

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 260 final - SYN 279

Brussels, 9 June 1992

Re-examined proposal for a

COUNCIL DIRECTIVE

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

(8th individual directive within the meaning
of Article 16 of Directive 89/391/EEC)

(presented by the Commission pursuant to Article 149.2(d)
of the EEC treaty)

The initial proposal for this directive was submitted to the Council by the Commission on 31 July 1990⁽¹⁾.

The object of this proposal, which was based on Article 118a of the EEC Treaty, is to use minimum requirements as a means of including safety and health measures at the planning stage of works and then subsequently during project execution, thanks partly to coordination of the various measures taken. The proposal thus aims to improve working conditions on temporary and mobile work sites, from the point of view of workers' safety and health.

The European Parliament (first reading) and the Economic and Social Committee gave their opinions on 22 February 1991 and 20 March 1991 respectively.

The Commission sent the Council an amended proposal on 9 April 1991⁽²⁾.

On 19 December 1991 the Council adopted a common position which the European Parliament examined at second reading on 8 April 1992 and adopted on 13 May 1992 subject to 25 amendments.

Of these amendments, the Commission accepted 10 in full, in part or with a change of wording in its re-examined proposal.

It refused 15 amendments, viz. 1, 2, 7, 10, 12, 13, 14, 15, 16, 20, 21, 23, 25, 26 and 27. (The numbering of amendments is that used in the Parliament plenary meetings on 9 April and 13 May 1992).

As regards the amendments it rejected, the Commission's position is as follows:

Amendment No 1 (Art. 2(a))

Deletes "building or civil engineering" in the definition of "temporary or mobile work sites".

Comment: This detail is necessary in view of the wording of Annex I.

Amendments No 2 (Art. 3), No 7 (Art. 5), No 10 (Art. 6), No 12 (Art. 7) and No 13 (Art. 9)

Require a single coordinator to be responsible for the various phases of coordination of safety and health measures.

Comment: The option of two coordinators must be left open so that the Directive can apply to any temporary or mobile work site irrespective of its duration or the arrangements for design or execution of the project.

(1) COM(90)275 - SYN 279 - OJ No C213, 28.8.1990, p. 2

(2) COM(91)117 - SYN 279 - OJ C112, 27.4.1991, p.4

Amendment No 14 (Art. 11a)

Reintroduces workers' right to leave their work stations in the event of serious danger.

Comment: Provision superfluous, since this right is instituted by Directive 89/391/EEC, which fully applies to the area in question.

Amendment No 15 (Art. 12)

Adds a reference to Article 7.

Comment: This reference serves no useful purpose and is difficult to understand.

Amendment No 16 (Art. 12-1)

Restores an amendment proposed at the first reading providing for the formation of a health and safety committee at all work sites.

Comment: Already rejected in the same form at the first reading. The current wording of Article 12 ensures satisfactory arrangements for consultation of the workers of the various undertakings present on the site.

Amendments No 20 (Annex IV - introduction) and No 25 (Annex IV - B)

These delete the "preliminary remarks" from Annex IV.

Comment: These "remarks" are essential so that Annex IV can apply to all workplaces at temporary or mobile work sites.

Amendments No 21, No 26 and No 27 (structure of Annex IV)

Alter the structure of Annex IV without changing its content.

Comment: The proposal does not improve the readability or logic of the structure of Annex IV as contained in the Council's common position.

Amendment No 23 (Annex IV, Part A, point 14.1.1)

Stipulates that changing rooms must be located at the workplace.

Comment: In practice, this provision is not realistic in all cases. The current wording to the effect that changing rooms must be easily accessible is adequate.

Revised proposal for a Council directive
on the implementation of minimum
safety and health requirements at
temporary or mobile work sites

(8th individual directive within the meaning
of Article 16 of Directive 89/391/EEC)

Presented by the Commission
pursuant to Article 149(2)(d)
of the EEC Treaty

COMMON POSITION OF THE COUNCIL

REVISED COMMISSION PROPOSAL
(only amendments are shown)

Title

...Directive on the implementation of minimum safety and health requirements at temporary or mobile construction sites...

...Directive on the implementation of minimum safety and health requirements at temporary or mobile work sites... ("construction sites" amended to "work sites" throughout)

Article 3

Article 3

Appointment of co-ordinators
Safety and health plan
Prior notice

Appointment of co-ordinators
Safety and health plan
Prior notice

1. The client or the project supervisor shall appoint one or more co-ordinators for safety and health matters, as defined in Article 2(e) and (f), for any construction site on which more than one contractor is present.

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2. The client or the project supervisor shall ensure that prior to the setting up of a construction site a safety and health plan is drawn up in accordance with Article 5(b).

2. The client or the project supervisor shall ensure that prior to the setting up of a work site a safety and health plan is drawn up in accordance with Article 5(b).

The Member States may, after consulting both management and the workforce, allow derogations from the provisions of the first paragraph, except where the work concerned involves particular risks as listed in Annex II.

Paragraph deleted

3. In the case of construction sites:

3. In the case of work sites:

- on which work is scheduled to last longer than 30 working days and on which more than 20 workers are occupied simultaneously,

where it cannot be demonstrated that the total duration of the work, irrespective of the number of sub-contractors and the allocation of the work, will be less than 20 working days or less than 30 calendar days

or

Indent deleted

- on which the volume of work is scheduled to exceed 500 person-days,

the client or the project supervisor shall communicate a prior notice drawn up in accordance with Annex III to the competent authorities before work starts.

The prior notice must be clearly displayed on the construction site and, if necessary, periodically updated.

The prior notice must be clearly displayed on the work site and, if necessary, periodically updated.

Article 4

Project design stage:
general principles

The project supervisor, or where appropriate the client, shall take

account of the general principles of prevention concerning safety and health referred to in Directive 89/391/EEC during the various stages of designing and preparing the project, in particular:

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

Article 5

Project design stage:
duties of co-ordinators

The co-ordinator(s) for safety and health matters during the project preparation stage appointed in accordance with Article 3(1) shall:

- (a) co-ordinate implementation of the provisions of Article 4;
- (b) draw up, or cause to be drawn up, a safety and health plan setting out the specific rules applicable to the construction site concerned, taking into account where necessary the industrial activities taking place on the site;
- (c) prepare a file appropriate to the characteristics of the project containing relevant safety and health information to be taken into account during any subsequent works.

New paragraph:
Account must be taken of any file established pursuant to Articles 5(b), 5(c) and 6(c).

(b) draw up a safety and health plan setting out in detail the rules applicable to the work site concerned; this plan must also include specific measures covering activities falling within one or more categories of Annex II;

Article 6

Project execution stage:
duties of co-ordinators

The co-ordinator(s) for safety and health matters during the project execution stage appointed in accordance with Article 3(1) shall:

- (a) co-ordinate implementation of the general principles of prevention and safety:
 - when technical and/or organisational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession;
 - when estimating the period required for completing such work or work stages;

(b) co-ordinate implementation of the relevant provisions in order to ensure that employers and, wherever necessary, self-employed persons:

- apply the principles referred to in Article 8 in a consistent manner;

- where required, follow the safety and health plan referred to in Article 5(b);

(c) make, or cause to be made, any adjustments required to the safety and health plan referred to in Article 5(b) and the file referred to in Article 5(c) to take account of the progress of the work and any changes which have occurred;

(d) organise co-operation between employers, including successive employers on the same site, co-ordination of their activities with a view to protecting workers and preventing accidents and occupational health hazards and reciprocal information as provided for in Article 6(4) of Directive 89/391/EEC, ensuring that self-employed persons are brought into this process where necessary;

(e) co-ordinate arrangements to check that the working procedures are being implemented correctly;

(f) take the steps necessary to ensure that only authorised persons are allowed onto the construction site.

(b) co-ordinate implementation of the relevant provisions in order to ensure that employers and self-employed persons:

(f) take the steps necessary to ensure that only authorised persons are allowed onto the work site.

Article 13
Amendment of the Annexes

1. Amendments to Annexes I, II and III shall be adopted by the Council in accordance with the procedure laid down in Article 118a of the Treaty.

2. Strictly technical adaptations of Annex IV as a result of:

- the adoption of directives on technical harmonisation and standardisation regarding temporary or mobile construction sites, and/or

- technical progress, changes in international regulations or specifications or knowledge in the field of temporary or mobile construction sites

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

1. Amendments to Annexes I and II shall be adopted by the Council in accordance with the procedure laid down in Article 118a of the Treaty.

2. Strictly technical adaptations of Annexes III and IV as a result of:

- the adoption of directives on technical harmonisation and standardisation regarding temporary or mobile work sites, and/or

- technical progress, changes in international regulations or specifications or knowledge in the field of temporary or mobile work sites

Annexes:

Annex 1 Point 13:

- drainage

- drainage and
environmental works

Annex IV Part A:

5. Ventilation

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

5. Ventilation

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

ISSN 0254-1475

COM(92) 260 final

DOCUMENTS

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Catalogue number : CB-CO-92-268-EN-C

ISBN 92-77-45052-5

Office for Official Publications of the European Communities
L-2985 Luxembourg