

Safety at work: work equipment, minimum requirements (amend. Directive 89/655/EEC)

1994/0077(SYN) - 18/09/1995 - Commission communication on Council's position

In its opinion on the Council's common position, the Commission deplores the fact that the text adopted by the Council is a far cry from its own proposal. Apart from the fact that, of the 43 amendments by Parliament incorporated by the Commission in its amended proposal, the Council has only retained 5 in full and 13 in a revised form, the Commission is particularly concerned by the fact that the Council text makes no reference to scaffolding, despite provision to include it in the proposal to amend Directive 92/57/EEC, as it is the primary source of serious accidents. It is therefore unable to accept the common position. It also draws attention to the title of Annex II, as amended by the Council, which has replaced the term "minimum requirements" by "provisions", thereby giving rise, in the Commission's view, to the risk that the Annex will not be understood to mean minimum requirements and will therefore contradict Article 118A of the Treaty (legal basis for the proposal). In its general comments, the Commission points out that most of the amendments made by the Council are due to the fact that several Member States seriously objected to important sections of the directive (especially Annex II on the use of work equipment), while others wanted to strengthen the basic text. The French presidency therefore proposed a compromise limiting the additional requirements applicable to specific work equipment to mobile and lifting equipment and only maintaining the most important rules of use (Annex III). In addition, the Member States have been left greater flexibility in the application of these requirements (especially as regards periodic inspection of equipment), thereby instantly weakening the specific effects of the directive at national level.