OPINION OF ADVOCATE GENERAL SAGGIO

delivered on 24 February 2000 *

1. By order lodged on 18 January 1999, the Arbeitsgericht Siegen (Labour Court, Siegen) referred three questions to the Court of Justice of the European Communities for a preliminary ruling on the interpretation of 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 89/391/EEC) [1] (hereinafter 'the directive' or 'the 1990 directive') with regard to the terms 'display screen' or 'graphic display screen' and 'control cabs for ... machinery' employed therein. In essence, the national court asks whether the directive in question can be applied also to television cutters who select and process film material using different procedures with a view to producing programmes for broadcasting.

Relevant Community and national legislation

2. Article 118a of the EEC Treaty, which was introduced on 1 July 1987 with the Single European Union Act and subsequently (with amendments) became Article 118a of the EC Treaty after the entry into force of the Treaty on European Union (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 EC to 143 EC), laid down in its first paragraph that the Member States were to pay particular attention 'to encouraging improvements, especially in the working environment, as regards the health and safety of workers', with a view to the 'harmonisation of conditions in this area, while maintaining the improvements made'. To that end, Article 118a(2) offered the Council the possibility of adopting, 'by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States', using the procedure known as the 'cooperation' procedure. According to Article 118a(3), the Community provisions adopted in this way were not to impede the Member States from maintaining or introducing 'more stringent measures for the protection of working conditions compatible with this Treaty'. It should also be noted that Article 137 EC incorporated the substance of the above measures, setting them, however, in the broader perspective of the protection of fundamental social rights, particularly those of workers. [2]

* Original language: Italian.

1 — OJ 1990 L 156, p. 14.

2 — Article 137 EC refers expressly to Article 136 EC, which cites the European Social Charter signed at Turin on 18 October 1961 and the 1989 Community Charter of the Fundamental Social Rights of Workers, to define the objectives to be achieved.

3. On the basis of the then Article 118a of the EEC Treaty, 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 was adopted. [3] This directive seeks to establish general measures to guarantee the safety and health of workers in all sectors of activity, both public and private, [4] while Article 16(1) leaves to 'individual directives' the task of regulating, among other things, the specific areas listed in the Annex to the directive, including 'work with visual display units'. However, the directive in question continues to be effective even where there are individual directives, inasmuch as its provisions 'shall apply in full to all the areas covered by the individual directives, without prejudice to more stringent and/or specific provisions contained in these individual directives'. [5]

4. The 1990 directive, to which the questions submitted for a preliminary ruling relate, does indeed constitute an 'individual directive' (the fifth, in fact) for the purposes of Article 16(1) of the general Directive 89/391. On the basis that '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', [6] this individual directive establishes a set of minimum, and also ergonomic, requirements in favour of persons working with display screen equipment, without prejudice to the full applicability of the provisions of the general Directive 89/391. [7] According to the definition contained in Article 2(a), 'display screen equipment' is understood to mean 'an alphanumeric or graphic display screen, regardless of the display process employed'. In the context of the 'minimum requirements' in the Annex to the individual directive, there are provisions which relate specifically to requirements in respect of screens; [8] among other things, provision is made for the characters on the screen to be well-defined, clearly formed and of adequate size and for 'adequate spacing between the characters and lines', for the 'image on the screen' to be stable 'with no flickering' and for the brightness and/or the contrast 'between the characters and the background' to be easily adjustable by the operator. Finally the point should be made that, according to Article 1(3)(a), the directive in question does not apply to 'control cabs for vehicles or machinery'.

5. Both the general Directive 89/391 and the 1990 individual directive set 31 December 1992 as the final deadline for the adoption of national transposition mea-

3 — OJ 1989 L 183, p. 1.
4 — See Articles 1(1) and 2(1).
5 — Article 16(3).
6 — Fourth recital in the preamble to the 1990 directive.
7 — See Articles 1(1) and 2(1).
8 — See Chapter 1 ('Equipment'), (b).

sures. [9] The German Government arranged for them to be transposed late, by a federal law of 7 August 1996 [10] and a federal regulation of 4 December 1996. [11] The latter defines 'display screens' with a formula which follows that used in the 1990 directive [12] and also excludes from its scope 'control cabs for vehicles or machinery'. [13]

Facts in the main proceedings

6. Ms Margrit Dietrich, the plaintiff in the main proceedings, has since 1 April 1974 been engaged as a television cutter ('Cutterin') at the Siegen production studio of Westdeutscher Rundfunk (hereinafter 'WDR'), the defendant in the main proceedings, a radio and television station operating under the legal status of 'public utility establishment under public law' ('gemeinnützigen Anstalt des öffentlichen Rechts') which produces and transmits radio and television programmes in the territory of the Land of North Rhine-Westphalia.

7. A succinct description of the duties performed by Ms Dietrich is contained in the order for reference. The plaintiff, in her capacity as a television cutter, is essentially responsible for assembling and processing ('cutting' in technical jargon), in collaboration with the makers of the individual programmes, pre-recorded film material (mostly in the form of uncut video sequences) in order to prepare television productions suitable for broadcasting. In this connection, the plaintiff must, for a substantial part of her working time, view and select recordings, on special monitors, of uncut film material or supervise the final product of her processing. In this connection, four workstations are available at the Siegen production studio to the plaintiff and to the other cutters, which can be used as required for the technical cutting process — whether analogue or digital — preselected for the production of the programme. The first type of process — to which the first two workstations are dedicated — is an analogue one: using equipment operated from a control desk, the cutter selects and processes analogue picture material recorded on magnetic tape (in practice, video-cassettes) in order to produce an analogue programme suitable for broadcasting; to this end, the data captured via the control desk are displayed on a separate monitor. The second type of process, to which the other two workstations are dedicated, is, by contrast, a digital

9 — See Article 18(1), first paragraph, of Directive 89/391 and Article 11(1), first paragraph, of the 1990 directive.

10 — Law of 7 August 1996 on the protection of workers, transposing the Community framework directive on the protection of workers (BGBl. 1996. I, p. 1246).

11 — Regulation of 4 December 1996 transposing individual Community directives adopted ursuant to the Community framework directive on the protection of workers (BGBl. 1996 I, p. 1841).

12 — Paragraph 2(1): 'For the purposes of this regulation, a display screen is an alphanumeric or graphic display screen, regardless of the display process employed' ('Bildschirmgerät im Sinne dieser Verordnung ist ein Bildschirm zur Darstellung alphanumerischer Zeichen oder zur Grafikdarstellung, ungeachtet des Darstellungsverfahrens').

13 — Paragraph 1(2.1): 'This regulation does not apply to work carried out at ... control stations for machines or driver's cabs for vehicles fitted with display screens' ('Diese Verordnung gilt nicht für die Arbeit an ... Bedienerplätzen von Maschinen oder an Fahrerplätzen von Fahrzeugen mit Bildschirmgeräten').

one: the raw analogue film material is transferred onto a digital medium following a preliminary selection and then processed by the cutter using a keyboard with the assistance of computerised programmes with a view to producing transmissions which are also broadcast digitally.

8. On account of their characteristics, her television cutter's duties therefore require the plaintiff to carry out her work on display screen equipment. A dispute arose between the plaintiff and WDR as regards the applicability of the 1990 directive, and accordingly of the national transposition legislation, to duties of this kind. This dispute fundamentally relates to the meaning and scope of the terms 'display screen', 'graphic display screen' and 'control cabs for ... machinery' employed in the directive in question and taken up by the national transposition provisions, with regard to the specific nature of the work carried out by a television cutter. The plaintiff decided to refer this dispute to the Arbeitsgericht Siegen, in order to have the benefits provided for under relevant national and Community legislation applied in her favour.

The national court's questions

9. On 7 January 1999, the Arbeitsgericht Siegen issued an order for reference, lodged at the Court Registry on 18 January 1999, in which the Court of Justice was asked to rule on three questions submitted for a preliminary ruling; these may be summarised as follows:

— on a proper interpretation of Article 2(a) of the 1990 Directive, does 'graphic display' within the meaning of that provision covering 'display screens' also include the replay of film clips on monitors?

— if not, does 'graphic display' within the meaning of that provision include the replay of video data files on monitors, which include film clips in digitised form?

— if either Question 1 or Question 2 is answered in the affirmative, must Article 1(3)(a) of the directive be interpreted as meaning that 'control cabs for ... machinery' includes a workstation at which analogue or digitised

picture material is processed with the aid of technical installations and/or computer programmes?

10. In the order for reference, the national court explains why the answers to the three questions are necessary for a proper ruling in the case in the main proceedings. To settle the dispute between Ms Dietrich and WDR, it must be ascertained whether the benefits provided for by the federal regulation of 4 December 1996 — which transposed the 1990 directive into German law — can apply to the present case. Since the regulation is substantially in accordance with the aforesaid directive as regards the definitions of 'display screen' and 'graphic display' and 'control cabs for ... machinery', the interpretation of the directive is of decisive importance for the proper understanding of the terminology used in national law: the national court is required to interpret national law in accordance with Community law.

11. From this point of view, the national court considers it would be preferable to interpret broadly the terms 'display screen' and 'graphic display' in Article 2(a) of the directive in order to guarantee as fully as possible the safety and health of workers working with display screen equipment, regardless of the type of graphic display used at the workstation. For the same reasons, a restrictive interpretation of 'control cabs for ... machinery' would conversely be preferable; that term appears in the case of derogation from the application of the directive provided for by Article 1(3)(a) and therefore relates 'only to workstations where control of a machine or technical installation is effected with the assistance of a data processing installation and the screen display is limited to the reproduction of entry values and technical data which arise in the course of the production process.' [14] However, the national court acknowledges that other solutions also founded on plausible arguments could be applied to the problems of interpretation concerned in the main case. This explains why a ruling from the Court of Justice in this connection is necessary in order to avoid further uncertainties as regards the scope of the directive and, accordingly, of the national legislation which transposed it.

First and second questions

The interpretations proposed

12. The Commission agrees with the national court as regards the advisability

14 — Order for reference, p. 3.

of preferring an extensive interpretation of the terms 'display screen' and 'graphic display' and makes the point that the problem of interpretation would best be set in the wider context of the definition of 'workstation' in Article 2(b) of the 1990 directive. The aim of the latter is to ensure adequate protection for the greatest possible number of workers who use display screens, in accordance with the requirement of protection of safety and health at work provided for by the then Article 118a of the EEC Treaty and the general provisions of Directive 89/391, which could not fail to cover radio and television stations, referring as it does to all sectors of activity, both public and private, including the cultural and recreational sectors. From this point of view, the preparatory work for the 1990 directive [15] confirms that the Community legislature generally intended to cover, in the directive, all the possible uses of graphic display equipment and adequately protect the workers using it. The literal wording of the provision in Article 2(a) of the directive concerned does not, in the Commission's view, preclude a broader interpretation of the term 'display screen'. At a technical level, there is no significant difference between the display of alphanumeric or graphic elements and that of film sequences or clips, regardless of the technological process — analogue or digital — used to replay the images. In all cases 'the screen emits an irradiation of electrons in the form of points of light of variable intensity' [16] and it is to deal with the risks to the health of workers which might arise from this process that the directive provides for special benefits for their protection.

13. WDR and the Netherlands Government, on the other hand, suggest a literal interpretation of the terms 'display screen' and 'graphic display screen' to the Court of Justice. At a television cutter's workstation for the most part recordings of film material are displayed on monitors which could not in any way be covered by the terms 'alphanumeric screen' or 'graphic display' used by the directive to define 'display screens'. According to this line of reasoning, displays on screen of plans, graphics, diagrams or, at most, drawings or artificial images ought solely and exclusively to be covered by the term 'display screen' and all sequences of moving images ought accordingly to be excluded. With regard to the latter, the cutter does not use the screen to *create* a design, plan or artificial image [17] but only to *view* pre-existing film material in order to produce, in agreement with the writer or producer, the programme to be broadcast. Not even the display of video data files containing recordings of film material in digital form on monitors would fall, according to WDR, within the defini-

15 — See in particular the Commission's proposal (OJ 1988 C113, p. 7, and OJ 1989 C130, p. 5) and the opinion of the Economic and Social Committee (OJ 1988 C 318, p. 32).

16 — Written observations, point 69.

17 — WDR refers in particular to CAD (Computer Assisted Design) programmes which allow even animated artificial images to be produced.

tion of 'display screen'; in fact, the final result of such display would, from the spectator's point of view, be reflected in sequences of moving images quite similar to those produced by analogue recordings. According to the directive, moreover, the definition of a display screen is entirely independent of the display process used. To support its contention, WDR also refers to technical standard DIN 15996, which was produced on its initiative and relates to the requirements of workstations in respect of the 'electronic processing of filmed images and sound in cinematographic, television and radiophonic undertakings', [18] whose provisions do not apply to 'film cutting tables'. [19]

The interpretation accepted

14. I consider that Article 2(a) of the directive should be interpreted to mean that the term 'display screen' contained therein relates to the display of any type of image. This conclusion is reached by analysing the literal formulation of the aforesaid provision, the protective aim of the directive, the intentions of the Community legislature, the regulatory context of the directive and the practical requirements of the working environment in this case.

15. As regards the literal formulation of the directive, I have already pointed out that this defines the display screen as 'an alphanumeric or graphic display screen, regardless of the display process employed'. Now, at technical level, the display process on screen is absolutely identical in the case of signs, numbers, symbols, graphics and images, whether these are artificial or real, fixed or moving. In all these cases, it is electron beams which strike the internal part of the display screen, creating the image as the final result of a complex technological procedure. [20] The same moving images are in reality nothing other than sequences of fixed images composed of a certain number of parallel lines which vary according to the frequency standards adopted — images which, following each other at a certain rate, deceive the perception of the human eye by persisting on the retina and creating the illusion of movement. [21] From this point of view, there would therefore be no reason not to assign to the terms 'alphanumeric display screen' and 'graphic display screen', which make up the overall definition of 'display screen

18 — The technical standard in question is set out in Annex 2 to WDR's written observations. It contains the technical requirements applicable to workstations of cinematographic, television and radiophonic undertakings.

19 — Point 1 of standard DIN 15996.

20 — For an accurate description see *The New Encyclopaedia Britannica*, 15th ed., Chicago et al., Encyclopaedia Britannica Inc., 1992, Macropaedia, vol. 15, entry on 'Broadcasting', pp. 210 et seq.

21 — Ibid., pp. 231 et seq.

equipment' in accordance with Article 2(a) of the directive, a semantic value capable of bringing the display of any type of image under the aforesaid directive.

16. As regards the worker who uses display screen equipment, the risk to health does not depend on the type of image displayed on the screen but on prolonged exposure to the screen. This in fact emits radiation which, if absorbed over an excessive length of time, can seriously harm sight in particular and health in general. The intrinsic dangerousness of display screens is entirely independent of what the screen displays; the risk is a constant and undifferentiated one inherent in the tasks of users of display screens and requires exposed workers to have adequate means to protect their health. In connection with such means, the directive imposes a set of minimum requirements to reduce the risks and, among other things, provides for the periodic interruption of daily work on a display screen with breaks or changes of activity, 'reducing the workload',[22] as well as suitable forms of protection for 'workers' eyes and eyesight'.[23] The risk associated with exposure to display screens is accordingly bound up not so much with the type of image displayed as with the intensity of the emissions from the equipment used. Justifying differentiated treatment based on the type of image displayed is therefore inadequate both in technical and medical terms.

17. There are, however, other good reasons for assigning a very broad meaning to the term 'display screen'.

18. The aim of the directive is the protection of the safety and health of workers using display screen equipment. To achieve this aim effectively, a broad scope in keeping with the overall objective of extending protection to the greatest possible number of workstations — save in the case of the exceptions provided for in this connection — needs to be assigned to the definition of display screen equipment used by Article 2(a) of that directive. A restrictive interpretation such as that suggested by WDR and the Netherlands Government would conflict with the need to protect workers' health adequately in the broader perspective of public health protection. Indeed, consideration of the aspects relating to the protection of health 'is based essentially on requirements of a higher order which have to do with the protection of human rights and which underpin the entire legal system of the Community.'[24] Any economic or commercial interests seeking to exclude particular categories of workers — such as television cutters for example — from the protection granted them by the directive cannot be taken into account: indeed, 'the requirements linked to the protection of public health must unquestionably be given more weight than

22 — Article 7 of the directive.

23 — Article 9 of the directive.

24 — Order of the President of the Court of First Instance of 13 July 1996 in Case T-76/96 R *The National Farmers' Union and Others* v *Commission* [1996] ECR II-815, paragraph 75.

commercial or economic interests, in conformity with the Treaty's objectives of ensuring a high level of protection of human health and with the fundamental principles of Community law in that area.' [25]

19. Concerns of the same kind were acted on by the Court in its judgment of 12 December 1996 in *X*, [26] which constitutes the only specific precedent in the matter. In defining the scope of certain provisions of the 1990 directive, in fact, the Court has preferred to use a broad interpretation of the terms of 'worker' and 'workstation', in accordance with the need to guarantee a minimum level of safety and protection. On the basis of such a line of reasoning, it has accordingly been established that 'Article 9(1) of the Directive is to be interpreted as meaning that the regular eye tests for which it provides are to be carried out on *all workers* to whom the Directive applies', that 'Article 9(2) [of the Directive] is to be interpreted as meaning that workers are entitled to an ophthalmological examination *in all cases* where the eye and eyesight test carried out pursuant to Article 9(1) shows that this is necessary', [27] that '[o]n a proper construction of Articles 4 and 5 of the Directive, the obligations they impose [to take the appropriate steps to ensure that workstations meet the minimum requirements laid down in the Annex] apply to *all workstations* as defined in Article 2(b), even if they are not used by workers as defined in Article 2(c)', and that 'workstations must be adapted to comply with *all the minimum requirements* laid down in the Annex'. [28] There is no reason, in my opinion, why such a broad interpretation of the definitions used by the directive should not also hold good in the present case with regard to the much less sensitive terms 'display screen equipment' and 'graphic display screen'.

20. With a view to the protection of health, there is no doubt that the Community legislature's intention was to include all workstations equipped with display screens, with the sole exceptions provided for by Article 1(3), in the scope of the directive. The preparatory work, and above all the proposal for a Commission directive, [29] bears out such an intention. Moreover, the formulation of Article 1(1) concerning the object of the directive leaves little room for doubt, inasmuch as in providing that 'This Directive ... lays down minimum safety and health requirements for work with display screen equipment as defined in Article 2' it presupposes a generalised application thereof, reserving for Article 2 ('Definitions') the sole task of clarifying the terms 'display screen equipment', 'workstation' and 'worker'.

25 — Ibid., paragraph 103. I would point out that Article 129 of the EC Treaty (now, after amendment, Article 152 EC) provides, in the first subparagraph of paragraph 1, that 'A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.'

26 — Joined Cases C-74/95 and C-129/95 [1996] ECR I-6609.

27 — Ibid., paragraph 36 (my emphasis).

28 — Ibid., paragraph 41 (my emphasis).

29 — See footnote 16.

21. The regulatory context of the 1990 directive further supports my thinking. In fact, it constitutes an 'individual directive' within the meaning of Article 16(1) of Directive 89/391. Both contain minimum requirements to protect the safety and health of workers pursuant to the then Article 118a of the EEC Treaty, which comes under 'Social provisions'. From that point of view, I feel it should be emphasised that the definitions used in Article 2 of the 1990 directive are instrumental in relation to the protective aim of the directive and must be interpreted and applied in close conformity with that aim. The situation would obviously have been very different had the directive been a 'harmonisation directive' adopted on the basis of the then Article 100a of the EEC Treaty (which subsequently became Article 100a of the EC Treaty and then, after amendment, Article 95 EC): in that case, the definitions would have been instrumental in approximating laws in the context of the internal market and would certainly have had the task of rigorously circumscribing the scope of the directive. In my opinion, this signifies that the reference to technical standard DIN 15996 by WDR should be understood to mean that the latter should be recognised as having merely the value of a detailed application of the protective requirements acknowledged by the directive in the cinematographic, radiophonic and television sectors rather than as defining the limits of its scope.

22. I would finally make the point that the interpretation which I support is compatible with the organisational requirements connected with the activity of television cutters. WDR itself points out that such activity is frequently interrupted for technical reasons (insertion of video-cassettes to be viewed, rewinding of film material, etc.) or to allow the cutter to talk to the programme writer or producer. What is involved, therefore, is a kind of activity which by its nature does not require continuous and uninterrupted application. This, in my opinion, allows a system of 'breaks or changes of activity' for the cutter's benefit to be set up in accordance with Article 7 of the directive without any difficulty and, all the more so, the 'minimum requirements' envisaged by the Annex to the directive to be put into operation.

23. To conclude, I consider that a joint answer should be given to the first two questions concerning the possibility of making the term 'graphic display screen' cover also the reproduction of recordings of film material and video data files containing recordings of film material in digital form. Two questions with an analogous object are in fact involved, notwithstanding the fact that the second is asked solely in the event that a negative reply is given to the first. This is because distinguishing the image displayed on screen on the basis of the analogue or digital medium from which it derives does not seem significant; as far as the directive is concerned, no account whatsoever is taken of 'the display process employed'. The reproduction on screen of recordings of film material or of video data files containing recordings of film material in digital form must thus be treated in the

same way. I therefore propose giving a joint reply to the first two questions to the effect that, for the purposes of the definition of 'display screen equipment' contained in Article 2(a) of the 1990 directive, the term 'graphic display screen' refers to the display of any type of image, including the reproduction on monitor screens of film material, whether in the form of analogue recordings or video data files containing digital recordings.

Third question

The interpretations proposed

24. The Commission is inclined to a restrictive reading of the term 'control cabs ... for machinery' provided for as an exception to the application of the specific system for the protection of workers in Article 1(3) of the 1990 directive. The Community legislature's intention was to circumscribe the derogations from the application of the directive to very limited cases and, among others, to the case in which the display screen equipment, while having to be used by the worker, still does not constitute the fundamental element of his or her activity. The directive and, accordingly, national legislation ought therefore to be interpreted taking this factor into account.

25. On the other hand, WDR considers that the provisions of the aforesaid directive relate essentially to office activities or, more generally, those of an administrative type and cannot be applied in sectors or contexts having different characteristics. This is the *raison d'être* of the derogations provided for in Article 1(3) of the directive, among which is precisely that relating to 'control cabs for ... machinery'. It is accordingly necessary to interpret such a term as if it referred to control cabs constituting 'an integral part of the machine by virtue of controls with a display screen, which allow direct intervention in the machine's production cycle.' In the present case, the activity of a television cutter takes place at a workstation where film material is processed using equipment operated by a control panel fitted with monitoring screens, in a very similar way to that taking place in, for example, the operation of the diagnostic devices used in the medical sector. In other words, a television cutter's workstation constitutes, to all intents and purposes, a 'control cab for ... machinery' and as such is excluded from the scope of the directive.

The interpretation accepted

26. For all the reasons set out so far, I consider that the 1990 directive does cover all workstations equipped with display screens, with the sole exception of the cases of derogation exhaustively listed in Article 1(3).

27. In this connection, the cases of derogation listed in Article 1(3) can be divided into two categories, according to the use of the display screen equipment and the degree to which it is dangerous. In the first category are those cases in which the display screen equipment is installed in 'control cabs for vehicles or machinery' or 'on board a means of transport' and thus performs an *auxiliary role* in the operation of a vehicle or machine. To the second category belong, on the other hand, all those cases in which the risks associated with the worker's exposure to display screen equipment are minimal or actually non-existent: what are involved here are 'computer systems mainly intended for public use'; the use of 'portable' terminals 'not in prolonged use at a workstation', 'equipment having a small ... display' and finally, typewriters of traditional design.

28. As regards more specifically the term 'control cabs for ... machinery' [30] in Article 1(3)(a), I consider that the reason for excluding such items from the scope of the directive lies in the fact that the display screen equipment installed in such workstations plays a marginal or secondary role in relation to the main function of the machine for whose operation it is intended. Fundamentally, it is their *auxiliary role* which justifies the derogating provision. I agree with the opinion expressed in this connection by the national court and am satisfied that Article 1(3)(a) of the directive should be interpreted as meaning that the term 'control cabs for ... machinery' refers only to a workstation at which an operator operates a machine or technical installation using a technical data processing device, which is limited to displaying on screen the data which the operator keys in or which are processed by the device during the production process. [31]

29. In the present case, the possibility of including the activity carried out by a television cutter under 'control cabs for ...

30 — The German text of the 1990 directive ('Bedienerplätze von ... Maschinen') is more precise than the Italian inasmuch as the latter refers to 'posti di guida di ... macchine'.

31 — A classic case of this kind is that of computerised diagnostic devices used in medicine. But one should also remember industrial control panels or those used in electric power stations.

machinery' depends on the role which display screen equipment performs in the procedure for the processing of film material. It will accordingly be the responsibility of the national court to establish whether in this case the term can or cannot cover a workstation at which analogue or digitalised film material is processed with the aid of technical installations or computer programmes.

Conclusion

30. On the basis of the foregoing considerations, I propose that the Court should reply as follows to the questions raised by the Arbeitsgericht Siegen:

(1) Article 2(a) of Directive 90/270/EEC must be interpreted as meaning that, for the purposes of the definition of 'display screen equipment' contained therein, the term 'graphic display screen' refers to the display of any kind of image, including the reproduction on monitor screens of film material, whether in the form of analogue recordings or video data files containing digital recordings.

(2) Article 1(3)(a) of that directive must be interpreted as meaning that the term 'control cabs for ... machinery' refers solely to a workstation at which an

operator operates a machine or technical installation using a technical data processing device which is limited to displaying on screen the data which the operator keys in or which are processed by the device during the production process. It is the responsibility of the national court to establish whether in this case the term can or cannot cover a workstation at which analogue or digitalised film material is processed with the aid of technical installations or computer programmes.