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## Information and Notices

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## I

*(Information)*

## COMMISSION

Ecu (<sup>1</sup>)

6 July 1989

(89/C 172/01)

Currency amount for one ecu:

Belgian and Luxembourg franc con.	43,3602	Spanish peseta	130,700
Belgian and Luxembourg franc fin.	43,4012	Portuguese escudo	173,496
German mark	2,07132	United States dollar	1,09565
Dutch guilder	2,33482	Swiss franc	1,77823
Pound sterling	0,676533	Swedish krona	7,07677
Danish krone	8,05135	Norwegian krone	7,60487
French franc	7,02418	Canadian dollar	1,30513
Italian lira	1500,49	Austrian schilling	14,5808
Irish pound	0,775623	Finnish markka	4,67840
Greek drachma	178,820	Japanese yen	152,404
		Australian dollar	1,42755
		New Zealand dollar	1,89231

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789,
- give their own telex code,
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

(<sup>1</sup>) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

**Notice of initiation of an anti-dumping proceeding pursuant to Article 13 (10) of Council Regulation (EEC) No 2423/88 concerning video cassette recorders assembled in the Community**

(89/C 172/02)

The Commission has received a complaint alleging that Orion Electric (UK) Ltd is importing parts of video cassette recorders (VCRs) originating in Japan into the Community and subsequently assembling them under conditions referred to in Article 13 (10) of Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped and subsidized imports from countries not members of the European Community<sup>(1)</sup>.

#### **Complainant**

The complaint was lodged by the European Association of Consumer Electronic Manufacturers (EACEM) representing a major proportion of Community production of VCRs.

#### **Product**

The products concerned are video cassette recorders falling within CN codes ex 8521 10 39 and ex 8528 10 11.

#### **Conditions of Article 13 (10)**

Pursuant to Council Regulation (EEC) No 501/89<sup>(2)</sup> a definitive anti-dumping duty was imposed on imports of VCRs originating in Japan and in South Korea. The complaint alleges that the exporter Orion Electric Co. Ltd, Japan, whose exports of VCRs are subject to a definitive duty of 13 %, is fulfilling the conditions of Article 13 (10).

It is, in particular, alleged that this exporter has established in the Community a related or associated company which assembles like products, namely VCRs from parts originating in Japan, that the assembly operations were started or have substantially increased after the opening of the anti-dumping investigation of imports of VCRs and that the value of the parts used for the assembly operations and originating in Japan exceeds the value of the other parts by more than 50 %.

#### **Procedure**

Having decided, after consultation, that there is sufficient evidence to justify the initiation of a proceeding, the Commission has commenced an investigation in accordance with Articles 7 and 13 (10) of Regulation (EEC) No 2423/88.

Interested parties may make known their views in writing and may provide additional evidence. Exporters and importers known to be concerned may reply to the questionnaire where addressed to them and may provide supporting evidence. Furthermore the Commission will hear interested parties who so request when making their views known, provided that they can show that they are likely to be affected by the result of the proceeding and that there are particular reasons why they should be heard orally.

This notice is published in accordance with Article 7 (1) of the abovementioned Regulation.

#### **Time limit**

Any information, any arguments relating to the matter, and any request for a hearing, should be sent in writing to reach the Commission of the European Communities, Directorate General for External Relations (Division I-C-1), 200 rue de la Loi, B-1049 Brussels<sup>(3)</sup> not later than 20 days following the publication of this notice or the date on which the letter accompanying the abovementioned questionnaire was received, whichever date is the later. The receipt of this letter is deemed to occur seven days following the date of its dispatch.

If the required information and argumentation is not received in adequate form within the time limit specified above, the Community authorities may make findings on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 57, 28. 2. 1989, p. 55.

<sup>(3)</sup> Telex: COMEU B 21877; telefax: 0032 2 235 6505.

## II

*(Preparatory Acts)*

## COMMISSION

**Re-examined proposal for a Council Directive with a view to the introduction of measures to encourage improvements in the safety and health of workers at work <sup>(1)</sup>**

*COM(89) 281 final — SYN 123*

*(Submitted by the Commission pursuant to Article 149 (2) (d) of the EEC Treaty on 12 June 1989)*

*(89/C 172/03)*

<sup>(1)</sup> OJ No C 30, 6. 2. 1989, p. 19.

FRAMEWORK DIRECTIVE COMMON POSITION ADOPTED BY THE  
COUNCIL

REVISED COMMISSION PROPOSAL  
FOLLOWING THE AMENDMENTS ADOPTED BY  
THE EUROPEAN PARLIAMENT AT THE  
SECOND READING ON 24 MAY 1989

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Unchanged

Having regard to the proposal from the Commission, drawn up after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

Unchanged

In cooperation with the European Parliament,

Unchanged

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

Unchanged

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;

Unchanged

Whereas this Directive does not justify any reduction in levels of protection already achieved in individual Member States, the Member States being committed, under the Treaty, to encouraging improvements in conditions in this area and to harmonizing conditions while maintaining the improvements made;

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

Whereas it is known that workers can be exposed to the effects of dangerous environmental factors at the workplace during the course of their working life;	Unchanged
Whereas, pursuant to Article 118a of the Treaty, such directives must avoid imposing administrative, financial and legal constraints which would hold back the creations and development of small and medium-sized undertakings;	Unchanged
Whereas the communication from the Commission on its programme concerning safety, hygiene and health at work provides for the adoption of directives designed to guarantee the safety and health of workers;	Unchanged
Whereas the Council, in its resolution of 21 December 1987, on safety, hygiene and health at work, took note of the Commission's intention to submit to the Council in the near future a directive on the organization of the safety and health of workers at the workplace;	Unchanged
Whereas in February 1988, the European Parliament adopted four resolutions following the debate on the internal market and worker protection; whereas these resolutions specifically invited the Commission to draw up a framework directive to serve as a basis for more specific directives covering all the risks connected with safety and health at the workplace;	Unchanged
Whereas Member States have a responsibility to encourage improvements in the safety and health of workers on their territory; whereas taking measures to protect the health and safety of workers at work also helps, in certain cases, to preserve the health and possibly the safety of persons residing with them;	Unchanged
Whereas Member States' legislative systems covering safety and health at the workplace differ widely and need to be improved; whereas national provisions on the subject, which often include technical specifications and/or self-regulatory standards, may result in different levels of safety and health protection and allow competition at the expense of safety and health;	Unchanged
Whereas the incidence of accidents at work and occupational diseases is still too high; whereas preventive measures must be introduced or improved without delay in order to safeguard the safety and health of workers and ensure a higher degree of protection;	Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

Whereas, in order to ensure an improved degree of protection, workers and/or their representatives must be informed of the risks to their safety and health and of the measures required to reduce or eliminate these risks; whereas they must also be in a position to contribute, by means of balanced participation in accordance with national laws and/or practices, to seeing that the necessary protective measures are taken;

Unchanged

Whereas information, dialogue and balanced participation on safety and health at work must be developed between employers and workers and/or their representatives by means of appropriate procedures and instruments, in accordance with national laws and/or practices;

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

Unchanged

Whereas employers shall be obliged to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, account being taken of the inherent dangers in their undertaking, and to inform accordingly the workers' representatives exercising participation rights under this Directive, so as to be able to guarantee a better level of protection of workers' health and safety;

Unchanged

Whereas the provisions of this Directive apply, without prejudice to more stringent present or future Community provisions, to all risks, and in particular to those arising from the use at work of chemical, physical and biological agents covered by Directive 80/1107/EEC, as last amended by Directive 88/642/EEC;

Unchanged

Whereas, pursuant to Decision 74/325/EEC, the Advisory Committee on Safety, Hygiene and Health Protection at Work is consulted by the Commission on the drafting of proposals in this field;

Unchanged

Whereas a committee composed of members nominated by the Member States needs to be set up to assist the Commission in making the technical adaptations to the individual directives provided for in this Directive,

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

HAS ADOPTED THIS DIRECTIVE:

HAS ADOPTED THIS DIRECTIVE:

## SECTION I

## SECTION I

## General provisions

## General provisions

*Article 1**Article 1***Object****Object**

1. The object of this Directive is to introduce measures to encourage improvements in the safety and health of workers at work.

Unchanged

2. To that end it contains general principles concerning the prevention of occupational risks, the protection of safety and health, the elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with national laws and/or practices and training of workers and their representatives, as well as general guidelines for the implementation of the said principles.

Unchanged

3. This Directive shall be without prejudice to existing or future national and Community provisions which are more favourable to protection of the safety and health of workers at work.

Unchanged

*Article 2**Article 2***Scope****Scope**

1. This Directive shall apply to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).

Unchanged

2. This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

Unchanged

In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directives.

*Article 3**Article 3***Definitions****Definitions**

For the purposes of this Directive, the following terms shall have the following meanings:

Unchanged

(a) *worker*: any person employed by an employer, including trainees and apprentices but excluding domestic servants;

Unchanged

(b) *employer*: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/or establishment;

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

(c) *workers' representative with specific responsibility for the safety and health of workers*: any person elected, chosen or designated in accordance with national laws and/or practices to represent workers where problems arise relating to the safety and health protection of workers at work.

Unchanged

(d) *prevention*: all the provisions or measures taken or provided for at each stage of the activities performed within the undertaking with a view to avoiding or reducing the occupational risks.

(e) *occupational risk*: any work-related situation liable to damage the physical or psychological safety and/or health of the worker, excluding accidents on the way to and from work.

*Article 4**Article 4*

1. Member States shall take the necessary steps to ensure that employers, workers and workers' representatives are subject to the legal provisions necessary for the implementation of this Directive.

Unchanged

2. In particular, Member States shall ensure adequate controls and supervision.

Unchanged

## SECTION II

## SECTION II

## EMPLOYERS' OBLIGATIONS

## EMPLOYERS' OBLIGATIONS

*Article 5**Article 5***General provision****General provision**

1. The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

Unchanged

2. Where, pursuant to Article 7 (3), an employer enlists competent external services or persons, this shall not discharge him from his responsibilities in this area.

Unchanged

3. The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.

Unchanged



## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

4. This Directive shall not restrict the possibility of Member States to provide for the exclusion or the limitation of employers' responsibility where facts are due to circumstances unknown to them, exceptional and unforeseeable, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.

Member States need not exercise the right referred to in the first subparagraph.

*Article 6***General obligations on employers**

1. Within the context of his responsibilities, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means.

The employer shall be alert to the need to adjust these measures to take account of changing circumstances and the aim to improve existing situations.

2. The employer shall implement the measures referred to in the first subparagraph of paragraph 1 on the basis of the following general principles of prevention:

- (a) avoiding risks;
- (b) evaluating the risks which cannot be avoided;
- (c) combating the risks at source;
- (d) adapting the work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate;
- (e) adapting to technical progress;
- (f) replacing the dangerous by the non-dangerous or the less dangerous;
- (g) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment;

Unchanged

*Article 6***General obligations on employers**

Unchanged

First part unchanged

(d) adapting the work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate, thus reducing the effects on health;

Unchanged

Unchanged

Unchanged

COMMON POSITION ADOPTED BY THE COUNCIL	REVISED COMMISSION PROPOSAL
(h) giving collective protective measures priority over individual protective measures;	Unchanged
(i) giving appropriate instructions to the workers.	Unchanged
3. Without prejudice to the other provisions of this Directive, the employer shall, taking into account the nature of the activities of the enterprise and/or establishment:	Unchanged
(a) evaluate the risks to the safety and health of workers, <i>inter alia</i> in the choice of work equipment, the chemical substances or preparations used, and the fitting out of workplaces.	Unchanged
Subsequent to this evaluation and as necessary, the preventive measures and the working and production methods implemented by the employer must:	
— assure an improvement in the level of protection afforded to workers with regard to safety and health,	
— be integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels;	
(b) where he entrusts tasks to a worker, take into consideration the worker's capabilities as regards health and safety;	(b) where he entrusts tasks to a worker, take into account the capabilities and, where appropriate, the handicaps of the worker concerned as regards health and safety;
(c) ensure that the planning and introduction of new technologies are the subject of consultation with the workers and/or their representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers;	Unchanged
(d) take appropriate steps to ensure that only workers who have received adequate instructions may have access to areas where there is serious and specific danger.	Unchanged
4. Without prejudice to the other provisions of this Directive, where several undertakings share a workplace, the employers shall cooperate in implementing the safety, health and occupational hygiene provisions and, taking into account the nature of the activities, shall coordinate their actions in matters of the protection and prevention of occupational risks, and shall inform one another and their respective workers and/or workers' representatives of these risks.	Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

5. Measures related to safety, hygiene and health at work may in no circumstances involve the workers in financial cost.

Unchanged

*Article 7***Protective and preventive services**

1. Without prejudice to the obligations referred to in Articles 5 and 6, the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.

2. Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks.

Designated workers shall be allowed adequate time and the necessary means to enable them to fulfil their obligations arising from this Directive.

3. If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist competent external services or persons.

4. Where the employer enlists such services or persons, he shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers and they must have access to the information referred to in Article 10 (2).

5. In all cases, the workers designated from within the undertaking and/or the external services or persons consulted must have the necessary capabilities and the necessary means and be sufficient in number to deal with the organization of protective and preventive measures, taking into account the size of the undertaking and/or establishment and/or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/or establishment.

6. The protection from, and prevention of, the health and safety risks which form the subject of this Article shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/or establishment.

*Article 7***Protective and preventive services**

1. Without prejudice to the obligations referred to in Articles 5 and 6, the employer shall designate with the balanced participation of the workers and/or their representatives, in accordance with national legislation and/or practices, one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.

2. Designated workers may not be placed at any disadvantage whatsoever, also as regards their career in the enterprise, because of their activities related to protection and/or the prevention of occupational risks.

Designated workers shall be allowed adequate time and the necessary means to enable them to fulfil their obligations arising from this Directive.

3. If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist competent external services or persons after consulting the workers, as referred to in paragraph 1.

Unchanged

5. In all cases the workers designated from within the undertaking must have the necessary capabilities and the external services or persons consulted must have the necessary skills, staff and occupational resources and be sufficient in number to deal with the organization of protective and preventive measures, taking into account the size of the undertaking and/or establishment, the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/or establishment.

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

The worker(s) and/or agency(ies) must work together whenever necessary.

7. Member States may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility for the measures referred to in paragraph 1.

Unchanged

8. Member States shall define the necessary capabilities referred to in paragraph 5.

Unchanged

They may determine the sufficient number referred to in paragraph 5.

*Article 8***First-aid, fire-fighting and evacuation of workers, serious and imminent danger***Article 8***First-aid, fire fighting and evacuation of workers, serious and imminent danger**

1. The employer shall:

Unchanged

— take the necessary measures for first-aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/or establishment and taking into account other persons present,

— arrange any necessary contacts with external services, particularly as regards first-aid, emergency medical care, rescue work and fire-fighting.

2. Pursuant to paragraph 1, the employer shall, *inter alia* for first-aid, fire-fighting and the evacuation of workers, designate the workers required to implement such measures.

Unchanged

The number of such workers, their training and the equipment available to them shall be adequate, taking account of the size and/or specific hazards of the undertaking and/or establishment.

3. The employer shall:

Unchanged

(a) as soon as possible, inform all workers who are, or may be, exposed to serious and imminent danger of the risk involved and of the steps taken or to be taken as regards protection;

(b) take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/or immediately to leave the workplace and proceed to a place of safety;

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

(c) save in exceptional cases for reasons duly substantiated, refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.

4. Workers who, in the event of serious, imminent and unavoidable danger, leave their workstation and/or a dangerous area may not be placed at any disadvantage because of their action and must be protected against any harmful and unjustified consequences, in accordance with national laws and/or practices.

Unchanged

5. The employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and/or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps, in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger.

Unchanged

Their actions shall not place them at any disadvantage, unless they acted carelessly or there was negligence on their part.

*Article 9***Various obligations on employers**

1. The employer shall:
  - (a) be in possession of an assessment of the risks to safety and health at work;
  - (b) decide on the protective measures to be taken and, if necessary, the protective equipment to be used;
  - (c) keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days;
  - (d) draw up, for the responsible authorities and in accordance with national laws and/or practices reports on occupational accidents suffered by his workers.
2. Member States shall define, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings in respect of the drawing-up of the documents provided for in paragraph 1 (a) and (b) and when preparing the documents provided for in paragraph 1 (c) and (d).

*Article 9***Various obligations on employers**

1. The employer shall:
  - (a) be in possession of an assessment of the risks to safety and health at work and of the situation of groups of workers who are exposed to particular risks;
- Unchanged
- (c) draw up a list of accidents which resulted in a worker being unfit for work for more than three working days, and a list of occupational illnesses contracted;
- (d) draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents and occupational illnesses suffered by his workers.

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

*Article 10***Information of workers**

1. The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive, in accordance with national laws and/or practices which may take account *inter alia* of the size of the undertaking and/or establishment, adequate information concerning:

- (a) the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job;
- (b) the measures taken pursuant to Article 8 (2).

2. The employer shall take appropriate measures so that employers of workers from any outside undertakings and/or establishments engaged in work in his undertaking and/or establishment receive, in accordance with national laws and/or practices, adequate information concerning the points referred to in paragraph 1 (a) and (b) which is to be provided to the workers in question.

3. The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access, in accordance with national laws and/or practices, to:

- (a) the risk assessment and protective measures referred to in Article 9 (1) (a) and (b);
- (b) the list and reports referred to in Article 9 (1) (c) and (d);
- (c) the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.

*Article 11***Consultation and participation of workers**

1. Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.

*Article 10***Information of workers**

1. The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive, in accordance with national laws and/or practices which may take account *inter alia* of the size of the undertaking and/or establishment all necessary information concerning:

Unchanged

Unchanged

- (c) such information shall also be provided in a suitable form to temporary workers and hired workers present in the establishment or enterprise.

Unchanged

3. The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access, in order to perform their duties and in accordance with national laws and/or practices, to:

Unchanged

Unchanged

Unchanged

*Article 11***Consultation and participation of workers**

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

This presupposes:

- the consultation of workers,
- the right of workers and/or their representatives to make proposals,
- balanced participation in accordance with national laws and/or practices.

2. Workers with a specific function in protecting the safety and health of workers or workers' representatives with specific responsibility for the safety and health of workers shall, provided the number of such representatives is sufficient in accordance with national laws and/or practices, be consulted in advance by the employer with regard to:

- (a) any measure which may substantially affect safety and health;
- (b) the designation of workers referred to in Article 7 (1) and Article 8 (2) and the activities referred to in Article 7 (1);
- (c) the information referred to in Article 9 (1) and Article 10;
- (d) the enlistment, where appropriate, of the competent services or persons outside the undertaking and/or establishment, as referred to in Article 7 (3);
- (e) the planning and organization of the training referred to in Article 12.

3. The workers and workers' representatives referred to in the introductory part of paragraph 2 may not be placed at any disadvantage because of their specific responsibility for the safety and health of workers.

4. Employers must allow workers' representatives with specific responsibility for the safety and health of workers adequate time off work, without loss of pay, and provide them with the necessary means to enable such representatives to exercise their rights and functions deriving from this Directive.

2. Workers with specific functions in protecting the safety and health of workers or workers' representatives with specific responsibility for the safety and health of workers shall participate in a balanced way, in accordance with national laws and/or practices, or be consulted in advance and in due time by the employer with regard to:

- Unchanged
- (b) the designation of workers referred to in Article 8 (2) and the activities referred to in Article 7 (1);

Unchanged

**Deleted**

Unchanged (becomes (d))

3. Workers with specific functions for the protection of the safety and health of workers at work, and workers' representatives, may call on the employer to take appropriate measures and submit to him relevant proposals by means of which all risks to workers may be reduced and/or sources of danger eliminated.

Unchanged (becomes paragraph 4)

Unchanged (becomes paragraph 5)

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

5. Workers and/or their representatives are entitled to appeal, in accordance with national law and/or practice, to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work.

Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority.

*Article 12***Training of workers**

1. The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job:

- on recruitment,
- in the event of a transfer or a change of job,
- in the event of the introduction of new working equipment or a change in equipment,
- in the event of the introduction of any new technology.

The training shall be:

- adopted to take account of new or changed risks, and
- repeated periodically if necessary.

2. The employer shall ensure that workers from outside undertakings and/or establishments engaged in work in his undertaking and/or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and/or establishment.

3. Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training.

4. The training referred to in paragraphs 1 and 3 may not be at the workers' expense or at that of the workers' representatives.

The training referred to in paragraph 1 must take place during working hours.

The training referred to in paragraph 3 must take place during working hours or in accordance with national practice.

Unchanged (becomes paragraph 6)

Workers' representatives and the workers designated in accordance with Article 7 (1) must be invited to — and be able to submit their observations at — inspection visits by the competent authorities.

*Article 12***Training of workers**

Unchanged

Unchanged

Unchanged

First part unchanged

The training referred to in paragraph 3 must take place during working hours or in accordance with national practices, either inside or outside the enterprise and/or establishment.



## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

## SECTION III

## SECTION III

## WORKERS' OBLIGATIONS

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*Article 13**Article 13*

1. It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.

Unchanged

2. To this end, workers must, in particular, in accordance with their training and the instructions given by their employer:

Unchanged

(a) make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production;

(b) make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place;

(c) refrain from disconnecting, changing or removing arbitrarily safety devices fitted e.g. to machinery, apparatus, tools, plant and buildings, and use such safety devices correctly;

(d) immediately inform the employer and/or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements;

(e) cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out;

(f) cooperate, in accordance with national practice, with the employer and/or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

## SECTION IV

## SECTION IV

## MISCELLANEOUS PROVISIONS

## MISCELLANEOUS PROVISIONS

*Article 14**Article 14***Health surveillance****Health surveillance**

1. To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices.

Unchanged

2. The measures referred to in paragraph 1 shall be such that each worker, if he so wishes, may receive health checks at regular intervals.

Unchanged

3. Health surveillance may be provided as part of a national health system.

Unchanged

*Article 15**Article 15***Risk groups****Risk groups**

Particularly sensitive risk groups must be protected against the dangers which specifically affect them.

Unchanged

*Article 16**Article 16*

**Individual Directives  
Amendments  
General scope of this Directive**

**Individual Directives  
Amendments  
General scope of this Directive**

1. The Council, acting on a proposal from the Commission based on Article 118a of the Treaty, shall adopt individual directives *inter alia* in the areas listed in the Annex.

Unchanged

2. This Directive and, without prejudice to the procedure referred to in Article 17 concerning technical adjustments, the individual directives, may be amended in accordance with the procedure provided for in Article 118a of the Treaty.

Unchanged

3. The provisions of this Directive shall apply in full to all the areas covered by the individual directives, without prejudice to more stringent and/or specific provisions contained in these individual directives.

Unchanged

*Article 17**Article 17***Committee****Committee**

1. For the purely technical adjustments to the individual directives provided for in Article 16 (1) to take account of:

Unchanged

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

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

the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken.

Unchanged

The committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter.

The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

Unchanged

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of the referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 18*

**Final provisions**

*Article 18*

**Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1992.

Unchanged

They shall forthwith inform the Commission thereof.

## COMMON POSITION ADOPTED BY THE COUNCIL

## REVISED COMMISSION PROPOSAL

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 covered by this Directive.

Unchanged

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.

3. Member States shall report to the Commission every three years on the application of the provisions of this Directive, having regard to the point of view of employers and workers.

The Commission shall inform the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

Unchanged

4. The Commission shall submit periodically to the European Parliament, the Council and the Economic and Social Committee a report on the implementation of this Directive, taking into account paragraphs 1 to 3.

Unchanged

*Article 19*

This Directive is addressed to the Member States.

*Article 19*

Unchanged

*ANNEX**ANNEX*

Unchanged

## CORRIGENDA

**Corrigendum to Council resolution of 19 June 1989 on the implementation of a plan of priority actions in the field of statistical information: Statistical programme of the European Communities (1989 to 1992)**

*(Official Journal of the European Communities No C 161 of 28 June 1989)*

(89/C 172/04)

Page 2:

— right-hand column, first paragraph

*for:* 'Decision 89/.../EEC',

*read:* 'Decision 89/382/EEC, Euratom (\*)',

— add the following footnote:

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'(\*) OJ No L 181, 28. 6. 1989, p. 47'.

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