

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 89/655/EEC on the minimum safety and health requirements for the use for work equipment by workers at work

(94/C 104/03)

(Text with EEA relevance)

COM(94) 56 final — 94/0077(SYN)

(Submitted by the Commission on 14 March 1994)

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,

In cooperation with the European Parliament,

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

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

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 enterprises;

Whereas, therefore, the Member States must take measures to facilitate implementation of the provisions of this Directive by enterprises, in particular small and medium-sized enterprises; whereas such measures may include training and information activities and the introduction of standard inspection programmes adapted to the specific requirements of the various sectors of the economy;

Whereas the provisions of this Article do not prevent each Member State from establishing and maintaining more stringent protective measures, compatible with this Treaty, governing conditions of work;

Whereas Article 9 (1) of Directive 89/655/EEC ⁽¹⁾ provides for the addition to the Annex of supplementary minimum requirements applicable to work equipment

covered by point 3 of the Annex, in accordance with the procedure pursuant to Article 118A of the Treaty; whereas Directive 92/57/EEC ⁽²⁾ provides that certain parts of Annex IV B, Section II will be specified at the same time;

Whereas Directive 89/655/EEC should be supplemented by minimum requirements concerning inspections to be carried out on certain work equipment during use and laying down certain rules for use with a view to promoting the health and safety protection of workers;

Whereas this Directive must confine itself to defining the objectives to be achieved and the principles to be respected in such a way as to leave the Member States free to decide how this is to be done,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 89/655/EEC is hereby amended as follows:

1. Article 4 is amended as follows:

- in paragraph 1 (a) (ii), 'I, points 1 and 2' is inserted after 'Annex',
- in paragraph 1 (b) the following text is added: 'I, points 1 and 2 and by 31 December 2000 at the latest with the minimum requirements laid down in point 3 of Annex 1',
- paragraphs 3 and 4 as follows are added:
 - '3. The employer shall take the measures necessary to ensure that, during use of the work equipment, the minimum requirements listed in Annex II are respected.

⁽¹⁾ OJ No L 393, 30. 12. 1989, p. 13.⁽²⁾ OJ No L 245, 26. 8. 1992, p. 6.

4. The Member States shall, after consultation with management and labour, establish procedures for authorizing alternative means of protection and/or organization of work as long as this guarantees an equivalent level of safety, where the specific conditions of use do not permit application of the minimum requirements set out in paragraph 3';

2. the following Article is inserted:

'Article 4b

Inspection of work equipment

1. The employer shall ensure that where the safety of work equipment depends on the installation conditions, it shall be subject to an initial inspection (after installation and before first being taken into service) and after assembly at a new site, to ensure that the work equipment has been installed correctly and is operating properly.

2. The employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations are subject to:

— periodic inspections, and

— special inspections each time that exceptional circumstances which are liable to jeopardize the safety of the work equipment have occurred, such as modification work, accidents, heavy storms or prolonged periods of inactivity,

so that the deterioration can be detected and remedied in good time.

3. Pursuant to paragraph 2 and without prejudice to the provisions of Article 6 (3) of Directive 89/391/EEC, the employer shall draw up or have drawn up a plan for the inspection of work equipment based on the intended conditions for use and taking account of any information furnished by the manufacturers.

This plan shall determine the type and frequency of the inspections and the methods used — and, if necessary, any circumstances making it necessary to perform special inspections — the specific competence required for inspection and the criteria to be applied on evaluation, and the conclusions to be drawn therefrom.

The schedule shall also indicate the effective conditions of use under which it is valid.

4. The inspection plan under paragraph 3 shall cover at least the work equipment listed in Annex IV

(1). Inspections under paragraph 1 must be carried out at least in the cases covered by Annex IV (2).

5. The Member States shall specify the criteria governing the competence required for drawing up the inspection plans under paragraph 3 and for carrying out the inspections under paragraphs 1 and 2 based on the minimum criteria given in Annex V.

6. Member States shall take measures to facilitate the implementation by enterprises, in particular small and medium-sized enterprises, of the provisions laid down in the preceding paragraphs. These measures may include training and information activities targeted at enterprises and the introduction of standard inspection programmes adapted to the specific requirements of the various sectors of the economy.

7. The results of inspections must be recorded and kept at the disposal of the authorities concerned. They must be kept for a suitable period of time.

When work equipment is used outside of the enterprise it must be accompanied by physical evidence that the last inspection has been carried out';

3. Article 8 is amended as follows:

'the Annex' is replaced by 'the Annexes';

4. Article 9 is amended as follows:

— in paragraph 1, 'the Annex' (twice) is amended to 'Annex I',

— in paragraph 2, 'the Annex' is replaced by 'the Annexes';

5. the Annex becomes Annex I.

2.6, 2.12 and 2.13 paragraph 2 are deleted.

In 2.16, 'loading and unloading' is inserted after 'production'.

At the end of the Annex 'as referred to in Article 9 (1) of the Directive' is deleted.

The text of Annex I to this Directive is added to Annex I;

6. Annexes II, III, IV and V to this Directive are added.

*Article 2***Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1996 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions they shall contain a reference to this Directive or shall be accompanied by such reference on official publication. The manner in which this reference is made shall be left to the Member States.

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

Article 3

This Directive is addressed to the Member States.

ANNEX I

3.1. *Minimum requirements for woodworking and allied machinery and presses where the conditions of use require regular manual intervention in the danger zone*

3.1.1. Where such work equipment cannot, because of its operating mode be equipped with protective devices to prevent access to danger zones entirely or to stop the movement of moving parts before access is obtained to danger zones, the hazards to workers when operating in the danger zones must be reduced to a minimum.

3.1.2. Work equipment used in conditions in which there is a risk of kickback or entrapment of the work piece must be equipped or adapted (with appropriate protective devices) in order to reduce this hazard and its effects.

3.1.3. Where an operator obliged to intervene manually on work equipment is placed at risk through residual energy in that equipment, it must be so adapted that the hazard is eliminated. If necessary, it must be possible to dissipate the accumulated energy easily without it constituting a safety hazard to workers.

3.2. *Minimum requirements for mobile work equipment, whether or not self-propelled*

3.2.1. Work equipment with ride-on workers must be fitted out such as to ensure that the workers can remain in complete safety during the journey. Places for standing passengers must be such that workers can place both feet fully on a non-slip, if necessary slatted, surface and that at all times during the journey they have a sound hold, including when they are moving around on the work equipment. The risk of inadvertent contact of the ride-on workers with wheels or tracks or of workers being crushed by wheels or tracks must be kept to a minimum.

3.2.2. Where an inadvertent blockage of the drive unit of an item of mobile work equipment might create a specific risk, such equipment must be equipped or adapted to prevent blockages or to avoid any adverse effects on workers where such blockage cannot be avoided.

3.2.3. Where drive shafts for the transmission of energy between mobile items of work equipment can become soiled or damaged by trailing on the ground, facilities must be available for fixing them.

3.2.4. Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment rollover:

— either by a protective structure to ensure that the equipment does not tilt by more than a quarter turn,

- or a structure giving sufficient clearance around the ride-on workers if the tilting movement continues beyond a quarter turn.

These protective structures may be an integral part of the work equipment. Where there is a risk of a ride-on worker being crushed between a protection structure and the ground a restraining system for the ride-on workers must be installed. These protective structures are not required when the work equipment is — except for transfer to and from the site of work — stabilized during operation or where the design makes rollover impossible.

Annex III gives a non-exhaustive list of conditions of use for some mobile work equipment requiring protection against the hazards caused by rollover.

3.2.5. Self-propelled work equipment which may, in motion, engender risks for persons must fulfil the following conditions:

- (a) the equipment must have facilities for preventing unauthorized start-up;
- (b) it must have appropriate facilities for minimizing the consequences of a collision where there is more than one item of track-mounted work equipment in motion at the same time;
- (c) there must be a device for braking and stopping work equipment. Where safety constraints so require, emergency facilities with readily accessible controls must be available for braking and stopping the equipment in the event of failure of the main facility;
- (d) there must be auxiliary devices to improve visibility if the direct field of vision of the driver is inadequate;
- (e) work equipment designed for use at night or in dark places must be equipped with lighting appropriate to the work to be carried out;
- (f) work equipment which constitutes a fire hazard, either on its own or in respect of whatever it is towing and/or carrying and which is liable to endanger workers, must be equipped with appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of use;
- (g) remote-controlled work equipment must stop automatically once it leaves the control range;
- (h) remote-controlled work equipment which may in normal conditions engender a crushing or impact hazard must have facilities to guard against this risk.

3.3. *Minimum requirements for work equipment for lifting loads*

3.3.1. When work equipment is installed permanently, the loads to be lifted and the stress induced at the mounting or fixing point must be taken into account to safeguard the equipment's strength and stability.

3.3.2. Work equipment must be clearly marked to indicate its maximum capacity.

Lifting accessories must be marked such that it is possible to identify the characteristics essential for safe use. Work equipment which is not designed for lifting persons but which might be so used in error must be appropriately and clearly marked to this effect.

3.3.3. Where loads handled by work equipment pass over or are close to travelled ways protective devices must be installed to ensure that:

- (a) workers are not struck by the load;
- (b) in the event of partial or total power supply failure or the termination of an operation, the load cannot drift dangerously or fall freely;

(c) the load cannot be released unintentionally.

3.3.4. Work equipment for lifting workers must be such as to:

- (a) prevent the risk of the lift cage falling by suitable devices;
- (b) prevent the risk of the user himself falling from the cage;
- (c) prevent the risk of the user being crushed, trapped or struck caused by the absence of an internal cabin door;
- (d) ensure that persons trapped in the cage in the event of an incident are not exposed to danger and can be freed.

If for reasons inherent to the site and to height differences, the risks referred to in point (a) cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope must be installed and checked every working day in accordance with the conditions set out in Article 4b.

3.4. *Minimum requirements for scaffolding and similar work equipment to facilitate worker access to and presence at workstations at height*

This work equipment must be such as to prevent the risk of falls and/or falling objects. To this end:

- (a) the work equipment must be able to withstand foreseeable loads during the use, particularly those resulting from materials and tools that have to be placed on the work equipment and/or used to carry out the work;
- (b) any excessive flexion and excessive oscillation or torsion movement must be precluded where equipment is being used according to instructions;
- (c) the work equipment must neither slip nor overturn nor shift nor collapse when in position for use;
- (d) erection, dismantling and any modifications required of non-permanent work equipment must be able to be carried out in safety;
- (e) work equipment must incorporate integral safety devices or ones which are readily attachable to the structure;
- (f) the work equipment must afford sufficient room for the work to be carried out and for the requisite materials and tools to be set down.

3.5. *Minimum requirements for work equipment used for detecting non-apparent risks*

Such work equipment must be such as to avoid, bearing in mind the conditions of use, any risks arising from the faulty display or interpretation of the measuring signal. Where appropriate, it must be possible to verify the operational condition of the work equipment at any time.

3.6. *Minimum requirements for bolt firing tools, captive bolt guns, nail drivers and the like*

It must not be possible to fire bolt firing tools, captive bolt guns, nail drivers and similar work equipment easily or without the application of a certain degree of force. Where it is not possible to meet this condition, the device should be rearmed for each shot.

*ANNEX II***MINIMUM REQUIREMENTS CONCERNING THE USE OF WORK EQUIPMENT REFERRED TO IN ARTICLE 4 (3)****0. Preliminary remark**

The obligations laid down in this Annex apply having regard to the provisions of the Directive and where the corresponding risk exists for the work equipment in question.

1. Minimum requirements of a general nature for all work equipment

- 1.1. Work equipment and its components must, if necessary for the health and safety of workers, be stabilized by anchoring or other means.
- 1.2. Work equipment must be installed and located such that there is sufficient space between moving parts and fixed or moving parts in their environment and such that all forms of energy and substances used or produced can be supplied and/or removed in a safe manner.
- 1.3. Work equipment must be erected or dismantled under safe conditions, observing any instructions which may have been furnished by the manufacturer.
- 1.4. Work equipment installed or erected in the open must be protected against lightning strike by lightning conductor equipment or other suitable means.
- 1.5. In respect of the installation and use of electrically operated work equipment, care must be taken that the electrical components, including connecting leads, are protected against harmful external influences. Conductors must be properly insulated. All electrical work equipment and systems must be earthed or protected by other suitable means of precluding any risk of accident due to direct or indirect contact.
- 1.6. Where work equipment is installed, erected or used below or in the vicinity of overhead electrical power lines, appropriate measures must be taken to avoid any contact of workers and/or their work equipment with the lines or electrification of workers.
- 1.7. Work equipment which is taken out of service must be fitted with guards and protective and safety devices as prescribed. Otherwise, the equipment must be dismantled or rendered inaccessible or unusable by removing and taking away essential operating parts.
- 1.8. Work equipment may not be used for operations or in conditions for which it is inappropriate.

Whenever necessary from the point of view of health and safety of workers, work equipment must be used with the safety devices and accessories prescribed for the various types of use.
- 1.9. Before modifying work equipment or its conditions for use to an extent exceeding that envisaged by the manufacturer, the measures set out in Article 6 of Directive 89/391/EEC must be taken.
- 1.10. If work equipment has to be combined, its mutual compatibility must be assured and use must be limited as indicated by the manufacturers and/or having regard to any supplementary restrictions.
- 1.11. No work may be carried out on electrical equipment or installations unless precautions have been taken to safeguard the safety of every worker involved or liable to be involved in the work.

- 1.12. Dead work shall not begin on electrical installations until, where necessary to prevent electrical danger, the following measures have been taken:
- the electrical installation or equipment to be worked on has been positively identified, and
 - the electrical installation or equipment has been disconnected from all sources of electrical energy, and
 - measures to prevent reconnection to any source of electrical energy have been taken, and
 - the absence of voltage on the electrical installation or equipment has been verified by the use of suitable means, and
 - the electrical installation or equipment has been earthed and short-circuited where necessary by suitable means, and
 - measures have been provided or measures taken to prevent persons approaching and/or contacting any live parts which present an electrical danger in the vicinity of the work activity.
- 1.13. Live work shall not begin on an electrical installation without ensuring that:
- it is unreasonable for the electrical installation to be dead, and
 - it is reasonable for the work to be carried out on the electrical installation while it is live, and
 - suitable precautions, including where necessary the provision of suitable electrical safety equipment, are taken to prevent injury.
- 1.14. If one or more workers have to have access to parts work equipment where there is a risk arising from oxygen deficiency, temperature, gas dusts, liquids, vapours or other substances, an emergency intervention and rescue procedure must be drawn up. Access for workers must be rendered safe, by means of prior ventilation or emptying or by some other suitable means; a check must be carried out to ensure that the required result has been obtained. Protection measures must be maintained during the intervention period. At least one person with whom there is reliable communication must remain present outside the work equipment during the intervention to ensure that the worker or workers can be rescued if necessary. The necessary rescue equipment must be available *in situ*.
- 1.15. Where work equipment contains flowing or aspirated materials, workers must, by appropriate means, be kept at a sufficient distance to ensure that they are not buried or sucked in.
- 1.16. Mobile or portable work equipment equipped with tools or accessories which cannot be entirely protected may be used only if no worker other than the operator is in the danger zone of these tools or accessories.
- 1.17. Mechanically operated work equipment, including all moving parts which are potential hazards, must be shut down for the purposes of repairing breakdowns, unblocking jammed moving parts and carrying out adjustment, servicing, cleaning or maintenance work.
- Where there is no alternative to carrying out work on moving parts, other measures must be taken to ensure that work can be conducted in safety, also when attempts are being made to resume operations.
- 1.18. Workers must be equipped with suitable tools for removing in safety foreign objects or pieces of material from the vicinity of moving parts, otherwise these parts must be shut down.
- 1.19. Work equipment inspection records must be kept up to date.

- 1.20. In respect of changes being made to a programme of reprogrammable control systems, steps must be taken to ensure that safety functions are preserved, adjusted or supplemented. Any changes must be documented.

2. Minimum specific requirements for the use of mobile work equipment, whether or not self-propelled

- 2.1. Self-propelled work equipment shall only be driven by workers who have been specially trained in the safe driving of such equipment. Workers undergoing driving training must be under constant supervision.
- 2.2. If several pieces of equipment are moving around in the same area, traffic rules must be drawn up and respected.
- 2.3. Organizational measures must be taken to prevent workers on foot coming within the vicinity of self-propelled work equipment operating in restricted areas. If work can be done properly only if workers on foot are present, appropriate measures must be taken to prevent them from being run over.
- 2.4. The transport of workers on mechanically driven mobile work equipment is authorized only where safe facilities are provided to this effect. If work must be carried out during the journey, speeds must be adjusted as necessary.
- 2.5. Mobile work equipment with a combustion engine may not be used in enclosed spaces or galleries unless sufficient quantities of clean air can be guaranteed.
- 2.6. Remote-controlled work equipment must be operated such that it is at all times within the operator's field of vision or field of control.
- 2.7. Mobile work equipment may not be loaded such that workers are placed at risk during transport. In particular, free masses of loaded material may not set up dynamic forces liable to compromise the stability of the equipment.
- 2.8. When energy transmission units between mobile work equipment have been disconnected they must be fixed so as not to drag on the ground.
- 2.9. In connection with the use of mobile work equipment which, by design, projects objects or materials, appropriate measures must be taken to ensure that no worker is in the projection zone.

3. Minimum requirements for the use of work equipment for lifting loads

3.1. *Minimum requirements for the use of work equipment for lifting guided or non-guided loads*

- 3.1.1. Mobile or movable work equipment designed for lifting loads may be used only on a base which is sufficiently resistant to ensure the stability of the work equipment during use.
- 3.1.2. Persons may be lifted only by means of work equipment and accessories provided for this purpose. Exceptionally, and judging each case on its merits, the competent authorities may authorize work equipment which is not specifically designed for the purpose of lifting persons to be used to this effect, provided that specially designed accessories are used.

When persons are being lifted the control position must be manned at all times. Persons being lifted must have reliable means of communication. In the event of danger, there must be reliable means of evacuating them.

- 3.1.3. Workers may not be present under suspended loads. Loads may not be moved above unprotected workplaces occupied by workers.

However, if work cannot be carried out properly any other way, appropriate procedures must be laid down and applied.

- 3.1.4. Lifting accessories must be selected as a function of the loads to be handled, gripping points, attachment tackle, atmospheric conditions and the mode and configuration of slinging. Lifting accessory tackle must be clearly marked so that users are aware of its characteristics where such tackle is not dismantled after use.

- 3.1.5. Lifting accessories must be stored away from harmful atmospheric conditions and rodents.

3.2. *Minimum requirements for the use of work equipment for lifting non-guided loads*

- 3.2.1. When two or more items of work equipment used for lifting non-guided loads are installed or erected on a site such as their working radii overlap, appropriate measures must be taken to avoid collision between the loads and/or the work equipment parts themselves.

- 3.2.2. When using mobile work equipment for lifting non-guided loads, measures must be taken to prevent the equipment from tilting, overturning or, if necessary, moving or slipping. Checks are to be made to ensure that these measures are executed properly.

- 3.2.3. If the operator of work equipment designed for lifting non-guided loads cannot observe the full path of the load either directly or by way of auxiliary equipment providing the necessary information, a competent person must be in communication with the operator to guide him and organizational measures must be taken to prevent collisions of the load which could endanger workers.

- 3.2.4. While a worker is attaching or detaching a load by hand, operation of the work equipment must be under his authority.

- 3.2.5. If a load has to be lifted by two or more items of work equipment for lifting non-guided loads simultaneously, a procedure must be established and applied to avoid any risk resulting from poor coordination on the part of the operators. These operations may only be carried out in the presence of a responsible person other than the operators of the work equipment concerned.

- 3.2.6. If work equipment designed for lifting non-guided loads cannot maintain its hold on the load in the event of a complete or partial power failure, appropriate measures must be taken to avoid exposing workers to any resultant risks.

Suspended loads must not be left without surveillance unless arrangements have been made to prevent access to the danger zone.

- 3.2.7. Work equipment designed for lifting non-guided loads, including the gripping devices, accessories and support structure, must be kept under surveillance during work so as to detect any defects. Should any such defects jeopardizing the safety of operation be detected, work must be stopped immediately and necessary steps taken to ensure that the equipment no longer constitutes a hazard.

- 3.2.8. Use in the open of work equipment must be halted when the meteorological conditions deteriorate to the point of jeopardizing the safe use of the equipment and exposing workers to risks. Additional protection measures to avoid work equipment turnover must be taken to avoid any risks to workers.

4. **Specific minimum requirements for the use of other specific work equipment**

- 4.1. Work equipment designed to contain and distribute liquids, vapours or gases under pressure or liquified must be used such as to avoid exceeding permissible service temperatures and pressures

and, where appropriate, the levels of the liquid phase. Any attachments must be protected against the risk of mechanical, chemical or biological damage.

- 4.2. Pressure vessels subject to high temperature heat exchange and/or exposed to flames must be used under constant surveillance unless they are self-regulated or incorporate fail-safe facilities.
- 4.3. When filling pressurized systems, operators must have appropriate means for overseeing and respecting the filling conditions.
- 4.4. Pressurized systems which previously contained flammable, corrosive or toxic substances must be depressurized and vented before being taken out of service permanently, without causing any risk to workers.
- 4.5. The relevant characteristics of materials on which it is intended to use a bolt firing tool or similar work equipment must be identified prior to use. If firing is liable to jeopardize other workers, additional precautions must be taken.

ANNEX III

NON-EXHAUSTIVE LIST — COVERED IN ANNEX I, 3.2.4, LAST PARAGRAPH — OF THE CONDITIONS OF USE FOR WHICH CERTAIN MOBILE WORK EQUIPMENT MUST BE PROTECTED AGAINST THE HAZARDS CAUSED BY ROLLOVER

Work equipment with a power rating of over 15 kW	Conditions of use
Trawler loaders or wheel loaders Back hoe loaders Trawler tractors or wheel tractors Scrapers (self-loading or not) Graders Articulated steer dumpers	Work involving movement in the vicinity of height differences of more than 1 m, including trenches and ditches of a width exceeding 0,50 m and slopes steeper than 25 %
Self-propelled industrial trucks	All conditions
Agricultural, forestry and viticultural tractors	All conditions

ANNEX IV

NON-EXHAUSTIVE LIST OF WORK EQUIPMENT TO BE INCLUDED IN THE INSPECTION SCHEDULE REFERRED TO IN ARTICLE 4b (4)

1. (a) Hyperbaric and hypobaric chambers, including their accessories, which are used as an enclosure for workers.
- (b) Mobile work equipment with a maximum speed of over 15 km/h.
- (c) Work equipment, and its accessories, for lifting loads of more than 300 kg and/or for lifting workers where there is a risk of falling from a height of more than 3 m.
- (d) Cable haulage installations designed to be erected at various sites.
- (e) Installations for storing and filling flammable liquids.

- (f) Pressurized work equipment in one of the categories subject pursuant to Directive . . . / . . . /EC (1) to certification procedures requiring intervention by third parties or comparable organizations.
 - (g) Safety components and non-material barriers.
2. Correct installation and stability of lifting gear which can be dismantled, work equipment for facilitating access to and the presence of persons at workstations at a height and hyperbaric and hypobaric chambers within the meaning of point 1 (a) must be examined each time they have been erected on a new site and before they are taken into service. Hyperbaric and hypobaric chambers must also undergo inspection for leakage.

(1) COM(93) 319 final — SYN 462 (OJ No C 246, 9. 9. 1993, p. 1).

ANNEX V

MINIMUM COMPETENCE CRITERIA WITHIN THE MEANING OF ARTICLE 4b (5)

1. Competent persons must be either natural or legal persons, whether belonging to the enterprise or not.

The competent person must have in his possession the full range of knowledge and experience necessary to handle all the aspects concerning the safety of a piece of work equipment or a work equipment system. Depending on the nature and complexity of the work equipment concerned, the expertise of more than one person might be necessary.

The same competent person may be involved at different stages of the inspection procedure, an independent competent person must be called in whenever the requisite expertise is not available within the enterprise itself.

2. A person competent to draw up plans for the inspection of work equipment must have an overall understanding enabling him to assess the influence of different conditions of use on the safety condition of the work equipment under consideration. To this end he must:
- (a) possess the necessary professional qualifications based on theoretical and practical knowledge and experience commensurate with the type of equipment where appropriate, including the operation of systems of work equipment;
 - (b) have knowledge of the applicable laws;
 - (c) have knowledge of the various forms of inspection so that he can give precise indications as to their application and the interpretation of the results including any requisite measures;
 - (d) be sufficiently independent of other interests, particularly those of the person responsible for equipment operation.
3. The person competent to carry out the inspections must:
- (a) have the necessary professional qualifications based on theoretical and practical knowledge and experience commensurate with the equipment under consideration;
 - (b) have appropriate knowledge of the applicable laws;
 - (c) have knowledge and sufficient practical experience of the inspections to be carried out, and of evaluation of the results;
 - (d) be able to draw up test certificates and/or reports;
 - (e) be sufficiently independent of other interests particularly those of the person responsible for equipment operation as regards the conduct and evaluation of the inspection.
-