










Basic information	
<b>1994/0077(SYN)</b> SYN - Cooperation procedure (historic)	Procedure completed
Safety at work: work equipment, minimum requirements (amend. Directive 89/655/EEC)  Repealed by <a href="#">2006/0214(COD)</a>	
<b>Subject</b>  4.15.15 Health and safety at work, occupational medicine	

Key players			
Council of the European Union	Council configuration	Meetings	Date
	Budget	1866	1995-07-24
	Social Affairs	1862	1995-06-29
	Social Affairs	1892	1995-12-05

Key events			
Date	Event	Reference	Summary
14/03/1994	Legislative proposal published	COM(1994)0056 	<a href="#">Summary</a>
18/04/1994	Committee referral announced in Parliament		
25/01/1995	Vote in committee		<a href="#">Summary</a>
25/01/1995	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0011/1995</a>	
16/02/1995	Debate in Parliament		
27/06/1995	Modified legislative proposal published	COM(1995)0311 	<a href="#">Summary</a>
24/07/1995	Council position published	<a href="#">08606/1/1995</a>	<a href="#">Summary</a>
21/09/1995	Committee referral announced in Parliament, 2nd reading		
23/10/1995	Vote in committee, 2nd reading		<a href="#">Summary</a>
23/10/1995	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0260/1995</a>	
14/11/1995	Debate in Parliament		<a href="#">Summary</a>
04/12/1995	Modified legislative proposal published	COM(1995)0642 	
05/12/1995	Act adopted by Council after consultation of Parliament		<a href="#">Summary</a>
05/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1994/0077(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by <a href="#">2006/0214(COD)</a>
Legal basis	EC Treaty (before Amsterdam) E 118A
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/4/06950

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0011/1995</a> <a href="#">OJ C 056 06.03.1995, p. 0003</a>	25/01/1995	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T4-0066/1995</a> <a href="#">OJ C 056 06.03.1995, p. 0159-0165</a>	17/02/1995	<a href="#">Summary</a>
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0260/1995</a> <a href="#">OJ C 323 04.12.1995, p. 0006</a>	23/10/1995	
Text adopted by Parliament, 2nd reading		<a href="#">T4-0534/1995</a> <a href="#">OJ C 323 04.12.1995, p. 0025-0038</a>	15/11/1995	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type		Reference	Date	Summary
Council position		<a href="#">08606/1/1995</a> <a href="#">OJ C 281 25.10.1995, p. 0041</a>	24/07/1995	<a href="#">Summary</a>
<b>European Commission</b>				
Document type		Reference	Date	Summary
Legislative proposal		<a href="#">COM(1994)0056</a>  <a href="#">OJ C 104 12.04.1994, p. 0004</a>	14/03/1994	<a href="#">Summary</a>
Modified legislative proposal		<a href="#">COM(1995)0311</a>  <a href="#">OJ C 246 22.09.1995, p. 0003</a>	27/06/1995	<a href="#">Summary</a>
Commission communication on Council's position		<a href="#">SEC(1995)1463</a> 	18/09/1995	<a href="#">Summary</a>
Modified legislative proposal		<a href="#">COM(1995)0642</a> 	04/12/1995	

## Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1298/1994</a> <a href="#">OJ C 397 31.12.1994, p. 0013</a>	23/11/1994	<a href="#">Summary</a>

## Additional information

Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

## Final act

[Directive 1995/0063](#)  
[OJ L 335 30.12.1995, p. 0028](#)

[Summary](#)

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

1994/0077(SYN) - 29/06/1995

The Council was unanimous (the United Kingdom and Italian delegations abstained) on its common position with a view to adopting the Directive amending Directive 89/655/EEC of 30 November 1989 on the minimum safety and health requirements for the use of work equipment by workers at work. This amending Directive places an obligation on the employer to ensure that work equipment is inspected when first installed and after every assembly, where the safety of the equipment depends on the installation conditions, and to carry out periodic inspections. It also lays down that the employer must take full account of ergonomic principles when applying the minimum safety and health requirements. The Directive supplements the Annex to the 1989 Directive, as laid down therein, by adding minimum requirements that apply to specific work equipment, to mobile work equipment in particular, whether or not self-propelled, and to equipment used for lifting loads. There is also a new Annex II with provisions covering both the use of all work equipment in general and mobile equipment and equipment used for lifting loads. It is for the Member States to decide after consulting the social partners and in the light of national laws and/or practices how to achieve the level of safety corresponding to the objectives referred to in the provisions of Annex II. The new provisions in Annex I specify that mobile work equipment must be operated so as to reduce the risks for workers during transport, to prevent the blockage of energy transmission units and to limit the risks from tilting or overturning. Some minimum requirements refer specifically to fork-lift trucks and self-propelled mobile equipment. As regards equipment for lifting loads, Annex I lays down that their strength and stability must be safeguarded while they are in use, that they indicate their nominal load and that they must be installed so as to minimise the risk of the load crushing workers. A derogation clause lays down that the specific work equipment referred to in Annex I and already supplied to workers three years after the adoption of the Directive must meet the minimum requirements laid down in Annex I not later than four years after that date. The general provisions in Annex II lay down that all work equipment must be installed, located and used in such a way as to reduce the risk to workers, that it must be erected and dismantled under safe conditions and that it must be protected against lightning strike. As regards the use of mobile work equipment, the provisions of the new Annex refer in particular to driving of self-propelled equipment, the presence of workers on foot in the work area, the transport of workers on mechanically driven work equipment and the air quality in work areas where there is equipment with a combustion engine. The provisions in Annex II in respect of the use of equipment for lifting loads refers *inter alia* to the stability of movable or mobile equipment, the lifting of workers, the presence of workers under suspended loads and the choice and storage of lifting accessories. Specific provision is made, moreover, for equipment designed for lifting non-guided loads. The timetable for implementing the Directive is three years after it is finally adopted by the Council.

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

1994/0077(SYN) - 27/06/1995 - Modified legislative proposal

The Commission's amended proposal incorporates, in full or in part, 43 of the 50 amendments adopted by the European Parliament at first reading. - The amendments accepted by the Commission clarify the proposal as regards information for workers and the objectives of certain requirements. These amendments relate in particular to the following points: . Annex I: additional requirements for using woodworking and allied machinery (mainly presses), mobile equipment with ride-on workers, inadvertent seizure of drive units in machinery, lighting and visibility in or in contact with certain

devices, equipment for lifting workers, scaffolding (including ladders); . Annex II: additional requirements for protecting work equipment against lightning strike (grounding system), rescue procedure in the event of dangerous contact (prior draining or ventilation of dangerous site), mobile equipment fitted with a combustion engine (engine cuts out when equipment is not in use), equipment which can be dismantled (sufficient stability of equipment on the ground); . Annex IV: work equipment subject to inspection: mobile equipment which cannot exceed speeds of 10 km/h and loads of lifting equipment which cannot lift loads in excess of 200 kg; . the Commission also agreed to take account of ergonomic principles, to tighten criteria governing the integration of work equipment into inspection plans (Annex IV), and to take account of the view of the social partners. - Although it agreed to extend the deadline by which "specific" existing work equipment (as covered by Annex I, part III) must comply with all the requirements of the directive to the end of the year 2000, the Commission did not agree that this equipment must be scrapped after 5 years (i.e. in 2005 as recommended by Parliament). . The Commission also rejected several amendments, including those relating to "qualified personnel", inspections before equipment is commissioned, the committee procedures and ad hoc procedures for consulting and training workers using certain types of equipment. . Other amendments were rejected because they were deemed excessively costly (rejection of parts, cartridge sealing tools, protection against agricultural vehicles from rolling over, marking lifting equipment and information for workers). . Finally, the Commission did not accept horizontal amendments seeking to extend the directive to "persons" in general (rather than just workers) because it felt that it went beyond the scope of Article 118A of the Treaty. . Similarly, the amendment on maintenance logs, which had resulted from translation problems, was also rejected.

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

1994/0077(SYN) - 24/07/1995 - Council position

The Council's common position makes sweeping changes to the amended proposal by deleting numerous amendments by the European Parliament and making important changes to the content of the proposal. The main amendments relate to the following points: . Annex I: the minimum requirements of the Annex, inasmuch as they apply to work equipment in use, do not call for the same measures as the essential requirements concerning new work equipment. A large proportion of the equipment included in this Annex has been deleted: - woodworking and allied machinery-presses; - scaffolding; - work equipment used for detecting non-apparent risks; - bolt-firing tools, bolt guns, nail drivers and similar work equipment. As far as the other points of the Annex are concerned: mobile equipment and work equipment for lifting loads, which are now only referred to in Annex I, are supplemented by additional requirements relating to fork-lift trucks; . Annex II: as far as the nature of this Annex is concerned, the Council has reached a compromise by making what were initially minimum requirements simple "provisions", the objectives of which are achieved at the discretion of the Member States using methods determined by them after consultation with the social partners and taking account of national legislation (it being understood that the Member States remain free to introduce more stringent provisions). As far as the content of this Annex is concerned, the Council has deleted all the provisions relating to: - systems for fixing work equipment to the ground; - powered work equipment (including powered equipment on an electrical installation), - equipment containing materials which flow or are sucked in; - work equipment operated manually. - remote-controlled mobile equipment. It has reworded point 3 of this Annex (work equipment for lifting loads) and completely deleted Annex III which related directly to it. It has also deleted point 4 of this Annex (minimum requirements relating to the use of other work equipment); . the Council has deleted all reference to the equipment inspection plan, thereby simply abolishing Annexes IV and V; . as far as making workers aware of the risks relevant to them is concerned, the Council has reduced the scope of the article in question; . finally, the Council has replaced the date for transposition of the directive into national law (31 December 1996) by a date three years after the adoption of the directive.

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

1994/0077(SYN) - 17/02/1995 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the Commission proposal subject to 44 amendments, the main purpose of which was to: - include the objective of defining minimum health and safety requirements, with the Member States obliged to respect and improve on these requirements; - consider the directive as a practical step towards the creation of the social dimension of the European Union; - make provision for the decommissioning by 31 December 2005 of specific equipment already made available to workers on 31 December 1992; - ensure that employers consult the other social partner before taking suitable measures to comply with the minimum requirements listed in the annexes; - authorise the Member States to take alternative measures where it is objectively impossible to apply the minimum requirements; - ensure that the safety of equipment is checked by qualified staff when installed, every time it is assembled on a new site and on a regular basis; - ensure that employers take full account of the posture and position of workers; - include training in the use of work equipment and information on the potential risks in the work area in the scope of the directive; - associate trades union, European works committees and other workers' representatives in the process; - minimise the risks inherent in using dangerous machinery or equipment; - stipulate the content of the maintenance log for each item of work equipment; - add the equipment, mechanisms, vehicles etc. subject to minimum safety requirements to the annexes; The Commission was unable to accept amendments 26, 41, 43, 6, 18, 28, 15, 20, 31, 25, 11 or 36, but did accept amendments 3, 4, 5, 7, 9, 38 and 48, worded differently.

## **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 deplors 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.

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

1994/0077(SYN) - 15/11/1995 - Text adopted by Parliament, 2nd reading

Adopting the recommendation for second reading by Mr Peter SKINNER (PSE, UK), the European Parliament deplored the Council's lack of interest in improving health and safety in the workplace. Preferring to take a cautious and realistic approach, given the Council's unanimity on the text in its common position (which was a far cry from the Commission's proposal), the European Parliament adopted a reduced number of amendments; these sought mainly to: - stress the employer's role in implementing the minimum requirements of the directive; - abolish a provision stating that only permanent equipment must be installed so as to reduce risks; - make provision for workers to be made attentive to the hazards of certain equipment, even if they do not use it directly; - require that sufficient space be left between the moving parts of work equipment and fixed or moving parts in their environment; - require traffic rules to be introduced where several pieces of equipment are moving around in the same area; - restore Annex II (points 2.6 to 2.9) of the initial proposal; - reintroduce the initial provisions relating to non-guided load-lifting equipment (part relating to the handling of this type of equipment and to the requirements to be applied if defects are detected).

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

1994/0077(SYN) - 23/11/1994 - Economic and Social Committee: opinion, report

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

1994/0077(SYN) - 24/07/1995

The Council was unanimous (with the United Kingdom and Italian delegations abstaining) in its formal adoption of its common position with a view to adopting the Directive amending Directive 89/655/EEC of 30 November 1989 on the minimum safety and health requirements for the use of work equipment by workers at work. This common position will be sent to the European Parliament for a second reading as part of the cooperation procedure. The main points are summarised in Press Release 8243/95, Presse 199.

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

1994/0077(SYN) - 14/03/1994 - Legislative proposal

The proposal for a directive sought to amend Directive 89/655/EEC on the minimum health and safety requirements for the use of operating machinery at the workplace. The new Directive was essentially aimed at: - progressively improving the safety and health protection of workers when using operating machinery; - harmonizing the minimum health and safety requirements which were to be met when using machinery and equipment, especially with regard to periodic inspections. The Directive set 31 December 2000 as the date by which equipment already in service was to be adapted to comply with the requirements. It also supplements the Annex to Directive 89/655/EEC by new minimum requirements which were to apply to a number of specific types of equipment: woodworking machines and presses requiring repeated manual intervention, mobile equipment, load-lifting equipment, scaffolding, equipment used for the detection of non-visible hazards and sealing guns. Other Annexes have been added relating to the use, in the strict sense of the word, of operating machinery and the conditions under which certain types of machine must be protected against the risk of overturning. Finally, the Directive included a non-exhaustive list of equipment which should be subject to a compulsory inspection schedule, together with the minimum standards of competence which had to be met to qualify for drawing up inspection schedules. Member States had until 31 December 1996 to comply with this new Directive.

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

1994/0077(SYN) - 05/12/1995 - Final act

**OBJECTIVE:** to improve and strengthen the safety of work equipment in general and to provide new provisions in certain sectors not covered by Directive 89/655/EEC (mobile work equipment, whether or not self-propelled, and used to lift loads). **COMMUNITY MEASURE:** Council directive 95/63/EC amending Directive 89/655/EEC on the minimum safety and health requirements for the use of work equipment by workers at work (second individual directive as defined by Article 16(1) of Directive 89/391/EEC). **CONTENT:** the directive makes provision for: . the employer's obligation to ensure that work equipment is inspected when installed and after assembly, where safety depends on installed conditions, and at periodic intervals; . the employer to take full account of ergonomic principles when applying minimum safety and health requirements; . workers to be made aware of the risks to which they are exposed and of the equipment which they use or which is located in their immediate vicinity, even if they do not use it. The directive supplements the Annex to the 1989 directive by adding minimum requirements applicable to specific work equipment, especially mobile equipment, whether or not self-propelled, and equipment used to lift loads. It includes a new Annex II containing provisions on the use of all work equipment in general and of mobile equipment and equipment used to lift loads. Member States must determine how they can achieve a level of safety which meets the objectives of the provisions of Annex II after consultation with the social partners and taking account of national legislation and/or practices. . Annex I: the new provisions in Annex I state that work equipment must be adapted so that workers can remain in safety during the journey, prevent blockage of the drive unit and limit the risks of rollover. Some minimum requirements refer specifically to fork-lift trucks and self-propelled mobile equipment. As far as equipment used to lift loads is concerned, Annex I makes provision, inter alia, for their strength and stability to be safeguarded during use and for them to be marked with their maximum capacity and installed so as to reduce the risk of loads striking workers. There is a derogation whereby work equipment specifically covered by Annex I and provided to workers 3 years after the directive is adopted must satisfy the minimum requirements of this Annex within 4 years of that date. . Annex II: the provisions of a general nature in Annex II require all work equipment to be installed, located and used so as to reduce the risks to workers, to be erected and dismantled under safe conditions and to be protected against lightning strike. As far as the use of mobile work equipment is concerned, the provisions of the new Annex refer mainly to the driving of self-propelled equipment, the presence of workers on foot in the vicinity of this equipment, the transport of workers on mechanically driven equipment and the air quality in the vicinity of equipment fitted with a combustion engine. The provisions of Annex II relating to the use of equipment to lift loads refer, inter alia, to the stability of mobile or movable equipment, the lifting of persons, the presence of workers under suspended loads and the selection of lifting accessories. There are also specific provisions relating to equipment used to lift non-guided loads. . Reports: the Commission is called on to report periodically to the European Parliament on the implementation of this directive. **ENTRY INTO FORCE:** the directive should be transposed into national legislation by 5 December 1998.

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

1994/0077(SYN) - 05/12/1995

With the abstention of the Italian and United Kingdom delegations, the Council unanimously adopted the Directive amending Directive 89/655/EEC 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).