



The Advisory Committee on Safety and Health at Work

Opinion on “Non-binding Guidelines regarding Directive 92/58/EEC (Safety and/or Health Signs at Work)”

Doc. 2274/20

Adopted on 10/12/2020

The Advisory Committee on Safety and Health at Work (ACSH),

Having regard to:

- The mandate of the Working Party “Guidelines to the OSH Signs Directive 92/58/EEC” (WP) adopted on 30 May 2018,
- The results of the ex-post Evaluation of the EU OSH acquis: Commission Staff Working Document SWD(2017)¹, in particular as regards Directive 92/58/EEC;
- The Communication from the Commission 'Safer and Healthier Work for All – Modernisation of the EU Occupational Safety and Health Legislation and Policy' COM(2017) 12, in particular its section 3.1²,
- The Opinion of the Advisory Committee on Safety and Health at Work, adopted on 6 December 2017³,
- The outcomes of the Working Party meetings of 19 March 2019, 19 September 2019, 3 March 2020 and 5 November 2020, in particular the draft guidelines in Annex to this Opinion;

¹ Commission Staff Working Document, “Ex-post evaluation of the European Union occupational safety and health Directives (REFIT evaluation)”, Accompanying the document COM(2017) 12 final, SWD(2017) 10 final, Brussels, 10.1.2017, available at: <http://ec.europa.eu/social/BlobServlet?docId=16875&langId=en>

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy”, COM(2017)12 final, Brussels, 10.1.2017, available at: <http://ec.europa.eu/social/BlobServlet?docId=16874&langId=en>

³ The Advisory Committee on Safety and Health at Work, “Opinion on the Modernisation of Six OSH Directives to Ensure Healthier and Safer Work for All”, Doc.1718/2017, adopted on 06/12/2017.

ADOPTS this Opinion:

1. Introduction

The ex-post evaluation of the Framework Directive 89/391/EEC and 23 related directives, in particular of Directive 92/58/EEC, identified interpretation difficulties as regards certain provisions of this Directive, including the extent of flexibility clause laid down in Annex II. It also showed the need for clarification of certain issues that have an impact in the effective application of the Directive, such as the interrelationship between Directive 92/58/EEC and the current EN ISO 7010 standard.

Also, the Commission Communication, which was published on the same day, reads as follows:

Annex II of Directive 92/58/EEC provides for a list of requirements as regards safety signboards including pictograms to be used. It also stipulates in Annex II section 1.3 that "The pictograms used may be slightly different from or more detailed than shown in section 3, provided that they convey the same meaning and that no difference or adaptation obscures the meaning". The evaluation pointed to some uncertainties as for to what extent the EN ISO 7010 signs standard can be considered as compliant with Directive 92/58/EEC (in particular as regards the pictograms used). Some Member States have advocated for the alignment of the Directive with the standard EN ISO 7010 in order to ensure a greater harmonisation of safety signs across the EU.

Furthermore, the Commission Communication indicates that *"the adaptation of the Annexes to the Directive in question would be considered"*.

In this context, the ACSH adopted its opinion on 6 December 2017 advising that the required clarifications should be made rather through non-binding guidelines. Section 2.5 of the ACSH opinion reads as follows:

Notwithstanding the existence of the international instruments on safety signs, Directive 92/58/EEC takes precedence over those instruments and is an important element of the common protective measures in place in the European Union. The Committee recommends that the Commission should consider the following:

- 1. Clarify the relationship between the directive and the current standard EN ISO 7010. This could be accomplished by the production of a guideline. This would require the establishment of an ACSH Working Party.*
- 2. Maintain the harmonized symbols/icons in the Directive that flag chemical risks with those laid down in Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.*
- 3. Improving implementation of the provisions of the directive, regarding workers whose hearing or sight is impaired, including by the wearing of personal protective equipment, or who are physically impaired.*

It is worth noting that the Committee's Action Programme 2015-2020 provides for the creation of a Working Party to draft opinions on any Commission proposals resulting from the ex-post evaluation.

Accordingly, the Working Party was set up and its remit was defined in the following way:

To prepare an opinion on non-binding guidelines, aiming inter alia to clarify certain issues regarding the practical application of the Directive as well as the interrelationship between Directive 92/58/EEC and the current EN ISO 7010 standard in order to ensure greater harmonisation of safety signs across the EU.

2. State of play

In line with its mandate, the Working Party, having analysed the content of the provisions of Directive 92/58/EEC and other signage systems, presents the draft guidelines.

The Working Party has consulted ISO experts while analysing signage systems. In addition, it has consulted the draft guidelines with EU-OSHA.

The guidelines consist of three parts. Part I describes certain legal aspects of the Directive and explains the concept of minimum requirements. Part II describes in detail a selection of safety signs as laid down by the above-mentioned Directive and compares them with ISO signs. Annex I provides a list of references and/or practices for further reading. Finally, in Annex II a comparative table presents different variations of relevant safety signs.

On the basis of its analysis and consultations, the Working Party has come to the conclusion that the flexibility clause laid down in point 1.3 of Annex II to the Directive in question would permit the use of signs of *the EN ISO 7010 standard to comply with the requirements of the Directive as long as they provide the same meaning as the Directive.*

The draft guidelines reproduce many ISO pictograms but ISO has given its written permission to reproduce these in this document.

The guidelines should be uploaded to the EC website to allow access for anyone interested.

The ACSH welcomes the document prepared by the Working Party.

The ACSH considers also that it is necessary to improve the technical quality of the pictograms from the directive, as presented in the draft guidelines, which could be made after adoption of the present Opinion.

3. Conclusions

In view of the above, the ACSH adopts the draft guidelines in Annex to this Opinion and recommends their publication in the EC website for public access.