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)

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

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.*

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 **[**X1stringent**]** and/or specific provisions contained in this Directive.

Editorial Information

X1 Substituted by Corrigendum to Directive 90/269/EEC 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) (Official Journal of the European Communities No L 156 of 21 June 1990).

Article 2

Definition

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

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 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.

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.*

2 Without prejudice to Article 12 of Directive 83/391 /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

[[F1]*Article 8*

Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 8a to make strictly technical amendments to the Annexes, in order to take account of technical progress, changes in international regulations or specifications and knowledge in the field of the manual handling of loads.

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 8b 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 8a*

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 8 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