



EUROPEAN COMMISSION

Brussels, 20.12.2011  
C(2011) 9200 final

**COMMISSION DECISION**

**of 20.12.2011**

**defining the structure and questionnaire for the practical implementation report to be drawn up by the Member States regarding Directive 89/391/EEC, its individual Directives, and Directives 2009/148/EC, 91/383/EEC, 92/29/EEC and 94/33/EC**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>1</sup>, and in particular Article 17a (2) thereof,

Whereas:

- (1) Under the provisions of Directive 89/391/EEC and more than 20 other Directives in the field of health and safety of workers at work, every five years, the Member States shall submit a single report to the Commission on the practical implementation of the Directives concerned. The first report shall cover the period from 2007 to 2012.
- (2) In accordance with Directive 89/391/EEC, the structure of the report, together with a questionnaire specifying its content, is to be defined by the Commission in cooperation with the Advisory Committee on Safety and Health at Work (ACSH), and transmitted to the Member States by mid 2012 at the latest.
- (3) The ACSH adopted an opinion on the structure of the report and subsequently validated the relevant questionnaire. In this connection, the ACSH requested the Commission services to provide explanatory guidelines to assist Member States in drawing up the report.
- (4) Therefore, in addition to the questionnaire, guidance and a list of all Directives concerned by the reporting obligations are annexed to this Decision, to be submitted to all Member States in accordance with Article 17a(3) of Directive 89/391/EEC.

HAS ADOPTED THIS DECISION:

### *Article 1*

The structure of the report to be submitted by the Member States to the Commission regarding Directive 89/391/EEC and its individual Directives within the meaning of Article 16(1) of that

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<sup>1</sup> OJ L 183, 29.6.1989, p. 1.

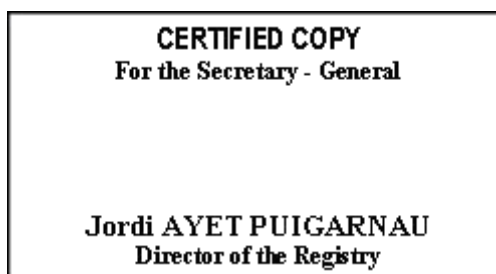
Directive, and Directives 2009/148/EEC<sup>2</sup>, 91/383/EEC<sup>3</sup>, 92/29/EEC<sup>4</sup> and 94/33/EC<sup>5</sup> together with the questionnaire specifying its content, are set out in the Annex, with explanatory guidance for the Member States and a list of the Directives concerned.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 20.12.2011

*For the Commission*  
*László ANDOR*  
*Member of the Commission*



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<sup>2</sup> Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work, OJ L 330, 16.12.2009, p. 28–36, Article 22.

<sup>3</sup> Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship, OJ L 206, 29.7.1991, p. 19–21, Article 10a.

<sup>4</sup> Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, OJ L 113, 30.4.1992, p. 19–36, Article 9a.

<sup>5</sup> Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, OJ L 216, 20.8.1994, p. 12–20, Article 17a.

## ANNEX

### **STRUCTURE AND QUESTIONNAIRE FOR THE PRACTICAL IMPLEMENTATION REPORT TO BE DRAWN UP BY THE MEMBER STATES REGARDING DIRECTIVE 89/391/EEC, ITS INDIVIDUAL DIRECTIVES, AND DIRECTIVES 2009/148/EC, 91/383/EEC, 92/29/EEC AND 94/33/EC**

Under the provisions of Directive 89/391/EEC<sup>6</sup> (hereinafter the "Framework Directive"), and Directives 2009/148/EEC<sup>7</sup>, 91/383/EEC<sup>8</sup>, 92/29/EEC<sup>9</sup> and 94/33/EC<sup>10</sup>, every five years, the Member States shall submit a single report to the Commission on the practical implementation of the Directives concerned, indicating the points of view of the social partners. A list of all Directives concerned is given in Part C. Under Article 17a of the Framework Directive, this obligation covers the individual Directives adopted pursuant to its Article 16(1), of which there are 19 at present. The report shall assess the various points related to the practical implementation of the different Directives and, where appropriate and available, provide data disaggregated by gender. The first report shall cover the period from 2007 to 2012.

In accordance with Article 17a of the Framework Directive, the structure of the report, together with a questionnaire specifying its content, has been defined by the Commission in cooperation with the Advisory Committee on Safety and Health at Work (ACSH)<sup>11</sup>.

The structure of the report appears from the layout of the questionnaire which consists of two sections containing the issues and the questions which the national authorities are requested to address in the national report. Section I, entitled 'General Issues', covers the principles and points that are common to all Directives concerned, including the Framework Directive. The second section, entitled 'Specific Directives', deals with particular aspects of each Directive.

In accordance with Article 17a(3) of the Framework Directive, Member States are to transmit their national report to the Commission within 12 months of the end of the period that it covers. The report covering the period from 2007 to 2012 must consequently be transmitted at the latest by the end of 2013.

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<sup>6</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.6.1989, p. 1–8, Article 17a. This provision was introduced by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation, OJ L 165, 27.6.2007, p. 21.

<sup>7</sup> Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work, OJ L 330, 16.12.2009, p. 28–36, Article 22.

<sup>8</sup> Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship, OJ L 206, 29.7.1991, p. 19–21, Article 10a.

<sup>9</sup> Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, OJ L 113, 30.4.1992, p. 19–36, Article 9a.

<sup>10</sup> Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, OJ L 216, 20.8.1994, p. 12–20, Article 17a.

<sup>11</sup> Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work, OJ C 218, 13.9.2003, p. 1.

## PART A

### QUESTIONNAIRE FOR DRAWING UP THE PRACTICAL IMPLEMENTATION REPORTS

#### SECTION I - GENERAL ISSUES

##### 1. Introduction: General data and information

1.1 Data table		2007 <sup>12</sup>	2008	2009	2010	2011	2012
Total workforce <sup>13</sup>	T						
	M						
	F						
Persons in employment	T						
	M						
	F						
Number of employers <sup>14</sup>	T						
Workers 1 – 9							
Workers 10 – 49							
Workers 50 – 249							
Workers ≥ 250							
Total number of self - employed persons							
Number of accidents at work resulting in absence of more than 3 working days	T						
	M						
	F						

<sup>12</sup> The year should change according to the period of evaluation.

<sup>13</sup> T=total, M= male, F= female.

<sup>14</sup> Public, private, profit and non-profit.

<b>1.1 Data table - continued</b>		<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Accident incidence rate(number of accidents per 100.000 workers resulting in absence of more than 3 working days)</b>							
<b>Accident incidence rate of older workers (aged 55 years or older)</b>	M						
	F						
	T						
<b>Number of fatal accidents at work</b>	M						
	F						
	T						
<b>Fatal accident incidence rate (number of fatal accidents per 100.000 workers)</b>							
<b>Number of occupational diseases</b>	M						
	F						
	T						
<b>Incidence rate of occupational diseases per 100.000 workers</b>							
<b>Total number of labour inspectors</b>							
<b>Number of workers per labour inspector</b>							
<b>Number of inspections per 100.000 workers</b>							
<b>Total number of infringements that resulted in legal action</b>							

- 1.2 Description of any significant changes to the legal framework for health and safety at work in the Member State in the reporting period.
- 1.3 Description of the arrangements for consultation and involvement of the social partners in the preparation of this report.
2. Description of concrete measures taken to implement the health and safety Directives (relevant enforcement of the law, raising awareness, campaigns, guidance, etc.) in the reporting period.
  - 2.1 Assessment of risks at the workplace and definition of corresponding preventive and protective measures.
  - 2.2 General principles of risk prevention.
  - 2.3 Involvement of preventive services, in the sense of Article 7 of Directive 89/391/EEC, in the risk prevention measures.
  - 2.4 Information, instruction and training of workers.
  - 2.5 Involvement of workers and their representatives (e.g. consultation, participation).
  - 2.6 Health surveillance
  - 2.7 Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directives? Please describe these measures.
  - 2.8 Do SMEs have particular difficulties in following the requirements of the Directives? If yes, please describe them.
3. Assessment of experience in the practical application of the basic principles mentioned in point 2.
  - 3.1 Give examples and indicators that demonstrate to what extent the Directives are either effective or ineffective in achieving their aims.
  - 3.2 What are the practical difficulties encountered in ensuring that the Directives achieve their aims? Please give examples.
  - 3.3 What is the cumulative and interactive impact of the Directives (synergies, overlaps, contradictions, gaps)?
  - 3.4 Summary and possible suggestions for changes to the Directives or for other measures to be taken at EU level?
4. What are the views of the social partners on the content of this report?

## SECTION II – SPECIFIC DIRECTIVES

**Council Directive 89/391/EEC** of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>15</sup>

- (1) How is the practical implementation of the Directive being adapted to take account of changes in the nature of the working environment e.g. working at home, mobile workers, part-time work including multiple part-time jobs, more women, migrant workers and sub-contracting?
- (2) In the light of practical experience, is the scope of the Framework Directive still appropriate e.g. non-application to certain groups?
- (3) To what extent does the practical implementation of the Directive make use of the possibility to adapt it to the size of undertaking and nature of the activities?
- (4) How does the practical implementation of the Directive take account of the need for cooperation between employers who share a workplace?
- (5) In the practical implementation of the Directive, have there been any significant changes in the work of the preventive and protective services?
- (6) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (7) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (8) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 89/654/EEC** of 30 November 1989 concerning the minimum safety and health requirements for **the workplace** (first individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)<sup>16</sup>

- (1) In the light of practical experience, is the definition of a workplace in Article 2 still appropriate?
- (2) In the light of practical experience, are there provisions of the Directive that should be applied or disapplied to certain workplaces?
- (3) In the light of practical experience, are the details in Annexes 1 and 2 still appropriate for workplaces?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.

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<sup>15</sup> OJ L183, 29.6.1989, p. 1.

<sup>16</sup> OJ L 393, 30.12.1989, p. 1.



- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2009/104/EC**<sup>17</sup> of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the **use of work equipment** by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC – Codification of Directive 89/655/EEC, as amended by Directives 95/63/EC and 2001/45/EC

- (1) How do Member States in practice implement the requirement laid down in Article 4 whereby employers are to check the conformity of both old and new work equipment? How is it enforced?
- (2) How in practice have Member States implemented the requirement for 'inspection' of work equipment and 'competence' to do so under Article 5 within their national laws/practices? Have these requirements caused any practical problems?
- (3) How do Member states apply the concept of 'specific risk'? How have Member States in practice implemented Article 6 and have they ever enforced it?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 89/656/EEC** of 30 November 1989 on the minimum health and safety requirements for use by workers of **personal protective equipment** at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>18</sup>

- (1) What is the practical experience in ensuring that personal protective equipment is only used when risks cannot be avoided or sufficiently limited by technical means of collective protection?
- (2) What is the practical experience in ensuring that the workers are consulted before a decision is taken to use personal protective equipment, are informed of the risks against which the wearing of the personal protective equipment protects them, and are trained in using it?
- (3) How do Member States in practice implement the obligation of employers in accordance with Article 4 to check CE-marked personal protective equipment? How is it enforced?

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<sup>17</sup> OJ L 260, 3.10.2009, p. 5.

<sup>18</sup> OJ L 393, 30.12.1989, p. 18.

- (4) How do Member States in practice ensure compliance with the requirement set out in Article 4(2) regarding workers having to wear two or more articles of personal protective equipment?
- (5) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 90/269/EEC** of 29 May 1990 on the minimum health and safety requirements for the **manual handling of loads** where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>19</sup>

- (1) What is the practical experience in ensuring that the employer uses the appropriate means, in particular mechanical equipment, in order to avoid the need for manual handling of loads by workers?
- (2) What is the practical experience in ensuring that the employer organises workstations in such a way that manual handling of loads can be performed by workers as safely and healthily as possible when it cannot be avoided and that workers are consulted before such manual handling is carried out?
- (3) What is the practical experience in ensuring that workers receive proper training and information on how to handle loads correctly and the risks to which they might be exposed?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 90/270/EEC** of 29 May 1990 on the minimum safety and health requirements for work with **display screen equipment** (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>20</sup>

- (1) Does the Directive need adaptation to take account of technological development? Please describe the changes needed.
- (2) Are the exemptions specified in Article 1(3) of the Directive still appropriate?

<sup>19</sup> OJ L 156, 21.6.1990, p. 9.

<sup>20</sup> OJ L 156, 21.6.1990, p. 14.

- (3) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (4) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (5) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2004/37/EC** of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to **carcinogens or mutagens** at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (codified version)<sup>21</sup> – Codification of Directive 90/394/EEC

- (1) How easy do SMEs find it to understand the interfaces in the EU legal framework as it is implemented at national level concerning carcinogens or mutagens e.g. REACH<sup>22</sup>, GHS<sup>23</sup> and the chemical agents Directives?
- (2) What is the practical experience of substituting carcinogens and mutagens for less hazardous materials in the workplace?
- (3) What proportion of current annual cancer deaths is attributable to occupational exposure to carcinogens and how many deaths per year does this equate to?
- (4) What proportion of annual incident cases (newly occurring cases each year) is attributable to occupational exposure to carcinogens and how many cases per year does this equate to?
- (5) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2000/54/EC** of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to **biological agents** at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) – codification of Directive 90/679/EEC<sup>24</sup>

<sup>21</sup> OJ L 158, 30.4.2004, p. 50-76;

<sup>22</sup> Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH): Regulation (EC) N°1907/2006 of the European Parliament and the Council on the Registration, Authorisation and Restriction of Chemicals (REACH) – OJ L 396, 30.12.2006, p. 1.

<sup>23</sup> Globally Harmonised System of Classification and Labelling of Chemicals (GHS): Regulation (EC) N° 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and amending Regulation (EC) N°1907/2006 – OJ L 353, 31.12.2008, p. 1.

<sup>24</sup> OJ L 262, 17.10.2000, p. 21.

- (1) In the light of practical experience, knowledge, technological, social and cultural developments, are the provisions of the Directive still appropriate?
- (2) Does the Directive need adaptation to take account of the pattern of accidents or ill health? Please describe the changes needed.
- (3) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (4) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (5) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 91/383/EEC** of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of **workers with a fixed-duration employment relationship or a temporary employment relationship**<sup>25</sup>

- (1) Has the Member State used the provisions of Article 5(1) of the Directive to prohibit workers with a fixed-duration contract of employment or workers with temporary employment from being used for certain work which would be particularly dangerous for their safety or health? If yes, please give a list of these types of work.
- (2) What practical measures are taken to ensure that workers with a fixed-duration contract of employment or workers with temporary employment who are used for work requiring special medical surveillance are provided with such surveillance within the meaning of Article 5(2) of the Directive? Is this surveillance extended beyond the end of the employment relationship (as per Article 5(3) of the Directive)? What practical measures are taken to ensure that temporary workers and fixed-term workers are informed and trained on the subject of risks they may face at work in line with the specific requirements of the Directive, before they start any activity?
- (3) What other action is taken by the labour inspectorate with regard to workers with fixed-duration contract of employment or workers with temporary employment?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 92/29/EEC** of 31 March 1992 on the minimum safety and health requirements for improved **medical treatment on board vessels**<sup>26</sup>

<sup>25</sup> OJ L 206, 29.7.1991, p. 19-21.

<sup>26</sup> OJ L 113, 30.4.1992, p. 19.

- (1) How many centres are designated in the Member State for providing workers with free medical advice by radio and other methods of communication (within the meaning of Article 6 of the Directive) and who is responsible for their operation?
- (2) What steps are taken in the Member States to ensure that the annual inspections (within the meaning of Article 7 of the Directive) are carried out?
- (3) Are the provisions of the Directive still appropriate or are changes needed, for example: the list of medical supplies and the centres designated by the Member State for providing workers with free medical advice by radio? Please suggest proposals for any changes.
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 92/57/EEC** of 24 June 1992 on the implementation of minimum safety and health requirements at **temporary or mobile construction sites** (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>27</sup>

- (1) What is the experience of practical implementation of the scope of the Directive, including the definition of a construction site?
- (2) To what extent does the practical implementation of the Directive make use of the possibility to adapt it to the volume of work, work involving particular risks and the characteristics of the project?
- (3) What is the experience of practical implementation of the Directive with regard to the responsibilities of duty-holders?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 92/58/EEC** of 24 June 1992 on the minimum requirements for the provision of **safety and/or health signs** at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>28</sup>

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<sup>27</sup> OJ L 245, 26.8.1992, p. 6.

<sup>28</sup> OJ L 245, 26.8.1992, p. 23.

- (1) Is the scope of the Directive still appropriate?
- (2) Are there any practical problems in the relationship between the signs specified in the Directive and those specified in other international instruments?
- (3) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (4) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (5) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 92/85/EEC** of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of **pregnant workers** and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>29</sup>

- (1) In the light of practical experience, knowledge, technological, social and cultural developments, are the provisions of the Directive still appropriate?
- (2) Have any new guidelines or information material been published or campaigns been run since the previous report?
- (3) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (4) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (5) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 92/91/EEC** of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the **mineral-extracting industries through drilling** (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>30</sup>

- (1) What is the practical experience of implementing the Directive, particularly with respect to:
  - The competence of the staff, the responsible person and supervisors/managers
  - First aid facilities
  - Work permits

<sup>29</sup> OJ L 348, 28.11.1992, p. 1.

<sup>30</sup> OJ L 348, 28.11.1992, p. 9.

- Escape and rescue facilities
  - Protection from fire, explosions and health-endangering atmospheres
  - Safety equipment maintenance
  - Carrying out relevant safety drills at regular intervals
  - Health surveillance
  - Offshore accommodation
- (2) In the light of practical experience, knowledge and technological developments, are the provisions of the annex still appropriate?
- (3) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (4) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (5) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 92/104/EEC** of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in **surface and underground mineral-extracting industries** (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>31</sup>

- (1) What is the practical experience of implementing the Directive, particularly with respect to:
- The competence of the staff, the responsible person and supervisors
  - Work permits
  - Health surveillance
  - Escape and rescue facilities
- (2) In the light of practical experience, changes in knowledge and technological developments, are the provisions of the annex still appropriate?
- (3) In the light of practical experience, is there any overlap or contradiction with other Directives for example the ATEX-Directive 99/92/EC? If yes, please explain.
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.

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<sup>31</sup> OJ L 404, 31.12.1992, p. 10.

- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 93/103/EC** of 23 November 1993 concerning the minimum safety and health requirements for work on board **fishing vessels** (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>32</sup>

- (1) What is the practical experience with the requirements of the Directive, and is the scope of the Directive still appropriate, particularly with respect to the length of vessels concerned?
- (2) What is the trend in the number of vessels and the various types of workers covered by the Directive?
- (3) What steps has the Member State taken to encourage the provision of and attendance of training?
- (4) In the light of practical experience, knowledge and technological developments, are the provisions of the Directive still appropriate?
- (5) Has the Member State taken additional measure not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 94/33/EC** of 22 June 1994 on the protection of **young people** at work<sup>33</sup>

- (1) In the light of practical experience, knowledge, technological, social and cultural developments, are the provisions of the Directive still appropriate?
- (2) Have any new guidelines or information material been published or campaigns been run since the previous report?
- (3) According to Articles 5(3), 7(3), 8(5), 9(2), 10(3), 10(4) and 13, Member States can authorise derogations under certain conditions. Have such derogations been granted and, if so, how many? What were the reasons for the derogations?
- (4) What is the incidence rate for fatal accidents among young people per 100.000 workers for each year of the reporting period? What is the incidence rate for accidents among young people causing absence of more than three working days per 100.000 workers for each year of the reporting period?

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<sup>32</sup> OJ L 307, 13.12.1993, p. 1.

<sup>33</sup> OJ L 216, 20.8.1994, p. 12-20.



- (5) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Council Directive 98/24/EC** of 7 April 1998 on the protection of the health and safety of workers from the risks related to **chemical agents** at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>34</sup>

- (1) How easy is it for employers, especially SMEs, to understand what they need to do to comply with the EU legal framework concerning chemical agents e.g. REACH<sup>35</sup>, GHS<sup>36</sup> and the carcinogens and mutagens Directive?
- (2) What practical difficulties have Member States experienced in implementing indicative occupational exposure limit values?
- (3) What is the practical experience of substituting hazardous chemical agents for less hazardous ones in the workplace?
- (4) In the light of practical experience does the Directive adequately address the risks from nanomaterials?
- (5) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 1999/92/EC** of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at **risk from explosive atmospheres** (fifteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>37</sup>

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<sup>34</sup> OJ L 131, 5.5.1998, p. 11.

<sup>35</sup> Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH): Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) – OJ L 396; 30.12.2006, p. 1.

<sup>36</sup> Global Harmonised System of Classification and Labelling of Chemicals (GHS): Regulation (EC) N°1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) N°1907/2006 – OJ L 353, 31.12.2008, p. 1.

<sup>37</sup> OJ L 23, 28.1.2000, p. 57.

- (1) What is the practical experience of managing the interfaces between this Directive and Directive 94/9/EC<sup>38</sup>?
- (2) What is the practical experience of reducing administrative burdens on employers by making use of the provisions of Article 8 on combining the explosion protection document with other documents?
- (3) What have been the experiences of the Member State with the non-binding Guide of good practice referred to in Article 11? In particular, is this Guide sufficiently clear for users?
- (4) To what extent have employers in the Member State been provided with relevant information, pursuant to Article 12?
- (5) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2002/44/EC** of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (vibration)** (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>39</sup>

- (1) What experiences has the Member State had in relation to the application of the national law transposing the directive, particularly in small and medium-sized enterprises?
- (2) According to Article 10, Member States can under certain conditions authorise derogations from compliance with the limit values for whole-body vibrations. Have such derogations been granted and, if so, how many? What were the reasons for the derogations?
- (3) What is the practical experience of the Member State in implementing the requirement for health surveillance laid down in the Directive?
- (4) Please describe the Member States' experiences with the practical implementation of the provisions of Article 5(3), which states that workers must not be exposed above the exposure limit values. What information does the Member State have about any sectors and types of work where the exposure limits are likely to be exceeded?
- (5) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.

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<sup>38</sup> OJ L 100, 19.4.1994, p. 1-29.

<sup>39</sup> OJ L 177, 6.7.2002, p. 13.

- (6) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (7) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2003/10/EC** of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (noise)** (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>40</sup>

- (1) To what extent does the Member State make use of the provision in Article 3(3) to use weekly noise exposure levels in place of the daily noise exposure level?
- (2) What is the practical experience of ensuring that, in the risk assessment, the employer gives particular attention to:
  - the level, type and duration of exposure, including any exposure to impulsive noise?
  - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups (e.g. young people, pregnant workers)?
  - any effects on workers' health and safety resulting from interactions between noise and work-related ototoxic substances, and between noise and vibration?
- (3) According to Article 11, Member States can under certain conditions authorise derogations from the use of personal protective equipment and compliance with the limit values. Have such derogations been granted and, if so, how many? What were the reasons for the derogations?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2004/40/EC** of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (electromagnetic fields)** (eighteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>41</sup>

- (1) What is the experience of the Member State in the practical implementation of this Directive?

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<sup>40</sup> OJ L 42, 15.2.2003, p. 38.

<sup>41</sup> OJ L 184, 24.5.2004, p. 1.

- (2) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (3) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (4) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2006/25/EC** of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from **physical agents (artificial optical radiation)** (nineteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)<sup>42</sup>

- (1) What are the practical experiences of implementing the provisions of Article 4 concerning determination of exposure and assessment of risks?
- (2) In particular, what is the practical experience with respect to measurement and/or calculation of exposure only when necessary?
- (3) Please describe the Member State's experience of the practical implementation of the provisions of Article 5(4) which states that workers must not be exposed above the exposure limit values. Does the Member State have any information about any sectors and types of work where the exposure limits are likely to be exceeded?
- (4) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (5) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (6) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

**Directive 2009/148/EC** of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to **exposure to asbestos** at work<sup>43</sup> (Codification of Directive 83/477/EEC, as amended by Directives 91/382/EEC and 2003/18/EC)

- (1) Please provide information about the practical guidelines for the determination of sporadic and low-intensity exposure required by Article 3(4).
- (2) Please provide information about the practical actions taken and lessons learned regarding the provisions of Article 15 which establishes that firms must provide evidence of their ability in the field of carrying out demolition or asbestos removal work.

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<sup>42</sup> OJ L 114, 27.04.2006, p. 38.

<sup>43</sup> OJ L 330, 16.12.2009, p. 28.

- (3) Please provide the number of notifications made for each year by employers on the basis of Article 4(2) (notification before work starts). How is enforcement of this requirement carried out?
- (4) Please describe the Member State's experiences regarding the provisions of Article 10 which determines the measures to be taken when the limit values set out in Article 8 are exceeded. Please provide an estimate of the number of workers exposed to such situations for each year in the reporting period and any difficulties in practical implementation.
- (5) Please provide information about the practical actions taken for the establishment of individual health records (Article 18) and the availability and maintenance of the register established by Article 19.
- (6) Has the Member State taken additional measures not included in the Directive? If yes, please describe them and give reasons why these additional measures were taken.
- (7) Have the Member State or the social partners taken any specific measures to support SMEs in implementing the Directive? Please describe these measures.
- (8) Do SMEs have particular difficulties in following the requirements of the Directive? If yes, please describe them.

## **PART B**

### **GUIDANCE**

#### **GENERAL ASPECTS**

##### **The report has to do with the *practical* implementation of the national legislation transposing the Directives concerned**

The main aim of the report is to provide information on the practical implementation of the Directives concerned in the Member States.

Since under point 1.2 of Section I (General Issues), the Member States are requested to describe any significant changes to the legal framework, the report does not need to describe exhaustively all developments of national law during the given period. Indeed, the Commission services are informed of such developments by other means, e.g. notifications in the NIF database. Therefore, only significant changes to the legal context are to be mentioned by Member States.

The report is one of the elements enabling the Commission to evaluate the practical implementation of the Directives, and, if necessary, to propose initiatives to improve the operation of the regulatory framework. Apart from the Member States' report which constitutes the main element, the Commission intends to draw also on a report by independent experts assessing the practical application of the Directives and on the information that it gathers itself through monitoring of the transposition of the Directives into national law and their application generally.

The aim of the report is primarily to show how the Directives concerned are applied in practice by all relevant actors, such as employers, workers, competent authorities, etc. In addition, it seeks to highlight any problems and/or difficulties that have come up in the practical application of the legislation with a view to identifying possible ways of improving the regulatory framework.

The report shall also indicate the points of view of the social partners. The latter will need to be consulted according to the national laws and/or practices of the Member States.

##### **Member States are free to provide additional information**

The report structure comprises a section on general issues (Section I) and questions per Directive (Section II). This does not in any way mean however that the information provided by the Member States should be limited to these elements. If there are particular issues of practical implementation that a Member State would like to raise, it is encouraged to do so. In particular, point 3 of the general part of the questionnaire contains questions of a more open general nature, where it is possible to mention issues related to any of the Directives concerned.

#### **SECTION I – GENERAL ISSUES**

##### **Point 1.1: Data table**

Member States are requested to fill in the data table. Where no data are available, Member States are encouraged as far as possible to estimate the figures and indicate in the table that it concerns an estimation. In addition, if not all figures are available for a particular entry, partial data can be provided with an indication that it concerns merely partial data.

Under 'Persons in employment' and other relevant entries of the data table, Member States are invited to also provide disaggregated statistical information on the population falling within the personal scope of Directives 91/383/EEC (fixed-duration and temporary employment relationships) and 94/33/EC (young people), and migrants, where available.

The term 'incidence rate' refers to the number of accidents per 100 000 workers.

In the entry 'Total number of infringements that resulted in legal action', the term 'legal action' refers to situations where the national competent authorities, following an investigation, decided to initiate criminal, civil or administrative proceedings before the national courts.

### **Point 1.2: Concept of 'significant changes'**

Member States have an obligation to communicate to the Commission provisions that they adopt in the fields covered by the Directives (see, for example, Article 18(2) of Directive 89/391/EEC, the 'Framework Directive'). This obligation covers all legislation adopted in the field concerned, including minor changes. The Commission is therefore normally already aware of such changes.

Point 1.2 requires a description of any significant changes to the legal framework for health and safety at work in the Member State in the reporting period.

For the purposes of the report, this point therefore concerns only significant changes in the legislation, i.e. changes that have a considerable effect on the applicable legal framework or that substantially modify existing arrangements. This could include the question whether the codification of a Directive causes a change in the national legislation, as well as possible simplification measures that may have been adopted at national level, changes in the obligations upon employers, changes in the penalties imposed for breaches of the legislation, changes in the institutional structure related to the health and safety of workers, the adoption of measures to reduce unnecessary administrative burdens, etc.

Member States are requested to describe such significant changes by, for example, giving the reasons for or background to the changes, explaining the new provisions and their implications, indicating the reasons why the previous provisions did not work, etc.

### **Point 2: Description of implementing measures taken**

Please describe under point 2 the concrete measures taken to implement the health and safety Directives in the areas listed in points 2.1 to 2.6. It needs to be highlighted that this point covers all Directives concerned by the reporting exercise.

### **Point 3: Assessment of experience in practical implementation**

Under this point, it is to some extent possible for Member States to mention issues that are not dealt with elsewhere and which relate to any of the Directives concerned.

#### **Point 3.1: Effectiveness of the Directives**

To the extent possible, Member States can provide here both qualitative and quantitative data on the effectiveness of the Directives. The following points are some examples of indicators that could be referred to by the Member States: data relating to occupational accidents and diseases, the costs and cost savings resulting from the Directives, and the effects on productivity, employment and competitiveness. The availability of statistical data to support the information provided by the Member States is helpful.

### **Point 3.3: Cumulative and interactive impact of the Directives**

Member States are requested to mention here their experiences with the cumulative and interactive impact of the Directives, and any problems that may have arisen in this context. Several examples of the cumulative and interactive impact of the Directives are mentioned in the questionnaire, such as synergies, overlaps, contradictions, gaps between the Directives.

An example of the cumulative impact of the Directives would be the situation where two or more Directives apply at the same time to a particular case. This may often happen, since it is stated in the individual Directives that the Framework Directive will apply fully to the area covered by the individual Directives, except where the provisions of an individual Directive are more restrictive and / or specific.

For example, the Framework Directive requires the employer to evaluate all risks relating to the health and safety of workers, to put in place preventive measures and to provide appropriate protection. In addition, in several individual Directives, there are more detailed specific provisions about the risk assessment by the employer and the issues that need to be taken particularly into account, see e.g. Directives 92/91/EEC and 92/104/EEC (extractive industries), 98/24/EC (chemical agents), 2002/44/EC (noise), 2003/10/EC (vibrations), 2004/37/EC (carcinogens). In such situations, while both sets of rules will be applicable, the more restrictive and / or specific provisions of the individual Directives take precedence.

### **Point 3.4: Summary and possible suggestions for changes to the Directives**

In reply to this question, Member States are invited to provide a short summary of the assessment of practical implementation, either for the whole acquis or highlighting specific aspects of specific Directives, and indicate possible suggestions for change or for other measures that may result from this assessment.

### **Point 4: Views of the social partners**

The Member States are requested to include under this point the views of the social partners, i.e. employers and workers, on the content of the report. The social partners may have general issues to raise in relation to the content of the report or the way in which it was prepared or may have observations on specific points. The reaction of the social partners can be reproduced fully or attached in an Annex to the report.

In case the social partners do not provide observations despite an express request to this end, it is recommended that this be mentioned by Member States under this point.

## **SECTION II – SPECIFIC DIRECTIVES**

### **Directive 89/391/EEC: The Framework Directive**

#### **Question 2: Scope of the Framework Directive**



This question inquires into the scope of the Directive which is laid down in Article 2. The definitions provided in Article 3 are however also concerned, since these may influence the field of application of the Directive.

Apart from an indication that the current scope is suitable, information can be given about the possible need either to widen or to narrow the scope of the Directive.

Special attention is to be given to issues related to the personal scope of the Directive laid down in Article 3, such as the possible inclusion of the self-employed, students, domestic servants. Here, new developments may play a role, such as the trend towards increasing numbers of self-employed persons on the labour market and the evolution of the traditional notion of 'domestic servants'.

#### **Question 5: Work of the preventive and protective services**

It should be highlighted that this question also covers changes in the missions and tasks of such services.

#### **Directive 91/383/EEC: Workers with a fixed-duration employment relationship or a temporary employment relationship**

##### **Question 2: Practical measures**

In replying to question 2, the Member States are invited to describe also the measures taken to ensure that the user undertaking is responsible for the conditions governing the performance of the work of a temporary worker.

##### **Question 3: Labour inspection**

In replying to question 3, the Member States are invited to describe also any specific activity of the labour inspection that targets temporary employment agencies.

##### **Question 4: Additional measures**

In replying to question 4, the Member States are invited to describe additional measures that could give fixed-term and temporary workers better protection from risks of accidents at work or which could have any positive effect regarding the health and safety of these workers.

One of the premises of the Directive is that fixed-term workers and temporary workers are overexposed to risks and accidents at work. It would be helpful to know whether this supposition reflects the situation in the Member States. In addition, Member States are invited to provide any figure which would either support this theory or demonstrate the contrary.

#### **Directive 92/85/EEC: Pregnant workers**

##### **Question 1: New developments**

In reply to this question, consideration must be given, *inter alia*, to social and cultural developments, i.e.

-demographic changes;

- new employment trends, such as a possible increase in self-employment and outsourcing;
- working life possibly becoming more fragmented.

### **Directive 94/33/EC: Young people at work**

#### **General**

Member States are invited to describe how the provisions of Section II and Section III of the Directive are applied in practice.

#### **Question 1: New developments**

In reply to this question, consideration must be given, *inter alia*, to social and cultural developments, i.e.

- demographic changes;
- new employment trends, such as a possible increase in self-employment and outsourcing;
- new and larger flows of migrants towards Europe;
- working life possibly becoming more fragmented.

#### **Question 3: Derogating provisions**

Member States are also invited to provide replies with regard to other derogating provisions, not mentioned in question 3, namely Articles 2(2), 4(2) and 10(2) second subparagraph.

#### **Question 4: Incidence rate**

The term 'incidence rate' refers to the number of accidents per 100 000 workers.

### **Directive 98/24/EC: Chemical agents at work**

#### **Question 1: EU legal framework**

Other pieces of EU legislation also govern issues related to chemical agents. At national level, this may lead to several sets of rules being applicable to such substances. This question aims to know if SMEs are familiar with the interactions between these sets of rules and whether they are able to comply with the requirements.

### **Directive 2000/54/EC: Biological agents at work**

#### **Question 1: New developments**

In reply to this question, consideration must be given, *inter alia*, to social and cultural developments, i.e.

- demographic changes;
- new employment trends, such as a possible increase in self-employment and outsourcing;

- new and larger flows of migrants towards Europe;
- working life possibly becoming more fragmented.

### **Directive 2004/37/EC: Carcinogens or mutagens at work**

#### **Question 1: EU legal framework**

Other pieces of EU legislation also govern issues related to carcinogens and mutagens. At national level, this may lead to several sets of rules being applicable to such substances. This question aims to know if SMEs are familiar with the interactions between these sets of rules and whether they are able to comply with the requirements.

#### **Question 2: Substituting carcinogens and mutagens**

While this question is primarily aimed at the experience gained by employers, the authorities may also be aware of developments here, for example through information from the labour inspection.

#### **Questions 3 and 4: Occupational exposure to carcinogens**

In addition to providing statistical information in reply to these questions, the Member States are requested to set out the ways in which these data have been collected.

### **Directive 2004/40/EC: Physical agents (electromagnetic fields)**

The period for transposing Directive 2004/40/EC into national law was extended by four years to 30 April 2012 to allow a full analysis of new information in the area of exposure of workers to the risks arising from electromagnetic fields. In light of this, currently, the aim of the national report is mainly to share experiences in this field, if any.

## PART C

### LIST OF DIRECTIVES

- **Directive 89/391/EEC**<sup>44</sup> of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, as amended by Directive 2007/30/EC<sup>45</sup>;
- **Council Directive 89/654/EEC**<sup>46</sup> of 30 November 1989 concerning the minimum safety and health requirements for the **workplace** (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2009/104/EC**<sup>47</sup> of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the **use of work equipment** by workers at work (second individual directive within the meaning of Article 16(1) of Directive 89/391/EEC – Codification of Directive 89/655/EEC, as amended by Directives 95/63/EC and 2001/45/EC);
- **Council Directive 89/656/EEC**<sup>48</sup> of 30 November 1989 on the minimum health and safety requirements for the use by workers of **personal protective equipment** at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/269/EEC**<sup>49</sup> of 29 May 1990 on the minimum health and safety requirements for the **manual handling of loads** where there is a risk particularly of back injury to workers (fourth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/270/EEC**<sup>50</sup> of 29 May 1990 on the minimum safety and health requirements for work with **display screen equipment** (fifth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/37/EC**<sup>51</sup> of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to **carcinogens or mutagens** at work (sixth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 90/394/EEC);
- **Directive 2000/54/EC**<sup>52</sup> of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to **biological agents** at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC);

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<sup>44</sup> OJ L 183, 29.6.1989, p.1.

<sup>45</sup> OJ L 165, 27.6.2007, p.21.

<sup>46</sup> OJ L 393, 30.12.1989, p.1.

<sup>47</sup> OJ L 260, 3.10.2009, p. 5.

<sup>48</sup> OJ L 393, 30.12.1989, p.18.

<sup>49</sup> OJ L 156, 21.6.1990, p.9.

<sup>50</sup> OJ L 156, 21.6.1990, p.14.

<sup>51</sup> OJ L 229, 29.6.2004, p.23.

<sup>52</sup> OJ L 262, 17.10.2000, p.21.

- **Council Directive 92/57/EEC**<sup>53</sup> of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile **construction sites** (eighth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/58/EEC**<sup>54</sup> of 24 June 1992 on the minimum requirements for the provision of **safety and/or health signs** at work (ninth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/85/EEC**<sup>55</sup> of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of **pregnant workers** and workers who have recently given birth or are breastfeeding (tenth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- **Council Directive 92/91/EEC**<sup>56</sup> of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in **the mineral-extracting industries through drilling** (eleventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC );
- **Council Directive 92/104/EEC**<sup>57</sup> of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in **surface and underground mineral-extracting industries** (twelfth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 93/103/EC**<sup>58</sup> of 23 November 1993 concerning the minimum safety and health requirements for work on board **fishing vessels** (thirteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 98/24/EC**<sup>59</sup> of 7 April 1998 on the protection of the health and safety of workers from the risks related to **chemical agents** at work (fourteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 1999/92/EC**<sup>60</sup> of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from **explosive atmospheres** (fifteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2002/44/EC**<sup>61</sup> of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (vibration)** (sixteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);

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<sup>53</sup> OJ L 245, 26.8.1992, p.6.

<sup>54</sup> OJ L 245, 26.8.1992, p.23.

<sup>55</sup> OJ L 348, 28.11.1992, p. 1.

<sup>56</sup> OJ L 348, 28.11.1992, p.9.

<sup>57</sup> OJ L 404, 31.12.1992, p.10.

<sup>58</sup> OJ L 307, 13.12.1993, p.1.

<sup>59</sup> OJ L 131, 5.5. 1998, p.11.

<sup>60</sup> OJ L 23, 28.1.2000, p.57.

<sup>61</sup> OJ L 177, 6.7.2002, p. 13.

- **Directive 2003/10/EC**<sup>62</sup> of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (noise)** (seventeenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/40/EC**<sup>63</sup> of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (electromagnetic fields)** (eighteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC), as amended by Directive 2008/46/EC<sup>64</sup>;
- **Directive 2006/25/EC**<sup>65</sup> of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from **physical agents (artificial optical radiation)** (nineteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2009/148/EC**<sup>66</sup> of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to **exposure to asbestos** at work (Codification of Directive 83/477/EEC, as amended by Directives 91/382/EEC and 2003/18/EC);
- **Council Directive 91/383/EEC**<sup>67</sup> of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a **fixed-duration employment relationship or a temporary employment relationship**;
- **Council Directive 92/29/EEC**<sup>68</sup> of 31 March 1992 on the minimum safety and health requirements for improved **medical treatment on board vessels**;
- **Council Directive 94/33/EEC**<sup>69</sup> of 22 June 1994 on the protection of **young people** at work.

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<sup>62</sup> OJ L 42, 15.2.2003, p. 38.

<sup>63</sup> OJ L 184, 24.5.2004, p. 1.

<sup>64</sup> OJ L 114, 26.4.2008, p. 88.

<sup>65</sup> OJ L 114, 27.4.2006, p. 38.

<sup>66</sup> OJ L 330, 16.12.2009, p. 28.

<sup>67</sup> OJ L 206, 29.7.1991, p. 19.

<sup>68</sup> OJ L 113, 30.4.1992, p. 19.

<sup>69</sup> OJ L 216, 20.8.1994, p. 12.