

Opinion of the European Economic and Social Committee on the Amended 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

COM(2008) 111 final — 2006/0214 (COD)

(2009/C 100/26)

On 4 June 2008, the Council decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Amended 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

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion 11 September 2008. The rapporteur working alone was Mr VERBOVEN.

At its 448th plenary session, held on 22 and 23 October 2008 (meeting of 22 October), the European Economic and Social Committee adopted the following opinion by 102 votes to none, with 4 abstentions.

1. Conclusions and recommendations

1.1. The Committee essentially supports the proposal, but calls on the Commission to take account of the 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 ⁽¹⁾.

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 ⁽²⁾; 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. The adoption of directive 2007/30/EC has also altered the way in which Member States draw up national reports on the application of Community legislation on health and safety. These various revisions may cause difficulties for the intended users of this legislation.

2.2.2. A codification should not make any changes to the content, either to the articles of the directives or to their annexes and recitals. The various types of provisions which make up a directive form a coherent and interdependent whole. Even though the recitals are not binding provisions themselves, they make it easier to interpret the binding provisions and by so doing provide Member States with criteria for coherent application. Having examined the proposal, the Committee believes that the text in question fully upholds this basic principle insofar as concerns the codification of the articles and annexes but deviates from this approach when it comes to the recitals:

— the Committee notes that recitals (7), (8), (9), (10) and (11) of Directive 2001/45/EEC and recital (9) of Directive 89/655/EEC have not been included in the codification,

⁽¹⁾ See also EESC opinion of 15.2.2007 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), rapporteur: Mr Verhoven (OJ C 97, 28.4.2007).

⁽²⁾ Directive 89/655/EEC of the Council, Directive 95/63/EC of the Council, Directive 2001/45/EC of the European Parliament and of the Council and Directive 2007/30/EC of the European Parliament and the Council.

— in particular, 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. The time which has elapsed since the beginning of the codification exercise amply demonstrates that consultation of the Advisory Committee could have taken place without any particular difficulty.

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 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, 22 October 2008.

The President
of the European Economic and Social Committee
Mario SEPI
