

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 14 final /2 - SYN 392

Brussels, 17 March 1992

Proposal for a

COUNCIL DIRECTIVE

CONCERNING MINIMUM REQUIREMENTS
FOR IMPROVING THE SAFETY AND HEALTH PROTECTION
OF WORKERS IN THE EXTRACTIVE INDUSTRIES
FOR THE EXPLORATION AND EXPLOITATION OF MINERALS
IN MINES AND QUARRIES

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Legal basis

The proposal is based on Article 118a 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 the introduction of measures to encourage improvements in the safety and health of workers at work¹.

It comes within the scope of the communication by the Commission on its programme concerning safety, hygiene and health at work², which the Council addressed in its Resolution of 21 December 1987³. It also features among the new initiatives in this field which the Commission announced in its communication concerning its action programme relating to the implementation of the Community Charter of Fundamental Social Rights for Workers⁴.

The proposal forms part of the social measures intended to accompany completion of the internal market⁵.

2. Aims of the proposal

2.1 The proposal has the following aims:

1 OJ No L 183, 29.6.1989, p. 1

2 OJ No C 28, 3.2.1988, p. 3

3 OJ No C 28, 3.2.1988, p. 1

4 COM (89) 568 final, p.45

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

- to improve the safety and health protection of workers in the extractive industries by supplementing the proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries (COM (90) 663 final);

- pursuant to Article 11 of the proposal for a Directive (COM (90) 663 final), to supplement the said Directive by means of this proposal, the Annex to which contains the minimum requirements for improving the safety and health protection of workers in the other two industrial sectors of the extractive industries concerned with
 - * the exploration for and exploitation of minerals in surface workings;

 - * the exploration for and exploitation of minerals underground;

- as part of the social dimension of the internal market, to harmonise the minimum requirements in respect of workers' safety and health protection in the extractive industries;

- to avoid accidents such as occurred, for example:
 - * at the Simon Mine, France, where on 25 February 1989 21 miners were killed and 269 poisoned as a result of an explosion of firedamp and coal dust.

* at the Stolzenbach Mine, Germany, where on 1 June 1988 51 miners were killed as a result of an explosion of lignite dust;

- to fill the gap in legislative coverage resulting from the exclusion of the extractive industries from the scope of Council Directive 89/654/EEC by Article 1(2c) thereof.

2.2 The proposal aims to improve workers' safety and health protection by laying down minimum requirements for workplaces in the extractive industries including working methods, equipment and provision of sanitary and rest facilities, within the context of the internal market of the Community.

2.3 The proposal takes account of the need:

- to pay due regard to safety requirements from the initial design stage onwards;
- to provide safe methods of work;
- to provide responsible supervision;
- for workers to be suitably informed, trained and qualified;
- for workers to be consulted and to take part in discussions on all questions relating to safety and health at work;
- to specify the safety and health-related obligations of employers.

2.4 The proposal takes account of small and medium-sized enterprises by:

- * making provision for an extended transition period (nine years);
- * reducing the requirements for sanitary facilities and rest rooms to the minimum that can reasonably be expected.

2.5 This proposal does not apply to operations related to the transport of workers and products outside workplaces.

3. The proposal in relation to existing national legislation

There is no legislation at Community level to encourage improvements in the safety and health protection of workers in the extractive industries concerned with the exploration for and exploitation of minerals and other raw materials.

Laws and regulations concerning workers' safety and health protection in the extractive industries exist in several Member States of the European Community. There are usually framework laws, supplemented by regulations and statutory instruments. Special technical requirements are, however, usually in the form of technical regulations, guidance notes and national or international standards.

4. Characteristics of the proposal

As provided for in Article 118a of the EEC Treaty, the proposal contains minimum requirements.

The proposed measures aim to protect workers in undertakings of the extractive industries concerned with exploration for and exploitation of minerals in mines and quarries.

The proposal is based on the following timetable:

- workplaces used for the first time after 31 December 1993 must satisfy the minimum safety and health requirements laid down in the proposal;
- workplaces already in use before 31 December 1993 must satisfy such requirements as soon as possible and at the latest nine years after that date;
- modifications, extensions and/or conversions of workplaces after 31 December 1993 must comply with the minimum safety and health requirements.

The minimum safety and health requirements set out in the Annex are expressed as objectives to be achieved. It might be necessary to complete these requirements at national or European level by specific technical provisions and standards. In keeping with the doctrine of subsidiarity, a maximum of discretion has been left to the Member States.

5. Preparation of the proposal and consultation of the parties concerned

Representatives of governments and workers' and employers' organisations assisted the services of the European Commission in the drafting of the proposal.

The Safety and Health Commission for the Mining and Other Extractive Industries [set up by Council Decisions of 9 July 1957⁶, 11 March 1965⁷ and 27 June 1974⁸] has been consulted.

6. Comments on the articles and annexes of the proposal

As mentioned above, the purpose of this proposal for a Directive is to supplement the proposal for a Directive COM (90) 663 final by establishing minimum safety and health requirements for workers in mines and quarries.

- Article 1 defines the scope of the proposal.

The provisions of Directive 89/391/EEC are fully applicable to the matters covered by the present proposal, although the latter takes precedence where its provisions are more restrictive.

- Article 2 contains the definitions. It should be noted that the definition of "workplace" includes the whole area embracing the immediate and ancillary activities and facilities for the exploration for and exploitation of minerals, including sanitary installations, rest rooms and any accommodation provided for workers.

6 Council Decision of 9 July 1957, OJ No 28 of the European Coal and Steel Community, 31.8.1957, p. 487

7 Council Decision of 11 March 1965, OJ No 46 of the European Coal and Steel Community, 22.3.1965, p. 698

8 Council Decision 74/326/EEC of 27 June 1974, OJ No L 185, 9.7.1974, p. 18

- Article 3 contains the general obligations of the employer.
These relate to:

- * the design, construction, equipment, commissioning, operation and maintenance of workplaces;
- * supervision;
- * work involving a special risk;
- * safety instructions;
- * first-aid facilities;
- * safety exercises;

The employer must also report fatal and/or serious occupational accidents and dangerous situations.

- Article 4 concerns measures to protect against fire, explosions and noxious atmospheres.
- Article 5 concerns the provision and maintenance of escape and rescue facilities.
- Article 6 concerns communication, warning and alarm systems.
- Article 7 concerns sanitary installations and rest rooms.
- Article 8 concerns the provision of information for workers.
- Article 10 concerns the consultation and participation of workers.
- Article 11 refers to the minimum requirements for improving the safety and health protection of workers, with a two-stage timetable, as explained above under point 4.

The minimum requirements for improving the safety and health protection of workers in the industrial sector of the extractive industries concerned with exploration for and exploitation of minerals in mines and quarries are set out in the Annex.

- Article 12 concerns the method of amending the Annexes.
- Article 13 contains the final provisions. There is provision for the Member States to report to the Commission every five years, and for the Commission to inform the European Parliament, the Council, the Economic and Social Committee and the Safety and Health Commission for the Mining and Other Extractive Industries.
- Article 14 states that the Directive is addressed to the Member States.

The Annex "Minimum requirements for improving the safety and health protection of workers in the extractive industries concerned with exploration for and exploitation of minerals in mines and quarries" is divided into five sections:

- 0 Preliminary note and scope
- 1 Common requirements applicable to mines and quarries and to ancillary surface installations thereof

- 2 Special requirements applicable to ancillary surface installations of mines and quarries
- 3 Special requirements applicable to surface workings
- 4 Special requirements applicable to underground workings.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries for the exploration and exploitation of minerals in mines and quarries

(92/C 58/03)

COM(92) 14 final — SYN 392

(Submitted by the Commission on 27 January 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 118 A thereof,

Having regard to the proposal from the Commission, prepared after consulting the Safety and Health Commission for the Mining and Other Extractive Industries,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 118 A of the Treaty provides that the Council shall adopt, by means of directives, minimum requirements for encouraging improvements, especially in the working environment, to ensure a better level of protection of the safety and health of workers;

Whereas, under the terms of that Article, those directives are to avoid imposing administrative, financial and legal constraints in a way which could hold back the creation and development of small and medium-sized undertakings;

Whereas the improvement of workers' safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations;

Whereas Council Directive 89/654/EEC of 30 November 1989 concerning minimum safety and health requirements for the workplace⁽¹⁾ does not cover the extractive industries;

Whereas the extractive industries are higher than average risk activities;

Whereas the mines and quarries sector of these industries is deemed to be of particular importance for introducing improvements in the protection of the safety and health of workers;

Whereas Article 11 of the proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries⁽²⁾ provides for the Council, in accordance with the procedure laid down in Article 118A of the Treaty, to adopt minimum requirements for improving the safety and health protection in the extractive industries concerned with exploration for and exploitation of minerals in mines and quarries;

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⁽³⁾; whereas, therefore, the provisions of the said Directive are fully applicable to the domain of the extractive industries without prejudice to more restrictive and/or specific provisions contained in this Directive;

Whereas this Directive constitutes a practical aspect of the realization of the social dimension of the internal market, in respect of the extractive industries as defined

⁽¹⁾ OJ No L 393, 30. 12. 1989, p. 1.⁽²⁾ OJ No C 32, 7. 2. 1991, p. 7 — COM(90) 663 final.⁽³⁾ OJ No L 183, 29. 6. 1989, p. 1.

by Council Decision 74/326/EEC of 27 June 1974 on the extension of the responsibilities of the Mines Safety and Health Commission to all mineral-extracting industries⁽¹⁾;

Whereas the surface back-up facilities of mines and quarries which are not essential to exploration, extraction in the strict sense of the word and preparation of the extracted materials for sale, for example, the transformation of the extracted materials, are subject to the provisions of Directive 89/654/EEC;

Whereas, pursuant to Decision 74/326/EEC, the Safety and Health Commission for the Mining and Other Extractive Industries is consulted by the Commission on the drafting of proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Subject

1. This Directive, which is an individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum requirements for the safety and health protection of workers in the extractive industries as defined in Article 2.

2. The provisions of Directive 89/391/EEC are fully applicable to the domain referred to in paragraph 1 of this Directive, without prejudice to more restrictive and/or specific provisions contained in this Directive.

Article 2

Definitions

For the purpose of this Directive:

— 'extractive industries' shall be taken to mean the activities of prospecting and of extraction in the strict sense of the word as well as of preparation of extracted materials for sale, but not the processing of such extracted materials,

— 'workplace' means the whole area intended to house workstations in which work is carried out, including the immediate and ancillary activities and facilities of the extractive industries including sanitary installations, rest-rooms and accommodation where provided to which workers have access in the course of their work,

— 'exploration for and exploitation of minerals by means of boreholes' means all mining activities concerned with prospecting for and extraction of minerals by boreholes driven from the surface (onshore or offshore),

— 'exploration for and exploitation of minerals in surface workings' means all mining activities concerned with prospecting for and extraction of minerals in workings in the open air,

— 'exploration for and exploitation of minerals in underground workings' means all mining activities concerned with prospecting for and extraction of minerals in workings accessible by shafts and/or underground roadways.

SECTION II

OBLIGATIONS OF THE EMPLOYER

Article 3

General obligations

1. To safeguard the safety and health of workers, the employer shall take the necessary measures to ensure that:

— workplaces are designed, constructed, equipped, commissioned, operated and maintained in such a way that workers can perform the work assigned to them without danger to themselves and/or others,

— responsible supervision is present during operation of manned workplaces,

— work involving a special risk is entrusted only to suitably qualified staff and carried out in accordance with the instructions given,

— all safety instructions are comprehensible to the workers concerned,

— appropriate first-aid facilities are provided,

(¹) OJ No L 185, 9. 7. 1974, p. 18.

— any relevant safety exercises are performed at regular intervals.

2. Prior to the commencement of work, and when changes are made during prospection and/or extraction of minerals, the employer shall forward to the responsible authorities:

— the name of the person or corporate body who assumes responsibility for the health and safety of all operations and personnel, whether direct employees or employees of contractors at an installation or a site for the prospection and/or extraction of minerals,

— a document where the risks at an installation or a site for the prospection and/or extraction of minerals are assessed from the concept and design stage in an objective manner in order to achieve the goals set down in this Directive and in its Annexes and to follow the provisions laid down in Articles 6 (2), 9 and 10 of Directive 89/391/EEC.

3. The employer shall report forthwith to the responsible authorities fatal and/or serious occupational accidents and dangerous situations and give an account of the measures taken to prevent any repetition.

Article 4

Protection against fire, explosions and noxious atmospheres

The employer shall take measures appropriate to the nature of the operation to protect against, detect and combat the starting and propagation of fires and explosions as well as the occurrence of explosive and/or noxious atmospheres.

Article 5

Escape and rescue facilities

To ensure that workers have adequate opportunities for leaving all workplaces promptly and safely in the event of danger, the employer shall provide and maintain appropriate means for escape and rescue.

Article 6

Communication, warning and alarm systems

The employer shall take measures to provide the necessary warning and other communication systems to enable aid, escape, evacuation and rescue immediately, in case of need.

Article 7

Provision of sanitary installations and rest-rooms

The employer shall provide and maintain appropriate sanitary installations and rest-rooms, and if appropriate, accommodation.

Article 8

Information of workers

Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at the workplaces, in particular of those relating to the implementation of Articles 3 to 7.

Article 9

Health surveillance

1. Health surveillance of workers as defined in Article 14 of Directive 89/391/EEC must be carried out prior to the assigning of workers to duties related to the activities referred to in Article 2 and at regular intervals thereafter.

2. These health checks may in no circumstances involve the worker in financial cost, as laid down in Articles 6 and 14 of Directive 89/391/EEC.

Article 10

Consultation and participation of workers

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 this Directive and its Annexes.

SECTION III

MINIMUM REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH PROTECTION OF WORKERS

Article 11

Exploration for and exploitation of minerals in mines and quarries

1. Workplaces concerned with exploration for and exploitation of minerals in mines and quarries used for the first time after 31 December 1993 must satisfy the minimum safety and health requirements laid down in the Annex.

2. Workplaces existing before 31 December 1993 must satisfy the minimum safety and health requirements laid down in the Annex at the latest nine years after that date.

3. When workplaces undergo modifications, extensions and/or conversions after 31 December 1993, the employer shall take the measures necessary to ensure that those modifications, extensions and/or conversions are in compliance with the corresponding minimum requirements laid down in the Annex.

SECTION IV

OTHER PROVISIONS

Article 12

Amendments to the Annexes

Amendments to the Annexes as a result of:

- the adoption of Directives, technical harmonization and standardization,
and/or
- technical progress, changes in international regulations or specifications, and new findings,

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

On such occasions the Commission shall consult the Safety and Health Commission for the Mining and Other Extractive Industries.

Article 13

Final provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1993 and shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by the Member States.

2. The 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 European Parliament, the Council, the Economic and Social Committee and the Safety and Health Commission for the Mining and Other Extractive Industries.

Article 14

This Directive is addressed to the Member States.

ANNEX

MINIMUM REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH PROTECTION OF WORKERS IN THE EXTRACTIVE INDUSTRIES CONCERNED WITH EXPLORATION FOR AND EXPLOITATION OF MINERALS IN MINES AND QUARRIES**0.1. Preliminary note**

The obligations laid down in this Annex apply whenever required by the features of the workplace, the operation, the circumstances or the hazard.

0.2. Scope

0.2.1. Part 1 applies to operations and workplaces at mines and quarries and ancillary surface installations thereof. Ancillary surface installations are the buildings and installations essential to the operation.

0.2.2. Part 2 applies to operations and workplaces in the ancillary surface installations only of mines and quarries.

0.2.3. Part 3 applies to operations and workplaces in surface workings, excluding ancillary surface installations thereof.

0.2.4. Part 4 applies to operations and workplaces in underground mines, excluding ancillary surface installations thereof.

0.2.5. Surface workings are therefore subject to the provisions of Parts 1, 2 and 3, and underground mines are subject to the provisions of Parts 1, 2 and 4.

1. COMMON REQUIREMENTS APPLICABLE TO MINES AND QUARRIES AND TO ANCILLARY SURFACE INSTALLATIONS THEREOF**1.1. Operations and workplaces**

1.1.1. Operations and workplaces must be organized so as to provide adequate protection against hazards. Workplaces must be kept in good order. Hazardous substances or deposits must be removed or treated so that, as far as possible, they do not pose any threat to the health and safety of the workforce.

1.1.2. Workstations must be designed, constructed and where possible equipped according to ergonomic principles.

1.1.3. Where workstations are occupied by lone workers, adequate supervision or means of communication must be provided.

1.2. Supervision and organization**1.2.1. Person in charge**

Operations and workplaces must at all times be placed under the responsibility of a person who has the skills and competence suitable for the position and has been duly authorized by the employer.

1.2.2. *Supervision*

Supervision may only be exercised by responsible, properly trained persons appointed by the employer.

1.2.3. *Competent persons*

At every workplace there must be provided a sufficient number of competent persons having the abilities and experience necessary to perform the tasks to which they are assigned.

1.2.4. *Written instructions*

Where appropriate, written instructions specifying practices to be observed to ensure the safety of workers and the safe use of equipment must be provided. These must include information on the use of emergency equipment and the action to be taken in the event of an emergency at or near the workplace.

1.2.5. *Safe systems of work*

Safe systems of work shall be implemented at every workplace and for every operation.

1.3. **Mechanical and electrical equipment and plant**

1.3.1. *General*

Without prejudice to Directive 89/392/EEC⁽¹⁾ and Directive 89/655/EEC⁽²⁾, mechanical and electrical equipment and plant must be designed, constructed, installed, commissioned, operated and maintained so as to ensure safe operation. If located in an area within which danger of fire or explosion from ignition of gas, vapour or volatile liquid exists or is likely to exist, it must be suitable for use in that area.

Equipment must, where appropriate, be fitted with suitable protective devices and fail-safe systems.

1.3.2. *Mechanical equipment and plant*

All equipment and plant must be of good construction, sound material, adequate strength and free from patent defect and suitable for the purpose for which it is used.

1.3.3. *Electrical equipment and installations*

All electrical equipment and installations must be sufficient in size and power for the work for which it is to be used, and so designed, constructed, installed and protected as to prevent danger.

1.4. **Maintenance**

1.4.1. *General maintenance*

There shall be in force a suitable scheme providing for the systematic examination, maintenance and, where appropriate, testing of mechanical and electrical equipment and plant.

All maintenance, examination and testing of any part of those installations must be carried out by competent persons. Records of examinations and tests must be made and kept in an appropriate manner.

(¹) OJ No L 183, 29. 6. 1989, p. 9.

(²) OJ No L 393, 30. 12. 1989, p. 13.

1.4.2. *Safety equipment maintenance*

Safety equipment must be maintained ready for use and in good order at all times. Maintenance must be undertaken with due regard to operations, to ensure that adequate protection is always provided.

1.5. **Protection against the risks of explosion, fire and noxious atmospheres**

1.5.1. *General*

1.5.1.1. All the measures identified in the risk evaluation exercise referred to in Articles 6, 9 and 10 of Directive 89/391/EEC must be taken both to prevent and detect the occurrence of fires and potentially explosive and/or noxious atmospheres and to combat the dangers due to fires and potentially explosive and/or noxious atmospheres.

1.5.1.2. Smoking is forbidden in areas subject to particular fire or explosion hazards. The use of any open flame and of any equipment which may give rise to an ignition hazard is also prohibited in such areas. Exemptions may be made in the latter case if adequate safety precautions have been taken to prevent the occurrence of fires or explosions.

1.5.2. *Protection against the risk of explosion*

1.5.2.1. Where appropriate, efficient means must be provided and used for detecting the presence of substances likely to form a potentially explosive atmosphere.

Where the circumstances so require, monitoring devices permanently measuring gas concentrations at specified places, automatic alarms and devices for automatic shutdown of electrical installations and permanently installed combustion engines must be provided.

1.5.2.2. An explosion protection plan detailing the equipment and the measures to be taken in accordance with Articles 3, 4, 5 and 6 to protect against, detect and combat the initiation and propagation of explosions must be prepared. It must be brought up to date periodically and held available at the workplace.

1.5.3. *Protection against fire risks*

1.5.3.1. Provision must be made for fast and effective fighting of all fires.

1.5.3.2. Workplaces must be equipped, if necessary, with suitable fire-fighting equipment and, where appropriate, with fire detectors and alarm systems.

1.5.3.3. Fire-fighting equipment intended for general use must be easily accessible, simple to use and, where necessary, protected from damage.

1.5.3.4. A fire protection plan detailing the equipment and the measures to be taken in accordance with Articles 3, 4, 5 and 6 to protect against, detect and combat the outbreak and spread of fires must be prepared. It must be brought up to date periodically and held available at the workplace.

1.5.3.5. Fire-fighting equipment must be indicated by signs.

1.5.4. *Protection against noxious atmospheres*

1.5.4.1. Where appropriate, efficient means must be provided and used for detecting the presence and measuring the concentration of noxious substances in the atmosphere.

1.5.4.2. Monitoring devices measuring dangerous concentrations of noxious substances must be installed and used in accordance with the risk evaluation exercise carried out in accordance with Directive 89/391/EEC.

1.5.4.3. Where noxious substances accumulate or are likely to accumulate in the atmosphere, appropriate measures must be taken to render them harmless, so that the risk to workers is minimized.

1.5.4.4. A noxious atmosphere prevention plan detailing the equipment and the measures to be taken in accordance with Articles 3, 4, 5 and 6 to protect against, detect and combat the formation of noxious atmospheres must be prepared. It must be brought up to date periodically and held available at the workplace.

1.6. Explosives and initiating devices

Operations involving the storage, transport and use of explosives and initiating devices must be carried out by duly authorized and competent persons. Such operations must be organized and performed in such a way that there is no risk to workers.

1.7. Traffic routes

1.7.1. It must be possible to reach workstations and workplaces without danger and to leave them quickly and safely in an emergency.

1.7.2. Traffic routes, both for vehicles and for workers, must be so located and of such dimensions that they are safe.

1.7.3. The dimensions of traffic routes for persons, products and/or equipment must be suitable for the number of potential users and the type of undertaking.

All measures must be taken to ensure the safety and health of pedestrians and workers employed on or in the vicinity of traffic routes.

1.7.4. Sufficient clearance must be allowed between vehicle traffic routes and doors, gates, footpaths, corridors and staircases.

1.7.5. Where the use and equipment of rooms so require, traffic or access routes must be clearly identified for the protection of workers.

1.7.6. Where vehicles or machines enter workplaces, traffic regulations must be established as necessary.

1.8. Outdoor workplaces

Where workers are employed at workstations outdoors, such workstations must as far as possible be arranged so that workers are protected against inclement weather.

1.9. Dangerous areas

1.9.1. Areas where there is a particular hazard must be indicated, and warning signs placed.

1.9.2. Unauthorized access to workplaces with dangerous areas, including those where there is a risk of objects or workers falling, must where possible be prevented.

1.9.3. Appropriate measures must be taken to ensure protection of the health and safety of workers authorized to enter dangerous areas.

1.10. Emergency routes and exits

1.10.1. In the event of danger, it must be possible for workers to evacuate the workstation and, if necessary, the workplace quickly and as safely as possible.

- 1.10.2. Emergency routes and exits must remain clear and lead as directly as possible to the open air, to a safe area, a safe assembly point or to an abandonment station.
- 1.10.3. The number, distribution and dimensions of the emergency routes and exits depend on the use, equipment and dimensions of the workplaces and the maximum number of persons that may be present.
- 1.10.4. Emergency doors must either open outwards or, if this is not possible, be designed as sliding doors.
- 1.10.5. 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.
- 1.10.6. Emergency doors must not be locked by key. The 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.
- 1.10.7. Emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in case the lighting fails.
- 1.10.8. Specific emergency routes and exits must be indicated by signs.
- 1.11. **Means of evacuation and escape**
- 1.11.1. Workers must be trained in the appropriate action to be taken in emergencies.
- 1.11.2. Rescue equipment must be kept ready for use at appropriately sited places which are readily accessible and signposted.
- 1.11.3. Where escape routes may pass through areas susceptible to irrespirable atmospheres, self-rescue apparatus appropriate to the risk and conditions of escape must be provided at the workstation.
- 1.12. **Safety exercises**
- Safety exercises must be held at workplaces at regular intervals. The main purpose of these exercises is to instruct and examine persons to whom duties have been assigned in the event of emergency, involving the use, handling or operation of emergency equipment. Where relevant, these persons must also be able to practise the correct use, handling or operation of that equipment.
- 1.13. **First aid facilities**
- 1.13.1. First aid equipment must be available in all places where working conditions require it and must be appropriate to the operation.
- This equipment must be indicated by suitable signs and easily accessible.
- 1.13.2. Where appropriate, a suitable room where first aid can be administered to injured persons must be provided. Clearly visible first aid instructions in the event of accidents must be displayed in this room.
- First aid rooms must be provided with essential first aid installations and equipment and be easily accessible for stretchers. They must be indicated by suitable signs.
- 1.13.3. A sufficient number of persons must be given basic and continuous training in first aid.

1.14. Lighting

- 1.14.1. Workplaces must as far as possible receive sufficient natural light and be equipped with artificial lighting adequate for the protection of workers' safety and health.
- 1.14.2. Lighting installations 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.
- 1.14.3. Workplaces and workstations where workers are particularly exposed to risks in the event of failure of artificial lighting must be provided with emergency lighting of adequate intensity, or workers must be provided with a personal lamp.

1.15. Changing rooms and sanitary installations**1.15.1. Changing rooms**

- 1.15.1.1. Appropriate changing rooms must be provided for workers if they have to wear special work clothes and where, for reasons of hygiene or propriety, they cannot be expected to change in another room. Changing rooms must be easily accessible, have sufficient capacity and be provided with seating.

- 1.15.1.2. Changing rooms must be sufficiently large and have facilities to enable all workers to lock away their clothes during working hours. Provision must be made to enable wet working clothes to be dried.

If circumstances so require (e.g. dangerous substances, humidity, dirt), changing rooms for work clothes must be separate from those for ordinary clothes.

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

- 1.15.1.4. If changing rooms are not required under point 1.15.1.1, all workers must be provided with a place to store their clothes.

1.15.2. Showers and washing facilities

- 1.15.2.1. Where required by the nature of the work or for hygienic reasons, an adequate number of suitable showers must be provided for workers.

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

- 1.15.2.2. Shower rooms must permit each worker to wash without hindrance in suitably hygienic conditions and must be equipped with hot and cold water.

- 1.15.2.3. If showers are not required under point 1.15.2.1, an adequate number of suitable washbasins with hot and cold water must be provided in the vicinity of the changing rooms.

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

1.16. Overburden and other tips

Overburden, dumps, spoil heaps and other tips, as well as settling lagoons, must be designed, constructed, operated and maintained in such a way as to ensure their stability, as well as the safety and health of workers.

2. SPECIAL REQUIREMENTS APPLICABLE TO ANCILLARY SURFACE INSTALLATIONS OF MINES AND QUARRIES

2.1. Stability and solidity

Ancillary surface installations housing workstations must have a structure and solidity appropriate to the nature of their use.

2.2. Floors, walls, ceilings and roofs

2.2.1. Floors must be fixed, stable, non-slip, smooth and free of dangerous holes or dangerous slopes.

Rooms containing workstations must have adequate thermal insulation, bearing in mind the nature of the work involved and the physical activity of the workers.

The surfaces of floors, walls and ceilings must be such that they can be kept at an appropriate standard of hygiene.

2.2.2. Transparent or translucent walls (particularly glass partitions in the vicinity of workstations and traffic routes) must be clearly indicated. They must be made of safety materials or be shielded from workstations and traffic routes to prevent workers from coming into contact with them or being injured in the event of breakage.

2.2.3. 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.

2.3. Room dimensions

2.3.1. Workstations must wherever possible have sufficient floor area and height to allow workers to perform their work without risk to their safety, health or well-being.

2.3.2. The space available to workers at their workstation must wherever possible permit sufficient freedom of movement and allow them to perform their work safely.

2.4. Windows and skylights

2.4.1. Windows, skylights and ventilation devices which are meant to be opened, adjusted or secured must be designed so that these operations can be carried out safely.

2.4.2. They must not be positioned so as to constitute a hazard to workers when open.

2.4.3. It must be possible, with the appropriate equipment, to clean windows and skylights without risk.

2.5. Doors and gates

2.5.1. The position, number and dimensions of doors and gates, and the materials used in their construction must be determined by the nature and use of the rooms or areas.

2.5.2. Transparent doors and gates must be marked at eye level.

2.5.3. Swing doors and gates must be transparent or have suitable see-through panels.

2.5.4. Where there is a danger that workers may be injured if doors or gates with transparent or translucent surfaces break, such surfaces must be protected against this risk.

- 2.5.5. Sliding doors must be fitted with safety devices to prevent them from being derailed and falling over.
- 2.5.6. Doors and gates opening upwards must be fitted with a mechanism to secure them against falling back accidentally.
- 2.5.7. Doors along escape routes must be appropriately marked. It must be possible to open them at any time.
- 2.5.8. Doors for pedestrians must be provided in the immediate vicinity of any gates intended primarily for vehicle traffic, unless it is safe for pedestrians to pass through such gates. Such doors must be clearly marked and kept free of obstruction.
- 2.5.9. 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 stop devices. Unless they open automatically, in the event of a power failure it must also be possible to open them manually.
- 2.6. **Ventilation of rooms**
- 2.6.1. Steps shall be taken to ensure that there is sufficient fresh air in rooms, having regard to the working methods used and the physical demands placed on the workers.
- If a ventilation system is used, it shall be maintained in good working order. Any breakdown must be indicated by a control system where this is necessary for workers' health.
- 2.6.2. Any air-conditioning or mechanical ventilation installations must function 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.
- 2.7. **Room temperature**
- 2.7.1. During working hours, the temperature in rooms containing workstations must be suitable for workers, having regard to the working methods being used and the physical demands placed on the workers.
- 2.7.2. 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.
- 2.7.3. Windows, skylights and glass partitions should avoid the excessive effects of sunlight at workstations, having regard to the nature of the work and workstations.
- 2.8. **Rest-rooms — Sanitary installations**
- 2.8.1. *Rest-rooms*
- 2.8.1.1. Where the safety, health or number of workers so requires, workers must be provided with an easily accessible rest-room.
- This provision does not apply where the workers are employed in offices or similar workrooms offering equivalent relaxation during breaks.
- 2.8.1.2. Rest-rooms must be large enough for the number of workers and equipped with an adequate number of tables and seats with backs.
- 2.8.1.3. Appropriate measures must be taken in rest-rooms for the protection of non-smokers against tobacco smoke.

- 2.8.1.4. If working hours are regularly and frequently interrupted and there is no rest-room, other rooms must be provided in which workers can stay during such interruptions, wherever this is necessary for their safety or health.

2.8.2. *Lavatories and washbasins*

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

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

3. SPECIAL REQUIREMENTS APPLICABLE TO SURFACE WORKINGS

3.1. **General**

Surface workings to which workers have access must be designed, equipped, operated, monitored and maintained so that as far as possible there is no danger to workers.

3.2. **Operation**

- 3.2.1. Operations must not be undertaken unless a document specifying the requirements for workers safety and health protection has been prepared. This document must be brought up to date periodically and held available at the workplace.

Work must be carried out in accordance with this document.

- 3.2.2. Work must be planned taking into account the risk of falls or slips of ground. In particular, the height and slope of overburden stripping and extraction faces must be appropriate to the nature and stability of the ground and the methods of working.

Benches and haul roads must be stable enough for the plant used. They must be constructed and maintained in such a way that plant can be moved safely.

- 3.2.3. Before the start or re-start of work, stripping and extraction faces above work areas or haul roads must be checked for loose ground or rocks, and scaling must be carried out where necessary.

- 3.2.4. Faces and tips must not be worked in such a way that unstable overhangs are created.

4. SPECIAL REQUIREMENTS APPLICABLE TO UNDERGROUND WORKINGS

4.1. **General**

Underground workings to which workers have access must be designed, equipped, operated, monitored and maintained so that as far as possible there is no danger to workers.

4.2. **Operation**

- 4.2.1. Operations must not be undertaken unless a document specifying the requirements for workers' safety and health protection has been prepared.

Work must be carried out in accordance with this document.

4.2.2. Plans of underground workings drawn to a scale which provides a clear representation must be prepared. In addition to roadways and winning areas, they must show the known features which may influence working and safety. They must be readily accessible and must be kept for as long as is necessary for safety purposes.

4.2.3. The document and plans must be brought up to date periodically and held available at the workplace.

4.3. **Outlets**

All mines must have access to the surface via at least two separate outlets which are soundly constructed and readily accessible to underground workers.

Mechanical man-winding or man-riding facilities must be available for these outlets if considerable physical effort is involved in negotiating them.

4.4. **Workings**

Workings must be constructed, equipped, operated and maintained so that workers can work and move in them with a minimum of risk.

Roadways must be signposted to help workers to find their way about the workings.

4.5. **Transport**

4.5.1. Transport facilities must be installed, operated and maintained in such a way as to ensure the safety and health of drivers, users and other persons in the vicinity.

4.5.2. Mechanical man-winding or man-riding facilities must be properly installed and used in accordance with written instructions.

4.6. **Support and ground stability**

Support must be provided as soon as possible after excavation, except where the stability of the ground makes it unnecessary for the safety of workers. Support must be installed in accordance with plans and written instructions.

Workings accessible to workers must be inspected regularly for ground stability, and support maintained accordingly.

4.7. **Ventilation**

4.7.1. All underground workings to which access is permitted must be ventilated in an appropriate manner.

Continuous ventilation must be provided to maintain, with an adequate safety margin:

— a healthy atmosphere,

— an atmosphere in which the risks of explosion are kept under control,

— an atmosphere in which working conditions are adequate while work is in progress, having regard to the working methods being used and the physical demands placed on the workers.

- 4.7.2. Where the requirements of point 4.7.1 cannot be met by natural ventilation, the main ventilation must be provided by means of one or more mechanical fans.

Steps must be taken to ensure stable and continuous ventilation.

The depression of the main fans must be monitored continuously, and an automatic alarm must indicate unscheduled stoppages.

- 4.7.3. The ventilation parameters must be measured periodically and recorded. A ventilation plan containing the pertinent details of the ventilation system must be prepared, brought up to date periodically and held available at the workplace.

4.8. Gassy mines

- 4.8.1. An underground mine is regarded as gassy if firedamp is likely to be released in such a quantity that the risk of formation of an explosive atmosphere cannot be excluded.

- 4.8.2. The main ventilation must be provided by one or more mechanical fans.

- 4.8.3. Mining must proceed taking account of firedamp emission. Steps must be taken to eliminate as far as possible the risks arising from firedamp.

- 4.8.4. Auxiliary ventilation must be limited to development and salvage work and to places with a direct connection to the main ventilation current.

Production workings may be ventilated by auxiliary systems only if appropriate additional measures are taken to ensure the safety and health of workers.

- 4.8.5. The ventilation measurements referred to under point 4.7.3 must be supplemented by firedamp determinations.

Firedamps levels must also be permanently monitored in return airways from production units using mechanized extraction or underwinning and at the head ends of mechanized blind end workings, taking into account the result of the risk evaluation exercise carried out in accordance with Articles 6, 9, and 10 of Directive 89/391/EEC.

- 4.8.6. Only explosives and initiating devices specifically for gassy mines may be used.

- 4.8.7. The provisions of point 1.5.1.2 are replaced as follows:

- smoking, carrying tobacco for smoking and any objects which may be used to produce a flame are prohibited,
- flame cutting, welding and other similar operations are permitted only in exceptional circumstances and subject to specific measures ensuring the safety and health of the workers.

4.9. Flammable dusts

- 4.9.1. Coal mines are considered to be susceptible to flammable dusts except where the result of the risk evaluation exercise carried out in accordance with Directive 89/391/EEC shows that none of the seams being worked contains dust liable to propagate an explosion.

- 4.9.2. The provisions of points 4.8.6 and 4.8.7 apply *mutatis mutandis*.

- 4.9.3. Steps must be taken to reduce flammable dust deposits, and to remove, neutralize or bind the same.

4.9.4. Propagation of flammable dust and/or firedamp explosions which are liable to trigger further flammable dust explosions must be limited by installing a system of explosion barriers, the locations of which must be indicated in a document which is brought up to date periodically and held available at the workplace.

4.10. **Mines susceptible to gas outbursts, rockbursts or water inrushes**

4.10.1. In parts of mines susceptible to gas outbursts (with or without the projection of minerals or rock), rockbursts or water inrushes, an operating plan must be drawn up and implemented so as to ensure, as far as possible, a safe system of work and the protection of workers.

4.10.2. Measures must be taken to identify risk zones, protect workers in workings approaching or traversing these zones, and control the risks.

4.11. **Fires, combustions and heatings**

4.11.1. Provision must be made for the prevention and, where appropriate, the early detection of spontaneous combustion.

4.11.2. Flammable materials taken into underground workings must be limited to the quantities which are strictly necessary.

4.12. **Precautions for withdrawal of workers**

So that they can withdraw in safety, workers must, where necessary, be provided with self-rescue respiratory protection devices which they must always keep within their reach. Workers must be trained in the use of these devices, which must remain at the mine and be checked regularly to ensure that they are in good condition.

4.13. **Lighting**

The provisions of point 1.13 are replaced as follows:

- workers must be provided with a suitable personal lamp,
- workstations must as far as possible be equipped with artificial lighting adequate for the protection of workers' safety and health,
- lighting installations must be placed in such a way that there is no risk of accident to workers as a result of the type fitted.

4.14. **Underground workforce accounting**

It must be possible to know exactly who is underground at any time.

4.15. **Rescue organization**

In order to enable suitable action to be taken rapidly and effectively in the event of a major incident, an adequate rescue organization must be available to act at any site where underground extraction or exploratory workings are in progress. The rescue organization must have sufficient trained rescue workers and adequate rescue equipment at its disposal.

FINANCIAL RECORD SHEET (*)

SECTION 1: FINANCIAL IMPLICATIONS

1. Title of the proposal :

Proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries concerned with exploration for and exploitation of minerals in mines and quarries.

2. Budget items concerned

B 3-4310: Health protection, hygiene and safety at work, including specific measures in connection with completion of the internal market.

A-2530: Safety and Health Commission for the Mining and Other Extractive Industries.

3. Legal basis

- Article 118a of the EEC Treaty.
- Directive 89/391/EEC (OJ No L 183, 29.6.1989).
- Council Resolution of 21 December 1987 on safety, hygiene and health at work + Commission Communication on its programme concerning safety, hygiene and health at work (OJ No C 28, 3.2.1988).

(*) Note: The figures replace those attached to the proposal for a Directive COM(90) 663 final.

- Action programme relating to the implementation of the Community Charter of Fundamental Social Rights for Workers (COM(89) 568 final)
- Proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries (COM (90) 663 final).

4. Description of the action

4.1 Specific objectives

4.1.1 Objectives of the proposal for a Directive

The proposal has the following aims:

- gradually to improve the safety and health protection of workers in the extractive industries concerned with exploration for and exploitation of minerals;
- within the context of the social dimension of the internal market, to harmonise the minimum requirements for the safety and health protection of workers in the extractive industries.
- to supplement the proposal for a Directive COM(90) 663 by establishing, in its Annex, minimum requirements for mines and quarries.

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

4.1.2.1 The Annex to the proposal must be adapted in line with the adoption of Directives on technical harmonisation and standardisation, technical progress, changes to international regulations or specifications and know-how with regard to workplaces in the extractive industries concerned with exploration for and exploitation of minerals.

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

4.1.2.3 The proposal also makes provision for a committee to assist the Commission with the above adaptation work.
The financial implications are a result of the additional activities to be undertaken.

4.2 Duration

Unspecified.

4.3 Target population

Extractive industries

5. Classification of expenditure

5.1 NCE

6. Nature of expenditure

6.1 100% funding

7. Financial impact on appropriations for operation (Part B of the Budget)

7.1 Calculation method

7.1.1 Nature of the additional activities to be undertaken following adoption of the Directive

- a) Monitoring of, and appropriate supporting measures for, application of the Directive in the Member States.
- b) Revision of the Annex.

7.1.2 Types of activity resulting from 7.1.1 with financial implications

- Study and/or service contracts for:
 - * comparison and appraisal of information received by the Commission;
 - * examination of the problems associated with the implementation of the Directive;
 - * study of problems arising from the Annexes to the Directive and preparation of adaptations thereof.

7.1.3 Calculation of expenditure

Costs are calculated on the basis of 60 "man/month" units, one unit at present being equivalent to ECU 4 000.

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

Item B3-4310:

The appropriations for this action will be determined annually, depending on the funds available and the appropriations allocated for actions covered by this item under the budgetary procedure.

The sum required for 1994 is estimated at ECU 240 000. From 1995 onwards the appropriations allocated for this action will follow a similar pattern to those for operations covered by item B3-4310 as a whole.

8. Anti-fraud measures

Not applicable

SECTION 2 : ADMINISTRATIVE EXPENDITURE

(Part A of the Budget)

1. Staff needed for the operation

As from 1994, one full-time grade A official, one full-time grade B official and one full-time grade C official will be needed.

The necessary resources will have to be found either by internal redeployment of staff or through other means in accordance with the Commission's decision on distribution of measures.

2. Expenditure on staff and administration

2.1 Expenditure on staff

The costs relating to the staff requested in paragraph 1 above are estimated at ECU 240 000 per year starting from 1994 and will be covered by appropriations entered in Part A of Section III of the General Budget.

2.2 Expenditure on administration

This covers the running costs of the Adaptation Committee and the costs incurred in connection with consultation of the Advisory Committee on Safety, Hygiene and Health Protection at Work.

The cost of inviting a government expert to take part in consultation meetings has been estimated at ECU 460, and for a non-government expert at ECU 630 (for one day). Planned expenditure is progressive and spread over several years. The figures given below are overall estimates.

As regards Item A-2530 (SHCMOEI acting as adaptation committee), the additional costs relate to the convening of two meetings of experts (two government experts from each Member State) in 1994 and three such meetings each year as from 1994.

Still referring to Item A-2530 (SHCMOEI acting as advisory committee), provision is made for the convening of two meetings per year of a group of experts comprising twelve members, including four government experts. This group will hold its first meeting in 1995.

Item A 2530 - additional costs for item A-2530

Adaptation Committee

	CA (ECU)	PA (ECU)
	-	-
1993		
1994	22 000	22 000
1995	33 000	33 000
1996	33 000	33 000
1997	33 000	33 000
1988	33 000	33 000
Sub-total	154 000	154 000

Advisory Committee

	CA (ECU)	PA (ECU)
	-	-
1993		
1994	-	-
1995	14 000	14 000
1996	14 000	14 000
1997	14 000	14 000
1988	14 000	14 000
Sub-total	56 000	56 000
TOTAL	210 000	210 000

SECTION 3: COST-EFFECTIVENESS ANALYSIS

1. Objectives and consistency with financial programming

1.1 Specific objective of the proposed action

Implementation of the proposal for a Directive

1.2 Is the action incorporated in the financial programming of the DG for the years concerned?

Yes

1.3 Broader objective defined in the DG's financial programming

Health and Safety at the workplace.

2. Justification for the action

a) Cost

The cost is very similar to that of comparable operations in connection with other proposals for directives.

b) Spin-off effects

The raising of the level of health and safety requirements will result in the creation of new jobs in the sectors which take the necessary measures. Jobs will also be created in certain processing industries which supply safety equipment.

Improving safety and health in the extractive industries will make these sectors more attractive to job seekers.

c) Multiplier effects

European legislation has had a considerable influence upon the legislation of Third World countries, particularly in the extractive industries.

3. Monitoring and evaluation of the operation

Article 13 of the Directive requires the Member States to report to the Commission every five years on the practical implementation of the provisions of the Directive, indicating the points of view of employers and workers.

The Commission has to provide information on the report for the European Parliament, the Council, the Economic and Social Committee and the Safety and Health Commission for the Mining and Other Extractive Industries.

IMPACT ASSESSMENT

IMPACT OF THE PROPOSAL ON ENTERPRISES, ESPECIALLY
SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)

PROPOSAL FOR A COUNCIL DIRECTIVE CONCERNING MINIMUM
REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH
PROTECTION OF WORKERS IN THE EXTRACTIVE INDUSTRIES
CONCERNED WITH EXPLORATION FOR AND EXPLOITATION OF
MINERALS IN MINES AND QUARRIES

Reference document: Doc. No 4691/5/91

PROPOSAL

- 1. Given the doctrine of subsidiarity, why is Community legislation necessary in this field, and what are its main objectives?

Completion of the internal market, scheduled for the end of 1992, implies harmonisation of social legislation, including that on the safety and health of workers. The objective laid down in Article 118a of the EEC Treaty (Single European Act) consists in harmonising conditions in this field, whilst at the same time introducing improvements.

The proposal has the following aims:

- to improve the safety and health protection of workers in the extractive industries by supplementing the proposal for a Council Directive concerning minimum requirements for improving the safety and health protection of workers in the extractive industries (COM (90) 663 final);

- pursuant to Article 11 of the proposal for a Directive (COM (90) 663 final), to supplement the said Directive by means of this proposal, the Annex to which contains the minimum requirements for improving the safety and health protection of workers in the other two industrial sectors of the extractive industries concerned with
 - * exploration for and exploitation of minerals in surface workings;

 - * exploration for and exploitation of minerals underground;

- as part of the social dimension of the internal market, to harmonise the minimum requirements in respect of workers' safety and health protection in the extractive industries;

- to fill the gap in legislative coverage resulting from the exclusion of the extractive industries from the scope of Council Directive 89/654/EEC by Article 1 (2c) thereof.

There is no legislation at Community level to encourage improvements in the safety and health protection of workers in the extractive

industries concerned with exploration for and exploitation of minerals and other raw materials.

As provided for in Article 118a of the EEC Treaty, the proposal contains minimum requirements.

IMPACT ON ENTERPRISES

2. Who will be affected by the proposal?

- Enterprises in which sectors?

The proposal applies to the Community's extractive industries (surface and underground workings sectors), which currently employ around 900 000 workers.

The accident rate is higher than in other industries, for the following reasons:

- * In surface workings a great deal of work is carried out outdoors (influence of inclement weather).
- * The inherent risk in mineral deposit workings (risk of rockfalls or workers falling, loading and transport of heavy loads such as minerals and equipment, etc.), as well as the hazards involved in the use of heavy-duty mobile machines.
- * The same hazards exist in underground workings, where they are exacerbated by the conditions (darkness, temperature, limited space, presence of flammable or toxic gases, specific

requirements concerning ventilation and fire risk).

- * In mines where combustible minerals are worked, the danger is increased by the risk of dust explosions. There is also an increased risk of certain occupational diseases.

- Which sizes of enterprise (proportion of SMEs)?

The two sectors of the extractive industries in question currently employ some 900 000 workers, around one-third in underground workings and two-thirds in surface workings.

(a) Surface workings

Whilst some enterprises concerned with exploration and exploitation in surface workings do employ more than 500 persons, most are SMEs, particularly those which produce materials for the construction industry.

In Germany there are a few large lignite mining companies which employ more than 10 000 workers.

(b) Underground workings

The percentage of enterprises in this sector which employ fewer than 50 workers does not exceed 50%.

- * In most of the Member States concerned, with the exception of Spain, coal mines generally employ more than 50 persons.
- * Salt and potash mines usually employ more than 50 persons.
- * As far as metal ore mines are concerned, there are some high-output operations which generally employ more than 50 persons, but there are also some small mines.

- Are these enterprises found in specific geographical areas of the Community?

The locations of enterprises concerned with exploration for and exploitation of minerals in mines and quarries depend on the relevant geological deposits, which may be anywhere in Europe.

a) Surface workings

Ornamental stone production is to a certain extent traditionally concentrated in several regions of Italy, although industries of this type exist in all Member States.

Most of the Community's lignite production takes place in Germany, in two main regions:

- * west of Cologne
- * south of Berlin, in the new Länder.

b) Underground workings

Most coal mines are concentrated in the following geographical areas:

- * Ruhr/Lower Rhine and Saarland, Germany
- * Asturias and León, Spain
- * Lorraine, France
- * Yorkshire/Midlands, United Kingdom.

Other mines and quarries are scattered over a large number of geographical areas.

3. Which measures will enterprises have to take to comply with the proposal?

Workplaces must be designed, constructed, equipped, commissioned, used and maintained so as to ensure the safety and health of workers.

Employers must provide responsible supervision and ensure that work involving a special hazard is entrusted only to adequately qualified persons and that safety instructions can be understood by the workers concerned.

Employers must also provide appropriate sanitary installations and rest rooms.

Specific measures are required in the context of fire protection, escape and rescue.

Workers must be informed and consulted concerning the matters covered by the Directive, in accordance with the provisions of Directive 89/391/EEC.

Minimum requirements for improving the safety and health protection of workers are contained in an Annex to the Directive.

To avoid excessive financial constraints, workplaces already in use before the entry into force of the Directive do not have to comply with its requirements until nine years after its adoption.

4. Which economic effects is the proposal likely to have?

- on employment

Imposing safety and health requirements will have the effect of creating a number of jobs in the sectors which take the necessary measures. Jobs will also be created in certain processing industries supplying safety equipment.

Improving safety and health in the extractive industries will make these sectors more attractive to job seekers.

- on investment and the foundation of new enterprises

All enterprises must comply with the minimum requirements laid down in the Annex to the proposal for a Directive.

The necessary investment depends on the present situation in each enterprise. According to impact studies, it will range from zero to a few thousand ECU, but these costs can be spread over the extended transition period (nine years).

Most enterprises stated during the survey that the proposal for a Directive does not represent an obstacle to the founding of new operations. Improving safety and health protection in the extractive industries will make them more attractive to job seekers.

- on the competitiveness of enterprises

Most enterprises will incur additional expenditure, but this will be offset by reduced expenditure attributable to industrial accidents and occupational diseases. As all enterprises are concerned, competition will not be distorted.

5. Does the proposal contain measures which take account of the special situation of small and medium-sized enterprises?

The impact study established that an extended transition period would be necessary to allow SMEs to adapt over a period of time.

The provisions of the Directive, given that they apply to an industry where there is an above-average risk of fatal or serious injury and occupational disease, make no provision for lower safety and health standards for small and medium-sized enterprises.

CONSULTATION

6. List of organisations consulted about the proposal and the main points made by them

In drawing up this proposal, the Commission consulted and involved experts and representatives of governments and both workers' and employers' organisations.

The Safety and Health Commission for the Mining and other Extractive Industries, which was set up by the Council Decision of 9 July 1957⁽¹⁾ and whose powers were subsequently amended and extended in 1965⁽²⁾ and by Council Decision 74/326/EEC of 27 June 1974⁽³⁾, has been consulted.

Furthermore, committees of national experts on surface and underground mines and quarries set up under the SHCMOEI have examined and discussed the impact studies, concluding that an extended transition period (nine years) is necessary to avoid excessive financial constraints.

(1) Council Decision of 9 July 1957, OJ No 28 of the European Coal and Steel Community, 31.8.1957, p. 487
(2) Council Decision of 11 March 1965, OJ No 46 of the European Coal and Steel Community, 22.3.1965, p. 698
(3) Council Decision 74/326/EEC of 27 June 1974, OJ No L 185, 9.7.1974, p. 18.

47

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