

Amended proposal for a Directive of the European Parliament and of the Council amending for the second time Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (2nd individual Directive within the meaning of Article 16 of Directive 89/391/EEC)

(2001/C 62 E/06)

(Text with EEA relevance)

COM(2000) 648 final — 1998/0327(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 11 October 2000)

INITIAL PROPOSAL

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission, submitted after consulting the Advisory Committee on Safety, Hygiene and Health Protection at Work,

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure referred to in Article 189c of the Treaty in co-operation with the European Parliament,

- (1) Whereas Article 118a of the Treaty provides that the Council 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.
- (2) Whereas Pursuant to the said Article, such directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.
- (3) Whereas Compliance with the minimum requirements designed to ensure a better standard of safety and health in the use of work equipment provided for temporary work at a height is essential to ensure the safety and health of workers.

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137 (2) thereof,

Unchanged

After consulting the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure referred to in Article 251 of the Treaty,

Whereas:

- (1) Article 137(2) of the Treaty provides that the Council may 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.
- (2) Pursuant to the said Article, such directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.
- (3) Compliance with the minimum requirements designed to ensure a better standard of safety and health in the use of work equipment provided for temporary work at a height is essential to ensure the safety and health of workers.

⁽¹⁾ JO C 138, 18.5.1999, p. 30.

⁽²⁾ The Committee of the Regions indicated, by letter of 23 November 1999, that it would not deliver an opinion on this proposal for a Directive.

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- (4) Whereas The provisions adopted pursuant to Article 118a of the Treaty do not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with the Treaty.
- (5) Whereas Work at a height may expose workers to particularly severe risks to their safety and health, and in particular to the risks of falls from a height and of serious occupational accidents.
- (6) Whereas Any employer who intends to have temporary work carried out at a height should select equipment affording adequate protection against the risks of falls from a height.
- (8) Whereas Ladders and scaffolding are the equipment most frequently used in performing temporary work at a height, and the safety and health of workers engaged in this type of work therefore depend to a significant extent on their correct use; whereas the manner in which such equipment can most safely be used by workers should therefore be specified.
- (9) Whereas This Directive is the most appropriate means of achieving the desired objectives and does not go beyond what is necessary to achieve that purpose.
- (10) Whereas This Directive is a practical contribution towards creating the social dimension of the internal market,

HAVE ADOPTED THIS DIRECTIVE:

SECTION I

Article 1

The text annexed to this Directive shall be added to Annex II to Directive 89/655/EEC.

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- (4) The provisions adopted pursuant to Article 137(2) of the Treaty do not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with the Treaty.
- (5) Work at a height may expose workers to particularly severe risks to their safety and health, and in particular to the risks of falls from a height and of serious occupational accidents which are responsible for high rates of injury, in particular fatal injuries.
- (6) Any employer who intends to have temporary work carried out at a height must select equipment affording adequate protection against the risks of falls from a height.
- (7) Self-employed persons and employers, where they themselves pursue an occupational activity and personally use work equipment intended for carrying out temporary work at a height, may affect employees' health and safety. A solution must therefore be found to cover all persons employed in preparing, performing and completing temporary work at a height.
- (8) Ladders and scaffolding are the equipment most frequently used in performing temporary work at a height, and the safety and health of workers engaged in this type of work therefore depend to a significant extent on their correct use. The manner in which such equipment can most safely be used by workers has to be specified. Adequate specific training of workers is therefore required.
- (9) This Directive is the most appropriate means of achieving the desired objectives and does not go beyond what is necessary to achieve that purpose.
- (10) This Directive is a practical contribution towards creating the social dimension of the internal market,

Unchanged

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*Article 2***Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... (3 years after its adoption). They shall immediately inform the Commission thereof.

2. 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 Member States.

3. 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 covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 4

Unchanged

This Directive is addressed to the Member States.

ANNEX

3.2.8. Work involving a risk of falls from non-guided load lifting equipment is permitted only under particular justified circumstances. In such cases, workers shall be protected by personal fall prevention equipment.

4. Requirements for the use of work equipment provided for temporary work at a height.

4.1. *General*

4.1.1. In accordance with Article 6 of Directive 89/391/EEC and Article 3 of this Directive, if temporary work at a height cannot be carried out in complete safety and under acceptable ergonomic conditions from a suitable surface, the work equipment most suitable to ensuring an adequate standard of safety and of safety throughout the operations shall be selected. The dimensions of the equipment shall be appropriate to the nature of the work to be performed and the foreseeable stresses and influences and shall allow passage without danger.

4.1.1. In accordance with Article 6 of Directive 89/391/EEC and Article 3 of this Directive, if temporary work at a height cannot be carried out in complete safety and under acceptable ergonomic conditions from a suitable surface, the work equipment most suitable to ensuring and maintaining the highest standard of safety throughout the operations shall be selected. The dimensions of the equipment shall be appropriate to the nature of the work to be performed and the foreseeable stresses and influences and shall allow passage without danger.

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The most appropriate means of access to temporary workplaces at a height shall be selected according to the frequency of passage, height to be negotiated and duration of use. The choice made shall permit evacuation in the event of imminent danger. Passage in either direction between a means of access and platforms, decks or gangways shall not give rise to any additional risks of falling.

Unchanged

4.1.2. Ladders may be used as working places for work at a height only under circumstances in which, the use of other, safer work equipment is not justified in view of the risk and either the short duration of use and low level of risk or existing characteristics of the sites which the employer cannot change.

4.1.2. Ladders may be used as working places for work at a height only under circumstances in which, taking account of point 4.1.1 the use of other, safer work equipment is not justified in view of the low level of risk and either the short duration of use or existing characteristics of the sites which the employer cannot change.

4.1.3. Rope access and positioning techniques may be used only in special circumstances and subject to the following conditions:

Unchanged

- the system shall comprise at least two suspension ropes, each having a separate anchorage point;
- each of the two suspension ropes shall be equipped with fail-safe means of descent;
- tools and other accessories shall be secured to the workers' harnesses;
- work shall be carried out by at least two workers;

Deleted

- work must be properly planned and supervised, so that assistance can be rendered immediately to the worker in case of need;

- the workers concerned shall have received training specific to the operations envisaged, including rescue procedures.

Unchanged

4.1.4. Depending on the type of work equipment chosen on the basis of the foregoing requirements, the appropriate precautions to reduce the risks to which it gives rise shall be determined. If necessary, provision shall be made for the installation of collective fall prevention safeguards. These shall be of suitable configuration and of sufficient strength to prevent or arrest falls from a height and, as far as possible, to preclude injury to workers. prevention safeguards may be interrupted only at points of ladder or stairway access.

4.1.4. Depending on the type of work equipment chosen on the basis of the foregoing requirements, the appropriate precautions to minimise the risks to which it gives rise shall be determined. If necessary, provision shall be made for the installation of collective fall prevention safeguards. These shall be of suitable configuration and of sufficient strength to prevent or arrest falls from a height and, as far as possible, to preclude injury to workers. Collective fall prevention safeguards may be interrupted only at points of ladder or stairway access.

4.2. *Specific requirements for the use of ladders*

Unchanged

4.2.1. Ladders shall be so positioned as to ensure their stability during use. Portable ladders shall rest on a stable, strong, immobile and horizontal footing. Suspended ladders, other than rope ladders, shall be fixed in a secure manner and, in a manner which ensures they cannot be displaced and prevents swinging.

4.2.1. Ladders shall be so positioned as to ensure their stability during use. Portable ladders shall rest on a stable, strong, suitably dimensioned and immobile footing so that the rungs remain horizontal. Suspended ladders shall be attached in a secure manner and, with the exception of rope ladders, in a manner which ensures they cannot be displaced and prevents swinging.

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- 4.2.2. Before portable ladders are brought into service, their feet shall be prevented from slipping by securing the styles at or near their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness. Ladders in several sections shall be so used as to ensure that components are prevented from moving relative to each other. Mobile ladders shall be immobilised before any person steps onto them.
- 4.2.2. When portable ladders are in use, their feet shall be prevented from slipping by securing the styles at or near their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness. Ladders used for access shall be long enough for their uprights to protrude sufficiently beyond the access platform. Ladders consisting of several assemblable components and extension ladders shall be so used as to ensure that components are prevented from moving relative to each other. Mobile ladders shall be immobilised before any person steps onto them.
- 4.2.3. Ladders shall be so used that a secure handhold and secure support are available to workers at all times.
- 4.2.3. Ladders shall be so used that a secure handhold and secure support are available to workers at all times. In particular, if a load has to be carried by hand on a ladder, it shall not preclude maintaining a safe handhold.
- 4.3. **Specific requirements for the use of scaffolding**
- Unchanged
- 4.3.1. When no statement of the design calculations is available for the scaffolding selected or the statement does not cover the structural arrangements contemplated, stability calculations shall be carried out.
- 4.3.2. Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan shall be drawn up. It may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.
- 4.3.2. Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan shall be drawn up by a competent person. It may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.
- 4.3.3. The bearing components of a scaffold shall be prevented from slipping, either by attachment to the bearing surface or by provision of an anti-slip device or by any other means of equivalent effectiveness. Mobile scaffolds shall be provided with devices which prevent their accidental movement when ready for use. These devices must be in operation
- 4.3.3. The bearing components of a scaffold shall be prevented from slipping, either by attachment to the bearing surface or by provision of an anti-slip device or by any other means of equivalent effectiveness, and the load-bearing surface must have a sufficient capacity. Scaffolding shall be braced against movement. Mobile scaffolds shall be provided with devices which prevent their accidental movement when ready for use. These devices must be in operation before any person steps onto the scaffold.
- 4.3.4. The dimensions, of scaffold decks shall be appropriate to the nature of the work to be performed and the and shall allow passage without danger. They shall be of a thickness such that they are entirely safe, having regard to the distance between two supports and the loads to be withstood. Scaffold decks shall be so assembled that their components cannot move in normal use. There shall be no dangerous gaps between the deck components and the vertical collective safeguards.
- 4.3.4. The dimensions, form and arrangement of scaffold decks shall be appropriate to the nature of the work to be performed and the loads to be borne and shall allow safe working and passage. They shall be of a thickness such that they are entirely safe, having regard to the distance between two supports and the loads to be withstood. Scaffold decks shall be so assembled that their components cannot move in normal use. There shall be no dangerous gaps between the deck components and the vertical collective fall prevention safeguards.
- 4.3.5. When parts of scaffolding are not ready for use, for example during assembly, dismantling or alteration, they shall be marked with general warning signs and be suitably delimited by physical means preventing access to the danger zone in accordance with the national provisions transposing Directive 92/58/EEC.
- Unchanged

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- 4.3.6. Scaffolding shall be assembled, dismantled or significantly altered only under the supervision of a competent person and only by workers who are trained in this type of work. Such training shall include interpretation of the assembly and dismantling plan; safety during assembly, dismantling or alteration of the scaffolding concerned; prevention of the risk of persons or objects falling; changing weather conditions load factors and any other risk which the operations may entail. During the work, the competent person and the workers concerned shall have available the assembly and dismantling plan mentioned in point 4.3.2 of the present Annex.
- 4.3.7. When the performance of a particular task requires a collective fall prevention safeguard to be removed temporarily, effective compensatory measures shall be taken.

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- 4.3.6. Scaffolding shall be assembled, dismantled or significantly altered only under the supervision of a competent person and only by workers who have received adequate training specific to the operations envisaged, in accordance with the provisions of Article 7, especially with a view to the following: understanding the plan for assembling, dismantling or altering the scaffolding concerned; safety during assembly, dismantling or alteration of the scaffolding concerned; measures to prevent the risk of persons or objects falling; safety measures in the event of changing weather conditions which may prejudice the safety of the scaffolding concerned; conditions relating to permitted load and any other risk which the abovementioned assembly, dismantling and alteration operations may entail. During the work, the competent person and the workers concerned shall have available the assembly and dismantling plan mentioned in point 4.3.2 of the present Annex.
- 4.3.7. When the performance of a particular task requires a collective fall prevention safeguard to be removed temporarily, effective compensatory measures shall be taken. The task may not be performed until such measures have been taken. Once that particular task is finished, either for good or temporarily, the collective prevention safeguards shall be put back in place.