

Proposal for a Council Directive 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)

(1999/C 247 E/03)

(Text with EEA relevance)

COM(1998) 678 final — 98/0327(SYN)

(Submitted by the Commission on 27 November 1998)

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⁽¹⁾, 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,

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

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 ensure 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 undertakings;

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;

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;

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;

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;

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;

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;

Whereas this Directive is a practical contribution towards creating the social dimension of the internal market,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

Final Provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... (three 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 is addressed to the Member States.

⁽¹⁾ OJ L 393, 30.12.1989, p. 13, amended by Directive 95/63/EC, OJ L 335, 30.12.1995, p. 28.

ANNEX

- 3.2.8. Work involving a risk of falls from non-guided load lifting equipment 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. Generalities

- 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 ensure an adequate 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.

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.

- 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 short duration of use and low level of risk.

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

- 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;
- the tools and other accessories shall be secured to the workers' harness;
- work shall be carried out by at least two workers;
- the workers concerned shall have received training specific to the operations envisaged, including rescue procedures.

- 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 protection 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. They may be interrupted only at points of ladder or stairway access.

4.2. Specific requirements for the use of ladders

- 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 to ensure that they cannot be displaced and prevent swinging.

- 4.2.2. Before portable ladders are brought into service, their feet shall be prevented from slipping by securing the stiles 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 the sections 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.

4.3. Specific requirements for the use of scaffolding

- 4.3.1. When no statement of the design calculations is available for the scaffolding selected or this 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.

- 4.3.3. 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 during work at a height.
 - 4.3.4. The dimensions of scaffold decks shall be appropriate to the nature of the work to be performed 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 gap between the deck components and the vertical collective safeguards.
 - 4.3.5. When parts of a scaffolding are not ready for use, for example for 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.
 - 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 risks which the operations may entail. During the work, the person in charge and the workers concerned shall have available the assembly and dismantling plan mentioned in the present Annex (4.3.2).
 - 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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