

plemented, where necessary, by interoperability of the conventional railway network and combined transport

systems — could become a key factor in trans-European networks.

Done at Brussels, 23 November 1994.

*The President  
of the Economic and Social Committee*  
Carlos FERRER

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**Opinion on the proposal for a Council Directive amending Directive 89/655/EEC on the minimum safety and health requirements for the use of work equipment by workers at work<sup>(1)</sup>**

(94/C 397/05)

On 6 April 1994, the Council decided to consult the Economic and Social Committee, under Article 118A of the Treaty, on the abovementioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 November 1994. The Rapporteur was Mr Liverani.

At its 320th Plenary Session (meeting of 23 November 1994), the Economic and Social Committee adopted the following Opinion by a majority, with one vote against and one abstention.

**1. General comments**

1.1. The Committee approves the reasons for and aims of the proposed Directive, including the large proportion of accidents at work still linked to the use of work equipment, new basic requirements for certain equipment and the extension of initial and periodic inspection. The Committee would also underline that the aim is to specify more precisely the requirements already adopted in earlier Directives; the proposed Directive would not be superimposed upon, or be pre-eminent over, Directives 89/391/EEC and 89/655/EEC.

1.2. The Committee also notes that the legal basis (Article 118A) has been correctly applied, that appropri-

ate consultations have taken place and that national governmental experts in the Advisory Committee endorse the proposal.

1.3. The Committee would nonetheless urge the Commission to simplify the general structure and presentation of the proposal, so that SMEs in particular might better be able to comprehend and apply the minimum safety and health requirements set out. In this same context, whilst supporting the standard inspection programmes and national training and information proposals, the Committee would again request the Commission to cooperate with Member States in helping to develop 'intermediaries' (individuals or entities which operate between regulating authorities and SME's, such as trade and employers' organizations, training institutions, bank and insurance companies, suppliers, main contractors, etc.).

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<sup>(1)</sup> OJ No C 104, 12. 4. 1994, p. 4.

1.4. The Committee acknowledges the arguments presented in the impact study in favour of supplementary minimum requirements to previous Directives and that a reduction in the number of accidents would lead to a corresponding reduction in social and insurance costs. The Committee nonetheless considers that the Commission should tighten up its methodology, be more precise and incorporate more facts rather than (albeit fairly sound) assumptions. The Committee also reiterates its proposal for establishing national work environment funds.

1.5. The Committee recognizes that self-employed workers are difficult to cover under Article 118A Directives. Efforts at national level could nonetheless be made to promote work equipment related safety measures for self-employed workers carrying out repairs and cleaning in people's homes, attending to electrical and gas appliances, gardening, etc.

## 2. Specific remarks

### 2.1. *Annex I*

2.1.1. The Committee would ask the Commission to clarify what is meant by 'auxiliary devices to improve visibility'. How is it decided whether visibility needs to be improved [Annex I — 3.2.5(d)]?

2.1.2. In Annex I, 3.2.5(f), it is not clear whether 'fire fighting appliances' are limited to those able to tackle fires in the 'self propelled work equipment' or able to tackle fires also resulting from such equipment but raging outside the installation (e.g. would every 'self propelled' petrol (lorry) tanker, in the case of an accident, need to be equipped as a fire engine?) It would be useful to make a clearer link on this point with Article 8 of the Framework Directive (89/391/EEC) concerning 'First aid, fire-fighting and evacuation of workers ...'.

2.1.3. 'Constituting a fire hazard' ought to be defined.

### 2.2. *Annex II*

2.2.1. Point 1.1 of Annex II should be reworded as follows:

'Work equipment and its components shall be stabilized or anchored in such a way that risks to the safety or health of workers are minimized as far as possible.'

2.2.2. Point 1.8 of Annex II should be reworded as follows:

'Work equipment must be used with safety devices and accessories which are such that there is no (or

as little as possible) risk to the safety or health of workers.'

2.2.3. Annex II 1.12, 1.13, 1.14 appears to refer to measures normally taken to protect workers, under procedures such as locking out and labelling electrical equipment, or issuing entry permits for work in confined spaces (e.g. vessels). The Commission might clarify whether this is intended?

2.2.4. Annex II 2.5 refers to training of workers using mobile equipment. It is recommended that such training should be repeated (refresher courses) periodically, say every 5-7 years.

2.2.5. Annex II 3.1.1 refers to stability of equipment during use. It should be made clear that such stability should be based on calculations for foreseeable adverse conditions, e.g. during high winds likely to occur.

2.2.6. Annex II 3.1.2 refers to exceptional use of lifting equipment for lifting (or lowering) people, even though such equipment is not designed for handling people; this can only be done if the competent authority so authorizes. The Committee would ask the Commission to consider if the use of such equipment for lifting or lowering people should be permitted without the authorization by a competent authority in cases of emergency?

### 2.3. *Annex IV*

Annex IV (a) refers to 'hyperbaric' and 'hypobaric' chambers. Reference could be made to the proposed directive on Pressure Equipment, where such chambers (vessels) are defined, e.g. within certain limits from zero atmospheric pressure.

### 2.4. *Annex V*

Annex V 2 should explicitly include the possibility of women being competent persons by including 'he/she' and 'him/her' in the text instead of limiting it to 'he' and 'him'.

### 2.5. *Annex A — Impact Evaluation Sheet*

In 'Section I: Financial Implications' there should be an

estimate of the number of fatal and serious accidents resulting from work equipment and the expected

reduction of such accidents from each of the measures proposed in the Directive.

Done at Brussels, 23 November 1994.

*The President  
of the Economic and Social Committee*  
Carlos FERRER

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**Opinion on the proposal for a European Parliament and Council Decision establishing 1996  
as the European Year of Lifelong Learning**

(94/C 397/06)

On 14 October 1994 the Council decided to consult the Economic and Social Committee, under Articles 126 and 127 of the Treaty on European Union, on the abovementioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 November 1994. The Rapporteur was Mr van Dijk.

At its 320th Plenary Session (meeting of 23 November 1994), the Economic and Social Committee unanimously adopted the following Opinion.

**1. General remarks**

1.1. The Economic and Social Committee approves the Commission initiative to establish 1996 as the European Year of Lifelong Learning. This initiative is already mentioned in the White Paper on Growth, Competitiveness, Employment which states: 'Investment in human resources is necessary in order to increase competitiveness, and especially in order to make it easier to assimilate and spread new technologies.'<sup>(1)</sup> The Committee fully endorses the decisive role of education and training in preparing Europe for its role in the 21st century.

1.2. The White Paper on European Social Policy states categorically that: 'Social policy must serve the interests of the Union as a whole and of all its people, both those in employment and those who are not.'<sup>(2)</sup> By the same token activities during the European Year of Lifelong Learning concern not only all the citizens of the Union, but also workers in the strict sense of the term.

1.3. The Committee is astonished about the short time it has been given to submit its opinion. It seems as if the Task Force Human Resources does not take the consultation procedure seriously, as has been shown in the past.

1.3.1. Furthermore, the Committee feels that the period allowed to prepare for this European Year will be very short, given that the co-decision procedure is applicable in this case.

1.4. The Committee would stress that good continuing education and training must be founded upon sound initial training.

**2. Specific remarks**

2.1. The specific measures undertaken by the Commission must be coordinated closely with bodies appointed by the Member States if they are to be implemented successfully. On this point, the Committee regrets that the social partners are not included on the Advisory Committee. The ESC points out that all social forces are prime movers in a European culture of training and qualifications. This should not only be the case at European level, but also at national level.

2.2. The Commission's objectives with regard to raising awareness, publicizing and promoting this Euro-

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<sup>(1)</sup> COM(93) 700 final — Chapter 7, p. 137.

<sup>(2)</sup> COM(94) 333 final, p. 2.