

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 23 July 1990

Proposal for a
COUNCIL DIRECTIVE

on the implementation of minimum safety and health requirements
at temporary or mobile work sites

(Eighth individual Directive within the meaning of Article 16
of Directive 89/391/EEC)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Legal basis

The proposal is based on Article 118 A of the EEC Treaty and takes the form of an individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC on improvements in the safety and health of workers at work⁽¹⁾.

The timeliness of a proposal of this kind was underlined by the Commission in its Communication on its programme in the field of safety, hygiene and health at work⁽²⁾, which the Council addressed in its Resolution of 21 December 1987⁽³⁾. It also features among the new initiatives in this field which the Commission announced in its Communication on an action programme relating to the implementation of the Community Charter of Basic Social Rights for Workers⁽⁴⁾.

The proposal forms part of the social measures intended to accompany the completion of the internal market⁽⁵⁾.

2. Aims of the proposal

2.1. The proposal has the following aims:

- to gradually improve temporary or mobile work sites from the point of view of the safety and health of workers;
- as part of the social dimension of the internal market, to harmonize the minimum safety and health requirements for all temporary or mobile work sites.

2.2. The proposal aims to improve the safety and health of workers by laying down minimum requirements for temporary or mobile work sites and to introduce social provisions that will assist in improving working conditions at temporary or mobile work sites within the context of the internal market of the Community.

In this connection, it should be noted that the provisions of the other individual Directives within the meaning of Article 16 of Directive 89/391/EEC are applicable to temporary or mobile work sites, with the exception of those contained in Directive 89/654/EEC⁽⁶⁾ concerning the minimum safety and health requirements for the workplace, which expressly excludes such work sites from its scope.

2.3. The proposal takes account of the need:

- to pay due regard to safety requirements from the initial design stage onwards;
- to identify responsibilities on work sites;
- to specify safety and health-related obligations with respect to certain tasks for all persons working on temporary or mobile work sites, including those engaged in the preparation of the project.

(1) OJ L 183 of 29 .6.1989, p.1

(2) OJ C 28 of 3.2.1988, p.3.

(3) OJ C 28 of 3.2.1988, p.1.

(4) COM(89)568 final.

(5) Commission White Paper on the completion of the internal market (COM 85(310) final).

(6) OJ L 393, 30 December 1989, p.1

2.4. The proposal takes account of the fact that:

- a work site constitutes an entity that brings together self-employed persons as well as a number of undertakings of various sizes;
- on a work site, self-employed persons must be bound by certain obligations since they may expose workers at the site to various risks;
- the working environment is largely determined by the activities of contractors working at the site simultaneously or in succession, and that employers must therefore coordinate their prevention and protection measures so that these may be carried out efficiently;
- the construction sector, which employs less than 10% of all employees in the EEC, accounts for 15% of the accidents at work and 30% of the fatal accidents recorded for all industries; an analysis of these accidents suggests that almost two-thirds are attributable to faults in design (architectural features, choice of equipment) and in organization (coactivity of contractors).

2.5. The proposal strengthens cooperation between the project supervisor(s), employers and self-employed persons by laying down minimum requirements concerning the integration of safety and health features from the project design stage onwards, in particular by specifying coordination tasks to be carried out during the stages of "project design" and "project execution".

It also specifies the respective tasks of each person involved as regards safety and health at work sites.

The proposal contains obligations designed to improve protection for workers against accidents, while at the same time helping firms to clarify the respective responsibilities on the project and at work sites.

3. The proposal in relation to existing national regulations

There are wide differences between the Member States of the European Community as regards the regulations applicable to temporary or mobile work sites:

- some legislation is very limited and in some cases non-existent;
- national provisions regarding safety and health measures are based on codes of practice or agreements drawn up between the social partners;
- certain national provisions on the integration of safety and health at the project design stage are applicable to all works while others relate only to public works;
- certain national provisions on safety and health are applicable only if the number of workers or the cost of the works exceeds a certain level;

- some Member States require project designers to make provision for safety and health measures;

- depending on the Member State concerned, the obligations to coordinate activities on the site and to prepare safety plans may be:
 - . the responsibility of the client
 - . one of the tasks assigned to project designers
 - . distributed or negotiated between contractors in accordance with the work schedule.

In some Member States, specific provisions concerning the layout of workshops are laid down in collective agreements.

The main gaps in the area of prevention stem from weaknesses in the legal requirements and national provisions concerning the organization and coordination of work on temporary or mobile work sites.

The legal requirements and other national provisions are so numerous and diverse that an attempt should be made to harmonize them at Community level by means of minimum requirements.

4. Characteristics of the proposal

As provided for in Article 118 A of the EEC Treaty, the proposal contains minimum requirements for safety and health. It is a proposal

for an individual Directive within the meaning of Article 16 of Directive 89/391/EEC. The proposed measures are designed to afford improved protection for workers at temporary or mobile work sites.

The proposal aims to remedy the inadequacy of arrangements for allocating responsibility or the dispersion of responsibilities that currently exist and requires that safety be integrated into the work process at the stages of project design, planning, preparation, organization and execution.

In concrete terms, the "task of coordination" during the "project design" stage consists in ensuring that the safety and health of workers is taken into account during the initial design and planning stages.

The "task of coordination" during the "project execution" stage consists in coordinating, monitoring and checking the performance of the work from the safety and health point of view, until the project is completed.

The proposal aims at a global approach to accident prevention by establishing a chain of responsibility linking all the parties concerned: clients, project supervisors, employers, coordinators and self-employed persons.

The coordination tasks to be carried out during the stages of project design and project execution will be described in the "prior notice". The latter is a means of providing information for the authorities with responsibility for safety and health.

5. Consultation of the parties concerned

Experts, government representatives and workers' and employers' organizations were consulted by the Commission and were involved in the preparation of the proposal.

The Advisory Committee on Safety, Hygiene and Health Protection at Work, set up by Council Decision 74/325/EEC of 27.6.1974, was consulted and gave an opinion which was taken into account in the drafting of the proposal.

6. Comments on the articles and annexes of the proposal

This Directive, which is an Individual Directive based on Directive 89/391/EEC, contains several recitals, provisions for the informing, training, consultation and participation of workers and/or their representatives, and final provisions. These have been drawn up in accordance with the recitals and provisions that already exist in Directive 89/391/EEC and/or the Individual Directives 89/654/EEC (workplaces), 89/655/EEC (work equipment) and 89/656/EEC (personal protective equipment).

- Article 1 outlines the scope of the Directive.

- Article 2 defines what is meant by temporary or mobile work sites, clients, project supervisors and self-employed persons.

- Article 3 lays down the Member States' obligations concerning the forwarding of a prior notice and the circumstances under which such a notice is required.

- Article 4 lays down general safety and health principles to be taken into account during the "project design" stage.

- Article 5 specifies the safety and health obligations of the person(s) responsible for coordination during the "project design" stage.

- Article 6 specifies the safety and health obligations of the person(s) responsible for coordination during the "project execution" stage.

- Article 7 lays down the general safety and health principles to be taken into account during the "project execution" stage.

- Article 8 defines employers' obligations.

- Article 9 defines the obligations applying to self-employed persons.

- Article 10 provides that information be given to workers and/or their representatives.
- Article 11 provides for the consultation and participation of workers and/or their representatives.
- Article 12 indicates the procedure for adapting the annexes.
- Articles 13 and 14 contain the final provisions, including in particular the obligation on the Member States to report periodically to the Commission on the practical implementation of the Directive.

Annex I contains a non-exhaustive list of building and civil engineering works.

Annex II specifies the information which must be made available to the authorities with responsibility for safety and health and which is included in the prior notice.

Annex III lists the categories of works involving safety and health risks to workers for which a prior notice and a safety plan are required.

Annex IV lays down the minimum safety and health requirements for work sites.

Proposal for a
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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 proposal from the Commission⁽¹⁾, submitted after
consulting 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 the communication from the Commission on its programme concerning
safety, hygiene and health at work⁽⁴⁾ provides for the adoption of a
directive designed to guarantee the safety and health of workers at temporary
or mobile work sites;

Whereas, in its resolution of 21 December 1987 on safety, hygiene and health
at work⁽⁵⁾, the Council took note of the Commission's intention of
submitting to the Council in the near future minimum requirements concerning
temporary or mobile work sites;

(1) OJ No C..., ..., p...

(2) OJ No C..., ..., p...

(3) OJ No C..., ..., p...

(4) OJ No C 28, 3. 2. 1988, p.3.

(5) OJ No C 28, 3. 2. 1988, p.1.

Whereas temporary or mobile work sites constitute an area of activity that exposes workers to particularly high levels of risk;

Whereas more than half of the occupational accidents occurring on work sites in the Community are related to the selection of unsatisfactory architectural and/or organizational options or to poor planning of the works at the project design stage;

Whereas in each Member State the authorities responsible for safety and health at work must be informed, at the project design stage, of the execution of large-scale and/or dangerous works;

Whereas, when a project is being carried out, a large number of occupational accidents may be caused by inadequate coordination, particularly where various undertakings work simultaneously or in succession at the same temporary or mobile work site;

Whereas it is therefore necessary to improve coordination between the various parties concerned at the project design stage and also when the work is being carried out;

Whereas compliance with the minimum requirements designed to guarantee a better standard of safety and health at temporary or mobile work sites is essential to ensure the safety and health of workers;

Whereas, moreover, self-employed persons may, through their activities on a temporary or mobile work site, jeopardize the safety and health of workers;

Whereas it is therefore necessary to extend to self-employed persons certain relevant provisions of Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work⁽⁶⁾, and of Council Directive 89/656/EEC of 30 November 1989 concerning the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace⁽⁷⁾;

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⁽⁸⁾; whereas, therefore, the provisions of the said Directive are fully applicable to temporary or mobile work sites, without prejudice to more stringent and/or specific provisions contained in this Directive;

Whereas this Directive constitutes a practical step towards the achievement of the social dimension of the internal market with special reference to the subject matter of Council Directive 89/106/EEC⁽⁹⁾;

(6) OJ No L 393, 30. 12. 1989, p. 13.

(7) OJ No L 393, 30. 12. 1989, p. 18.

(8) OJ No L 183, 29. 6. 1989, p. 1.

(9) OJ No L 40, 11. 2. 1989, p. 12.

Whereas, pursuant to Council Decision 74/325/EEC⁽¹⁰⁾, as last amended by the Act of Accession of Spain and Portugal, the Advisory Committee on Safety, Hygiene and Health Protection at Work is consulted by the Commission with a view to drawing up proposals in this field,

HAS ADOPTED THIS DIRECTIVE :

(10) OJ No L 185, 9. 7. 1974, p. 15.

SCOPE

Article 1

This Directive shall apply to temporary or mobile work sites as defined in Article 2, to the exclusion of extractive industries.

DEFINITIONS

Article 2

For the purposes of this Directive,

- temporary or mobile work sites, hereinafter referred to as "work sites" means any site at which building and civil engineering works are carried out; a non-exhaustive list of such works is given in Annex 1;
- client(s) means any natural or legal person(s) for whom a project is carried out;
- project supervisor(s) means any natural or legal person(s) responsible for the design and/or execution of a project, acting on behalf of the client(s);
- self-employed person means any person other than those referred to in Article 3 (a) and (b) of Directive 89/391/EEC whose professional activity is carried out wholly or in part on a work site in order to contribute to the execution of a project.

PRIOR NOTICE

Article 3

1. Member States shall take the necessary steps to ensure that, before the commencement of works on their territory, the client(s) forward(s) to the authorities responsible for safety and health at work a "prior notice" containing the information indicated in Annex II. In particular, this notice shall indicate the name(s) of the person(s) responsible for coordinating the safety and health of workers:

- during the "project design" stage,
- during the "project execution" stage.

A copy of this notice shall be available at all times on the site.

2. However, in the case of works the planned duration of which is less than 30 working days, excluding those of the types listed in Annex III, Member States may regard the forwarding of the "prior notice" as optional.

GENERAL SAFETY AND HEALTH PRINCIPLES TO BE TAKEN INTO ACCOUNT

At the project design stage

Article 4

The project supervisor(s) shall take account of the general principles of prevention concerning safety and health set out in Article 6 (2) and (3) (a)

of Directive 89/391/EEC during the stages of project design, study and preparation, in particular:

- when architectural and/or organizational aspects are being decided, in order to plan the various works or work stages which are to take place simultaneously or in succession;
- when estimating the period required for completing these various types of works or work stages.

Article 5

The person(s) indicated in the "prior notice" as being responsible for coordinating safety and health during the "project design" stage, as referred to in Article 3(1), shall:

- a) ensure that the provisions of Article 4 are implemented;
- b) in the case of works coming under one or more of the categories listed in Annex III, draw up a safety and health plan setting out the specific rules applicable to the site concerned;

- c) prepare documents adapted to the characteristics of the project containing appropriate safety and health information to be taken into account during any subsequent works.

During the project execution stage

Article 6

- 1. The person(s) designated in the "prior notice" as being responsible for coordinating safety and health at the site during the "project execution" stage:
 - a) shall ensure that the employers and, wherever necessary, self-employed persons:
 - apply the principles set out in Article 7 in a consistent manner;
 - take account, when required, of the safety and health plan required under Article 5(b);
 - b) shall adapt, where necessary, this safety and health plan to take account of the progress of the work and any changes which have occurred;
 - c) shall organize the cooperation in matters of safety and health provided for in Article 6 (4) of Directive 89/391/EEC, ensuring that self-employed persons are brought into this process whenever necessary;

- d) shall make arrangements to check that the working procedures are being implemented correctly;
 - e) shall take the necessary steps to ensure that no unauthorized person enters the site.
2. The implementation of the provisions in paragraph 1 shall not affect the principle of employers' responsibility towards their respective workers.

Article 7

When the work is being carried out, the principles set out in Article 6 (1), (2), (3) and (5) of Directive 89/391/EEC shall be applied, in particular as regards:

- keeping the site in good order and in a satisfactory state of cleanliness;
- choosing the location of workstations bearing in mind how access to these workplaces is obtained, and determining routes or areas for the passage and movement of workers and equipment;
- the conditions under which various materials are handled;

- technical maintenance, pre-startup and regular checks on the operating efficiency of installations and equipment with a view to correcting any faults which might affect the safety and health of workers;
- the demarcation and laying out of areas for the storage of various materials, in particular where dangerous materials or substances are concerned;
- the conditions under which the dangerous materials used are removed;
- the storage and disposal or removal of wastes and surplus materials;
- the adaptation, based on progress made with the work, of the actual period to be allocated for the various types of work or work stages.

OBLIGATIONS OF EMPLOYERS

Article 8

In order to preserve the safety and health of all persons present at the site, under the conditions set out in Article 6, employers shall, when implementing Article 7, take measures in respect of their own workers that are in line with the minimum requirements set out in Annex IV.

OBLIGATIONS OF SELF-EMPLOYED PERSONS

Article 9

In order to preserve the safety and health of all persons present on the site, self-employed persons shall comply with the following mutatis mutandis:

- a) the principles set out in Article 7 of this Directive;
- b) Articles 3, 4 (1), (2), (3), (4), (9), and 5 of Council Directive 89/656/EEC;
- c) Article 4 of Council Directive 89/655/EEC;
- d) the relevant provisions of Annex IV of this Directive.

INFORMATION

Article 10

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 health of workers at the site. In particular, they shall be informed of the measures relating to the implementation of Articles 6, 7 and 8 and, where necessary, of the safety and health plan referred to in Article 5 (b).

CONSULTATION AND PARTICIPATION

Article 11

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on the matters covered by Articles 6(1), 7 and 8 of this Directive.

AMENDMENTS TO THE ANNEXES

Article 12

Amendments of a strictly technical nature to Annexes II, III and IV resulting from:

- the adoption of directives on technical harmonization and standardization,
- technical progress and changes in international regulations and specifications or knowledge with regard to work sites,

shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

FINAL PROVISIONS

Article 13

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1993 at the latest. They shall immediately notify the Commission thereof.

The provisions adopted pursuant to the first subparagraph shall make express reference to this Directive.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they have already adopted or adopt in the field governed by this Directive.

3. Member States shall report to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers. The Commission shall inform the Council, the European Parliament, the Economic and Social Committee, and the Advisory Committee on Safety, Hygiene and Health Protection at Work.
4. The Commission shall submit periodically to the Council, the European Parliament and the Economic and Social Committee a report on the implementation of this Directive, taking into account paragraphs 2 and 3.

Article 14

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

ANNEX I

NON-EXHAUSTIVE LIST OF THE BUILDING AND CIVIL ENGINEERING WORK REFERRED TO IN THE DEFINITION OF TEMPORARY OR MOBILE WORK SITES IN ARTICLE 2 (first indent):

- Excavation
- Earthworks
- Construction
- Installation and removal of prefabricated elements
- Landscaping and fitting out
- Alterations
- Renovation
- Repairs
- Dismantling
- Demolition
- Upkeep
- Maintenance

ANNEX II

CONTENTS OF THE PRIOR NOTICE REFERRED TO IN ARTICLE 3

Date of notification:

1. Exact address of the site:
2. Client(s) (name(s) and address(es)):
3. Type of project:
4. Project supervisor(s) (name(s) and address(es)):
5. Safety and health coordinator(s) during the "project design" stage (name(s) and address(es)):
6. Safety and health coordinator(s) during the "project execution" stage (name(s) and address(es)):
7. Date planned for start of work:
8. Planned duration of works:
9. Estimated maximum number of workers on the site:
10. Planned number of contractors and self-employed persons on the site:
11. Details of contractors already chosen:
12. Estimated value of the works:

ANNEX III

LIST OF WORKS INVOLVING RISKS TO THE SAFETY AND HEALTH OF WORKERS FOR WHICH, IRRESPECTIVE OF THEIR DURATION, THE PRIOR NOTICE REFERRED TO IN ARTICLE 3 (2) IS REQUIRED AND FOR WHICH THE SAFETY AND HEALTH PLAN REFERRED TO IN ARTICLE 5 MUST BE PREPARED:

- 1) Works which, by their very nature, put workers seriously at risk from falling objects or dislodgement of materials, or of being buried or entrapped, or of falling or drowning .
- 2) Works which, by their very nature, expose workers to a serious risk arising from the use or presence of chemical, physical or biological agents.
- 3) Work carried out by divers having a system of air supply or by workers in caissons with a compressed-air atmosphere.
- 4) Work involving the use of explosives.

ANNEX IV

MINIMUM SAFETY AND HEALTH REQUIREMENTS
FOR WORK SITES

Preliminary remark

The obligations laid down in this Annex apply wherever required by the features of the work site, the activity, the circumstances or a hazard.

1. Minimum requirements of a general nature

Workers:

- must be protected against climatic conditions that may jeopardize their safety and health;

- must be protected, wherever this is technically possible, by means of collective measures against falling objects and falls from a height;

- must not be exposed to harmful levels of chemical, physical or biological pollutants.

2. Stability and solidity

Materials, equipment and, more generally, any component which, when moving in any way, may affect the safety and health of workers must be stabilized in an appropriate and safe manner.

2.1 Rooms (huts and workshops in particular)

Rooms must have a structure and stability appropriate to the nature of their use.

2.2 Mobile or fixed workstations which are elevated or situated below ground level

Mobile or fixed workstations which are elevated or situated below ground level must be solid and stable, account being taken of:

- the number of workers occupying them
- the maximum loads which they may have to bear and their distribution
- the external influences to which they may be exposed.

If the supports and other components of these workstations are not intrinsically stable, they must be made stable by means of appropriate and safe attachment to avoid any sudden or unintentional movement of the whole, or parts, of these workstations.

2.3. Checking

The stability and solidity referred to in 2.2 must be subjected to suitable checks, especially if the height or depth of the workstation is changed.

3. Installation of energy distribution system

The installations must be designed and constructed so as not to present a fire or explosion hazard; persons must be adequately protected against the risk of electrocution caused by direct or indirect contact.

The design, construction and choice of material and protection devices must take account of the type and power of the energy distributed, external conditions and the competence of persons with access to parts of the installation.

The site installations, especially those subject to external influences, must be regularly checked and maintained.

Installations existing before the work commences must be identified, checked and clearly marked.

4. Emergency routes and exits

4.1. Emergency routes and exits must remain clear and lead as directly as

possible to a safe area.

- 4.2. In the event of danger, it must be possible for workers to evacuate all workstations quickly and as safely as possible.
- 4.3. The number, distribution and dimensions of emergency routes and exits depend on the use, equipment and dimensions of the site and of the rooms and the maximum number of persons that may be present.
- 4.4. Emergency doors must open outwards.

Emergency doors should not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency.

Sliding or revolving doors may not be designated as emergency exits.

- 4.5. Specific emergency routes and exits must be indicated by signs in accordance with the national regulations implementing Directive 77/576/EEC (1).

(1) OJ No L 229, 7.9.1977. p.12.

Such signs must be sufficiently resistant and be placed at appropriate points.

4.6. Emergency routes and exits, and the traffic routes and doors giving access to them, must be free from obstruction so that they can be used at any time without hindrance.

4.7. Emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in case the lighting fails.

5. Fire detection and fire fighting

5.1. Depending on the characteristics of the site, the dimensions and use of the rooms, the on-site equipment, the physical and chemical properties of the substances present and the maximum potential number of people present, an adequate number of appropriate fire-fighting devices and, where required, fire detectors and alarm systems must be provided.

5.2. Non-automatic fire-fighting equipment must be easily accessible and simple to use.

The equipment must be indicated by signs in accordance with the national regulations implementing Directive 77/576/EEC.

Such signs must be sufficiently resistant and be placed at appropriate points.

6. Ventilation

- 6.1. Steps shall be taken to ensure that there is sufficient fresh air, having regard to the working methods used and the physical demands placed on the workers.

If a forced ventilation system is used, it must be maintained in working order.

Any breakdown must be indicated by a control system where this is necessary for workers' health.

- 6.2. If air-conditioning or mechanical ventilation installations are used, they must operate in such a way that workers are not exposed to draughts which cause discomfort.

Any deposit or dirt likely to create an immediate danger to the health of workers by polluting the atmosphere must be removed without delay.

7. Temperature

7.1. During working hours, the temperature must be adequate for human beings, having regard to the working methods used and the physical demands placed on the workers.

7.2. The temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first-aid rooms must be appropriate to the particular purpose of such areas.

7.3. Windows, skylights and glass partitions should allow excessive effects of sunlight to be avoided, having regard to the nature of the work and local custom.

8. Natural and artificial lighting of workstations, rooms and traffic routes on the site

8.1. Workstations, rooms and traffic routes on the site must be provided with sufficient artificial lighting at night and when natural daylight is inadequate; where necessary, portable light sources that are protected against impact shall be used.

8.2. Lighting installations for rooms, workstations and traffic routes must be placed in such a way that there is no risk of accident to workers as a result of the type of lighting fitted.

8.3. Rooms, workstations and traffic routes where workers are especially exposed to risks in the event of artificial lighting must be provided with emergency lighting of adequate intensity.

8.4. The approach roads and perimeter of the site must be signposted and marked so as to ensure that they are clearly visible and identifiable.

9. Floors, walls, ceilings and roofs of rooms

9.1. The floors of workplaces must not have dangerous bumps, holes or slopes and must be fixed, stable and not slippery.

9.2. The surfaces of floors, walls and ceilings in rooms must be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

9.3. Transparent or translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workstations and traffic routes must be clearly indicated and made of safety material or be shielded from such workstations or traffic routes to prevent workers from coming into contact with walls or being injured should the walls shatter.

9.4. Access to roofs made of materials of insufficient strength must not be permitted unless equipment is provided to ensure that the work can be carried out in a safe manner.

10. Windows and skylights

- 10.1. It must be possible for workers to open, close, adjust or secure windows, skylights and ventilators in a safe manner. When open, they must not be positioned so as to constitute a hazard to workers.
- 10.2. Windows and skylights must be designed in conjunction with equipment or otherwise fitted with devices allowing them to be cleaned without risk to the workers carrying out this work or to workers present.

11. Doors and gates

- 11.1. The position, number and dimensions of doors and gates, and the materials used in their construction, are determined by the nature and use of rooms or areas.
- 11.2. Transparent doors must be appropriately marked at a conspicuous level.
- 11.3. Swing doors and gates must be transparent or have see-through panels.
- 11.4. If transparent or translucent surfaces in doors and gates are not made of safety material and if there is a danger that workers may be injured if a door or gate should shatter, the surfaces must be protected against breakage.

- 11.5. Sliding doors must be fitted with a safety device to prevent them from being derailed and falling over.
- 11.6. Doors and gates opening upwards must be fitted with a mechanism to secure them against falling back.
- 11.7. Doors along escape routes must be appropriately marked.
- 11.8. Doors for pedestrians must be provided in the immediate vicinity of any gates intended essentially for vehicle traffic, unless it is safe for pedestrians to pass through; such doors must be clearly marked and left permanently unobstructed.
- 11.9. Mechanical doors and gates must function in such a way that there is no risk of accident to workers.

They must be fitted with easily identifiable and accessible emergency shut-down devices and, unless they open automatically in the event of a power failure, it must also be possible to open them manually.

12. Traffic routes - danger areas

12.1. Traffic routes, including stairs, fixed ladders and loading bays and ramps, must be calculated, located, laid out and made negotiable to ensure easy, safe and appropriate access in such a way as not to endanger workers employed in the vicinity of these traffic routes.

12.2. Routes used for pedestrian traffic and/goods traffic must be dimensioned in accordance with the number of potential users and the type of activity concerned.

If means of transport are used on traffic routes, a sufficient safety clearance or adequate protective devices must be provided for pedestrians.

12.3. Sufficient clearance must be allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases.

12.4. Where the use and equipment of rooms so requires for the protection of workers, traffic routes must be clearly identified.

12.5. If the site contains danger areas in which, owing to the nature of the work, there is a risk of the worker or objects falling, these areas must be equipped with devices preventing unauthorized workers from entering them.

Appropriate measures must be taken to protect workers authorized to enter danger areas.

Danger areas must be clearly indicated.

13. Specific measures for escalators and travelators

Escalators and travelators must function safely.

They must be equipped with any necessary safety devices.

They must be fitted with easily identifiable and accessible emergency shut-down devices.

14. Loading bays and ramps

14.1. Loading bays and ramps must be suitable for the dimensions of the loads to be transported.

14.2. Loading bays must have at least one exit point.

14.3. Loading ramps must be sufficiently safe to prevent workers from falling off.

15. Room dimensions and air space in rooms - freedom of movement at the workstation

15.1. Rooms containing workplaces must have sufficient floor area and height to allow workers to perform their work without risk to their safety, health or well-being.

15.2. The floor area at the workstation must be such as to allow workers sufficient freedom of movement to perform their work.

If this is not possible for reasons specific to the workstation, the worker must be provided with sufficient freedom of movement near his workstation.

16. First-aid rooms

16.1. One or more first-aid rooms must be provided where the scale of the works, the types of activity being carried out and frequency of accidents so dictate.

16.2. First-aid rooms must be fitted with essential first aid installations and equipment and be easily accessible to stretchers.

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They must be signposted in accordance with the national regulations implementing Directive 77/576/EEC.

- 16.3. In addition, first-aid equipment must be available at all places where working conditions require it.

This equipment must be suitably marked and easily accessible.

17. Sanitary equipment

- 17.1. Changing rooms and lockers.

- 17.1.1. Appropriate changing rooms must be provided for workers if they have to wear special work cloths.

Changing rooms must be easily accessible, be of sufficient capacity and be provided with seating.

- 17.1.2. Changing rooms must be sufficiently large and have facilities to enable each worker, where necessary, to dry his working clothes as well as his own clothing and personal effects and to lock them away.

If circumstances so require (e.g. dangerous substances, humidity, dirt), facilities must be provided to enable working clothes to be kept in a place separate from workers' own clothes and personal effects.

17.1.3. Provision must be made for separate changing rooms or separate use of changing rooms for men and women.

17.1.4. If changing rooms are not required, each workers must be provided with a place in which he can lock away his own clothes and personal effects.

17.2. Lavatories and washbasins

Special facilities with an adequate number of lavatories and washbasins must be provided for workers in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins.

Provision must be made for separate lavatories or separate use of lavatories for men and women.

17.3. Showers and washbasins

17.3.1. Suitable showers in sufficient numbers must be provided for workers

if required by the nature of the work or for health reasons.

Provision must be made for separate shower rooms or separate use of shower rooms for men and women.

17.3.2. The shower rooms must be sufficiently large to permit each worker to wash without hindrance in conditions of an appropriate standard of hygiene.

The showers must be equipped with hot and cold running water.

17.3.3. Where showers are not required under the first subparagraph of 17.3.1, adequate and suitable washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms.

Such washbasins must be separate for, or used separately by, men and women when so required for reasons of propriety.

17.3.4. Where the rooms housing the showers or washbasins are separate from the changing rooms, there must be easy communication between the two.

18. Rest rooms and/or accommodation areas

18.1. Where the safety or health of workers, in particular because of the type of activity carried out or the presence of more than a certain number of employees as well as the remote nature of the site, so require, workers must be provided with easily accessible rest and accommodation facilities.

18.2. Rest rooms and accommodation areas must be large enough and equipped with an adequate number of tables and seats with backs for the number of workers concerned.

18.3. If there are no facilities of this kind, other facilities must be provided in which workers can stay during interruptions in work.

18.4. Appropriate measures should be taken for the protection of non-smokers against discomfort caused by tobacco smoke.

19. Pregnant women and nursing mothers

Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions.

20. Handicapped workers

Workstations must be organized to take account of handicapped workers, if necessary.

This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.

21. Miscellaneous provisions

21.1. Workers must be provided at the site with a sufficient quantity of drinking water and possibly another suitable non-alcoholic beverage both in occupied rooms and in the vicinity of workstations.

21.2. Workers must be provided with facilities enabling them to prepare and take their meals in satisfactory conditions.

FINANCIAL RECORD SHEET

1. Budget item concerned

B 6480: Health protection, hygiene and safety at work, including specific measures in connection with completion of the internal market.

A 2510: Compulsory committees (adaptation committee referred to in Article 17 of the framework Directive 89/391/EEC).

A 2531: Advisory Committee on Safety, Hygiene and Health Protection at Work.

2. Legal basis

a) Article 118 A of the EEC Treaty.

b) Council Directive 89/391/EEC (OJ L 183 of 29.6.1989, p.1).

c) Commission communication on its programme concerning safety, hygiene and health at work and Council Resolution 88/C 28/01 of 21.12.1987 (OJ C 28 of 3.2.1988).

3. Proposed classification into compulsory/non-compulsory expenditure

Non-compulsory.

4. Description and justification of the action

4.1. Description

4.1.1. Objectives of the proposal for a Directive

The proposal has the following aims:

- to gradually improve temporary or mobile work sites insofar as the safety and health of workers are concerned

- within the context of the creation of the internal market, to ensure that there is harmonization of the minimum health and safety conditions required for all temporary or mobile work sites.

4.1.2. Characteristics of the proposal for a Directive (with particular reference to those with financial implications).

4.1.2.1. The annexes to the proposal must be adapted in line with the adoption of Directives on technical harmonization and standardization, technical progress, changes to international regulations or specifications and know-how with regard to work sites.

4.1.2.2. The proposal stipulates that the Member States shall forward to the Commission reports on implementation of the Directive.

4.1.2.3. The proposal also makes provision for the creation of a committee to assist the Commission on the above adaptation work.

4.2. Justification

The action is justified by the legal basis given in point 2. The financial implications will be associated with the additional activities to be undertaken in the future (see point 4.1.) and are set out in point 5.

5. Nature of the expenditure and method of calculation

5.1. Nature of the additional activities to be undertaken following the adoption of the Directive

- a) Monitoring of, and adoption of measures for, the implementation of the Directive in the individual Member States
- b) Revision of the annexes
- c) Consultation with experts
- d) The running of the adaptation committee
- e) Consultations with the Advisory Committee on Safety, Hygiene and Health Protection at Work.

5.2. Types of activity resulting from 5.1 with financial implications

These are:

- study and/or service contracts for
 - . the comparison and appraisal of the information received by the Commission
 - . the study of the problems associated with the implementation of the Directive and the adoption of suitable flanking measures, with special reference to training and information
 - . the preparation of adapted versions of the annexes to the Directive
- costs of consultation meetings with experts
- costs of running the adaptation committee
- costs of consultations with the Advisory Committee on Safety, Hygiene and Health Protection at Work.

5.3. Calculation of expenditure

As only the nature and type of the additional activities are known with no indication of their scale or number, it is impossible to make a precise estimate of all the expenditure.

Costs are calculated on the basis of the "man/month" unit; at present, one unit is equivalent to 4 000 ECU.

The costs associated with the attendance of a government expert and with that of a non-government expert have been estimated at 390 and 515 ECU respectively.

The expenditure will be spread over several years and will be progressive. The figures given in 6.1. are overall estimates.

As regards item B 6480, the expenditure is calculated from the date on which the Directive is approved by the Council. Provision is made for the cost of information, training and the requisite flanking measures for the proper implementation of the Directive. This expenditure includes the major changes the Directive is likely to cause in the Member States' building industry, which employs 10% of all Community workers, and will be compensated for in part under the above budget item.

As regards item A 2510 (adaptation committee), the costs relate to

the convening of two meetings of experts in Group 4 (government and other experts) in 1993 and for four such meetings from 1994 onwards. For 1995 and subsequent years, there is also provision for the convening of a more restricted ad hoc group.

As regards item A 2531 (advisory committee), provision is made for the convening of two meetings per year of an ad hoc group comprising twelve members, including four government experts. The ad hoc group will hold its first meeting in 1994.

6. Financial impact of the action on Intervention appropriations

6.1 Schedule of commitment appropriations (CA) and payment appropriations (PA) considered necessary

Item B 6480: The appropriations for this action will be determined annually, depending on the funds available and the appropriations for actions covered by item B 6480 of the budgetary procedure. The estimated sum required for 1992 is ECU 200 000. From 1993 onwards the appropriations allocated for this action will be increased at least in proportion to the total of the appropriations allocated to actions covered by item B 6480.

Item A 2510:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1992	-----	-----
1993	20 000	20 000
1994	35 000	35 000
1995	40 000	40 000
1996	40 000	40 000
	-----	-----
Total	135 000	135 000

Item A 2351 :

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1992	-----	-----
1993	-----	-----

1994	11 360	11 360
1995	11 360	11 360
1996	11 360	11 360
	-----	-----
Total	34 080	34 080

6.2. Percentage of Community funding in the total cost of the action

For the work provided for in the proposal for a Directive, the Commission will provide 100% funding.

7. Remarks

None.

8. Financial impact on staff appropriations

8.1. Personnel needed solely for the action itself

As from 1992, one full-time A official, one full-time B official and one full-time C official will be needed.

These resources will have to be found either by redeployment of staff within DG V or through the budgetary procedure.

8.2. Appropriations needed for staff

The appropriations needed as from 1992 for the staff requested in point 8.1 above will be charged to Chapter A III of the budget.

PROPOSAL IMPACT ASSESSMENT

Impact assessment for the proposal for a Council Directive on the minimum safety and health requirements at temporary or mobile work sites

I. Justification

- With 7% of all wage and salary-earners, the Community's construction sector accounts for 15% of all occupational accidents and 30% of all fatal accidents in the industrial sector.
- Almost two thirds of these accidents can be put down to design faults (architectural or material) and organizational shortcomings (more than one firm working on the same contract).
- The number of small businesses and self-employed persons in the sector is increasing as more and more of what is often arduous and dangerous work is put out to sub-contract.
- The frequency and seriousness of accidents involving small businesses is on the increase.

II. Characteristic features of the construction industry

a) As regards small businesses:

- More than 90% of firms in the industry employ fewer than 20 workers.
- 20% of all persons on site are self-employed.
- The workforce tends to be poorly qualified and unstable.

b) Regional concentration

- eligible for Member States' regional aid: no
- eligible for ERDF funds: no

III. What are the direct obligations on firms?

- As regards work which exposes workers to serious risks, to adhere to a safety and health plan drawn up at the project design stage;
- Employers to adhere to the minimum safety and hygiene requirements on site.
- Self-employed persons to adhere to certain requirements set out in Directives 89/655/EEC and 89/656/EEC as regards work equipment and personal protection equipment, and to a number of minimum requirements as set out above.
- Information, consultation and participation of workers as regards on-site safety and health.
- The Directive also provides that for all sites (except those of a planned

duration of less than 30 working days which do not involve serious-risk work) prior notice has been given to the appropriate authorities and project "design" and "execution" coordinators nominated.

These provisions do not place any direct obligations on the building companies, unless they themselves are nominated as coordinators.

IV. What obligations are likely to be imposed indirectly on firms via local authorities?

Application of the Directive in the Member States will be by way of transposition of the provisions of the Directive into national legislation.

National or local authorities are free to introduce additional obligations.

V. Any special measures for SMEs?

No.

VI. What is the effect likely to be?

a) On the competitive situation of firms

Some firms might incur extra expenditure, but this will be offset by a reduced expenditure attributable to accidents at work and shortcomings in the quality of the finished product resulting from inadequate coordination.

There would also be a time gain thanks to improved coordination of the project and the site.

b) On jobs

Integrating the safety and health aspects into project design and organization phases has a direct effect on two thirds of accidents on site.

Application of the Directive is expected to improve the status of the building trades and make them more attractive to young people.

Investment activity and the creation of new firms in the construction industry are not expected to be greatly affected by application of the Directive.

VII. Have the two sides of industry been consulted?

In drawing up the proposal, the Commission has consulted and involved experts and representatives of governments and of workers' and employers' organizations.

The Advisory Committee on Safety, Hygiene and Health Protection at Work set up under Council Decision 74/325/EEC of 27.4.1974 has been consulted and its opinion has been taken into account in drawing up the proposal.

The ISSA international committee for the prevention of occupational risks in building and public works has also conducted a detailed analysis of the impact of the proposal.

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