Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

COUNCIL DIRECTIVE 92/58/EEC

of 24 June 1992

on the minimum requirements for the provision of safety and/ or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission[(1)], submitted following consultation of 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 118 a of the Treaty provides that the Council must adopt, by means of directives, minimum requirements to encourage improvements, especially in the working environment, as regards the health and safety of workers;

Whereas, under 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 a revision and extension of the scope of Council Directive 77/576/ EEC of 25 July 1977 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the provision of safety signs at places at work[(5)];

Whereas, in its Resolution of 21 December 1987 on safety, hygiene, and health at work[(6)], the Council took note of the Commission's intention of submitting to it within a short period of time a proposal for revising and extending the abovementioned Directive;

Whereas Directive 77/576/EEC should be replaced by this Directive for the sake of consistency and clarity;

Whereas this Directive is an individual Directive within the meaning of Article 16 (l)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[(7)]; wheres the provisions of Directive 89/391/EEC therefore apply in full to the provision of safety and health signs at work, without prejudice to more stringent and/or specific provisions contained in this Directive;

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Whereas existing Community rules relate mainly to safety signs and the marking of dangerous obstacles and locations, and are therefore restricted to a limited number of types of signs;

Whereas the effect of this restriction is that some hazards are not appropriately marked; whereas new types of signs should therefore be introduced in order to enable employers and workers to identify and avoid risks to safety and/or health at work;

Whereas safety and/or health signs must be provided where hazards cannot be adequately reduced by techniques for collective protection or by measures, methods or procedures used in the organization of work;

Whereas the many differences between the safety and/or health signs currently in use in the Member States lead to uncertainty, and this may become more widespread with the free movement of workers within the internal market;

Whereas the use of standardized signs at work is, in general, likely to reduce the hazards which may arise from linguistic and cultural differences between workers;

Whereas this Directive constitutes a tangible step towards developing the social dimension of the internal market;

Whereas, pursuant to Decision 74/325/EEC[8], as last amended by the Act of Accession of Spain and Portugal, the Advisory Committee on Safety, Hygiene and Health Protection at Work is to be consulted by the Commission on the drafting of proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Object

1 This Directive, which is the ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum requirements for the provision of safety and/or health signs at work.

[[F1]2 This Directive shall not apply to signs for the placing on the market of hazardous substances and mixtures, products and/or equipment, unless other Union provisions make specific reference thereto.**]**

3 This Directive shall not apply to signs used for regulating road, rail, inland waterway, sea or air transport.

4 The provisions of Directive 89/391/EEC shall apply in full to the whole area referred to in paragraph 1, without prejudice to more stringent and/or specific provisions in this Directive.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Textual Amendments

F1 Substituted by Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

Article 2

Definitions

For the purposes of this Directive:

(a) safety and/or health signs means signs referring to a specific object, activity or situation and providing information or instructions about safety and/or health at work by means of a signboard, a colour, an illuminated sign or acoustic signal, a verbal communication or a hand signal, as the case may be;

(b) prohibition sign means a sign prohibiting behaviour likely to incur or cause danger;

(c) warning sign means a sign giving warning of a hazard or danger;

(d) mandatory sign means a sign prescribing specific behaviour;

(e) emergency escape or first-aid sign means a sign giving information on emergency exits or first-aid or rescue facilities;

(f) information sign means a sign providing information other than that referred to in (b) to (e);

(g) signboard means a sign which provides specific information by a combination of a geometric shape, colours and a symbol or pictogram and which is rendered visible by lighting of sufficient intensity;

(h) supplementary signboard means a signboard used together with one of the signs described under (g), which provides supplementary information;

(i) safety colour means a colour to which a specific meaning is assigned;

(j) Symbol or pictogram means a figure which describes a situation or prescribes specific behaviour and which is used on a signboard or illuminated surface;

(k) illuminated sign means a sign produced by a device made of transparent or translucent materials which are illuminated from the inside or the rear in such a way as to give the appearance of a luminous surface;

(l) acoustic signal means a coded sound signal which is released and transmitted by a device designed for that purpose, without the use of a human or artificial voice;

(m) verbal communication means a predetermined spoken message communicated by a human or artificial voice;

(n) hand signal a movement and/or position of the arms and/or hands, in coded form, for guiding persons who are carrying out manoeuvres which constitute a hazard or danger for workers.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

SECTION II

EMPLOYERS' OBLIGATIONS

Article 3

General rules

1 Employers shall provide safety and/or health signs as laid down in this Directive where hazards cannot be avoided or adequately reduced by techniques for collective protection or measures, methods or procedures used in the organization of work, or ensure that such signs are in place.

Employers shall take into account any risk evaluation made in accordance with Article 6 (3) (a) of Directive 89/391/EEC.

2 Without prejudice to the provisions of Annex V, the signs used for road, rail, inland waterway, sea and air transport shall be installed, wherever appropriate for such forms of transport, inside undertakings and/or firms.

Article 4

Safety and/or health signs used for the first time

Without prejudice to Article 6, a safety and/or health sign used at work for the first time on or after the date referred to in Article 11(1) first subparagraph must fulfil the minimum requirements set out in Annexes I to IX.

Article 5

Safety and/or health signs already in use

Without prejudice to Article 6, a safety and/or health sign which was already in use at work before the date referred to in Article 11(1) first subparagraph must fulfil the minimum requirements set out in Annexes I to IX by no later than eighteen months after that date.

Article 6

Exemptions

1 Taking account of the types of activity and/or size of the undertakings concerned, Member States may specify categories of undertakings allowed to replace totally, partially or temporarily the illuminated signs, and/or acoustic signals provided for in this Directive by alternative measures which afford the same level of protection.

2 Member States may derogate, after consulting both sides of industry, from the application of Annex VIII, section 2 and/or Annex IX, section 3, whilst laying down alternative measures guaranteeing the same level of protection.

3 Member States shall consult, in accordance with national laws and/or practice, employers' and workers' organizations when implementing paragraph 1.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Article 7

Information and instruction for workers

1 Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work.

2 Without prejudice to Article 12 of Directive 89/391/EEC, workers must be given suitable instruction, in particular in the form of specific directions concerning the safety and/or health signs used at work.

In particular, the instruction referred to in the first subparagraph shall cover the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted.

Article 8

Consultation of workers and workers' 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 Annexes I to IX.

SECTION III

MISCELLANEOUS PROVISIONS

[F2 Article 9

Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 9a to make strictly technical amendments to the Annexes, in order to take account of technical harmonisation and standardisation concerning the design and manufacture of safety and/or health signs or devices at work, as well as technical progress, changes in international regulations or specifications and advances in knowledge in the field of safety and/or health signs or devices at work.

Where, in duly justified and exceptional cases involving imminent, direct and serious risks to workers' and other persons' physical health and safety, imperative grounds of urgency require action in a very short timeframe, the procedure provided for in Article 9b shall apply to delegated acts adopted pursuant to this Article.**]**

Textual Amendments

F2 Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny