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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 May 1990

establishing an action programme for the development of continuing vocational training in the European Community (Force)

(90/267/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 128 thereof,

Having regard to the Commission proposal ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the fundamental objectives of a common vocational training policy set forth in the second principle of Decision 63/266/EEC ⁽⁴⁾ refer in particular to the need to promote basic and advanced vocational training and, where appropriate, retraining, suitable for the various stages of working life; whereas the 10th principle of Decision 63/266/EEC states that special measures may be taken in respect of special problems concerning special sectors of activity or specific categories of persons;

Whereas the European Council has affirmed that completion of the internal market must go hand in hand with improved access to vocational training (Hanover, 27 and 28 June 1988); whereas it has stressed that Community action should help to develop available human resources and the preparation of future changes and technical adjustment; whereas the reform

of training systems, including continuing vocational training, will play a vital role in achieving these objectives (Rhodes, 2 and 3 December 1988); whereas it has noted the agreement reached by the Council on continuing vocational training (Madrid, 26 and 27 June 1989);

Whereas, on 15 March 1989, the European Parliament adopted a resolution on the social dimension of the internal market ⁽⁵⁾, in which it emphasized investment in training and making the most of the use of human resources; whereas, in particular, it considered that vocational training and the management of human resources are decisive factors in the adaptation of undertakings and their capacity to respond to change, and that consequently it is essential to encourage them to invest in these areas;

Whereas, in its resolution of 5 June 1989 on continuing vocational training ⁽⁶⁾, the Council considered that continuing vocational training plays an important role in the strategy for achieving, by 1992, both the internal market, including its social dimension, and economic and social cohesion, as a determining factor in economic and social policy; whereas it considered that all workers should, in the light of requirements, have access to continuing vocational training and benefit therefrom; whereas it invited the Member States, with due regard for the powers under national law of the parties concerned, to take, or promote, a number of measures; whereas it requested the Commission to lay before it as soon as possible an action programme on continuing vocational training;

Whereas the Community Charter of the Fundamental Social Rights of Workers, adopted at the Strasbourg European Council on 9 December 1989 by the Heads of State and

⁽¹⁾ OJ No C 12, 18. 1. 1990, p. 16.

⁽²⁾ OJ No C 96, 17. 4. 1990, p. 71.

⁽³⁾ OJ No C 124, 21. 5. 1990, p. 31.

⁽⁴⁾ OJ No 63, 20. 4. 1963, p. 1338/63.

⁽⁵⁾ OJ No C 96, 17. 4. 1989, p. 61.

⁽⁶⁾ OJ No C 148, 15. 6. 1989, p. 1.

Government of 11 Member States, and in particular point 15 thereof, declared that:

'Every worker of the European Community must be able to have access to vocational training and to benefit therefrom throughout his working life. In the conditions governing access to such training there may be no discrimination on grounds of nationality.

The competent public authorities, undertakings or the two sides of industry, each within their own sphere of competence, should set up continuing and permanent training systems enabling every person to undergo retraining, more especially through leave for training purposes, to improve his skills or to acquire new skills, particularly in the light of technical development';

Whereas the acceleration of technical, economic and industrial change against a background of increased competition and the advent of the completion of the internal market demand at this juncture reinforcement of the anticipatory and adaptational role played by continuing vocational training and the reinforcement of existing measures;

Whereas effective equality as regards access to continuing vocational training is essential to promote equal treatment for men and women;

Whereas cooperation in the field of continuing vocational training should also be based on existing provisions in force in the Member States, while respecting the diversity of national legal systems and practices, the powers under national law of the parties concerned and contractual autonomy;

Whereas the monitoring of changes in qualifications is an essential factor in developing initial and continuing vocational training operations adapted to the requirements of the labour market;

Whereas the Community can make a significant contribution to cooperation between Member States by developing an action programme with the aim of supporting and supplementing the policies and activities developed by and in the Member States in the area of continuing vocational training; whereas this action programme should be organized in such a way that it interacts with the tasks and actions of the European Social Fund ⁽¹⁾, Eurotecnet ⁽²⁾ and Comett ⁽³⁾ programmes, the Iris network ⁽⁴⁾ on vocational training for women with a view to 1992 and experimental schemes promoted by small and medium-sized undertakings ⁽⁵⁾;

Whereas, on 26 January 1990, both sides of industry at Community level, in the framework of the social dialogue, adopted a new joint opinion on education and training;

Whereas it is appropriate to associate closely both sides of industry at national level, in accordance with national practices, with the implementation of this programme,

HAS DECIDED AS FOLLOWS:

Article 1

Establishment and aim of the Force programme

1. An action programme for the development of continuing vocational training in the European Community (hereinafter referred to as the Force programme) is hereby adopted for the period from 1 January 1991 to 31 December 1994.
2. The aim of the Force programme is to support and complement the policies and activities developed by and in the Member States in the area of continuing vocational training.

Article 2

Objectives

The objectives of the Force programme are:

- (a) to encourage a greater and more effective investment effort in continuing vocational training and an improved return from it, in particular by developing partnerships designed to encourage greater awareness on the part of the public authorities, undertakings — in particular small and medium-sized undertakings — both sides of industry and individual workers, of the benefits accruing from investment in continuing vocational training;
- (b) to encourage continuing vocational training measures by, for example, demonstrating and disseminating examples of good practice in continuing vocational training to those economic sectors or regions of the Community where access to, or investment in, such training is currently inadequate;
- (c) to encourage innovations in the management of continuing vocational training, methodology and equipment;
- (d) to take better account of the consequences of the completion of the internal market, in particular by supporting transnational and transfrontier continuing vocational training projects and the exchange of information and experience;
- (e) to contribute to greater effectiveness of continuing vocational training mechanisms and their capacity to respond to changes in the European labour market, by promoting measures at all levels, in particular to

⁽¹⁾ OJ No L 185, 15. 12. 1988, p. 9 and OJ No L 374, 31. 12. 1988, p. 21.

⁽²⁾ OJ No L 393, 30. 12. 1989, p. 29.

⁽³⁾ OJ No L 13, 17. 1. 1989, p. 28.

⁽⁴⁾ OJ No L 342, 4. 12. 1987, p. 35.

⁽⁵⁾ OJ No L 239, 16. 8. 1989, p. 33.

monitor and analyse the development of continuing vocational training and identify better ways of forecasting requirements in terms of qualifications and occupations.

Article 3

Content

The Force programme includes two complementary parts which respect the principle of subsidiarity, as follows:

- (a) a common framework of guidelines, described in Article 5, designed to support and complement the policies and measures adopted by the Member States, bearing in mind the responsibilities of the parties concerned under national law, with a view to promoting the coherent development of continuing vocational training between the Member States;
- (b) a number of transnational measures implemented at Community level, described in Article 6 and in the Annex, designed to support and complement activities developed by and in the Member States.

Article 4

Functions and definitions

1. Continuing vocational training performs four functions inside or outside undertakings, depending on the case, which complement one another, as follows:

- that of ensuring permanent adaptation to the changing nature and content of occupations and hence the improvement of skills and qualifications which is so imperative for strengthening the competitiveness of European firms and their staff,
- that of promoting social conditions to enable large numbers of workers to overcome a lack of prospects for improving their qualifications and improve their situation,
- that of prevention, to forestall any negative consequences of completion of the internal market and to overcome the difficulties arising in sectors or undertakings undergoing economic or technological restructuring,
- that of integrating the unemployed, in particular long-term unemployed.

2. For the purposes of this Decision:

- (a) the term 'continuing vocational training' is used in a general sense to denote any vocational training engaged in by a worker in the European Community throughout his working life;
- (b) the word 'undertaking' is used to denote not only large but also small and medium-sized undertakings,

regardless of their legal status or the economic sector in which they operate, and all types of economic activity;

- (c) the term 'training body' is used to denote all types of public, semi-public or private establishment engaged in vocational training, further training, updating or retraining activities, regardless of the way in which they are referred to in the Member States. The term also covers autonomous economic organizations, in particular chambers of commerce and industry and/or their equivalents, and professional associations;
- (d) the word 'worker' is used to denote any person having active links with the labour market, including the self-employed.

Article 5

Common framework of guidelines

1. The common framework of guidelines and the transnational measures provided for in Article 6 shall contribute to promoting the convergence of initiatives by the Member States which seek:

- (a) to promote the European dimension in continuing vocational training in order to improve the conditions for workers' mobility;
- (b) to facilitate constant adaptation to new demands and social advancement by means of continuing vocational training and to strengthen the preventive function of continuing vocational training;
- (c) to enable the least qualified workers, whatever their status, to benefit from continuing vocational training measures, enabling them to obtain a basic qualification;
- (d) to promote effective equality of opportunity for men and women as regards access to continuing vocational training according to conditions to be laid down by each Member State;
- (e) to strengthen incentives for undertakings, particularly small and medium-sized undertakings, to invest in continuing vocational training;
- (f) to seek to improve at all levels the forecasting of trends in qualifications and to achieve greater convergence between the objectives of vocational training and employment;
- (g) to improve, by procedures adapted to national laws and practices and, if necessary, in stages, the supply of continuing vocational training and to reinforce existing arrangements for continuing vocational training, in order to meet the specific needs of small and medium-sized undertakings and the demands of labour and management at all levels;

- (h) to ensure that all workers who are nationals of Member States are afforded equal treatment as regards access to continuing vocational training;
- (i) to make effective, in accordance with requirements and for all those concerned, access to continuing vocational training and the benefit thereof.

2. Both sides of industry shall be fully associated in the implementation of the common framework of guidelines in accordance with national practices.

Article 6

Transnational measures

In order to support and supplement the activities developed by and in Member States to promote the development of continuing vocational training, the Commission shall implement the transnational measures, which are aimed at workers in undertakings, set out in the Annex, taking account of the differing needs and situations which exist in the Member States, with particular regard to the level of vocational training in each Member State and to the respective arrangements for continuing vocational training.

Article 7

Financing

1. The funds estimated as necessary for the financing of the Force programme in the first two years of the four-year period referred to in Article 1 (1) amount to ECU 24 million.

2. The necessary annual appropriations shall be authorized in the annual budgetary procedure in accordance with the financial outlook decided on jointly by the European Parliament, the Council and the Commission and on the basis of the way it develops.

Article 8

Consistency and complementarity

1. The Commission shall ensure that there is consistency and complementarity between the Community actions to be implemented under the Force programme and other Community programmes involving vocational training.

2. The Commission shall draw upon the assistance of the European Centre for the Development of Vocational Training (Cedefop) in the implementation of the Force programme, subject to the conditions laid down in Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training ⁽¹⁾.

⁽¹⁾ OJ No L 39, 13. 2. 1975, p. 1.

Article 9

Briefing of the Advisory Committee on Vocational Training

The Commission shall keep the Advisory Committee on Vocational Training regularly informed of the development of the Force programme.

Article 10

Committee

1. The Commission shall be assisted by a committee of an advisory nature composed of two representatives from each Member State and chaired by the representative of the Commission.

Twelve representatives of both sides of industry, appointed by the Commission on the basis of proposals from the organizations representing both sides of industry at Community level, shall participate in the work of the committee as observers.

2. The representative of the Commission shall submit to the committee a draft of the measures concerning:

- (a) the general guidelines governing the Force programme;
- (b) the general guidelines on the financial assistance provided by the Community (amounts, duration and recipients of assistance)
- (c) questions relating to the overall balance of the Force programme, including the breakdown between the various actions.

3. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

4. The opinion shall be recorded in the minutes. In addition, each Member State shall have the right to ask to have its position recorded in the minutes.

5. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 11

Assessment and reports

1. The results of the transnational measures taken pursuant to Article 6 and the Annex shall be subject to objective external assessment in accordance with criteria established in consultation between the Commission and the Member States:

- (a) for the first time, during the first six months of 1993;

(b) for the second time, during the first six months of 1995.

2. Every two years, as from the date of adoption of this Decision, the Member States shall send to the Commission a report on the steps taken to implement the common framework of guidelines laid down in Article 5, including information on current arrangements to promote and finance continuing vocational training.

3. Before 30 June 1993 the Commission shall submit to the European Parliament, the Council, the Economic and

Social Committee and the Advisory Committee on Vocational Training an interim report on the launch phase and, before 30 June 1995, a final report on the implementation of the Force programme.

Done at Brussels, 29 May 1990.

For the Council

The President

B. AHERN

ANNEX

TRANSNATIONAL MEASURES

(Article 6)

I. ACTION I — Support for innovation in continuing vocational training

1. *Achieving synergy in innovation*

The Community will support the activities of the European network of transnational operations with a view to improving the design, organization and assessment of continuing vocational training operations and encouraging the transfer of knowledge and know-how in the Community.

The contribution of the Community in the framework of the Force programme will be, in particular, to develop links between operations at Community level through promotion and collaboration activities and dissemination of information and experience.

Community assistance will be granted for:

- (a) an exchange scheme to promote the rapid dissemination of innovations in continuing vocational training and a significant improvement in access to it. The Community will provide grants for training courses in undertakings or training bodies in another Member State, to:
 - full-time instructors,
 - staff in human resources departments,
 - staff representatives in undertakings, and
 - training specialists in regional consortia;
- (b) preparatory work on the design and development of transnational or cross-frontier continuing vocational training pilot schemes, by undertakings, groups of undertakings or training bodies in various Member States with a view to promoting the transfer of information and know-how in the Community, giving priority to the needs of small and medium-sized undertakings, and taking into account the opportunities and consequences of completing the internal market.

2. *European sectoral surveys of continuing vocational training plans*

The Community will support sectoral surveys of continuing vocational training plans which examine the following topics:

- methods of drawing up continuing vocational training plans within undertakings
- cost-effectiveness evaluation of continuing vocational training in undertakings,
- agreements and practices in undertakings and collective agreements,
- agreements between undertakings and the State,
- techniques used to develop continuing vocational training and improve the access of workers who have few qualifications, are working part-time and on an insecure basis.

II. ACTION II — Analysis, monitoring, assessment and forecasting

1. *Exchange of comparable data on continuing vocational training*

The Community supports regular exchanges of comparable data on continuing vocational training.

In close cooperation with the Eurostat Working Party on Education and Training Statistics, it will systematically collate the data in existence in the Member States, develop comparable concepts on the basis of work already carried out at national level, define a common methodological framework which can be used in all the Member States and carry out a specific survey on the basis of questionnaires sent to a sample of undertakings, in cooperation with the competent organizations in the Member States.

The data to be obtained will relate to:

- the number of individuals taking part in training,
- the number of participants per type of activity and size category,
- the cost of training,
- training in the undertaking and outside,

- outside training per type of training institution,
- training by area in the undertaking,
- duration of training in the undertaking,
- participation by gender.

2. *Analysis of contractual policy on continuing vocational training*

The Community will support the development of a coherent analysis of agreements at the level of undertakings and of collective agreements on continuing vocational training in the Member States.

It will encourage the exchange of experience between socio-professional organizations, workers' and employers' organizations and other parties concerned, in order to encourage the dissemination of innovatory contractual agreements.

To encourage the dissemination of innovatory contractual agreements the Community will provide support grants for exchanges of those involved in the social process (members of socio-professional organizations) to employers'/workers' organizations or joint bodies in different Member States.

3. *Forecasting trends in qualifications and occupations*

Drawing on work by Cedefop in this field and with its assistance, the Community will promote transnational cooperation between experts to analyse and forecast trends in demands for qualifications and occupations.

The experts will have the task, among other things, of improving the comparability of methods for analysing continuing vocational training needs and changes on the labour market. In this context, the possibility of developing common analysis models is to be examined.

III. ACTION III — Accompanying measures

The work undertaken within the framework of the Force programme will receive the necessary technical assistance at Community level in order that it may proceed successfully, in particular as regards support and continuing evaluation of the programme and dissemination and transfer of the results obtained.

IV. Community financial contribution

The Community will finance expenditure for measures under Actions I, II and III.

The Community will bear up to 80% of the costs of the statistical survey on continuing vocational training.

The Community will bear up to 100% of the costs of:

- the models for analysing collective agreements;
- forecasts concerning demands for qualifications and occupations,
- the accompanying measures.

With respect to grants for exchanges, the Community financial contribution will be limited to the direct costs of mobility and must not exceed ECU 7 500 per grant per beneficiary, for exchanges of up to three months.

The Community will bear up to 100% of the costs of

- administering the network;
- cooperation activities (conferences, seminars and workshops),
- dissemination of the results of the Force programme.

With respect to preparatory work of designing and elaborating transnational pilot projects in the field of continuing vocational training, the Community financial contribution will be limited to 50% of expenditure on the preparatory work in respect of transnational pilot projects on continuing vocational training with a ceiling of ECU 100 000 per year per project for transnational pilot projects of a maximum duration of two years.

The Community will bear up to 100% of the costs of planning, implementation and assessment of sectoral surveys, the ceiling per survey during the total duration being ECU 500 000.

COUNCIL DECISION

of 29 May 1990

amending Decision 84/636/EEC establishing a third joint programme to encourage the exchange of young workers within the Community

(90/268/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Community is called upon to take practical measures to help young workers;

Whereas it is the responsibility of the Member States, pursuant to Article 50 of the Treaty, to encourage the exchange of young workers as part of a joint programme;

Whereas Decision 84/636/EEC of 13 December 1984 ⁽⁴⁾ establishes a third joint programme to encourage the exchange of young workers within the Community;

Whereas the Council has also adopted the Youth for Europe action programme under Council Decision 88/348/EEC ⁽⁵⁾;

Whereas the European Council, at its meeting on 28 and 29 June 1985, adopted the conclusions of the *ad hoc* Committee for a People's Europe recommending the promotion of youth exchanges within the Community and the establishment of a genuine network of exchanges in each Member State and between the Member States;

Whereas it would seem appropriate to provide for the Council to examine the Commission's proposal for a new programme to encourage the exchange of young workers by 31 March 1991 and whereas the third programme ends not later than 31 December 1991; whereas it would appear to be necessary for the new programme to become applicable by 1 January 1992,

HAS DECIDED AS FOLLOWS:

Sole Article

Article 12 of Decision 84/636/EEC is hereby replaced by the following:

'Article 12

1. The Council shall examine by 31 March 1991 the Commission's proposal concerning a Council Decision establishing a new joint programme to encourage the exchange of young workers within the Community.
2. The third joint programme to encourage the exchange of young workers within the Community shall end on the day preceding the day on which the Decision referred to in paragraph 1 takes effect and in any event by 31 December 1991.'

Done at Brussels, 29 May 1990.

*For the Council**The President*

B. AHERN

⁽¹⁾ OJ No C 89, 7. 4. 1990, p. 10.

⁽²⁾ Opinion delivered on 18 May 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 25 April 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 331, 19. 12. 1984, p. 36.

⁽⁵⁾ OJ No L 158, 25. 6. 1988, p. 42.

COUNCIL DIRECTIVE

of 29 May 1990

on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(90/269/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118a thereof

Having regard to the Commission proposal⁽¹⁾ submitted after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

In cooperation with the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of Directives, minimum requirements for encouraging improvements, especially in the working environment, to guarantee a better level of protection of the health and safety of workers;

Whereas, pursuant to that Article, such Directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

Whereas the Commission communication on its programme concerning safety, hygiene and health at work⁽⁴⁾, provides for the adoption of Directives designed to guarantee the health and safety of workers at the workplace;

Whereas the Council, in its resolution of 21 December 1987 on safety, hygiene and health at work⁽⁵⁾, took note of the Commission's intention of submitting to the Council in the near future a Directive on protection against the risks resulting from the manual handling of heavy loads;

Whereas compliance with the minimum requirements designed to guarantee a better standard of health and safety at the workplace is essential to ensure the health and safety of workers;

Whereas this Directive is an individual Directive within the meaning of Article 16 (1) of Council Directive 89/391/EEC

of 12 June 1989 on the introduction of measures to encourage improvements in the health and safety of workers at work⁽⁶⁾; whereas therefore the provisions of the said Directive are fully applicable to the field of the manual handling of loads where there is a risk particularly of back injury to workers, without prejudice to more stringent and/or specific provisions set out in this Directive;

Whereas this Directive constitutes a practical step towards the achievement of the social dimension of the internal market;

Whereas, pursuant to Decision 74/325/EEC⁽⁷⁾, the Advisory Committee on Safety, Hygiene and Health Protection at Work shall be consulted by the Commission with a view to drawing up proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Subject

1. This Directive, which is the fourth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

2. The provisions of Directive 89/391/EEC shall be fully applicable to the whole sphere referred to in paragraph 1, without prejudice to more restrictive and/or specific provisions contained in this Directive.

Article 2

Definition

For the purposes of this Directives, 'manual handling of loads' means any transporting or supporting of a load, by one

(1) OJ No C 117, 4. 5. 1988, p. 8.

(2) OJ No C 326, 19. 12. 1988, p. 137 and OJ No C 96, 17. 4. 1990, p. 82.

(3) OJ No C 318, 12. 12. 1988, p. 37.

(4) OJ No C 28, 3. 2. 1988, p. 3.

(5) OJ No C 28, 3. 2. 1988, p. 1.

(6) OJ No L 183, 29. 6. 1983, p. 1.

(7) OJ No L 185, 9. 7. 1974, p. 15.

or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load, which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers.

SECTION II

EMPLOYERS' OBLIGATIONS

Article 3

General provision

1. The employer shall take appropriate organizational measures, or shall use the appropriate means, in particular mechanical equipment, in order to avoid the need for the manual handling of loads by workers.
2. Where the need for the manual handling of loads by workers cannot be avoided, the employer shall take the appropriate organizational measures, use the appropriate means or provide workers with such means in order to reduce the risk involved in the manual handling of such loads, having regard to Annex I.

Article 4

Organization of workstations

Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and:

- (a) assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account of Annex I;
- (b) take care to avoid or reduce the risk particularly of back injury to workers, by taking appropriate measures, considering in particular the characteristics of the working environment and the requirements of the activity, taking account of Annex I.

Article 5

Reference to Annex II

For the implementation of Article 6 (3) (b) and Articles 14 and 15 of Directive 89/391/EEC, account should be taken of Annex II.

Article 6

Information for, and training of, workers

1. Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health.

Employers must ensure that workers and/or their representatives receive general indications and, where possible, precise information on:

- the weight of a load,
- the centre of gravity of the heaviest side when a package is eccentrically loaded.

2. Without prejudice to Article 12 of Directive 89/391/EEC, employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to Annexes I and II.

Article 7

Consultation of workers and workers' participation

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on matters covered by this Directive, including the Annexes thereto.

SECTION III

MISCELLANEOUS PROVISIONS

Article 8

Adjustment of the Annexes

Alterations of a strictly technical nature to Annexes I and II resulting from technical progress and changes in international regulations and specifications or knowledge in the field of the manual handling of loads shall be adopted in accordance with the procedure provided for in Article 17 of Directive 89/391/EEC.

Article 9

Final provisions

1. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive not later than 31 December 1992.

They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt, or have adopted, in the field covered by this Directive.

3. Member States shall report to the Commission every four years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers.

The Commission shall inform the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work thereof.

4. The Commission shall report periodically to the European Parliament, the Council and the Economic and Social Committee on the implementation of the Directive in the light of paragraphs 1, 2 and 3.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 29 May 1990.

For the Council
The President
B. AHERN

ANNEX I (*)

REFERENCE FACTORS

(Article 3 (2), Article 4 (a) and (b) and Article 6 (2))

1. Characteristics of the load

The manual handling of a load may present a risk particularly of back injury if it is:

- too heavy or too large,
- unwieldy or difficult to grasp,
- unstable or has contents likely to shift,
- positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk,
- likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision.

2. Physical effort required

A physical effort may present a risk particularly of back injury if it is:

- too strenuous,
- only achieved by a twisting movement of the trunk,
- likely to result in a sudden movement of the load,
- made with the body in an unstable posture.

3. Characteristics of the working environment

The characteristics of the work environment may increase a risk particularly of back injury if:

- there is not enough room, in particular vertically, to carry out the activity,
- the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear,
- the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker,
- there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels,
- the floor or foot rest is unstable,
- the temperature, humidity or ventilation is unsuitable.

4. Requirements of the activity

The activity may present a risk particularly of back injury if it entails one or more of the following requirements:

- over-frequent or over-prolonged physical effort involving in particular the spine,
- an insufficient bodily rest or recovery period,
- excessive lifting, lowering or carrying distances,
- a rate of work imposed by a process which cannot be altered by the worker.

(*) With a view to making a multi-factor analysis, reference may be made simultaneously to the various factors listed in Annexes I and II.

ANNEX II ()***INDIVIDUAL RISK FACTORS***(Articles 5 and 6 (2))*

The worker may be at risk if he/she:

- is physically unsuited to carry out the task in question,
 - is wearing unsuitable clothing, footwear or other personal effects,
 - does not have adequate or appropriate knowledge or training.
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(*) With a view to multi-factor analysis, reference may be made simultaneously to the various factors listed in Annexes I and II.

COUNCIL DIRECTIVE

of 29 May 1990

on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(90/270/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118a thereof,

Having regard to the Commission proposal ⁽¹⁾ drawn up after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

In cooperation with the European Parliament ⁽²⁾

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of Directives, minimum requirements designed to encourage improvements, especially in the working environment, to ensure a better level of protection of workers' safety and health;

Whereas, under the terms of that Article, those Directives shall avoid imposing administrative, financial and legal constraints, in a way which would hold back the creation and development of small and medium-sized undertakings;

Whereas the communication from the Commission on its programme concerning safety, hygiene and health at work ⁽⁴⁾ provides for the adoption of measures in respect of new technologies; whereas the Council has taken note thereof in its resolution of 21 December 1987 on safety, hygiene and health at work ⁽⁵⁾;

Whereas compliance with the minimum requirements for ensuring a better level of safety at workstations with display screens is essential for ensuring the safety and health of workers;

Whereas this Directive is an individual Directive within the meaning of Article 16 (1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to

encourage improvements in the safety and health of workers at work ⁽⁶⁾; whereas the provisions of the latter are therefore fully applicable to the use by workers of display screen equipment, without prejudice to more stringent and/or specific provisions contained in the present Directive;

Whereas employers are obliged to keep themselves informed of the latest advances in technology and scientific findings concerning workstation design so that they can make any changes necessary so as to be able to guarantee a better level of protection of workers' safety and health;

Whereas the ergonomic aspects are of particular importance for a workstation with display screen equipment;

Whereas this Directive is a practical contribution towards creating the social dimension of the internal market;

Whereas, pursuant to Decision 74/325/EEC ⁽⁷⁾, the Advisory Committee on Safety, Hygiene and Health Protection at Work shall be consulted by the Commission on the drawing-up of proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Subject

1. This Directive, which is the fifth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum safety and health requirements for work with display screen equipment as defined in Article 2.

2. The provisions of Directive 89/391/EEC are fully applicable to the whole field referred to in paragraph 1, without prejudice to more stringent and/or specific provisions contained in the present Directive.

⁽¹⁾ OJ No C 113, 29. 4. 1988, p. 7 and OJ No C 130, 26. 5. 1989, p. 5.

⁽²⁾ OJ No C 12, 16. 1. 1989, p. 92 and OJ No C 113, 7. 5. 1990.

⁽³⁾ OJ No C 318, 12. 12. 1988, p. 32.

⁽⁴⁾ OJ No C 28, 3. 2. 1988, p. 3.

⁽⁵⁾ OJ No C 28, 3. 2. 1988, p. 1.

⁽⁶⁾ OJ No L 183, 29. 6. 1989, p. 1.

⁽⁷⁾ OJ No L 185, 9. 7. 1974, p. 15.

3. This Directive shall not apply to:

- (a) drivers' cabs or control cabs for vehicles or machinery;
- (b) computer systems on board a means of transport;
- (c) computer systems mainly intended for public use;
- (d) 'portable' systems not in prolonged use at a workstation;
- (e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment;
- (f) typewriters of traditional design, of the type known as 'typewriter with window'.

Article 2

Definitions

For the purpose of this Directive, the following terms shall have the following meanings:

- (a) *display screen equipment*: an alphanumeric or graphic display screen, regardless of the display process employed;
- (b) *workstation*: an assembly comprising display screen equipment, which may be provided with a keyboard or input device and/or software determining the operator/machine interface, optional accessories, peripherals including the diskette drive, telephone, modem, printer, document holder, work chair and work desk or work surface, and the immediate work environment;
- (c) *worker*: any worker as defined in Article 3 (a) of Directive 89/391/EEC who habitually uses display screen equipment as a significant part of his normal work.

SECTION II

EMPLOYERS' OBLIGATIONS

Article 3

Analysis of workstations

1. Employers shall be obliged to perform an analysis of workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress.
2. Employers shall take appropriate measures to remedy the risks found, on the basis of the evaluation referred to in paragraph 1, taking account of the additional and/or combined effects of the risks so found.

Article 4

Workstations put into service for the first time

Employers must take the appropriate steps to ensure that workstations first put into service after 31 December 1992 meet the minimum requirements laid down in the Annex.

Article 5

Workstations already put into service

Employers must take the appropriate steps to ensure that workstations already put into service on or before 31 December 1992 are adapted to comply with the minimum requirements laid down in the Annex not later than four years after that date.

Article 6

Information for, and training of, workers

1. Without prejudice to Article 10 of Directive 89/391/EEC, workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3, 7 and 9.

In all cases, workers or their representatives shall be informed of any health and safety measure taken in compliance with this Directive.

2. Without prejudice to Article 12 of Directive 89/391/EEC, every worker shall also receive training in use of the workstation before commencing this type of work and whenever the organization of the workstation is substantially modified.

Article 7

Daily work routine

The employer must plan the worker's activities in such a way that daily work on a display screen is periodically interrupted by breaks or changes of activity reducing the workload at the display screen.

Article 8

Worker consultation and participation

Consultation and participation of workers and/or their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on the matters covered by this Directive, including its Annex.

*Article 9***Protection of workers' eyes and eyesight**

1. Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities:

- before commencing display screen work,
- at regular intervals thereafter, and
- if they experience visual difficulties which may be due to display screen work.

2. Workers shall be entitled to an ophthalmological examination if the results of the test referred to in paragraph 1 show that this is necessary.

3. If the results of the test referred to in paragraph 1 or of the examination referred to in paragraph 2 show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned.

4. Measures taken pursuant to this Article may in no circumstances involve workers in additional financial cost.

5. Protection of workers' eyes and eyesight may be provided as part of a national health system.

SECTION III

MISCELLANEOUS PROVISIONS

*Article 10***Adaptations to the Annex**

The strictly technical adaptations to the Annex to take account of technical progress, developments in international regulations and specifications and knowledge in the field of

display screen equipment shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

*Article 11***Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1992.

They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt, or have already adopted, in the field covered by this Directive.

3. Member States shall report to the Commission every four years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers.

The Commission shall inform the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

4. The Commission shall submit a report on the implementation of this Directive at regular intervals to the European Parliament, the Council and the Economic and Social Committee, taking into account paragraphs 1, 2 and 3.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 29 May 1990.

For the Council

The President

B. AHERN

*Annex***MINIMUM REQUIREMENTS***(Articles 4 and 5)***Preliminary remark**

The obligations laid down in this Annex shall apply in order to achieve the objectives of this Directive and to the extent that, firstly, the components concerned are present at the workstation, and secondly, the inherent requirements or characteristics of the task do not preclude it.

1. EQUIPMENT**(a) General comment**

The use as such of the equipment must not be a source of risk for workers.

(b) Display screen

The characters on the screen shall be well-defined and clearly formed, of adequate size and with adequate spacing between the characters and lines.

The image on the screen should be stable, with no flickering or other forms of instability.

The brightness and/or the contrast between the characters and the background shall be easily adjustable by the operator, and also be easily adjustable to ambient conditions.

The screen must swivel and tilt easily and freely to suit the needs of the operator.

It shall be possible to use a separate base for the screen or an adjustable table.

The screen shall be free of reflective glare and reflections liable to cause discomfort to the user.

(c) Keyboard

The keyboard shall be tiltable and separate from the screen so as to allow the worker to find a comfortable working position avoiding fatigue in the arms or hands.

The space in front of the keyboard shall be sufficient to provide support for the hands and arms of the operator.

The keyboard shall have a matt surface to avoid reflective glare.

The arrangement of the keyboard and the characteristics of the keys shall be such as to facilitate the use of the keyboard.

The symbols on the keys shall be adequately contrasted and legible from the design working position.

(d) Work desk or work surface

The work desk or work surface shall have a sufficiently large, low-reflectance surface and allow a flexible arrangement of the screen, keyboard, documents and related equipment.

The document holder shall be stable and adjustable and shall be positioned so as to minimize the need for uncomfortable head and eye movements.

There shall be adequate space for workers to find a comfortable position.

(e) Work chair

The work chair shall be stable and allow the operator easy freedom of movement and a comfortable position.

The seat shall be adjustable in height.

The seat back shall be adjustable in both height and tilt.

A footrest shall be made available to any one who wishes for one.

2. ENVIRONMENT

(a) Space requirements

The workstation shall be dimensioned and designed so as to provide sufficient space for the user to change position and vary movements.

(b) Lighting

Room lighting and/or spot lighting (work lamps) shall ensure satisfactory lighting conditions and an appropriate contrast between the screen and the background environment, taking into account the type of work and the user's vision requirements.

Possible disturbing glare and reflections on the screen or other equipment shall be prevented by coordinating workplace and workstation layout with the positioning and technical characteristics of the artificial light sources.

(c) Reflections and glare

Workstations shall be so designed that sources of light, such as windows and other openings, transparent or translucent walls, and brightly coloured fixtures or walls cause no direct glare and, as far as possible, no reflections on the screen.

Windows shall be fitted with a suitable system of adjustable covering to attenuate the daylight that falls on the workstation.

(d) Noise

Noise emitted by equipment belonging to workstation(s) shall be taken into account when a workstation is being equipped, in particular so as not to distract attention or disturb speech.

(e) Heat

Equipment belonging to workstation(s) shall not produce excess heat which could cause discomfort to workers.

(f) Radiation

All radiation with the exception of the visible part of the electromagnetic spectrum shall be reduced to negligible levels from the point of view of the protection of workers' safety and health.

(g) Humidity

An adequate level of humidity shall be established and maintained.

3. OPERATOR/COMPUTER INTERFACE

In designing, selecting, commissioning and modifying software, and in designing tasks using display screen equipment, the employer shall take into account the following principles:

- (a) software must be suitable for the task;
- (b) software must be easy to use and, where appropriate, adaptable to the operator's level of knowledge or experience; no quantitative or qualitative checking facility may be used without the knowledge of the workers;
- (c) systems must provide feedback to workers on their performance;
- (d) systems must display information in a format and at a pace which are adapted to operators;
- (e) the principles of software ergonomics must be applied, in particular to human data processing.