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)

[[X1]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

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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:

Editorial Information

X1 Substituted by Corrigendum to Council Directive 90/270/EEC 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 87/391/EEC) (Official Journal of the European Union L 156 of 21 June 1990).

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.

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'.

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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.

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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.

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

SECTION III

MISCELLANEOUS PROVISIONS

[F1 Article 10

Amendments to the Annex

The Commission is empowered to adopt delegated acts in accordance with Article 10a to make strictly technical amendments to the Annex, in order to take account of technical progress, developments in international regulations or specifications and knowledge in the field of display screen equipment.

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 10b shall apply to delegated acts adopted pursuant to this Article.**]**

Textual Amendments

F1 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 to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

[F2 Article 10a

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[8].