the Council and Directive 2001/45/EC of the European Parliament and of the Council.