

Minimum safety and health requirements for the use of work equipment by workers at work.

Codification

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The Commission presented a working document accompanying the [Commission communication](#) to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the modernisation of the EU occupational safety and health legislation and policy.

The detailed ex-post evaluation of the EU acquis, checking their relevance as well as efficiency, effectiveness, coherence and EU added value, carried out by the Commission confirms that the framework meets its ambition to adequately protect workers.

Main conclusions: the evaluation concluded that the overall structure of the EU occupational safety and health acquis, consisting of a goal-oriented Framework Directive complemented by specific Directives, is generally effective and fit-for-purpose.

However, it pointed to **specific provisions of individual Directives that have become outdated or obsolete**, and highlighted the need to find effective ways to **address new risks**.

The way in which Member States have transposed the EU occupational safety and health Directives varies considerably across Member States. Compliance costs therefore vary and cannot be easily dissociated from more detailed national requirements.

As regards SMEs: the evaluation clearly concluded that compliance with the occupational safety and health Directives is more challenging for SMEs than large establishments, while at the same time the **major and fatal injury rates are higher for SMEs**. Specific support measures are therefore necessary to **reach SMEs** and help them increase their compliance in an efficient and effective way.

Next steps: the evaluation considered that occupational safety and health measures should reach the widest number of people at work, **no matter the type of working relationship they are in, and no matter the size of company they work for**. Compliance with occupational safety and health rules should be manageable for businesses of all sizes and effectively monitored on the ground.

Measures must be result-oriented, instead of paper-driven, and maximum use should be made of **new digital tools** to facilitate implementation.

Characteristics of the evaluation: this exercise also forms part of the Commission's Regulatory Fitness (REFIT) Programme with a special focus on SMEs. In this respect, the evaluation concentrated both on Framework Directive 89/391/EEC and on the other 23 directives related to it.

The evaluation also concerned Directive 2009/104/EC 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).

Directive 2009/104/EC lays down minimum safety and health requirements for the use of work equipment by workers at work. The main objective of the Directive is a reduction in the incidence of accidents, injuries and ill-health associated with the use of work equipment.

The Work Equipment Directive remains relevant to safeguard the health and safety of workers in the EU. The available statistics on the causes and circumstances of accidents at work point to the conclusion that the Directive has been broadly effective, though the situation differs considerably from Member State to Member State depending on the work equipment type considered.

The main suggestions/recommendations from the national implementation reports were to adopt a **uniform approach towards old and new equipment**, to define the notion of "specific risk" used in the Directive and to define criteria for inspection of work equipment and competence of persons charged with inspection referred to in the Directive (inspection of work equipment).

Furthermore, based on the conclusions of the evaluation study, further consideration should be given to enhancing synergies between the Work Equipment Directive and Directive 2006/42/EC ([Work Equipment Directive](#)).