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the International Labour Organization

**EU-ILO PROJECT
ENHANCING THE LABOUR ADMINISTRATION CAPACITY
TO IMPROVE WORKING CONDITIONS AND TACKLE UNDECLARED WORK**

**Analysis of the degree of concordance between
the national legislation and some selected EU directives
on OSH and labour relations**

**Directive No. 2009/104/EC, 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**

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FOREWORD

The present analysis was developed within the scope of the technical cooperation project “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”, funded by the European Union (EU) and implemented by the International Labour Organization (ILO). Its activities are described in the diagram below.

This is the joint support of the EU and ILO to Ukraine in the implementation of the EU-Ukraine Association Agreement and application of the international standards on occupational safety and health (OSH) and labour inspection.

The project is aimed at contributing to the improvement of the working conditions and to the reduction of the scope of undeclared work in Ukraine, by means of improving the national legislation and enhancing the capacities of the national labour inspection system.

One of its components is the provision of expert support and recommendations regarding the implementation of the following 5 EU directives on OSH and 1 EU directive on labour relations:

- EU Council OSH Framework Directive **No. 89/391/EEC**, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work (Framework Directive);
- EU Council Directive **No. 89/654/EEC**, of 30 November 1989, concerning the minimum safety and health requirements for the workplace;
- Directive **No. 2009/104/EC**, 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;
- Council Directive **No. 89/656/EEC**, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace;
- Directive **No. 2003/88/EC** of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time;
- Council Directive **No. 91/533/EEC**, of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

Within this component, the first step was to train the national experts on each of the aforesaid EU directives to deepen their knowledge on their provisions. As a result 100 representatives of the Parliament, ministries, State services, and of the social partners took part in 6 training sessions.

Afterwards, the Ministry of Social Policy and the State Labour Service set up 6 workgroups, for the development of 6 tables of concordance between the national legislation and each of the EU directives mentioned above.

Those tables were then analyzed and commented by the ILO, and some recommendations on further steps were provided.

As a result of these joint efforts, 6 consolidated tables of concordance, containing the results of the legal analyses and the ILO comments were produced: each of them is devoted to one of 6 EU directives and contains 4 main sections:

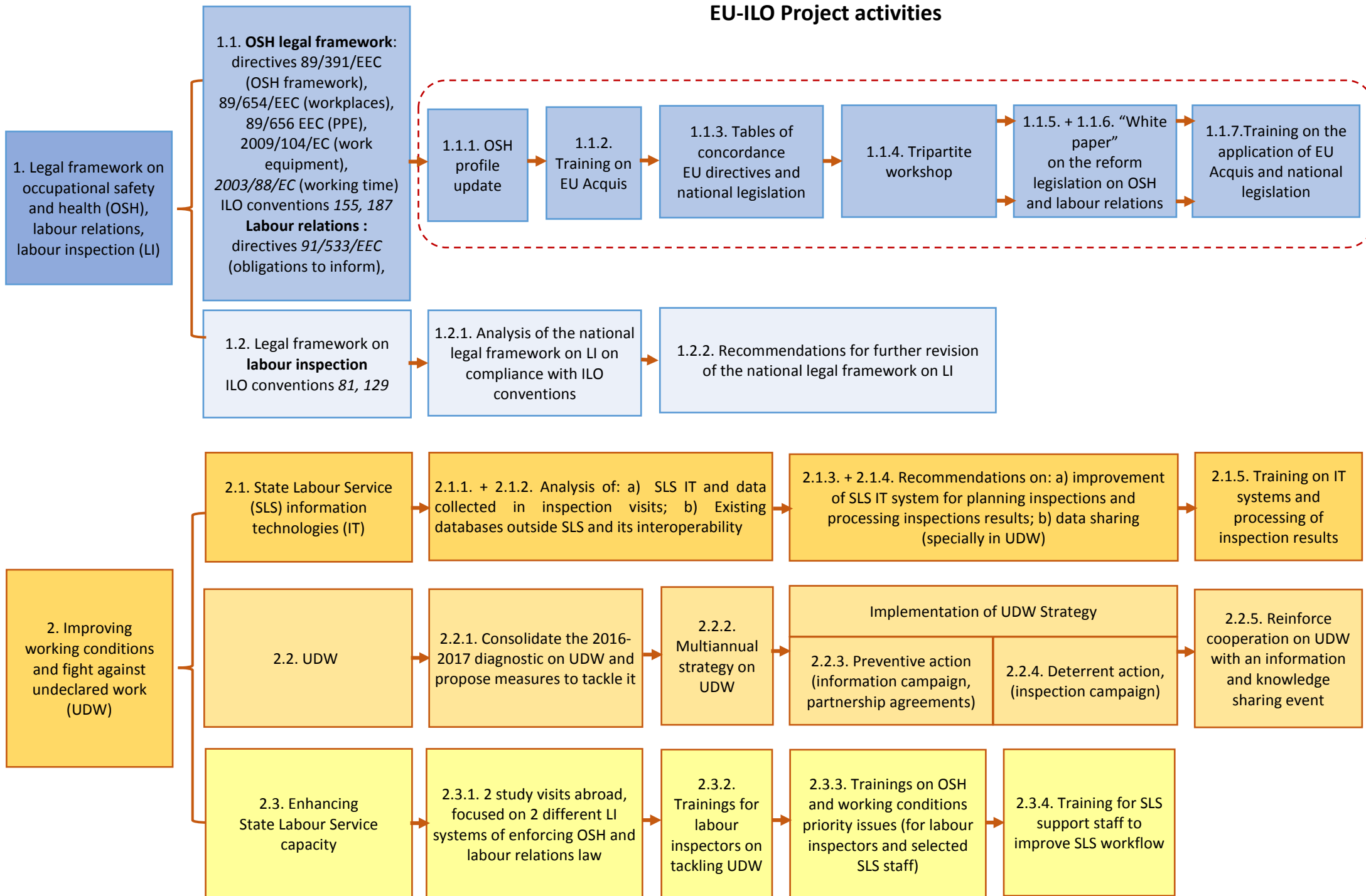
- I. Statistics on the level of legal approach
- II. Summary of the concordance analysis
- III. Table of concordance
- IV. List of revised legislation

The analysis results, conclusions and the tables themselves are to be discussed at a tripartite workshop. The suggestions and recommendations to be proposed by the participants will be taken into account, during the preparation of the “White Book” on the reform of the OSH and labour relations legal framework, which is to be produced within the EU-ILO Project in 2018.

This brochure, in turn, is focused on the analysis of the degree of concordance between the national legislation and Directive **No. 2009/104/EC** concerning the minimum safety and health requirements for the use of work equipment by workers at work.

It is important to note, that proposed analysis is based on the assumption that the analyzed draft Safety and health protection requirements for employees' use of production equipment, already submitted to the Ministry of Justice of Ukraine, will be approved and published as proposed.

EU-ILO Project activities



CONTENT

- I. Statistics On The Level Of Legal Approach**
- II. Summary Of The Concordance Analysis**
- III. Table Of Concordance**
- IV. List Of Revised Legislation**

STATS ON THE LEVEL OF LEGAL APPROACH

Directive No. 2009/104/EC, 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

(Repeals the Council Directive No. 89/655/EEC, concerning the minimum safety and health requirements for the use of work equipment by workers at work, and its successive amendments)

DIRECTIVE ARTICLE		LEVEL OF COMPLIANCE								RECOMMENDATIONS FOR FURTHER ACTION							
N.º	TITLE	FULL		PARTIALLY		NON PROVIDED FOR		CONTRADICTIONARY		MAINTAIN		COMPLEMENT		REMOVE		PROVIDE FOR	
		N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%
1	Subject matter	0	0,0%	0	0,0%	1	50,0%	1	50,0%	0	0,0%	0	0,0%	1	33,3%	2	66,7%
2	Definitions	1	20,0%	1	20,0%	0	0,0%	3	60,0%	1	12,5%	4	50,0%	3	37,5%	0	0,0%
3	General obligations	0	0,0%	0	0,0%	3	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	3	100,0%
4	Rules concerning work equipment	0	0,0%	1	16,7%	5	83,3%	0	0,0%	0	0,0%	1	16,7%	0	0,0%	5	83,3%
5	Inspection of work equipment	0	0,0%	2	33,3%	4	66,7%	0	0,0%	0	0,0%	2	33,3%	0	0,0%	4	66,7%
6	Work equipment involving specific risks	0	0,0%	0	0,0%	2	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%
7	Ergonomics and occupational health	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%
8	Informing workers	0	0,0%	0	0,0%	6	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	6	100,0%
9	Training of workers	0	0,0%	0	0,0%	2	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%
10	Consultation of workers and workers’ participation	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%
TOTAL OF DIRECTIVE PROVISIONS		1	2,9%	4	11,8%	25	73,5%	4	11,8%	1	2,6%	7	18,4%	4	10,5%	26	68,4%
ANNEX I PROVISIONS																	
1	General comment	0	0,0%	0	0,0%	2	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%
2	General minimum requirements applicable to work equipment	10	28,6%	18	51,4%	7	20,0%	0	0,0%	10	28,6%	18	51,4%	0	0,0%	7	20,0%
3	Additional minimum requirements applicable to specific types of work equipment	7	20,0%	28	80,0%	0	0,0%	0	0,0%	7	20,0%	28	80,0%	0	0,0%	0	0,0%
TOTAL OF ANNEX I PROVISIONS		17	23,6%	46	63,9%	9	12,5%	0	0,0%	17	23,6%	46	63,9%	0	0,0%	9	12,5%
ANNEX II PROVISIONS																	
0	General comment	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%
1	General provisions for all work equipment	0	0,0%	3	100,0%	0	0,0%	0	0,0%	0	0,0%	3	100,0%	0	0,0%	0	0,0%
2	Provisions concerning the use of mobile equipment, whether or not self-propelled	1	16,7%	5	83,3%	0	0,0%	0	0,0%	1	16,7%	5	83,3%	0	0,0%	0	0,0%
3	Provisions concerning the use of work equipment for lifting loads	7	38,9%	11	61,1%	0	0,0%	0	0,0%	7	38,9%	11	61,1%	0	0,0%	0	0,0%
4	Provisions concerning the use of work equipment provided for temporary work at a height	1	3,3%	6	20,0%	23	76,7%	0	0,0%	1	3,3%	6	20,0%	0	0,0%	23	76,7%
TOTAL OF ANNEX II PROVISIONS		9	15,5%	25	43,1%	24	41,4%	0	0,0%	9	15,5%	25	43,1%	0	0,0%	24	41,4%
TOTAL DIRECTIVE PROVISIONS		27	16,5%	75	45,7%	58	35,4%	4	2,4%	27	16,1%	78	46,4%	4	2,4%	59	35,1%

The proposed analysis is based on the assumption that the analyzed draft Safety and health protection requirements for employees’ use of production equipment, already submitted to the Ministry of Justice of Ukraine, will be approved and published as proposed

SUMMARY OF THE CONCORDANCE ANALYSIS

Directive No. 2009/104/EC, 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

(Repeals the Council Directive No. 89/655/EEC, concerning the minimum safety and health requirements for the use of work equipment by workers at work, and its successive amendments)

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
1	Subject matter	1	This Directive lays down minimum safety and health requirements for the use of work equipment by workers at work.				x				x	x	
1	Subject matter	2	The provisions of Directive 89/391/EEC are fully applicable to the use of work equipment by workers at work, without prejudice to more stringent or specific provisions contained in this Directive.			x						x	
2	Definitions	(1) (a)	Work equipment: any machine, apparatus, tool or installation used at work.				x			x	x		
2	Definitions	(1) (b)	Use of work equipment: any activity involving work equipment such as starting or stopping the equipment, its use, transport, repair, modification, maintenance and servicing, including, in particular, cleaning.				x			x	x		
2	Definitions	(1) (c)	Danger zone: any zone within or around work equipment in which an exposed worker is subject to a risk to his health or safety.				x			x	x		
2	Definitions	(1) (d)	Exposed worker: any worker wholly or partially in a danger zone.	x					x				
2	Definitions	(1) (e)	Operator: the worker or workers given the task of using work equipment.		x					x			
3	Employers' obligations - General obligations	1 (1)	The employer shall take the measures necessary to ensure that the work equipment made available to workers in the undertaking or establishment is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health.			x		Yes				x	
3	Employers' obligations - General obligations	1 (2)	In selecting the work equipment which he proposes to use, the employer shall pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question.			x		Yes				x	
3	Employers' obligations - General obligations	2	Where it is not possible in this way fully ensure that work equipment can be used by workers without risk to their safety or health, the employer shall take appropriate measures to minimise the risks.			x		Yes				x	
4	Employers' obligations - Rules concerning work equipment	1 (a) (i)	Without prejudice to Article 3, the employer shall obtain and/or use work equipment which, if provided to workers in the undertaking or establishment for the first time after 31 December 1992, complies with the provisions of any relevant Community directive which is applicable.			x						x	
4	Employers' obligations - Rules concerning work equipment	1 (a) (ii)	Without prejudice to Article 3, the employer shall obtain and/or use work equipment which, if provided to workers in the undertaking or establishment for the first time after 31 December 1992, complies with the minimum requirements laid down in Annex I, to the extent that no other Community directive is applicable or is so only partially.			x						x	
4	Employers' obligations - Rules concerning work equipment	1 (b)	Without prejudice to Article 3, the employer shall obtain and/or use work equipment which, if already provided to workers in the undertaking or establishment by 31 December 1992, complies with the minimum requirements laid down in Annex I no later than 4 years after that date.			x						x	
4	Employers' obligations - Rules concerning work equipment	1 (c)	Without prejudice to Article 3, the employer shall obtain and/or use the specific work equipment referred to in point 3 of Annex (e.g., mobile work equipment, whether or not self-propelled; and work equipment for lifting loads) which, if already provided to workers in the undertaking or establishment by 5 December 1998, complies with the minimum requirements laid down in Annex I no later than 4 years after that date, without prejudice to the compliance of any relevant applicable Community directive [point 1(a)(i)], and by way of derogation from point 1(a)(ii) and point 1(b).			x						x	
4	Employers' obligations - Rules concerning work equipment	2	The employer shall take the measures necessary to ensure that, throughout its working life, work equipment is kept, by means of adequate maintenance, at a level such that it complies with point 1(a) or 1(b) as applicable [considering, respectively, if its date of provision to workers was after or before 31 December 1992].			x						x	
4	Employers' obligations - Rules concerning work equipment	3	Member States shall, after consultation with both sides of industry, and with due allowance for national legislation and/or practice, establish procedures whereby a level of safety may be attained corresponding to the objectives indicated by Annex II.		x					x			
4(1)-ANNEX I-1	General comment	(1)	The obligations laid down in this Annex apply having regard to this Directive and where the corresponding risk exists for the work equipment in question.			x						x	
4(1)-ANNEX I-1	General comment	(2)	The following minimum requirements, inasmuch as they apply to work equipment in use, do not necessarily call for the same measures as the essential requirements concerning new work equipment.			x						x	
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (1)	Work equipment control devices which affect safety must be clearly visible and identifiable and appropriately marked where necessary.		x					x			

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
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4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (2)	Except where necessary for certain control devices, control devices must be located outside danger zones and in such a way that their operation cannot pose any additional hazard. They must not give rise to any hazard as a result of any unintentional operation.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (3)	If necessary, from the main control position, the operator must be able to ensure that no person is present in the danger zones. If this is impossible, a safe system such as an audible and/or visible warning signal must be given automatically whenever the machinery is about to start. An exposed worker must have the time and the means quickly to avoid hazards caused by the starting or stopping of the work equipment.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (4)	Control systems must be safe and must be chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (1)	It must be possible to start work equipment only by deliberate action on a control provided for the purpose.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (2)	It must be possible to restart a work equipment after a stoppage for whatever reason only by deliberate action on a control provided for the purpose, unless such a restart or change does not subject exposed workers to any hazard.			x						x	
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (3)	It must be possible to start work equipment for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.) only by deliberate action on a control provided for the purpose, unless such a restart or change does not subject exposed workers to any hazard.			x						x	
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (4)	This requirement does not apply to restarting or a change in operating conditions as a result of the normal operating cycle of an automatic device.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.3 (1)	All work equipment must be fitted with a control to stop it completely and safely.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.3 (2)	Each work station must be fitted with a control to stop some or all of the work equipment, depending on the type of hazard, so that the equipment is in a safe state. The equipment's stop control must have priority over the start controls. When the work equipment or the dangerous parts of it have stopped, the energy supply of the actuators concerned must be switched off.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2,4	Where appropriate, and depending on the hazards the equipment presents and its normal stopping time, work equipment must be fitted with an emergency stop device.			x		No				x	
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.5 (1)	Work equipment presenting risk due to falling objects or projections must be fitted with appropriate safety devices corresponding to the risk.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.5 (2)	Work equipment presenting hazards due to emissions of gas, vapour, liquid or dust must be fitted with appropriate containment and/or extraction devices near the sources of the hazard.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2,6	Work equipment and parts of such equipment must, where necessary for the safety and health of workers, be stabilised by clamping or some other means.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2,7	Where there is a risk of rupture or disintegration of parts of the work equipment, likely to pose significant danger to the safety and health of workers, appropriate protection measures must be taken.		x					x			

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (1)	Where there is a risk of mechanical contact with moving parts of work equipment which could lead to accidents, those parts must be provided with guards or devices to prevent access to danger zones or to halt movements of dangerous parts before the danger zones are reached.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (1)	The guards and protection devices must be of robust construction.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (2)	The guards and protection devices must not give rise to any additional hazard.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (3)	The guards and protection devices must not be easily removed or rendered inoperative.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (4)	The guards and protection devices must be situated at sufficient distance from the danger zone.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (5)	The guards and protection devices must not restrict more than necessary the view of the operating cycle of the equipment.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (6)	The guards and protection devices must allow operations necessary in order to fit or replace parts and for maintenance work, restricting access only to the area where the work is to be carried out and, if possible, without removal of the guard or protection device.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2,9	Areas and points for working on, or maintenance of, work equipment must be suitably lit in line with the operation to be carried out.			x		No				x	
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.10	Work equipment parts at high or very low temperature must, where appropriate, be protected to avoid the risk of workers coming into contact or coming too close.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.11	Warning devices on work equipment must be unambiguous and easily perceived and understood.			x		No				x	
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.12	Work equipment may be used only for operations and under conditions for which it is appropriate.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.13 (1)	It must be possible to carry out maintenance operations when the equipment is shut down. If this is not possible, it must be possible to take appropriate protection measures for the carrying-out of such operations or for such operations to be carried out outside the danger zones.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.13 (2)	If any machine has a maintenance log, it must be kept up to date.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.14 (1)	All work equipment must be fitted with clearly identifiable means to isolate it from all its energy sources.			x		No				x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.14 (2)	Reconnection must be presumed to pose no risk to the workers concerned.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.15	Work equipment must bear the warnings and markings essential to ensure the safety of workers.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.16	Workers must have safe means of access to, and be able to remain safely in, all the areas necessary for production, adjustment and maintenance operations.	x					x				
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.17	All work equipment must be appropriate for protecting workers against the risk of the work equipment catching fire or overheating, or of discharges of gas, dust, liquid, vapour or other substances produced, used or stored in the work equipment.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.18	All work equipment must be appropriate for preventing the risk of explosion of the work equipment or of substances produced, used or stored in the work equipment.		x					x			
4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.19	All work equipment must be appropriate for protecting exposed workers against the risk of direct or indirect contact with electricity.			x		No				x	
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.1 (1)	Work equipment with ride-on workers must be fitted out in such a way as to reduce the risks for workers during the journey.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.1 (2)	Those risks must include the risks of contact by workers with, or trapping by, wheels or tracks.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.2 (1)	Where an inadvertent seizure of the drive unit between a mobile item of work equipment and its accessories or anything towed might create a specific risk, such work equipment must be equipped or adapted to prevent blockages of the drive units.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.2 (2)	Where such a seizure cannot be avoided, every possible measure must be taken to avoid any adverse effects on workers.	x					x				

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.3	Where driveshafts for the transmission of energy between mobile items of work equipment can become soiled or damaged by trailing on the ground, facilities must be available for fixing them.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (1) (1)	Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment roll-over by a protection structure designed to ensure that the equipment does not tilt by more than a quarter turn; or		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (1) (2)	Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment roll-over by a structure giving sufficient clearance around the ride-on workers if the tilting movement can continue beyond a quarter turn; or		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (1) (3)	Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment roll-over by some other device of equivalent effect.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (2)	These protection structures may be an integral part of the work equipment.	x					x				
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (3)	These protection structures are not required when the work equipment is stabilised during operation or where the design makes roll-over impossible.	x					x				
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (4)	Where there is a risk of a ride-on worker being crushed between parts of the work equipment and the ground, should the equipment roll over, a restraining system for the ride-on workers must be installed.		x					x			

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (1)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by the installation of an enclosure for the driver; or	x					x				
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (2)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by a structure preventing the fork-lift truck from overturning; or	x					x				
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (3)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by a structure ensuring that, if the fork-lift truck overturns, sufficient clearance remains between the ground and certain parts of the fork-lift truck for ride-on workers; or		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (4)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by a structure restraining the workers on the driving seat so as to prevent them from being crushed by parts of the fork-lift truck which overturns.	x					x				
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (a)	Self-propelled work equipment which may, when in motion, engender risks for persons, must have facilities for preventing unauthorised start-up.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (b)	Self-propelled work equipment which may, when in motion, engender risks for persons must have appropriate facilities for minimising the consequences of a collision where there is more than one item of track-mounted work equipment in motion at the same time.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (c)	In self-propelled work equipment which may, when in motion, engender risks for persons, there must be a device for braking and stopping equipment. Where safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems must be available for braking and stopping equipment in the event of failure of the main facility.		x					x			

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4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (d)	Self-propelled work equipment which may, when in motion, engender risks for persons, must be installed with adequate auxiliary devices to improve visibility, when the driver's direct field of vision is inadequate to ensure safety.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (e)	Self-propelled work equipment designed for use at night or in dark places which may, when in motion, engender risks for persons, must be equipped with lighting appropriate to the work to be carried out and must ensure sufficient safety for workers.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (f)	Self-propelled work equipment which may, when in motion, engender risks for persons, and which constitutes a fire hazard, either on its own or in respect of whatever it is towing or carrying, and which is liable to endanger workers, must be equipped with appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of use.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (g)	Self-propelled remote-controlled work equipment which may, when in motion, engender risks for persons, must stop automatically once it leaves the control range.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (h)	Self-propelled remote-controlled work equipment which may, when in motion, engender risks for persons and which may in normal conditions engender a crushing or impact hazard, must have facilities to guard against this risk, unless other appropriate devices are present to control the impact risk.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.1	When work equipment for lifting loads is installed permanently, its strength and stability during use must be ensured, having regard, in particular, to the loads to be lifted and the stress induced at the mounting or fixing point of the structures.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.2 (1)	Machinery for lifting loads must be clearly marked to indicate its nominal load, and must where appropriate be fitted with a load plate giving the nominal load for each configuration of the machinery.		x					x			

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4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.2 (2)	Accessories for lifting must be marked in such a way that it is possible to identify the characteristics essential for safe use.	x					x				
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.2 (3)	Work equipment which is not designed for lifting persons but which might be so used in error must be appropriately and clearly marked to this effect.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.3 (1) (a)	Permanently installed work equipment must be installed in such a way as to reduce the risk of the load striking workers.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.3 (1) (b)	Permanently installed work equipment must be installed in such a way as to reduce the risk of the load unintentionally drifting dangerously or falling freely.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.3 (1) (c)	Permanently installed work equipment must be installed in such a way as to reduce the risk of the load being released unintentionally.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (a)	Work equipment for lifting or moving workers must be such as to prevent the risk of the car falling, where one exists, by means of suitable devices.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (b)	Work equipment for lifting or moving workers must be such as to prevent the risk of the user himself falling from the car, where one exists.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (c)	Work equipment for lifting or moving workers must be such as to prevent the risk of the user being crushed, trapped or struck, in particular through inadvertent contact with objects.		x					x			

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4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (d)	Work equipment for lifting or moving workers must be such as to ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed.		x					x			
4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4. (2)	If, for reasons inherent in the site and in height differences, the risk of the car falling [referred to in point 3.2.4 (1) (a)] cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope must be installed and checked every working day.		x					x			
4(3)-ANNEX II-0	General comment	(1)	This Annex applies having regard to this Directive and where the corresponding risk exists for the work equipment in question.			x						x	
4(3)-ANNEX II-1	General provisions for all work equipment	1,1	Work equipment must be installed, located and used in such a way as to reduce risks to users of the work equipment and for other workers (e.g., by ensuring that there is sufficient space between the moving parts of work equipment and fixed or moving parts in its environment and that all forms of energy and substances used or produced can be supplied or removed in a safe manner).		x					x			
4(3)-ANNEX II-1	General provisions for all work equipment	1,2	Work equipment must be erected or dismantled under safe conditions, in particular observing any instructions which may have been furnished by the manufacturer.		x					x			
4(3)-ANNEX II-1	General provisions for all work equipment	1,3	Work equipment which may be struck by lightning while being used must be protected by devices or appropriate means to counter the effects of lightning.		x					x			
4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,1	Self-propelled work equipment shall be driven only by workers who have been appropriately trained in the safe driving of such equipment.		x					x			
4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,2	If work equipment is moving around in a work area, appropriate traffic rules must be drawn up and followed.		x					x			
4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2.3 (1)	Organisational measures must be taken to prevent workers on foot coming within the area of operation of selfpropelled work equipment.		x					x			
4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2.3 (2)	If work can be done properly only if workers on foot are present, appropriate measures must be taken to prevent them from being injured by the equipment.	x					x				
4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,4	The transport of workers on mechanically driven mobile work equipment is authorised only where safe facilities are provided for that purpose. If work must be carried out during the journey, speeds must be adjusted as necessary.		x					x			
4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,5	Mobile work equipment with a combustion engine may not be used in working areas unless sufficient quantities of air presenting no health or safety risk to workers can be guaranteed.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.1	Work equipment which is mobile or can be dismantled and which is designed for lifting loads must be used in such a way as to ensure the stability of the work equipment during use under all foreseeable conditions, taking into account the nature of the ground.		x					x			

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4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.2 (1)	Persons may be lifted only by means of work equipment and accessories provided for that purpose.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.2 (2)	Without prejudice to Article 5 of Directive 89/391/EEC [regarding the employers' non-transferable responsibility for ensuring the safety and health of workers in every aspect related to the work], exceptionally, work equipment which is not specifically designed for the purpose of lifting persons may be used for that purpose, provided appropriate action has been taken to ensure safety in accordance with national legislation and/or practice providing for appropriate supervision.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.2 (3)	While workers are on work equipment designed for lifting loads the control position must be manned at all times. Persons being lifted must have reliable means of communication. In the event of danger, there must be reliable means of evacuating them.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (1)	Measures must be taken to ensure that workers are not present under suspended loads, unless such presence is required for the effective operation of the work.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (2)	Loads may not be moved above unprotected workplaces usually occupied by workers.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (3)	Where that is the case, if work cannot be carried out properly any other way, appropriate procedures must be laid down and applied.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.4	Lifting accessories must be selected according to the loads to be handled, gripping points, attachment tackle and atmospheric conditions having regard to the mode and configuration of slinging. Lifting accessory tackle must be clearly marked so that users are aware of its characteristics where such tackle is not dismantled after use.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.5	Lifting accessories must be stored in a way that ensures that they will not be damaged or degraded.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.1	When two or more items of work equipment used for lifting non-guided loads are installed or erected on a site in such a way that their working radii overlap, appropriate measures must be taken to avoid collision between loads or the work equipment parts themselves.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.2	When using mobile work equipment for lifting non-guided loads, measures must be taken to prevent the equipment from tilting, overturning or, as the case may be, moving or slipping. Checks must be carried out to ensure that these measures are executed properly.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.3	If the operator of work equipment designed for lifting non-guided loads cannot observe the full path of the load either directly or by means of auxiliary equipment providing the necessary information, a competent person must be in communication with the operator to guide him and organisational measures must be taken to prevent collisions of the load which could endanger workers.		x					x			

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4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.4	Work must be organised in such a way that, when a worker is attaching or detaching a load by hand, it can be done safely, in particular through the worker retaining direct or indirect control of the work equipment.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.5 (1)	All lifting operations must be properly planned, appropriately supervised and carried out in such a way as to protect the safety of workers.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.5 (2)	In particular, if a load has to be lifted simultaneously by two or more items of work equipment designed for lifting non-guided loads, a procedure must be established and applied to ensure good coordination on the part of the operators.		x					x			
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.6 (1)	If work equipment designed for lifting non-guided loads cannot maintain its hold on the load in the event of a complete or partial power failure, appropriate measures must be taken to avoid exposing workers to any resultant risks.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.6 (2)	Suspended loads must not be left unsupervised unless access to the danger zone is prevented and the load has been safely suspended and is safely held.	x					x				
4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.7	Open-air use of work equipment designed for lifting non-guided loads must be halted when meteorological conditions deteriorate to the point of jeopardising the safe use of the equipment and exposing workers to risks. Adequate protection measures, in particular measures to avoid work equipment turning over, must be taken to avoid any risks to workers.		x					x			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.1 (1)	If, in spite employer's compliance with its general obligations regarding the prevention of occupational risks and the protection of the OSH of his workers [pursuant to Article 6 of Directive 89/391/EEC and Article 3 of this Directive], temporary work at a height cannot be carried out safely and under appropriate ergonomic conditions from a suitable surface, the work equipment most suitable to ensure and maintain safe working conditions must be selected. Collective protection measures must be given priority over personal protection measures. The dimensions of the work equipment must be appropriate to the nature of the work to be performed and to the foreseeable stresses, and must allow passage without danger.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.1 (2)	The most appropriate means of access to temporary workplaces at a height must be selected according to the frequency of passage, the height to be negotiated and the duration of use. The choice made must permit evacuation in the event of imminent danger. Passage in either direction between a means of access and platforms, decks or gangways must not give rise to any additional risks of falling.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.2	Ladders may be used as work stations for work at a height only under circumstances in which, given point 4.1.1, the use of other, safer work equipment is not justified because of the low level of risk and by reason of either the short duration of use or existing features on site that the employer cannot alter.		x					x			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.3	Rope access and positioning techniques may be used only under circumstances where the risk assessment indicates that the work can be performed safely and where the use of other, safer work equipment is not justified. Taking the risk assessment into account and depending in particular on the duration of the job and the ergonomic constraints, provision must be made for a seat with appropriate accessories.			x		Yes				x	

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4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.4	Depending on the type of work equipment selected on the basis of the foregoing, the appropriate measures for minimising the risks to workers inherent in that type of equipment must be determined. If necessary, provision must be made for the installation of safeguards to prevent falls. These must be of suitable configuration and sufficient strength to prevent or arrest falls from a height and, as far as possible, to preclude injury to workers. Collective safeguards to prevent falls may be interrupted only at points of ladder or stairway access.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.5	When the performance of a particular task requires the temporary removal of a collective safeguard designed to prevent falls, effective compensatory safety measures must be taken. The task may not be performed until such measures have been taken. Once the particular task has been finished, either definitively or temporarily, the collective safeguards to prevent falls must be reinstalled.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.6	Temporary work at a height may be carried out only when the weather conditions do not jeopardise the safety and health of workers.		x			Yes		x			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of ladders	4.2.1	Ladders must be so positioned as to ensure their stability during use. Portable ladders must rest on a stable, strong, suitably-sized, immobile footing so that the rungs remain horizontal. Suspended ladders must be attached in a secure manner and, with the exception of rope ladders, in such a way that they cannot be displaced and swinging is prevented.		x			Yes		x			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of ladders	4.2.2	The feet of portable ladders must be prevented from slipping during use by securing the uprights at or near their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness. Ladders used for access must be long enough to protrude sufficiently beyond the access platform, unless other measures have been taken to ensure a firm handhold. Interlocking ladders and extension ladders must be used in such a way that the different sections are prevented from moving relative to one another. Mobile ladders must be prevented from moving before they are stepped on.		x			Yes		x			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of ladders	4.2.3	Ladders must be used in such a way that a secure handhold and secure support are available to workers at all times. In particular, if a load has to be carried by hand on a ladder, it must not preclude the maintenance of a safe handhold.		x			Yes		x			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.1	When a note of the calculations for the scaffolding selected is not available or the note does not cover the structural arrangements contemplated, strength and stability calculations must be carried out unless the scaffolding is assembled in conformity with a generally recognised standard configuration.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.2	Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan must be drawn up by a competent person. This may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.	x				Yes	x				

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4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.3	The bearing components of scaffolding must be prevented from slipping, whether by attachment to the bearing surface, provision of an anti-slip device or any other means of equivalent effectiveness, and the load-bearing surface must have a sufficient capacity. Steps must be taken to ensure that the scaffolding is stable. Wheeled scaffolding must be prevented by appropriate devices from moving accidentally during work at a height.		X			Yes		X			
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.4	The dimensions, form and layout of scaffolding decks must be appropriate to the nature of the work to be performed and suitable for the loads to be carried, and must permit work and passage in safety. Scaffolding decks must be assembled in such a way that their components cannot move in normal use. There must be no dangerous gap between the deck components and the vertical collective safeguards designed to prevent falls.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.5	When parts of a scaffolding are not ready for use, for example during assembly, dismantling or alteration, they must be marked with general warning signs in accordance with the national provisions transposing Council Directive 92/58/EEC (on the minimum requirements for the provision of safety and/or health signs at work) and must be suitably delimited by physical means preventing access to the danger zone.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1)	Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person and by workers who have received appropriate and specific training in the operations envisaged, addressing specific risks in accordance with Article 9, and more particularly in:			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (a)	Understanding of the plan for the assembly, dismantling or alteration of the scaffolding concerned;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (b)	Safety during the assembly, dismantling or alteration of the scaffolding concerned;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (c)	Measures to prevent the risk of persons or objects falling;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (d)	Safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding concerned;			x		Yes				x	

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4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (e)	Permissible loads;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (f)	Any other risks which the abovementioned assembly, dismantling or alteration operations may entail.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (2)	The person supervising and the workers concerned must have available the assembly and dismantling plan referred to in point 4.3.2, including any instructions which it may contain.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (a)	The use of rope access and positioning techniques must comply with the following conditions: the system must comprise at least two separately anchored ropes, one as a means of access, descent and support (work rope) and the other as backup (security rope);			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (b)	The use of rope access and positioning techniques must comply with the following conditions: workers must be provided with and use an appropriate harness and must be connected by it to the security rope;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (c)	The use of rope access and positioning techniques must comply with the following conditions: the work rope must be equipped with safe means of ascent and descent and have a self-locking system to prevent the user falling should he lose control of his movements. The security rope must be equipped with a mobile fall prevention system which follows the movements of the worker;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (d)	The use of rope access and positioning techniques must comply with the following conditions: the tools and other accessories to be used by a worker must be secured to the worker's harness or seat or by some other appropriate means;			x		Yes				x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (e)	The use of rope access and positioning techniques must comply with the following conditions: the work must be properly planned and supervised, so that a worker can be rescued immediately in an emergency;			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (f)	The use of rope access and positioning techniques must comply with the following conditions: in accordance with Article 9, the workers concerned must receive adequate training specific to the operations envisaged, in particular rescue procedures.			x		Yes				x	
4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (2)	In exceptional circumstances where, in view of the assessment of risks, the use of a second rope would make the work more dangerous, the use of a single rope may be permitted, provided that appropriate measures have been taken to ensure safety in accordance with national legislation and/or practice.			x		Yes				x	
5	Employers' obligations - Inspection of work equipment	1	The employer shall ensure that where the safety of work equipment depends on the installation conditions, it shall be subject to an initial inspection (after installation and before first being put into service) and an inspection after assembly at a new site or in a new location by competent persons within the meaning of national laws and/or practices, to ensure that the work equipment has been installed correctly and is operating properly.		x			Yes		x			
5	Employers' obligations - Inspection of work equipment	2 (a)	In order to ensure that health and safety conditions are maintained and that deterioration liable to result in dangerous situations can be detected and remedied in good time, the employer shall ensure that work equipment exposed to conditions causing such deterioration is subject to periodic inspections and, where appropriate, testing by competent persons within the meaning of national laws and/or practices.			x		Yes				x	
5	Employers' obligations - Inspection of work equipment	2 (b)	In order to ensure that health and safety conditions are maintained and that deterioration liable to result in dangerous situations can be detected and remedied in good time, the employer shall ensure that work equipment exposed to conditions causing such deterioration is subject to special inspections by competent persons within the meaning of national laws and/or practices each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred, such as modification work, accidents, natural phenomena or prolonged periods of inactivity.		x			Yes		x			
5	Employers' obligations - Inspection of work equipment	3 (1)	The results of inspections shall be recorded and kept at the disposal of the authorities concerned. They must be kept for a suitable period of time.			x		Yes				x	
5	Employers' obligations - Inspection of work equipment	3 (2)	When work equipment is used outside the undertaking it shall be accompanied by physical evidence that the last inspection has been carried out.			x		Yes				x	
5	Employers' obligations - Inspection of work equipment	4	Member States shall determine the conditions under which such inspections are made.			x		Yes				x	
6	Employers' obligations - Work equipment involving specific risks	(1) (a)	When the use of work equipment is likely to involve a specific risk to the safety or health of workers, the employer shall take the measures necessary to ensure that the use of work equipment is restricted to those persons given the task of using it.			x		Yes				x	
6	Employers' obligations - Work equipment involving specific risks	(1) (b)	When the use of work equipment is likely to involve a specific risk to the safety or health of workers, the employer shall take the measures necessary to ensure that in the case of repairs, modifications, maintenance or servicing, the workers concerned are specifically designated to carry out such work.			x		Yes				x	
7	Employers' obligations - Ergonomics and occupational health	(1)	The workplace and position of workers while using work equipment and ergonomic principles shall be taken fully into account by the employer when applying minimum health and safety requirements.			x		Yes				x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
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8	Employers' obligations - Informing workers	1	Without prejudice to Article 10 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that workers have at their disposal adequate information and, where appropriate, written instructions on the work equipment used at work.			x		Yes				x	
8	Employers' obligations - Informing workers	2 (1) (a)	The information and the written instructions shall contain at least adequate safety and health information concerning the conditions of use of work equipment.			x		Yes				x	
8	Employers' obligations - Informing workers	2 (1) (b)	The information and the written instructions shall contain at least adequate safety and health information concerning foreseeable abnormal situations.			x		Yes				x	
8	Employers' obligations - Informing workers	2 (1) (c)	The information and the written instructions shall contain at least adequate safety and health information concerning the conclusions to be drawn from experience, where appropriate, in using work equipment.			x		Yes				x	
8	Employers' obligations - Informing workers	2 (2)	Workers shall be made aware of dangers relevant to them, work equipment present in the work area or site, and any changes affecting them, inasmuch as they affect work equipment situated in their immediate work area or site, even if they do not use such equipment directly.			x		Yes				x	
8	Employers' obligations - Informing workers	3	The information and the written instructions shall be comprehensible to the workers concerned.			x		Yes				x	
9	Employers' obligations - Training of workers	(a)	Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail.			x		Yes				x	
9	Employers' obligations - Training of workers	(b)	Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that workers the workers specifically designated to carry out repairs, modifications, maintenance or servicing to work equipment [referred to in Article 6 (1) (b)] receive adequate specific training.			x		Yes				x	
10	Employers' obligations - Consultation of workers and workers' participation	(1)	Consultation and participation of workers and/or of their representatives on the matters covered by this Directive, including the Annexes thereto, shall take place in accordance with Article 11 of Directive 89/391/EEC.			x		Yes				x	

TABLE OF CONCORDANCE Directive No. 2009/104/EC, 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 (Repeals the Council Directive No. 89/655/EEC, concerning the minimum safety and health requirements for the use of work equipment by workers at work, and its successive amendments)																						
LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					COMMENTS	PROPOSALS	ILO COMMENTS
	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT			
1	1	Subject matter	1	This Directive lays down minimum safety and health requirements for the use of work equipment by workers at work.	4.4	1.1	I. General provisions		These requirements apply to all economic entities regardless of their ownership, organizational and legal form, or types of activities and establish minimum requirements for safety and health protection for employees' use of production equipment at the workplace			x	x				x	x				CONTRARY TO THE DIRECTIVE AND NON-PROVIDED FOR: This national provision, is contrary to the directive, as it narrows the scope of its application to: 1. "Economic entities": thus leaving out of its scope other employers and their use of work equipment, such as public administration services (e.g., municipalities), not-for-profit organizations, cooperatives, and other non-economic organizations, as well as own-account workers with employees; 2. The use of "production equipment" ("Виробниче обладнання"), instead of "work equipment" ("Робоче обладнання"), contradicts the Directive provision, which applies to the use of all "work equipment", and not just to "production equipment".
2	1	Subject matter	2	The provisions of Directive 89/391/EEC are fully applicable to the use of work equipment by workers at work, without prejudice to more stringent or specific provisions contained in this Directive.	4.4	1.2	I. General provisions		These requirements are developed based on Directive 2009/104/EC of the European Parliament and Council of September 16, 2009 on the minimum safety and health requirements for use of work equipment by workers in the conduct of their professional activities (the second special Directive in the meaning of Article 16.1 of Directive 89/391/EEC).			x						x				NON-PROVIDED FOR: This national provision misses the point: it only says that this law is based on the EU Directive 2009/104/EC. It does not states that the provisions of the EU Directive 89/391/EEC are applicable (without prejudice to more stringent or specific provisions contained in this Directive) to the use of work equipment. It just says that this national law was developed based on he EU Directive 2009/104/EC.
3	2	Definitions	(1) (a)	Work equipment: any machine, apparatus, tool or installation used at work.	4.4	1.5	I. General provisions		"The terms used herein have the following meanings: production equipment - any machine, apparatus, tool, device, or piece of equipment used during execution of works, manufacturing of products, provision of services, including high-risk machines, mechanisms, and equipment; "		x		x			x	x					CONTRARY TO THE DIRECTIVE AND PARTIALLY PROVIDED FOR: This national provision, is contrary to the directive provision, as it narrows its scope: 1. By using the term "production equipment" ("Виробниче обладнання"), instead of "work equipment" ("Робоче обладнання"), thus narrowing its application only to the production equipment and leaving out other types of work equipment that are not production equipment - in fact, an air-conditioning or forced ventilation equipment, a coffee machine, a microwave, a ladder, a computer, etc., in spite of not being necessarily a production equipment, if they are used at work, they become a work equipment; 2. By not including "installations"; 3. By defining work equipment as the one that is "used during execution of works", instead of the one "used at work", as provided for in the directive provision. In doing so, and according to the national provision, the equipment that is used at work but not during the execution of works is not considered as a work equipment, which is contrary to the directive provision. As such, the national provision should include "installations" and replace "used during execution of works, manufacturing of products, provision of services, including high-risk machines, mechanisms, and equipment" by "used at work".

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTIONARY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT			
4	2	Definitions	(1) (b)	Use of work equipment: any activity involving work equipment such as starting or stopping the equipment, its use, transport, repair, modification, maintenance and servicing, including, in particular, cleaning.	4.4	1.5	I. General provisions		The terms used herein have the following meanings: use of production equipment - activities related to production equipment: starting or stopping the equipment, its use as intended, transportation, repair, modification (reconstruction, modernization), supervision and maintenance, including cleaning;		x		x			x	x					CONTRARY TO THE DIRECTIVE AND PARTIALLY PROVIDED FOR: This national provision is contrary to the directive provision, as it narrows it scope, in particular, the concept of use of work equipment. It should replace the expression "its use as intended" by "its use", because the work equipment can be used as it was not intended to, and that does not mean that the work equipment was not used. Moreover, the expression "modification (reconstruction, modernization)" should be replaced by only "modification", because the modification of a work equipment can involve other operations that are neither a "reconstruction" nor a "modernization", but that are still "modification" (e.g., application of safety devices, reconversion, adaptation, etc.).
5	2	Definitions	(1) (c)	Danger zone: any zone within or around work equipment in which an exposed worker is subject to a risk to his health or safety.	4.4	1.5	I. General provisions		The terms used herein have the following meanings: a "danger area" - any zone inside or around production equipment where an employee is exposed to external impact, faces health risks, or life safety hazards;		x		x			x	x					CONTRARY TO THE DIRECTIVE AND PARTIALLY PROVIDED FOR: This national provision only partially transposes the directive provision and, most specially, it also contradicts it, mainly because a danger zone is not an area that exposes workers only to "external impact, health risks, or life safety hazards", but also that exposes the workers to other safety risks which are not necessarily neither an "external impact" nor a "life safety hazard". The national provision should be more general in what regards the health and safety risks or, have to list them all (which is rather impossible). As such, this provision needs to be modified, as follows: 1. Replace the term "production equipment" by "work equipment"; 2. Replace "where an employee is exposed to external impact, faces health risks, or life safety hazards" by "in which an exposed worker is subject to a risk to their health or safety".
6	2	Definitions	(1) (d)	Exposed worker: any worker wholly or partially in a danger zone.	4.4	1.5	I. General provisions		"The terms used herein have the following meanings: an exposed employee - any employee who is partially or wholly located in a danger area; "	x					x							FULLY PROVIDED FOR
7	2	Definitions	(1) (e)	Operator: the worker or workers given the task of using work equipment.	4.4	1.5	I. General provisions		The terms used herein have the following meanings: an operator - an employee assigned to use production equipment;		x					x						PARTIALLY PROVIDDE FOR: The national provision should enlarge the scope of the provision, in order to meet the scope of the directive one. As such, the term he term "production equipment" ("Виробниче обладнання") should be replaced by the term "work equipment" ("Робоче обладнання").

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT					
8	3	Employers' obligations - General obligations	1 (1)	The employer shall take the measures necessary to ensure that the work equipment made available to workers in the undertaking or establishment is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements."			x		Yes					x					NON-PROVIDED FOR: the national provision indicated is too general, and not equivalent to the specific provision of the directive, that is aimed at establishing the obligation of the employer for ensuring that the work equipment is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health.

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT					
9	3	Employers' obligations - General obligations	1 (2)	In selecting the work equipment which he proposes to use, the employer shall pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements."			x		Yes				x						NON-PROVIDED FOR: the national provision indicated is too general, and not equivalent to the specific provision of the directive. It should therefore be provided, in the national legislation, the specific obligation of the employer to "pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question".

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT					
10	3	Employers' obligations - General obligations	2	Where it is not possible in this way fully ensure that work equipment can be used by workers without risk to their safety or health, the employer shall take appropriate measures to minimise the risks.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements."			x		Yes				x						NON-PROVIDED FOR: the national provision indicated is too general, and not equivalent to the specific provision of the directive. It should therefore be provided, in the national legislation, that, when the safety and health risks resulting from the use of the working equipment cannot be avoided through its selection or proper adaptation, the employer has the obligation to "take the appropriate measures to minimise the risks".
11	4	Employers' obligations - Rules concerning work equipment	1 (a) (i)	Without prejudice to Article 3, the employer shall obtain and/or use work equipment which, if provided to workers in the undertaking or establishment for the first time after 31 December 1992, complies with the provisions of any relevant Community directive which is applicable.	4.4	2.4.	II. General obligations of employers		"Production equipment provided to and used by the employee must be technically functional and in line with: a) technical regulations requirements, if the production equipment was manufactured after the date of entry into force or binding application of the relevant technical regulations applicable to the production equipment; b) at least the minimum safety requirements specified in Section III hereof and in regulatory acts on occupational safety and health, if the production equipment was manufactured before the effective date or binding application of the relevant technical regulations applicable to the production equipment; or in the absence of technical regulations applicable to this production equipment." "			x					x						NON-PROVIDED FOR: The national provision indicated does not transpose this directive provision. In order to do so, the national provision should provide for that, without prejudice to the national provisions that transpose the article 3 of the Directive 2009/104/EC, the work equipment provided to workers for the first time after the entry into force of this national law has to comply with the applicable national provisions that transpose the provisions of any relevant Community Directive (e.g., Directive 2006/42/EC, of the European Parliament and of the Council, of 17 May 2006, on machinery, and amending Directive 95/16/EC (recast), etc.).	
12	4	Employers' obligations - Rules concerning work equipment	1 (a) (ii)	Without prejudice to Article 3, the employer shall obtain and/or use work equipment which, if provided to workers in the undertaking or establishment for the first time after 31 December 1992, complies with the minimum requirements laid down in Annex I, to the extent that no other Community directive is applicable or is so only partially.	4.4	2.4.	II. General obligations of employers		"Production equipment provided to and used by the employee must be technically functional and in line with: a) technical regulations requirements, if the production equipment was manufactured after the date of entry into force or binding application of the relevant technical regulations applicable to the production equipment; b) at least the minimum safety requirements specified in Section III hereof and in regulatory acts on occupational safety and health, if the production equipment was manufactured before the effective date or binding application of the relevant technical regulations applicable to the production equipment; or in the absence of technical regulations applicable to this production equipment" "			x					x						NON-PROVIDED FOR: The national provision indicated does not transpose this directive provision. In order to do so, the national provision should provide for that, without prejudice to the provisions that transposes the article 3 of the Directive 2009/104/EC, the work equipment provided to workers for the first time after the entry into force of this national law, if not covered by the national provisions that transpose other Community directive or is so only partially, has to comply with the minimum requirements laid down in the national provisions that transpose the Annex I of the Directive 2009/104/EC.	

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT			
13	4	Employers' obligations - Rules concerning work equipment	1 (b)	Without prejudice to Article 3, the employer shall obtain and/or use work equipment which, if already provided to workers in the undertaking or establishment by 31 December 1992, complies with the minimum requirements laid down in Annex I no later than 4 years after that date.	4.4	2.5.	II. General obligations of employers		If production equipment provided to and used by the employee does not meet the minimum safety requirements specified in Section III hereof and in the regulatory acts on occupational safety and health, such production equipment must at least be brought to conformity no later than four years after the there Requirements' entry into force. During this period, the employer takes the necessary measures to ensure safe use of such production equipment by employees.			x						x				NON-PROVIDED FOR: The national provision indicated does not transpose this directive provision. In order to do so, the national provision should provide for that, without prejudice to the national provisions that transpose the article 3 of the Directive 2009/104/EC, the work equipment already provided to workers before the entry into force of this national law, has to comply, no later than 4 years after the entry into force of this national law, with the minimum requirements laid down in the national provisions that transpose the Annex I of the Directive 2009/104/EC.
14	4	Employers' obligations - Rules concerning work equipment	1 (c)	Without prejudice to Article 3, the employer shall obtain and/or use the specific work equipment referred to in point 3 of Annex (e.g., mobile work equipment, whether or not self-propelled; and work equipment for lifting loads) which, if already provided to workers in the undertaking or establishment by 5 December 1998, complies with the minimum requirements laid down in Annex I no later than 4 years after that date, without prejudice to the compliance of any relevant applicable Community directive [point 1(a)(i)], and by way of derogation from point 1(a)(ii) and point 1(b).	4.4	2.5.	II. General obligations of employers		If production equipment provided to and used by the employee does not meet the minimum safety requirements specified in Section III hereof and in the regulatory acts on occupational safety and health, such production equipment must at least be brought to conformity no later than four years after the there Requirements' entry into force. During this period, the employer takes the necessary measures to ensure safe use of such production equipment by employees.			x						x				NON-PROVIDED FOR: The national provision indicated does not transpose this directive provision. In order to do so, the national provision should provide for that, without prejudice to the national provisions that transpose the article 3 of the Directive 2009/104/EC, the work equipment referred to in point 3 of the Annex I of the Directive 2009/104/EC (mobile work equipment, whether or not self-propelled; and work equipment for lifting loads) already provided to workers within 6 years after the entry into force of this national law, has to comply, no later than 10 years after the entry into force of this national law, with the minimum requirements laid down in the national provisions that transpose the Annex I of the Directive 2009/104/EC, without prejudice to the compliance with the national provisions that transpose any relevant applicable Community directive, and by way of derogation from the two previous provisions.

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15	4	Employers' obligations - Rules concerning work equipment	2	The employer shall take the measures necessary to ensure that, throughout its working life, work equipment is kept, by means of adequate maintenance, at a level such that it complies with point 1(a) or 1(b) as applicable [considering, respectively, if its date of provision to workers was after or before 31 December 1992].	1.2	13	Safety and Health Management and Employer's Responsibilities		The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements.			x												NON-PROVIDED FOR: The national provision indicated is too generic, and do not transpose this directive provision. In order to do so, the national provision should provide that, depending on the date of provision for the first time of the work equipment to workers being after or before the entry into force of the national law that transpose the Directive 2009/104/EC, the employer shall take the measures necessary to ensure that, throughout its working life, work equipment is kept, by means of adequate maintenance, at a level such that it complies with, respectively, the national provisions that transpose the article 4(1) (a) of the Directive 2009/104/EC, or that transpose the article 4(1)(b) of the Directive 2009/104/EC.
16	4	Employers' obligations - Rules concerning work equipment	3	Member States shall, after consultation with both sides of industry, and with due allowance for national legislation and/or practice, establish procedures whereby a level of safety may be attained corresponding to the objectives indicated by Annex II.	4.4	2.8.	III. Minimum safety requirements for production equipment		The employer must monitor and evaluate the technical condition of high-risk machinery, mechanisms, equipment (primary periodic, extraordinary technical inspections, expert inspection), as well as ensure oversight over their safe operation in accordance with regulatory provisions on occupational safety and health		x				x								PARTIALLY PROVIDED FOR: In order to transpose this directive provision, the national one should: 1. Foresee the obligation of the Ukraine authorities, following social dialogue, to establish procedures (which are not only regarding maintenance) whereby a level of safety may be attained corresponding to the objectives indicated by Annex II;2. To replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").	
17	4(1)-ANNEX I-1	General comment	(1)	The obligations laid down in this Annex apply having regard to this Directive and where the corresponding risk exists for the work equipment in question.	4.4	2.2. ; 2.3.	III. Minimum safety requirements for production equipment		When choosing production equipment, the employer must take into account the specific working conditions, risks to employees' safety, health, and life at the workplaces, and any additional risks associated with use of this production equipment. If it is not possible to fully ensure that production equipment is used by employees without risks to minimize these risks.			x					x						NON-PROVIDED FOR: This national provision misses the point: This Annex I provision just states that the obligations foreseen in the annex only apply when having regard to this Directive and only if the corresponding risk exists for the work equipment in question.	
18	4(1)-ANNEX I-1	General comment	(2)	The following minimum requirements, inasmuch as they apply to work equipment in use, do not necessarily call for the same measures as the essential requirements concerning new work equipment.	4.4	2.6. ; 2.7.	III. Minimum safety requirements for production equipment		"The employer must take the necessary measures to ensure that, during the period of its operation, the production equipment is maintained at a level corresponding to paragraphs 2.4 and 2.5 hereof by proper maintenance in accordance with requirements of operating documents for the production equipment, which the employer must provide to employees together with the production equipment. The employer must take the necessary measures to ensure that the production equipment is used in accordance with the safety requirements specified in Section IV hereof, in occupational safety and health regulations, and in operating documents for the specific production equipment, which the employer must provide to employees together with the production equipment. "			x						x					NON-PROVIDED FOR: This national provision misses the point: This Annex I provision just states that the minimum requirements of this annex apply only to the work equipment already in use, which are not necessarily the same as for the new work equipment.	

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19	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (1)	Work equipment control devices which affect safety must be clearly visible and identifiable and appropriately marked where necessary.	4.4	1.1.	III. Minimum safety requirements for production equipment		Production equipment operating control devices impacting safety, which must be clearly visible, identified, and properly labelled.		x					x						PARTIALLY PROVIDED FOR: as this provision is applicable to all work equipment, and not just to "production equipment", in order to transpose this directive provision, the national one should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
20	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (2)	Except where necessary for certain control devices, control devices must be located outside danger zones and in such a way that their operation cannot pose any additional hazard. They must not give rise to any hazard as a result of any unintentional operation.	4.4	1.1.	III. Minimum safety requirements for production equipment		Control devices must be located outside of danger areas and in such a way that their operation does not present any additional danger (for the exception of certain control devices where this is necessary). They must not cause any danger due to accidental activation.		x					x						PARTIALLY PROVIDED FOR: In order to transpose the directive provision, the expression "accidental activation.", should be replaced by "unintentional operation", as the danger can also be due to and "accidental deactivation".
21	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (3)	If necessary, from the main control position, the operator must be able to ensure that no person is present in the danger zones. If this is impossible, a safe system such as an audible and/or visible warning signal must be given automatically whenever the machinery is about to start. An exposed worker must have the time and the means quickly to avoid hazards caused by the starting or stopping of the work equipment.	4.4	1.1.	III. Minimum safety requirements for production equipment		The operator of the main control must be able to make sure that no individuals are located in hazardous areas. If this is not possible, the alarm system in place (audible and/or light signal) must be automatically triggered every time the production equipment is started. An employee exposed to external impacts must have time and ways to quickly avoid danger caused by starting or stopping of production equipment.		x					x						PARTIALLY PROVIDED FOR: In order to transpose the directive provision, the national provision should be amended as follows: 1. The expression "the alarm system in place" should be replaced by "a safe system"; 2. The expression "exposed to external impacts" should be replaced by "exposed to risks" (not only those arising from external impacts); 3. The expression "must have time and ways" should be replaced by "must have the time and the means" (as "means" has a wider scope than "ways"); 4. The term "production equipment" ("Виробниче обладнання") should be replaced by the term "work equipment" ("Робоче обладнання"); 5. The term "hazardous areas" should be replaced by "danger zones".
22	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.1 (4)	Control systems must be safe and must be chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use.	4.4	1.1.	III. Minimum safety requirements for production equipment		Control systems must be safe and selected taking into account possible failures, defects, and limitations that may occur under normal conditions of use.	x					x							FULLY PROVIDED FOR
23	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (1)	It must be possible to start work equipment only by deliberate action on a control provided for the purpose.	4.4	1.2.	III. Minimum safety requirements for production equipment		Starting of production equipment must be performed only by the purposeful action by means of the control system designated for this purpose.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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24	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (2)	It must be possible to restart a work equipment after a stoppage for whatever reason only by deliberate action on a control provided for the purpose, unless such a restart or change does not subject exposed workers to any hazard.	4.4	1.2.	III. Minimum safety requirements for production equipment		This also applies to re-starting production equipment after its stopping for any reason, regulation of essential parameters (e.g. speed, pressure, etc.), unless the specified re-starting or change of parameters causes any risks for employees exposed to external impacts.			x						x				NON-PROVIDED FOR: The national provision indicated misses the point. In fact, and according to this directive provision, it is only necessary to ensure that the restart of a work equipment ("after a stoppage for whatever reason") can only be done through a deliberate action on a control provided for the purpose, if this restart or change exposes the workers to any hazard; if not, there is no need to ensure that "the restart a work equipment (after a stoppage for whatever reason) can only be done through a deliberate action on a control provided for the purpose". As such, and in order to transpose the directive provision, the national provision should replace "unless the specified re-starting or change of parameters causes any risks for employees exposed to external impacts" by "unless such restart or change does not expose workers to any hazard". Moreover, and in order to fully comply with this directive provision, the national provision should also be amended through: 1. Deleting ", regulation of essential parameters (e.g. speed, pressure, etc.)", as the specific start of the work equipment for "the control of a significant change in the operating conditions (e.g. speed, pressure, etc.)" is specifically foreseen in the following directive provision; 2. the replacement of the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
25	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (3)	It must be possible to start work equipment for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.) only by deliberate action on a control provided for the purpose, unless such a restart or change does not subject exposed workers to any hazard.	4.4	1.2.	III. Minimum safety requirements for production equipment		This also applies to re-starting production equipment after its stopping for any reason, regulation of essential parameters (e.g. speed, pressure, etc.), unless the specified re-starting or change of parameters causes any risks for employees exposed to external impacts.			x						x				NON-PROVIDED FOR: The national provision indicated misses the point. In fact, and according to this directive provision, it is only necessary to ensure that the start a work equipment ("for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.)") can only be done by a deliberate action on a control provided for the purpose, if this restart or change exposes the workers to any hazard; if not, there is no need to ensure that the start of a work equipment "for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.)" can only be done by a deliberate action on a control provided for the purpose. As such, and in order to transpose this directive provision, the national provision should replace "unless the specified re-starting or change of parameters causes any risks for employees exposed to external impacts" by "unless such restart or change does not expose workers to any hazard". Moreover, and in order to fully comply with this directive provision, the national provision should also be amended through: 1. Replacing "to re-starting production equipment after its stopping for any reason, regulation of essential parameters (e.g. speed, pressure, etc.) by "to start work equipment for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.)", as the specific restart of a work equipment "after a stoppage for whatever reason", was already and specifically dealt with in the previous directive provision; 2. Replacing the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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26	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.2 (4)	This requirement does not apply to restarting or a change in operating conditions as a result of the normal operating cycle of an automatic device.	4.4	1.2.	III. Minimum safety requirements for production equipment		This requirement does not apply to re-starting or changing parameters in the normal operating cycle of an automated device.	x					x							FULLY PROVIDED FOR
27	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.3 (1)	All work equipment must be fitted with a control to stop it completely and safely.	4.4	1.3.	III. Minimum safety requirements for production equipment		All production equipment must be equipped with a control device for its full and safe stopping.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
28	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.3 (2)	Each work station must be fitted with a control to stop some or all of the work equipment, depending on the type of hazard, so that the equipment is in a safe state. The equipment's stop control must have priority over the start controls. When the work equipment or the dangerous parts of it have stopped, the energy supply of the actuators concerned must be switched off.	4.4	1.3.	III. Minimum safety requirements for production equipment		Each workplace must be equipped with a control unit to stop part or all of the production equipment, depending on the type of hazard, to ensure safety of the production equipment. The equipment stopping device must have priority over the startup device. Stopping of production equipment or its hazardous parts must be accompanied by cutting of electric supply to its drives.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace the term "workplace" by "workstation", because the control to stop should be fitted in every workstations of a given workplace (and not to the workplace -that contains the workstations -, itself); 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання"); 3. Replace "cutting of electric supply to its drives" by "cutting the energy supply to the actuators concerned", because the energy used can be other than electricity.
29	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2,4	Where appropriate, and depending on the hazards the equipment presents and its normal stopping time, work equipment must be fitted with an emergency stop device.	4.3	74.			The Stop buttons should be installed close to the work stations and on the conveyor at intervals of under 10 m to ensure the emergency stopping of the conveyor.			x		No				x				NON-PROVIDED FOR: The national provision indicated misses the point: The national provision only addresses the location of the stop buttons on the mine conveyors, whereas the Directive provision regards the need to fit all types of work equipment with an emergency stop device when appropriate, considering the hazards that the equipment presents. Moreover, it seems that the national provision only applies to work in mines.
30	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.5 (1)	Work equipment presenting risk due to falling objects or projections must be fitted with appropriate safety devices corresponding to the risk.	4.4	1.5.	III. Minimum safety requirements for production equipment		"Where production equipment use is associated with the risks of falling or object propagation, it must be equipped with appropriate safety devices, depending on the risk. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання"); 2. Replace "use is associated with the risks of falling or object propagation" by "presents risks due to falling objects or projections", as such appropriate safety devices should be installed whenever the work equipment "presents" the mentioned risks, and not when the work equipment is "associated" with them.
31	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.5 (2)	Work equipment presenting hazards due to emissions of gas, vapour, liquid or dust must be fitted with appropriate containment and/or extraction devices near the sources of the hazard.	4.4	1.5.	III. Minimum safety requirements for production equipment		"Where production equipment is associated with the risks of gas, vapour, liquid, or dust ejection, it must be equipped with appropriate devices for localization and/or removal of these ejections, located close to the hazard sources. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання"); 2. Replace " is associated with the risks of gas, vapour, liquid, or dust ejection" by "presents hazards due to emissions of gas, vapour, liquid or dust ", as such containment and/or extraction devices should be installed whenever the work equipment "presents" the mentioned hazards, and not when the work equipment is "associated" with them; 3. Replace the expression "for localization and/or removal of these ejections", by "for containment and/or extraction of such emissions", as neither the term "localization of emissions" is the same as "containment of emissions", nor the term "ejections" is the same as "emissions".

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41	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.8 (2) (6)	The guards and protection devices must allow operations necessary in order to fit or replace parts and for maintenance work, restricting access only to the area where the work is to be carried out and, if possible, without removal of the guard or protection device.	4.4	1.8.	III. Minimum safety requirements for production equipment		allow operations necessary in order to fit or replace parts and for maintenance work, restricting access only to the area where the work is to be carried out and, if possible, without removal of the guard or protection device	x					x							FULLY PROVIDED FOR
42	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2,9	Areas and points for working on, or maintenance of, work equipment must be suitably lit in line with the operation to be carried out.	4.3	22.			In handling cargo from cars, agricultural machines, mechanisms and equipment using a gantry crane, the crane operator must observe the following requirements: carry out handling operations with sufficient lighting;			x		No				x				NON-PROVIDED FOR: The national provision indicated misses the point: The directive provision has to do with the employer's obligation to ensure that the areas and points for working on, or maintenance of, work equipment are appropriately lit, whereas the national provision indicated only concerns the crane operator's obligation to ensure sufficient lighting in cargo handling operations. Moreover, it seems that the national provision only applies to work in mines.
43	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.10	Work equipment parts at high or very low temperature must, where appropriate, be protected to avoid the risk of workers coming into contact or coming too close.	4.4	1.10.	III. Minimum safety requirements for production equipment		Production equipment parts at high or very low temperature must, where appropriate, be protected to avoid the risk of employees coming into contact or coming too close.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
44	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.11	Warning devices on work equipment must be unambiguous and easily perceived and understood.	4.3	31.			The lifting and moving area of electromagnets and grabbers must be fenced and have alarms that warn of the hazards in this area. The fences should be painted in signal colours.			x		No				x				NON-PROVIDED FOR: The national provision indicated misses the point: The directive provision is generic and foresees that the warning devices on work equipment must be unambiguous and easily perceived and understood, whereas the national provision indicated is too specific and concerns only the protection measures that should be applied to the lifting and moving areas of electromagnets and grabbers. Moreover, it seems that the national provision only applies to work in mines.
45	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.12	Work equipment may be used only for operations and under conditions for which it is appropriate.	4.4	1.12.	III. Minimum safety requirements for production equipment		Production equipment may be used only for operations and under conditions for which it is appropriate.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
46	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.13 (1)	It must be possible to carry out maintenance operations when the equipment is shut down. If this is not possible, it must be possible to take appropriate protection measures for the carrying-out of such operations or for such operations to be carried out outside the danger zones.	4.4	1.13.	III. Minimum safety requirements for production equipment		Production equipment maintenance operations must be conducted when the equipment is shut down. If this is not possible, it must be possible to take appropriate protection measures for the carrying-out of such operations or for such operations to be carried out outside the danger zones.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
47	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.13 (2)	If any machine has a maintenance log, it must be kept up to date.	4.4	1.13.	III. Minimum safety requirements for production equipment		If any production equipment has a maintenance log, it must be kept up to date.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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48	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.14 (1)	All work equipment must be fitted with clearly identifiable means to isolate it from all its energy sources.	4.2	3.1.	3. Safety requirements during work with hoists and trolleys		Housing of electrical wiring of hoists must be grounded. The housing of the hoist control unit to be controlled from the floor must be made of insulating material or grounded by at least two conductors.			x		No				x				NON-PROVIDED FOR: The national provision indicated misses the point: The directive provision states that the work equipment must be fitted with clearly identifiable means to isolate it from all its energy sources (including, but not restricted to, electricity), whereas the national provision indicated is only related to the housing of electrical wiring of hoists. Moreover, it seems that the national provision only applies to work in mines.
49	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.14 (2)	Reconnection must be presumed to pose no risk to the workers concerned.	4.4	1.14.	III. Minimum safety requirements for production equipment		Reconnection must be presumed to pose no risk to the employees	x					x							FULLY PROVIDED FOR
50	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.15	Work equipment must bear the warnings and markings essential to ensure the safety of workers.	4.4	1.15.	III. Minimum safety requirements for production equipment		Production equipment must bear the warnings (signs) and markings essential to ensure the safety of employees.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання"); 2. Delete the expression "(signs)" that follows the word "warnings", as signs is not synonymous of "warnings".
51	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.16	Workers must have safe means of access to, and be able to remain safely in, all the areas necessary for production, adjustment and maintenance operations.	4.4	1.16.	III. Minimum safety requirements for production equipment		Employees must have safe means of access to, and be able to remain safely in, all the areas intended for operation, adjustment and maintenance operations, as well as safely leave these areas	x					x							FULLY PROVIDED FOR
52	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.17	All work equipment must be appropriate for protecting workers against the risk of the work equipment catching fire or overheating, or of discharges of gas, dust, liquid, vapour or other substances produced, used or stored in the work equipment.	4.4	1.17.	III. Minimum safety requirements for production equipment		All production equipment must meet requirements for protecting employees against the risk of the production equipment catching fire or overheating, or of discharges of gas, dust, liquid, vapour or other substances produced, used or stored in the production equipment.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "meet requirements for protecting employees against the risk of" by "be appropriate for protecting workers against the risk of" as, more important than meeting the requirements, is that the work equipment is, in fact, appropriate for protecting workers against those risks. Moreover, if such requirements do exist, they should be specified, indicated the law that foresees them and that should be complied with; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
53	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.18	All work equipment must be appropriate for preventing the risk of explosion of the work equipment or of substances produced, used or stored in the work equipment.	4.4	1.18.	III. Minimum safety requirements for production equipment		All production equipment must meet the requirements for preventing the risk of explosion of the production equipment or of substances produced, used, or stored in the production equipment.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "meet the requirements for preventing the risk of" by "be appropriate for preventing the risk of" as, more important than meeting the requirements, is that the work equipment is, in fact, appropriate for protecting workers against those risks. Moreover, if such requirements do exist, they should be specified, indicating the law that foresees them and that should be complied with; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT			
54	4(1)-ANNEX I-2	General minimum requirements applicable to work equipment	2.19	All work equipment must be appropriate for protecting exposed workers against the risk of direct or indirect contact with electricity.	4.3	6.			The electric equipment of battery vehicles should ensure the trouble-free operation of lighting devices, alarms and dashboard indicators, as well as exclude the possibility of sparking in wires and clamps. The conductors of the electrical equipment must have intact insulation.			x		No				x				NON-PROVIDED FOR: The national provision indicated misses the point: The directive provision foresees that all work equipment "must be appropriate for protecting exposed workers against the risk of direct or indirect contact with electricity" , whereas the national provision indicated is specifically and only related to the electric equipment of battery vehicles. Moreover, it seems that the national provision only applies to work in mines.
55	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.1 (1)	Work equipment with ride-on workers must be fitted out in such a way as to reduce the risks for workers during the journey.	4.4	2.1.	III. Minimum safety requirements for production equipment		Production equipment controlled by employees must be fitted out in such a way as to reduce the risks for employees when the equipment moves. Those risks must include the risks of contact by employees with, or trapping by, wheels or tracks.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "controlled by employees" by "with ride-on workers" , as this provision refers to the work equipment that have workers on it, and not necessarily controlled by workers; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
56	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.1 (2)	Those risks must include the risks of contact by workers with, or trapping by, wheels or tracks.	4.4	2.1.	III. Minimum safety requirements for production equipment		Production equipment controlled by employees must be fitted out in such a way as to reduce the risks for employees when the equipment moves. Those risks must include the risks of contact by employees with, or trapping by, wheels or tracks.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "controlled by employees" by "with ride-on workers", as this provision refers to the work equipment that have workers on it, and not necessarily controlled by workers; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
57	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.2 (1)	Where an inadvertent seizure of the drive unit between a mobile item of work equipment and its accessories or anything towed might create a specific risk, such work equipment must be equipped or adapted to prevent blockages of the drive units.	4.4	2.2.	III. Minimum safety requirements for production equipment		Where an inadvertent seizure of the drive unit between a mobile item of production equipment and its accessories or anything towed might create a specific risk, such production equipment must be equipped or adapted to prevent blockages of the drive units.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
58	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.2 (2)	Where such a seizure cannot be avoided, every possible measure must be taken to avoid any adverse effects on workers.	4.4	2.2.	III. Minimum safety requirements for production equipment		"Where such a seizure cannot be avoided, every possible measure must be taken to avoid any adverse effects on employees."	x					x							FULLY PROVIDED WITH
59	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.3	Where driveshafts for the transmission of energy between mobile items of work equipment can become soiled or damaged by trailing on the ground, facilities must be available for fixing them.	4.4	2.3.	III. Minimum safety requirements for production equipment		Where drive (gimbal) shafts for the transmission of energy to mobile items of production equipment can become soiled or damaged by trailing on the ground, facilities must be available for fixing them.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "transmission of energy to mobile items" by "transmission of energy between mobile items", which is different; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
60	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (1) (1)	Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment roll-over by a protection structure designed to ensure that the equipment does not tilt by more than a quarter turn; or	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.4. Mobile production equipment with employees controlling its movement must be designed to prevent, under actual conditions of use, the risks arising from production equipment roll-over: by a protection structure designed to ensure that the equipment does not tilt by more than a quarter turn;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "with employees controlling its movement" by "with ride-on workers", as this provision refers to the work equipment that have workers on it, and not necessarily controlled by workers; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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61	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (1) (2)	Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment roll-over by a structure giving sufficient clearance around the ride-on workers if the tilting movement can continue beyond a quarter turn; or	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.4. Mobile production equipment with employees controlling its movement must be designed to prevent, under actual conditions of use, the risks arising from production equipment roll-over: by a structure giving sufficient clearance around the ride-on employees if the tilting movement can continue beyond a quarter turn;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "with employees controlling its movement" by "with ride-on workers", as this provision refers to the work equipment that have workers on it, and not necessarily controlled by workers; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
62	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (1) (3)	Mobile work equipment with ride-on workers must be designed to restrict, under actual conditions of use, the risks arising from work equipment roll-over by some other device of equivalent effect.	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.4. Mobile production equipment with employees controlling its movement must be designed to prevent, under actual conditions of use, the risks arising from production equipment roll-over: by some other device of equivalent effect. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "with employees controlling its movement" by "with ride-on workers", as this provision refers to the work equipment that have workers on it, and not necessarily controlled by workers; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
63	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (2)	These protection structures may be an integral part of the work equipment.	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		" These protection structures may be an integral part of the production equipment. "	x					x							FULLY PROVIDED FOR
64	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (3)	These protection structures are not required when the work equipment is stabilised during operation or where the design makes roll-over impossible.	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		These protection structures are not required when the production equipment is stabilized during operation or where the design makes roll-over impossible.	x					x							FULLY PROVIDED FOR
65	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.4 (4)	Where there is a risk of a ride-on worker being crushed between parts of the work equipment and the ground, should the equipment roll over, a restraining system for the ride-on workers must be installed.	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"Where there is a risk of a ride-on employee being crushed between parts of the production equipment and the ground, should the equipment roll over, a restraining system for the ride-on employees must be installed. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
66	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (1)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by the installation of an enclosure for the driver; or	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.5. Fork-lift trucks carrying one or more employees must be adapted or equipped to limit the risk of the fork-lift truck overturning by one of the following means: by the installation of an enclosure for the driver; "	x					x							FULLY PROVIDED FOR
67	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (2)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by a structure preventing the fork-lift truck from overturning; or	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.5. Fork-lift trucks carrying one or more employees must be adapted or equipped to limit the risk of the fork-lift truck overturning by one of the following means: by a structure preventing the fork-lift truck from overturning; "	x					x							FULLY PROVIDED FOR
68	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (3)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by a structure ensuring that, if the fork-lift truck overturns, sufficient clearance remains between the ground and certain parts of the fork-lift truck for ride-on workers; or	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.5. Fork-lift trucks carrying one or more employees must be adapted or equipped to limit the risk of the fork-lift truck overturning by one of the following means: by a structure ensuring that, if the fork-lift truck overturns, sufficient clearance remains between the ground and certain parts of the fork-lift truck for the driver;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace "for the driver" by "for ride-on workers", as the fork-lift truck can carry more than just one worker.

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69	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.5 (4)	Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning by a structure restraining the workers on the driving seat so as to prevent them from being crushed by parts of the fork-lift truck which overturns.	4.4	2.4.; 2.5.	III. Minimum safety requirements for production equipment		"2.5. Fork-lift trucks carrying one or more employees must be adapted or equipped to limit the risk of the fork-lift truck overturning by one of the following means: by a structure restraining the employees on the driving seat so as to prevent them from being crushed by parts of the fork-lift truck which overturns. "	x					x							FULLY PROVIDED FOR
70	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (a)	Self-propelled work equipment which may, when in motion, engender risks for persons, must have facilities for preventing unauthorised start-up.	4.4	2.6.	III. Minimum safety requirements for production equipment		" 2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: the equipment must have facilities for preventing unauthorized start-up;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
71	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (b)	Self-propelled work equipment which may, when in motion, engender risks for persons must have appropriate facilities for minimising the consequences of a collision where there is more than one item of track-mounted work equipment in motion at the same time.	4.4	2.6.	III. Minimum safety requirements for production equipment		"2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: it must have appropriate facilities for minimizing the consequences of a collision where there is more than one item of track-mounted production equipment in motion at the same time; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
72	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (c)	In self-propelled work equipment which may, when in motion, engender risks for persons, there must be a device for braking and stopping equipment. Where safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems must be available for braking and stopping equipment in the event of failure of the main facility.	4.4	2.6.	III. Minimum safety requirements for production equipment		"2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: there must be a device for braking and stopping equipment. Where employees' safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems must be available for braking and stopping the equipment in the event of failure of the main engine; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "main engine" by "main facility", because the main facility can be no engine; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
73	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (d)	Self-propelled work equipment which may, when in motion, engender risks for persons, must be installed with adequate auxiliary devices to improve visibility, when the driver's direct field of vision is inadequate to ensure safety.	4.4	2.6.	III. Minimum safety requirements for production equipment		"2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: where the driver's direct field of vision is inadequate to ensure safety, adequate auxiliary devices must be installed to improve visibility;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
74	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (e)	Self-propelled work equipment designed for use at night or in dark places which may, when in motion, engender risks for persons, must be equipped with lighting appropriate to the work to be carried out and must ensure sufficient safety for workers.	4.4	2.6.	III. Minimum safety requirements for production equipment		"2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: production equipment designed for use at night or in dark places must be equipped with lighting appropriate to the work to be carried out and must ensure sufficient safety for employees; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
75	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (f)	Self-propelled work equipment which may, when in motion, engender risks for persons, and which constitutes a fire hazard, either on its own or in respect of whatever it is towing or carrying, and which is liable to endanger workers, must be equipped with appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of use.	4.4	2.6.	III. Minimum safety requirements for production equipment		"2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: production equipment which constitutes a fire hazard, either on its own or in respect of whatever it is towing or carrying, and which is liable to endanger employees must be equipped with a sufficient number of appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of production equipment use; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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76	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (g)	Self-propelled remote-controlled work equipment which may, when in motion, engender risks for persons, must stop automatically once it leaves the control range.	4.4	2.6.	III. Minimum safety requirements for production equipment		"2.6. Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: remote-controlled production equipment must stop automatically once it leaves the control range;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
77	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - mobile work equipment, whether or not self-propelled	3.1.6 (1) (h)	"Self-propelled remote-controlled work equipment which may, when in motion, engender risks for persons and which may in normal conditions engender a crushing or impact hazard, must have facilities to guard against this risk, unless other appropriate devices are present to control the impact risk."	4.4	2.6.	III. Minimum safety requirements for production equipment		" Self-propelled production equipment which may, when in motion, engender risks for persons must fulfil the following conditions: remote-controlled production equipment which may in normal conditions engender a crushing or impact hazard must have facilities to guard against this risk, unless other appropriate devices are present to control the impact risk. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
78	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.1	When work equipment for lifting loads is installed permanently, its strength and stability during use must be ensured, having regard, in particular, to the loads to be lifted and the stress induced at the mounting or fixing point of the structures.	4.4	3.1.	III. Minimum safety requirements for production equipment		When production equipment for lifting loads is installed permanently, its strength and stability must be ensured, having regard, in particular, to the loads to be lifted and the stress induced at the mounting or fixing point of the structures.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
79	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.2 (1)	Machinery for lifting loads must be clearly marked to indicate its nominal load, and must where appropriate be fitted with a load plate giving the nominal load for each configuration of the machinery.	4.4	3.2.	III. Minimum safety requirements for production equipment		Machinery for lifting loads must be clearly marked to indicate its nominal load, and must where appropriate be fitted with a load distribution plate giving the nominal load for each configuration of the equipment		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace "configuration of the equipment" ("конфігурації обладнання") by "configuration of the machinery" ("конфігурації машини").
80	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.2 (2)	Accessories for lifting must be marked in such a way that it is possible to identify the characteristics essential for safe use.	4.4	3.2.	III. Minimum safety requirements for production equipment		Accessories for lifting load must be marked in such a way that it is possible to identify the key characteristics essential for their safe use	x					x							FULLY PROVIDED FOR
81	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.2 (3)	Work equipment which is not designed for lifting persons but which might be so used in error must be appropriately and clearly marked to this effect.	4.4	3.2.	III. Minimum safety requirements for production equipment		Production equipment which is not designed for lifting persons but which might be so used in error must be appropriately and clearly marked to this effect		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
82	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.3 (1) (a)	Permanently installed work equipment must be installed in such a way as to reduce the risk of the load striking workers.	4.4	3.3.	III. Minimum safety requirements for production equipment		" Permanently installed production equipment at operation areas must be installed in such a way as to reduce the risk of the load: striking employees; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
83	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.3 (1) (b)	Permanently installed work equipment must be installed in such a way as to reduce the risk of the load unintentionally drifting dangerously or falling freely.	4.4	3.3.	III. Minimum safety requirements for production equipment		"Permanently installed production equipment at operation areas must be installed in such a way as to reduce the risk of the load: unintentionally drifting or falling freely;"		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
84	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.3 (1) (c)	Permanently installed work equipment must be installed in such a way as to reduce the risk of the load being released unintentionally.	4.4	3.3.	III. Minimum safety requirements for production equipment		"Permanently installed production equipment at operation areas must be installed in such a way as to reduce the risk of the load: being released unintentionally (disconnected). "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Delete the expression "(disconnected)"; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
85	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (a)	Work equipment for lifting or moving workers must be such as to prevent the risk of the car falling, where one exists, by means of suitable devices.	4.4	3.4.	III. Minimum safety requirements for production equipment		"Production equipment for lifting or moving employees must be such as to: prevent the risk of the car falling, where one exists, by means of installing suitable devices; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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	ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	CODE (NUMBER OF THE LEGISLATIVE ACT)	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTIONARY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT			
86	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (b)	Work equipment for lifting or moving workers must be such as to prevent the risk of the user himself falling from the car, where one exists.	4.4	3.4.	III. Minimum safety requirements for production equipment		"Production equipment for lifting or moving employees must be such as to: prevent the risk of an employee falling from the car; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
87	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (c)	Work equipment for lifting or moving workers must be such as to prevent the risk of the user being crushed, trapped or struck, in particular through inadvertent contact with objects.	4.4	3.4.	III. Minimum safety requirements for production equipment		"Production equipment for lifting or moving employees must be such as to: prevent the risk of the employee being crushed, trapped or struck, in particular through inadvertent contact with objects; "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
88	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4 (1) (d)	Work equipment for lifting or moving workers must be such as to ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed.	4.4	3.4.	III. Minimum safety requirements for production equipment		"Production equipment for lifting or moving employees must be such as to: ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
89	4(1)-ANNEX I-3	Additional minimum requirements applicable to specific types of work equipment - work equipment for lifting loads	3.2.4. (2)	If, for reasons inherent in the site and in height differences, the risk of the car falling [referred to in point 3.2.4 (1) (a)] cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope must be installed and checked every working day.	4.4	3.4.	III. Minimum safety requirements for production equipment		"Production equipment for lifting or moving employees must be such as to: prevent the risk of the car falling, where one exists, by means of installing suitable devices; If, for reasons inherent in the site and in height differences, this risk cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope must be installed and checked every working day;."		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
90	4(3)-ANNEX II-0	General comment	(1)	This Annex applies having regard to this Directive and where the corresponding risk exists for the work equipment in question.	4.4	1.1.	IV. Safety requirements for use of production equipment		Production equipment must be installed, located and used in such a way as to reduce risks to operators and for other employees by ensuring that there is sufficient space between the moving parts of production equipment and fixed or moving parts in its environment and that all forms of energy and substances used or produced can be supplied or removed in a safe manner.			x						x				NON-PROVIDED FOR: This national provision misses the point: This Annex II provision just states that the obligations foreseen in it only apply when having regard to this Directive and only if the corresponding risk exists for the work equipment concerned.
91	4(3)-ANNEX II-1	General provisions for all work equipment	1,1	Work equipment must be installed, located and used in such a way as to reduce risks to users of the work equipment and for other workers (e.g., by ensuring that there is sufficient space between the moving parts of work equipment and fixed or moving parts in its environment and that all forms of energy and substances used or produced can be supplied or removed in a safe manner).	4.4	1.1.	IV. Safety requirements for use of production equipment		Production equipment must be installed, located and used in such a way as to reduce risks to operators and for other employees by ensuring that there is sufficient space between the moving parts of production equipment and fixed or moving parts in its environment and that all forms of energy and substances used or produced can be supplied or removed in a safe manner.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "and for other employees by ensuring that there is sufficient space between the moving parts of production equipment and fixed or moving parts in its environment and that all forms of energy and substances used or produced can be supplied or removed in a safe manner" by "and for other workers (for example, by ensuring that there is sufficient space between the moving parts of work equipment and fixed or moving parts in its environment and that all forms of energy and substances used or produced can be supplied or removed in a safe manner)", as the directive expression is just an example, thus meaning that there are other ways to reduce the risks to users of the work equipment and to other workers, besides the one specifically mentioned (as an example); 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
92	4(3)-ANNEX II-1	General provisions for all work equipment	1,2	Work equipment must be erected or dismantled under safe conditions, in particular observing any instructions which may have been furnished by the manufacturer.	4.4	1.2.	IV. Safety requirements for use of production equipment		Production equipment must be erected or dismantled under safe conditions, in particular observing any instructions which may have been furnished by the manufacturer.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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93	4(3)-ANNEX II-1	General provisions for all work equipment	1,3	Work equipment which may be struck by lightning while being used must be protected by devices or appropriate means to counter the effects of lightning.	4.4	1.3.	IV. Safety requirements for use of production equipment		Production equipment which may be struck by lightning while being used must be protected by devices or appropriate means to counter the effects of lightning.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
94	4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,1	Self-propelled work equipment shall be driven only by workers who have been appropriately trained in the safe driving of such equipment.	4.4	2.1.	IV. Safety requirements for use of production equipment		Self-propelled production equipment must be driven only by employees who have been appropriately trained and are authorized to drive such equipment.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
95	4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,2	If work equipment is moving around in a work area, appropriate traffic rules must be drawn up and followed.	4.4	2.2.	IV. Safety requirements for use of production equipment		If production equipment is moving around in a work area, appropriate traffic rules must be drawn up and followed.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
96	4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2.3 (1)	Organisational measures must be taken to prevent workers on foot coming within the area of operation of selfpropelled work equipment.	4.4	2.3.	IV. Safety requirements for use of production equipment		Organizational measures must be taken to prevent employees on foot coming within the area of operation of self-propelled production equipment.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
97	4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2.3 (2)	If work can be done properly only if workers on foot are present, appropriate measures must be taken to prevent them from being injured by the equipment.	4.4	2.3.	IV. Safety requirements for use of production equipment		If work can be done properly only if employees on foot are present, appropriate measures must be taken to prevent them from being injured by the equipment.	x					x							FULLY PROVIDED FOR
98	4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,4	The transport of workers on mechanically driven mobile work equipment is authorised only where safe facilities are provided for that purpose. If work must be carried out during the journey, speeds must be adjusted as necessary.	4.4	2.4.	IV. Safety requirements for use of production equipment		The transport of employees on mechanically driven mobile production equipment is authorized only where safe facilities are provided for that purpose. If work must be carried out during the journey, speeds must be adjusted as necessary.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
99	4(3)-ANNEX II-2	Provisions concerning the use of mobile equipment, whether or not self-propelled	2,5	Mobile work equipment with a combustion engine may not be used in working areas unless sufficient quantities of air presenting no health or safety risk to workers can be guaranteed.	4.4	2.5.	IV. Safety requirements for use of production equipment		Mobile production equipment with a combustion engine may not be used in working areas unless sufficient quantities of air presenting no health, life, or safety risk to employees can be guaranteed.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
100	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.1	Work equipment which is mobile or can be dismantled and which is designed for lifting loads must be used in such a way as to ensure the stability of the work equipment during use under all foreseeable conditions, taking into account the nature of the ground.	4.4	3.1.	IV. Safety requirements for use of production equipment		Production equipment which is mobile or can be dismantled and which is designed for lifting loads must be used in such a way as to ensure the stability of the production equipment during use under all foreseeable conditions, taking into account the nature of the ground.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
101	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.2 (1)	Persons may be lifted only by means of work equipment and accessories provided for that purpose.	4.4	3.2.	IV. Safety requirements for use of production equipment		Employees may be lifted only by means of production equipment and accessories provided for that purpose.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").

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102	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.2 (2)	Without prejudice to Article 5 of Directive 89/391/EEC [regarding the employers' non-transferable responsibility for ensuring the safety and health of workers in every aspect related to the work], exceptionally, work equipment which is not specifically designed for the purpose of lifting persons may be used for that purpose, provided appropriate action has been taken to ensure safety in accordance with national legislation and/or practice providing for appropriate supervision.	4.4	3.2.	IV. Safety requirements for use of production equipment		"production equipment which is not specifically designed for the purpose of lifting persons may be used for that purpose, provided appropriate action has been taken to ensure safety in accordance with labour protection regulations, and providing for appropriate supervision over the work. While employees are on production equipment designed for lifting loads, an operation (machine driver) must be at the control position at all times. Employees being lifted must have reliable means of communication. In the event of danger, there must be reliable means of evacuating them. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "may be used for that purpose, provided appropriate action has been taken to ensure safety in accordance with labour protection regulations, and providing for appropriate supervision over the work" by "may, exceptionally, be used for that purpose, without prejudice of the employer's non-transferable duty to ensure the safety and health of workers in every aspect related to the work, and provided appropriate action has been taken to ensure safety in accordance with national legislation and providing for appropriate supervision over the work"; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
103	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.2 (3)	While workers are on work equipment designed for lifting loads the control position must be manned at all times. Persons being lifted must have reliable means of communication. In the event of danger, there must be reliable means of evacuating them.	4.4	3.2.	IV. Safety requirements for use of production equipment		"While employees are on production equipment designed for lifting loads, an operation (machine driver) must be at the control position at all times. Employees being lifted must have reliable means of communication. In the event of danger, there must be reliable means of evacuating them. "		x						x					PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "designed for lifting loads, an operation (machine driver) must be at the control position at all times" by "designed for lifting loads, the control position must be manned at all times", as the "control position" is the one that has to be manned at all times; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
104	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (1)	Measures must be taken to ensure that workers are not present under suspended loads, unless such presence is required for the effective operation of the work.	4.4	3.3.	IV. Safety requirements for use of production equipment		Measures must be taken to ensure that employees are not present under suspended loads, unless such presence is required for the operation of the work.	x							x					FULLY PROVIDED FOR
105	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (2)	Loads may not be moved above unprotected workplaces usually occupied by workers.	4.4	3.3.	IV. Safety requirements for use of production equipment		"Loads may not be moved above unprotected workplaces occupied by employees. "	x								x				FULLY PROVIDED FOR
106	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (2)	Loads may not be moved above unprotected workplaces usually occupied by workers.	4.3	16.			The loads should be handled smoothly, without jerks and shocks. It is forbidden to leave the cargo in the suspended position, the workers access in the lifting (lowering) area is also forbidden.			x			No							NON-PROVIDED FOR: The national provision indicated misses the point: This directive provision is only concerned, specifically, with the fact that the loads should not be moved above unprotected workplaces (rather than on the way they should be handled, as foreseen in the national provision indicated). Moreover, it seems that the national provision only applies to work in mines.
107	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.3 (3)	Where that is the case, if work cannot be carried out properly any other way, appropriate procedures must be laid down and applied.	4.4	3.3.	IV. Safety requirements for use of production equipment		If work cannot be carried out properly any other way, appropriate safety procedures must be laid down and applied.	x								x				FULLY PROVIDED FOR
108	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.4	Lifting accessories must be selected according to the loads to be handled, gripping points, attachment tackle and atmospheric conditions having regard to the mode and configuration of slinging. Lifting accessory tackle must be clearly marked so that users are aware of its characteristics where such tackle is not dismantled after use.	4.4	3.4.	IV. Safety requirements for use of production equipment		"Lifting accessories must be selected according to the loads to be handled, gripping points, attachment tackle and atmospheric conditions having regard to the mode and configuration of slinging. Lifting accessory tackle must be clearly marked to ensure awareness of its characteristics, where such tackle is not dismantled after use. "	x								x				FULLY PROVIDED FOR

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109	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - General considerations	3.1.5	Lifting accessories must be stored in a way that ensures that they will not be damaged or degraded.	4.4	3.5.	IV. Safety requirements for use of production equipment		Lifting accessories must be stored in a way that ensures that they will not be damaged or degraded.	x					x							FULLY PROVIDED FOR
110	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.1	When two or more items of work equipment used for lifting non-guided loads are installed or erected on a site in such a way that their working radii overlap, appropriate measures must be taken to avoid collision between loads or the work equipment parts themselves.	4.4	3.6.	IV. Safety requirements for use of production equipment		When two or more items of production equipment intended for lifting non-guided loads are installed or erected on a site in such a way that their working areas overlap, appropriate measures must be taken to avoid collision between loads or the production equipment parts.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
111	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.2	When using mobile work equipment for lifting non-guided loads, measures must be taken to prevent the equipment from tilting, overturning or, as the case may be, moving or slipping. Checks must be carried out to ensure that these measures are executed properly.	4.4	3.7.	IV. Safety requirements for use of production equipment		When using mobile production equipment for lifting non-guided loads, measures must be taken to prevent the equipment from wobbling, overturning or, as the case may be, moving or slipping. Checks must be carried out to ensure that these measures are executed properly.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace the term "wobbling," by "tilting"; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
112	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.3	If the operator of work equipment designed for lifting non-guided loads cannot observe the full path of the load either directly or by means of auxiliary equipment providing the necessary information, a competent person must be in communication with the operator to guide him and organisational measures must be taken to prevent collisions of the load which could endanger workers.	4.4	3.8.	IV. Safety requirements for use of production equipment		If the operator of production equipment designed for lifting non-guided loads cannot observe the full path of the load either directly or by means of auxiliary equipment providing the necessary information, a competent person must be in communication with the operator (a flag person) to guide his actions, and organizational measures must be taken to prevent collisions of the load which could endanger employees.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Delete "(a flag person)", as the communication can be done by other means than the flags; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
113	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.4	Work must be organised in such a way that, when a worker is attaching or detaching a load by hand, it can be done safely, in particular through the worker retaining direct or indirect control of the work equipment.	4.4	3.9.	IV. Safety requirements for use of production equipment		Work must be organized in such a way that, when a employee is attaching or detaching a load by hand, the employee retains direct or indirect control of the production equipment.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Replace "by hand, the employee retains direct or indirect control" by "by hand, it can be done safely, in particular through the worker retaining direct or indirect control", as the worker retaining the direct or indirect control is one (rather than the unique) way of organizing the work in order to ensure that it can be done safely; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
114	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.5 (1)	All lifting operations must be properly planned, appropriately supervised and carried out in such a way as to protect the safety of workers.	4.4	3.10.	IV. Safety requirements for use of production equipment		"All lifting operations must be properly planned and appropriately supervised in such a way as to protect the safety of employees. "		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace "supervised in such a way" by "supervised and carried out in such a way". In fact, to protect the safety of the workers in lifting operations is not enough to plan and to supervise them appropriately. It is also necessary that such operations are carried out appropriately.

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115	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.5 (2)	In particular, if a load has to be lifted simultaneously by two or more items of work equipment designed for lifting non-guided loads, a procedure must be established and applied to ensure good coordination on the part of the operators.	4.4	3.10.	IV. Safety requirements for use of production equipment		If a load has to be lifted simultaneously by two or more items of production equipment designed for lifting non-guided loads, a procedure must be established and applied (a work execution design) to ensure good coordination of the operators' actions.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should: 1. Delete "(a work execution design)", or replace it by "(for example, a work execution design)", because "a work execution design" is not the only procedure that can be adopted to ensure a good coordination of the operators; 2. Replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
116	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.6 (1)	If work equipment designed for lifting non-guided loads cannot maintain its hold on the load in the event of a complete or partial power failure, appropriate measures must be taken to avoid exposing workers to any resultant risks.	4.4	3.11.	IV. Safety requirements for use of production equipment		"3.11. If production equipment designed for lifting non-guided loads cannot maintain its hold on the load in the event of a complete or partial power failure, appropriate measures must be taken to avoid exposing employees to any resultant risks. "	x					x							FULLY PROVIDED FOR
117	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.6 (2)	Suspended loads must not be left unsupervised unless access to the danger zone is prevented and the load has been safely suspended and is safely held.	4.4	3.11.	IV. Safety requirements for use of production equipment		Suspended loads must not be left unsupervised unless access to the danger zone is prevented and the load is safely suspended and held.	x					x							FULLY PROVIDED FOR
118	4(3)-ANNEX II-3	Provisions concerning the use of work equipment for lifting loads - For lifting non-guided loads	3.2.7	Open-air use of work equipment designed for lifting non-guided loads must be halted when meteorological conditions deteriorate to the point of jeopardising the safe use of the equipment and exposing workers to risks. Adequate protection measures, in particular measures to avoid work equipment turning over, must be taken to avoid any risks to workers.	4.4	3.12.	IV. Safety requirements for use of production equipment		Open-air use of production equipment designed for lifting non-guided loads must be halted when meteorological conditions deteriorate to the point of jeopardizing the safe use of the equipment and exposing employees to risks. Adequate protection measures, in particular measures to avoid production equipment turning over, must be taken to avoid any risks to employees.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
119	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.1 (1)	If, in spite employer's compliance with its general obligations regarding the prevention of occupational risks and the protection of the OSH of his workers [pursuant to Article 6 of Directive 89/391/EEC and Article 3 of this Directive], temporary work at a height cannot be carried out safely and under appropriate ergonomic conditions from a suitable surface, the work equipment most suitable to ensure and maintain safe working conditions must be selected. Collective protection measures must be given priority over personal protection measures. The dimensions of the work equipment must be appropriate to the nature of the work to be performed and to the foreseeable stresses, and must allow passage without danger.	4.1	1.4; 1.5; 1.6			It should be taken into account In organizing work at height that the main hazards is the fall of the worker or the fall of objects. The list of associated hazards may also include: fire, electric current, high dust levels, air pollution, noise, adverse climatic conditions, etc. Creating safe conditions during work at height is required: to ensure availability, durability and stability of fencing, scaffolding, decking, ladders, etc.; provide employees with the necessary means of protection and properly use them; carry out in full the organizational and technical measures stipulated by these regulations; use technically sound cars, mechanisms and devices, complete with the necessary technical documentation; provide the necessary lighting in the workplaces and safe passages to them; take measures to eliminate or reduce the impact of harmful and/ or hazardous factors; take into account meteorological conditions, as well as the state of health of workers who perform work at heights.			x		Yes				x				NON-PROVIDED FOR: The national provision indicated is too general, and misses the point. This directive provision is specifically focused on the cases where, notwithstanding all the preventive measures, the work at height cannot be carried out safely and under appropriate ergonomic conditions from a suitable surface, and the measures that should be applied to minimize such risks (work equipment selection collective protection measures, dimensions of work equipment, etc.).

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120	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.1 (2)	The most appropriate means of access to temporary workplaces at a height must be selected according to the frequency of passage, the height to be negotiated and the duration of use. The choice made must permit evacuation in the event of imminent danger. Passage in either direction between a means of access and platforms, decks or gangways must not give rise to any additional risks of falling.	4.1	1.4; 1.5; 1.6			It should be taken into account In organizing work at height that the main hazards is the fall of the worker or the fall of objects. The list of associated hazards may also include: fire, electric current, high dust levels, air pollution, noise, adverse climatic conditions, etc. Creating safe conditions during work at height is required: to ensure availability, durability and stability of fencing, scaffolding, decking, ladders, etc.; provide employees with the necessary means of protection and properly use them; carry out in full the organizational and technical measures stipulated by these regulations; use technically sound cars, mechanisms and devices, complete with the necessary technical documentation; provide the necessary lighting in the workplaces and safe passages to them; take measures to eliminate or reduce the impact of harmful and/or hazardous factors; take into account meteorological conditions, as well as the state of health of workers who perform work at heights.			x		Yes				x				NON-PROVIDED FOR: The national provision indicated is too general, and misses the point. This directive provision is specifically focused on the requirements of the means of access to temporary workplaces at a height and its passages.
121	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.2	Ladders may be used as work stations for work at a height only under circumstances in which, given point 4.1.1, the use of other, safer work equipment is not justified because of the low level of risk and by reason of either the short duration of use or existing features on site that the employer cannot alter.	4.4	4.2.	IV. Safety requirements for use of production equipment		Ladders may be used as work stations for work at a height only under circumstances in which, given point 4.1, Section IV hereof, the use of other, safer production equipment is not justified because of the low level of risk and by reason of either the short duration of use or existing features on site that the employer cannot alter.		x					x						PARTIALLY PROVIDED FOR: In order to fully transpose the directive provision, the national provision should replace the term "production equipment" ("Виробниче обладнання") by the term "work equipment" ("Робоче обладнання").
122	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.3	Rope access and positioning techniques may be used only under circumstances where the risk assessment indicates that the work can be performed safely and where the use of other, safer work equipment is not justified. Taking the risk assessment into account and depending in particular on the duration of the job and the ergonomic constraints, provision must be made for a seat with appropriate accessories.	4.1	1.4; 1.5; 1.6	Creating safe conditions during work at height is required		It should be taken into account In organizing work at height that the main hazards is the fall of the worker or the fall of objects. The list of associated hazards may also include: fire, electric current, high dust levels, air pollution, noise, adverse climatic conditions, etc. Creating safe conditions during work at height is required			x		Yes				x				NON-PROVIDED FOR: The national provision indicated is too generic and do not addresses specifically the rope access and positioning techniques envisaged by the directive provision, nor the need to assess the risks.
123	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.4	Depending on the type of work equipment selected on the basis of the foregoing, the appropriate measures for minimising the risks to workers inherent in that type of equipment must be determined. If necessary, provision must be made for the installation of safeguards to prevent falls. These must be of suitable configuration and sufficient strength to prevent or arrest falls from a height and, as far as possible, to preclude injury to workers. Collective safeguards to prevent falls may be interrupted only at points of ladder or stairway access.	4.1	4.	Workers' protection equipment	4.1.3.; 4.1.4.	The protection equipment should be safe for life and health of workers, provided that it is properly used, taking into account the correct service and use. The worker protection equipment should ensure prevention or reduction of hazardous and harmful production factors, meet the requirements of standards, technical aesthetics and ergonomics.			x		Yes				x				NON-PROVIDED FOR: The national provision indicated is too generic and do not addresses specifically the directive provision.

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124	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.5	When the performance of a particular task requires the temporary removal of a collective safeguard designed to prevent falls, effective compensatory safety measures must be taken. The task may not be performed until such measures have been taken. Once the particular task has been finished, either definitively or temporarily, the collective safeguards to prevent falls must be reinstalled.	4.1	4.	Workers' protection equipment	4.1.3.; 4.1.4.	The protection equipment should be safe for life and health of workers, provided that it is properly used, taking into account the correct service and use. The worker protection equipment should ensure prevention or reduction of hazardous and harmful production factors, meet the requirements of standards, technical aesthetics and ergonomics.			x		Yes				x				NON-PROVIDED FOR: The national provision indicated is too generic and do not addresses specifically the directive provision.
125	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - General provisions	4.1.6	Temporary work at a height may be carried out only when the weather conditions do not jeopardise the safety and health of workers.	4.1	1.16.			It is forbidden to perform work at height in open areas at wind speeds of 10 m/s or more, during icing, thunder or fog, which affects visibility within the work area, as well as at night with insufficient lighting, and if the air temperature is above 35 o C or under -20 o C. Urgent work at height in more adverse weather conditions (with other temperatures, etc.) shall be performed subject to the employer's decision. At the same time, additional security measures that meet these conditions should be envisaged in the Work Plan.		x			Yes		x						PARTIALLY PROVIDED FOR: In order to be aligned with the directive provision, the national provision should: 1. Delete the expression "in open areas", as the work at height may also be carried out indoors, and the same provision should apply; 2. Delete "Urgent work at height in more adverse weather conditions (with other temperatures, etc.) shall be performed subject to the employer's decision", because the employer shall not have the right to expose his workers to risks to their safety and health.
126	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of ladders	4.2.1	Ladders must be so positioned as to ensure their stability during use. Portable ladders must rest on a stable, strong, suitably-sized, immobile footing so that the rungs remain horizontal. Suspended ladders must be attached in a secure manner and, with the exception of rope ladders, in such a way that they cannot be displaced and swinging is prevented.	4.1	3.7.			Each ladder must be durable, securely fastened and of sufficient length to ensure a reliable support for the hands and feet of workers in any working position.		x			Yes		x						PARTIALLY PROVIDED FOR: The national provisions only addresses the need for the ladders being durable, securely fastened and of sufficient length. It omits several other important provisions regarding the use of ladders, e.g.: 1. positioned as to ensure their stability during use; 2. rest on a stable, strong, suitably-sized, immobile footing so that the rungs remain horizontal; 3. attached in a secure manner that they cannot be displaced and swinging is prevented.
127	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of ladders	4.2.2	The feet of portable ladders must be prevented from slipping during use by securing the uprights at or near their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness. Ladders used for access must be long enough to protrude sufficiently beyond the access platform, unless other measures have been taken to ensure a firm handhold. Interlocking ladders and extension ladders must be used in such a way that the different sections are prevented from moving relative to one another. Mobile ladders must be prevented from moving before they are stepped on.	4.1	3.7.			Each ladder must be durable, securely fastened and of sufficient length to ensure a reliable support for the hands and feet of workers in any working position.		x			Yes		x						PARTIALLY PROVIDED FOR: The national provisions only addresses the need for the ladders being durable, securely fastened and of sufficient length. It omits several other important provisions regarding the use of different types of ladders, e.g.: 1. feet of portable ladders must be prevented from slipping during use by securing the uprights at or near their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness; 2. Ladders to access must be long enough to protrude sufficiently beyond the access platform; 3. Interlocking ladders and extension ladders must be used in such a way that the different sections are prevented from moving relative to one another; 4. Mobile ladders must be prevented from moving before they are stepped on.
128	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of ladders	4.2.3	Ladders must be used in such a way that a secure handhold and secure support are available to workers at all times. In particular, if a load has to be carried by hand on a ladder, it must not preclude the maintenance of a safe handhold.	4.1	3.7.			Each ladder must be durable, securely fastened and of sufficient length to ensure a reliable support for the hands and feet of workers in any working position.		x			Yes		x						PARTIALLY PROVIDED FOR: The availability of a secure handhold and secure support at all times do not depend only on the length of the ladder.

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129	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.1	When a note of the calculations for the scaffolding selected is not available or the note does not cover the structural arrangements contemplated, strength and stability calculations must be carried out unless the scaffolding is assembled in conformity with a generally recognised standard configuration.	4.1	7.11.	Safety requirements during work on scaffolds and walkways	7.11.1.2. ; 7.11.1.3. ; 7.11.1.4.; 7.11.1.5; 7.11.1.6.; 7.11.1.7.; 7.11.1.8.; 7.11.1.9.; 7.11.1.10. ; 7.11.1.11. ; 7.11.1.12; 7.11.1.13. ; 7.11.1.14.; 7.11.1.15.	"Scaffolds and walkways should be part of the inventory, manufactured according to typical designs and have a manufacturer's passport. In exceptional cases, when the height at which the work is carried out exceeds 4 m, it shall be allowed to use non-inventory scaffolds, which are erected to an individual design and commissioned only subject to their acceptance by the commission, signature of the deed and approval of the enterprise's chief engineer (technical director, head). The scaffolding shall be installed and dismantled in accordance with the sequence to be described in the Work Execution Plan. Before the work starts, the employees who install and dismantle the scaffolding shall be briefed by the work manager about the ways and sequence of the works and security measures. The scaffolding and accessories shall be made of durable material, taking into account the maximum workload (with a safety factor of at least 4). Wooden scaffolds and walkways shall be made of dry wood of coniferous species (at least Grade 2 according to GOST 8486-86) to be protected by antiseptic. Metal structures shall be grounded and painted. The design of box and tubular scaffolding shall prevent accumulation of moisture in their inner space. The scaffolding shall be attached to reliable structures, structural elements of the building/structure, etc. (hereinafter - structures) vertically and horizontally. The fixing points shall be indicated in the technical documentation by the scaffolding manufacturers. If that is not indicated in the technical documentation, the fixing points on the walls of the building shall be indicated in the Work Execution Plan: at least two spans - for the upper tier and one fix point - for each 50 m2 of scaffolding projected on the structure facade. It shall not be allowed to fix scaffolding to balconies, parapets, cornices, etc. Scaffolds shall be equipped with ladders or staircases securely fixed to them, with a distance of not more than 40 m apart, which provide safe ways for workers to climb up/down on the scaffolding. At least two ladders or staircases shall be installed on scaffolding of over 40 m long. The upper end of the ladder or staircase shall be secured to the scaffolding spreader. The slope of the staircase shall be no more than 1:3, and the slope of the ladder to the horizontal plane should be no more than 60o. The upper exit from the ladder to the scaffolding shall be fenced. The scaffolding shall be rigid and stable, for which they shall be fixed by brackets or other structural elements. The posters should be placed indicating the permissible loads on scaffolding, load arrangements, materials, etc., and evacuation routes in places where workers climb on the scaffolding. During the work at heights, the inventory scaffolding must have a fence whose components shall meet the current legislation. Where the work is carried out on scaffolding at height 6 m and above, two deckings shall be installed: the working (upper) decking and the protective (bottom) one. In addition, each workplace on the scaffolding shall be protected with a decking from above to be installed over at least 2 m from the work decking. No simultaneous work of several crews shall be allowed on different tiers of the building, located vertically, without protective boards. The passages under the work performance area shall be fenced and marked with posters and safety signs. The scaffolding which have not been in operation for over 30 days must be re-commissioned before proceeding. The load on the scaffolding and decking shall not exceed the design ones. As far as possible, the loads shall be evenly distributed over the entire plane of the scaffolding. Only materials that are directly used in the work should be delivered to the scaffolding (decking). Special precautions shall be taken to ensure the required strength and stability of scaffolding before installing mechanisms and devices on the scaffolding. Scaffolding shall be inspected by the responsible construction manager every day before the work starts, by the superintendent or the worker to be appointed by the employer's order or the responsible manager - at least once every 10 days. The results of the inspection shall be recorded in the Scaffolding and Decking Log. "						x	Yes					x				NON-PROVIDDE FOR: The national provision do not foresee the obligation to have a note of calculation or the strength and stability calculations.

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130	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.2	Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan must be drawn up by a competent person. This may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.	4.1	7.11.	Safety requirements during work on scaffolds and walkways	7.11.1.2. ; 7.11.1.3. ; 7.11.1.4.; 7.11.1.5; 7.11.1.6.; 7.11.1.7.; 7.11.1.8.; 7.11.1.9.; 7.11.1.10. ; 7.11.1.11. ; 7.11.1.12; 7.11.1.13. ; 7.11.1.14.; 7.11.1.15.	Scaffolds and walkways should be part of the inventory, manufactured according to typical designs and have a manufacturer's passport. In exceptional cases, when the height at which the work is carried out exceeds 4 m, it shall be allowed to use non-inventory scaffolds, which are erected to an individual design and commissioned only subject to their acceptance by the commission, signature of the deed and approval of the enterprise's chief engineer (technical director, head). The scaffolding shall be installed and dismantled in accordance with the sequence to be described in the Work Execution Plan. Before the work starts, the employees who install and dismantle the scaffolding shall be briefed by the work manager about the ways and sequence of the works and security measures.	x				Yes	x							FULLY PROVIDED FOR
131	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.3	The bearing components of scaffolding must be prevented from slipping, whether by attachment to the bearing surface, provision of an anti-slip device or any other means of equivalent effectiveness, and the load-bearing surface must have a sufficient capacity. Steps must be taken to ensure that the scaffolding is stable. Wheeled scaffolding must be prevented by appropriate devices from moving accidentally during work at a height.	4.1	7.11.	Safety requirements during work on scaffolds and walkways	7.11.1.2. ; 7.11.1.3. ; 7.11.1.4.; 7.11.1.5; 7.11.1.6.; 7.11.1.7.; 7.11.1.8.; 7.11.1.9.; 7.11.1.10. ; 7.11.1.11. ; 7.11.1.12; 7.11.1.13. ; 7.11.1.14.; 7.11.1.15.	"The scaffolding shall be attached to reliable structures, structural elements of the building/structure, etc. (hereinafter - structures) vertically and horizontally. The fixing points shall be indicated in the technical documentation by the scaffolding manufacturers. If that is not indicated in the technical documentation, the fixing points on the walls of the building shall be indicated in the Work Execution Plan: at least two spans - for the upper tier and one fix point - for each 50 m2 of scaffolding projected on the structure facade. It shall not be allowed to fix scaffolding to balconies, parapets, cornices, etc. The scaffolding shall be rigid and stable, for which they shall be fixed by brackets or other structural elements. The load on the scaffolding and decking shall not exceed the design ones. As far as possible, the loads shall be evenly distributed over the entire plane of the scaffolding. Only materials that are directly used in the work should be delivered to the scaffolding (decking). Special precautions shall be taken to ensure the required strength and stability of scaffolding before installing mechanisms and devices on the scaffolding. "		x			Yes		x						NON-PROVIDDE FOR: The national provision misses the directive provision regarding wheeled scaffolding.

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133	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.5	When parts of a scaffolding are not ready for use, for example during assembly, dismantling or alteration, they must be marked with general warning signs in accordance with the national provisions transposing Council Directive 92/58/EEC (on the minimum requirements for the provision of safety and/or health signs at work) and must be suitably delimited by physical means preventing access to the danger zone.	4.1	7.11.	Safety requirements during work on scaffolds and walkways	7.11.1.2. ; 7.11.1.3. ; 7.11.1.4.; 7.11.1.5; 7.11.1.6.; 7.11.1.7.; 7.11.1.8.; 7.11.1.9.; 7.11.1.10. ; 7.11.1.11. ; 7.11.1.12; 7.11.1.13. ; 7.11.1.14.; 7.11.1.15.	"Scaffolds and walkways should be part of the inventory, manufactured according to typical designs and have a manufacturer's passport. In exceptional cases, when the height at which the work is carried out exceeds 4 m, it shall be allowed to use non-inventory scaffolds, which are erected to an individual design and commissioned only subject to their acceptance by the commission, signature of the deed and approval of the enterprise's chief engineer (technical director, head). The scaffolding shall be installed and dismantled in accordance with the sequence to be described in the Work Execution Plan. Before the work starts, the employees who install and dismantle the scaffolding shall be briefed by the work manager about the ways and sequence of the works and security measures. The scaffolding and accessories shall be made of durable material, taking into account the maximum workload (with a safety factor of at least 4). Wooden scaffolds and walkways shall be made of dry wood of coniferous species (at least Grade 2 according to GOST 8486-86) to be protected by antiseptic. Metal structures shall be grounded and painted. The design of box and tubular scaffolding shall prevent accumulation of moisture in their inner space. The scaffolding shall be attached to reliable structures, structural elements of the building/structure, etc. (hereinafter - structures) vertically and horizontally. The fixing points shall be indicated in the technical documentation by the scaffolding manufacturers. If that is not indicated in the technical documentation, the fixing points on the walls of the building shall be indicated in the Work Execution Plan: at least two spans - for the upper tier and one fix point - for each 50 m2 of scaffolding projected on the structure facade. It shall not be allowed to fix scaffolding to balconies, parapets, cornices, etc. Scaffolds shall be equipped with ladders or staircases securely fixed to them, with a distance of not more than 40 m apart, which provide safe ways for workers to climb up/down on the scaffolding. At least two ladders or staircases shall be installed on scaffolding of over 40 m long. The upper end of the ladder or staircase shall be secured to the scaffolding spreader. The slope of the staircase shall be no more than 1:3, and the slope of the ladder to the horizontal plane should be no more than 60o. The upper exit from the ladder to the scaffolding shall be fenced. The scaffolding shall be rigid and stable, for which they shall be fixed by brackets or other structural elements. The posters should be placed indicating the permissible loads on scaffolding, load arrangements, materials, etc., and evacuation routes in places where workers climb on the scaffolding. During the work at heights, the inventory scaffolding must have a fence whose components shall meet the current legislation. Where the work is carried out on scaffolding at height 6 m and above, two deckings shall be installed: the working (upper) decking and the protective (bottom) one. In addition, each workplace on the scaffolding shall be protected with a decking from above to be installed over at least 2 m from the work decking. No simultaneous work of several crews shall be allowed on different tiers of the building, located vertically, without protective boards. The passages under the work performance area shall be fenced and marked with posters and safety signs. The scaffolding which have not been in operation for over 30 days must be re-commissioned before proceeding. The load on the scaffolding and decking shall not exceed the design ones. As far as possible, the loads shall be evenly distributed over the entire plane of the scaffolding. Only materials that are directly used in the work should be delivered to the scaffolding (decking). Special precautions shall be taken to ensure the required strength and stability of scaffolding before installing mechanisms and devices on the scaffolding. Scaffolding shall be inspected by the responsible construction manager every day before the work starts, by the superintendent or the worker to be appointed by the employer's order or the responsible manager - at least once every 10 days. The results of the inspection shall be recorded in the Scaffolding and Decking Log. 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134	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1)	Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person and by workers who have received appropriate and specific training in the operations envisaged, addressing specific risks in accordance with Article 9, and more particularly in:	4.1	7.11.	Safety requirements during work on scaffolds and walkways	7.11.1.2. ; 7.11.1.3. ; 7.11.1.4. ; 7.11.1.5; 7.11.1.6.; 7.11.1.7.; 7.11.1.8.; 7.11.1.9.; 7.11.1.10. ; 7.11.1.11. ; 7.11.1.12; 7.11.1.13. ; 7.11.1.14.; 7.11.1.15.	"Scaffolds and walkways should be part of the inventory, manufactured according to typical designs and have a manufacturer's passport. In exceptional cases, when the height at which the work is carried out exceeds 4 m, it shall be allowed to use non-inventory scaffolds, which are erected to an individual design and commissioned only subject to their acceptance by the commission, signature of the deed and approval of the enterprise's chief engineer (technical director, head). The scaffolding shall be installed and dismantled in accordance with the sequence to be described in the Work Execution Plan. Before the work starts, the employees who install and dismantle the scaffolding shall be briefed by the work manager about the ways and sequence of the works and security measures. The scaffolding and accessories shall be made of durable material, taking into account the maximum workload (with a safety factor of at least 4). Wooden scaffolds and walkways shall be made of dry wood of coniferous species (at least Grade 2 according to GOST 8486-86) to be protected by antiseptic. Metal structures shall be grounded and painted. The design of box and tubular scaffolding shall prevent accumulation of moisture in their inner space. The scaffolding shall be attached to reliable structures, structural elements of the building/structure, etc. (hereinafter - structures) vertically and horizontally. The fixing points shall be indicated in the technical documentation by the scaffolding manufacturers. If that is not indicated in the technical documentation, the fixing points on the walls of the building shall be indicated in the Work Execution Plan: at least two spans - for the upper tier and one fix point - for each 50 m2 of scaffolding projected on the structure facade. It shall not be allowed to fix scaffolding to balconies, parapets, cornices, etc. Scaffolds shall be equipped with ladders or staircases securely fixed to them, with a distance of not more than 40 m apart, which provide safe ways for workers to climb up/down on the scaffolding. At least two ladders or staircases shall be installed on scaffolding of over 40 m long. The upper end of the ladder or staircase shall be secured to the scaffolding spreader. The slope of the staircase shall be no more than 1:3, and the slope of the ladder to the horizontal plane should be no more than 60o. The upper exit from the ladder to the scaffolding shall be fenced. The scaffolding shall be rigid and stable, for which they shall be fixed by brackets or other structural elements. The posters should be placed indicating the permissible loads on scaffolding, load arrangements, materials, etc., and evacuation routes in places where workers climb on the scaffolding. During the work at heights, the inventory scaffolding must have a fence whose components shall meet the current legislation. Where the work is carried out on scaffolding at height 6 m and above, two deckings shall be installed: the working (upper) decking and the protective (bottom) one. In addition, each workplace on the scaffolding shall be protected with a decking from above to be installed over at least 2 m from the work decking. No simultaneous work of several crews shall be allowed on different tiers of the building, located vertically, without protective boards. The passages under the work performance area shall be fenced and marked with posters and safety signs. The scaffolding which have not been in operation for over 30 days must be re-commissioned before proceeding. The load on the scaffolding and decking shall not exceed the design ones. As far as possible, the loads shall be evenly distributed over the entire plane of the scaffolding. Only materials that are directly used in the work should be delivered to the scaffolding (decking). Special precautions shall be taken to ensure the required strength and stability of scaffolding before installing mechanisms and devices on the scaffolding. Scaffolding shall be inspected by the responsible construction manager every day before the work starts, by the superintendent or the worker to be appointed by the employer's order or the responsible manager - at least once every 10 days. The results of the inspection shall be recorded in the Scaffolding and Decking Log. "						x	Yes					x					NON-PROVIDED FOR

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137	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of scaffolding	4.3.6 (1) (c)	Measures to prevent the risk of persons or objects falling;	4.1	7.11.	Safety requirements during work on scaffolds and walkways	7.11.1.2. ; 7.11.1.3. ; 7.11.1.4.; 7.11.1.5; 7.11.1.6.; 7.11.1.7.; 7.11.1.8.; 7.11.1.9.; 7.11.1.10. ; 7.11.1.11. ; 7.11.1.12; 7.11.1.13. ; 7.11.1.14.; 7.11.1.15.	"Scaffolds and walkways should be part of the inventory, manufactured according to typical designs and have a manufacturer's passport. In exceptional cases, when the height at which the work is carried out exceeds 4 m, it shall be allowed to use non-inventory scaffolds, which are erected to an individual design and commissioned only subject to their acceptance by the commission, signature of the deed and approval of the enterprise's chief engineer (technical director, head). The scaffolding shall be installed and dismantled in accordance with the sequence to be described in the Work Execution Plan. Before the work starts, the employees who install and dismantle the scaffolding shall be briefed by the work manager about the ways and sequence of the works and security measures. The scaffolding and accessories shall be made of durable material, taking into account the maximum workload (with a safety factor of at least 4). Wooden scaffolds and walkways shall be made of dry wood of coniferous species (at least Grade 2 according to GOST 8486-86) to be protected by antiseptic. Metal structures shall be grounded and painted. The design of box and tubular scaffolding shall prevent accumulation of moisture in their inner space. The scaffolding shall be attached to reliable structures, structural elements of the building/structure, etc. (hereinafter - structures) vertically and horizontally. The fixing points shall be indicated in the technical documentation by the scaffolding manufacturers. If that is not indicated in the technical documentation, the fixing points on the walls of the building shall be indicated in the Work Execution Plan: at least two spans - for the upper tier and one fix point - for each 50 m2 of scaffolding projected on the structure facade. It shall not be allowed to fix scaffolding to balconies, parapets, cornices, etc. Scaffolds shall be equipped with ladders or staircases securely fixed to them, with a distance of not more than 40 m apart, which provide safe ways for workers to climb up/down on the scaffolding. At least two ladders or staircases shall be installed on scaffolding of over 40 m long. The upper end of the ladder or staircase shall be secured to the scaffolding spreader. The slope of the staircase shall be no more than 1:3, and the slope of the ladder to the horizontal plane should be no more than 60o. The upper exit from the ladder to the scaffolding shall be fenced. The scaffolding shall be rigid and stable, for which they shall be fixed by brackets or other structural elements. The posters should be placed indicating the permissible loads on scaffolding, load arrangements, materials, etc., and evacuation routes in places where workers climb on the scaffolding. During the work at heights, the inventory scaffolding must have a fence whose components shall meet the current legislation. Where the work is carried out on scaffolding at height 6 m and above, two deckings shall be installed: the working (upper) decking and the protective (bottom) one. In addition, each workplace on the scaffolding shall be protected with a decking from above to be installed over at least 2 m from the work decking. No simultaneous work of several crews shall be allowed on different tiers of the building, located vertically, without protective boards. The passages under the work performance area shall be fenced and marked with posters and safety signs. The scaffolding which have not been in operation for over 30 days must be re-commissioned before proceeding. The load on the scaffolding and decking shall not exceed the design ones. As far as possible, the loads shall be evenly distributed over the entire plane of the scaffolding. Only materials that are directly used in the work should be delivered to the scaffolding (decking). Special precautions shall be taken to ensure the required strength and stability of scaffolding before installing mechanisms and devices on the scaffolding. Scaffolding shall be inspected by the responsible construction manager every day before the work starts, by the superintendent or the worker to be appointed by the employer's order or the responsible manager - at least once every 10 days. The results of the inspection shall be recorded in the Scaffolding and Decking Log. "							x	Yes					x				NON-PROVIDED FOR

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142	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (a)	The use of rope access and positioning techniques must comply with the following conditions: the system must comprise at least two separately anchored ropes, one as a means of access, descent and support (work rope) and the other as backup (security rope);	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes				x							NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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143	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (b)	The use of rope access and positioning techniques must comply with the following conditions: workers must be provided with and use an appropriate harness and must be connected by it to the security rope;	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes				x						NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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144	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (c)	The use of rope access and positioning techniques must comply with the following conditions: the work rope must be equipped with safe means of ascent and descent and have a self-locking system to prevent the user falling should he lose control of his movements. The security rope must be equipped with a mobile fall prevention system which follows the movements of the worker;	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes					x						NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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145	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (d)	The use of rope access and positioning techniques must comply with the following conditions: the tools and other accessories to be used by a worker must be secured to the worker's harness or seat or by some other appropriate means;	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes				x						NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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146	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (e)	The use of rope access and positioning techniques must comply with the following conditions: the work must be properly planned and supervised, so that a worker can be rescued immediately in an emergency;	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes				x								NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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147	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (1) (f)	The use of rope access and positioning techniques must comply with the following conditions: in accordance with Article 9, the workers concerned must receive adequate training specific to the operations envisaged, in particular rescue procedures.	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes				x							NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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148	4(3)-ANNEX II-4	Provisions concerning the use of work equipment provided for temporary work at a height - Specific provisions regarding the use of rope access and positioning techniques	4.4 (2)	In exceptional circumstances where, in view of the assessment of risks, the use of a second rope would make the work more dangerous, the use of a single rope may be permitted, provided that appropriate measures have been taken to ensure safety in accordance with national legislation and/or practice.	4.1	4.7.	Requirements for Climbing Equipment	4.7.1.; 4.7.1.1.; 4.7.1.2.; 4.7.1.3.; 4.7.1.4.; 4.7.1.5.; 4.7.1.6.; 4.7.1.7.; 4.7.1.8; 4.7.1.9.;	"Requirements for supporting, safety and auxiliary ropes The supporting, safety and auxiliary ropes to be used in carrying out work at height with the use of climbing equipment during climbing up/ down of a worker to ensure safety of a worker at height and in order to evacuate him in case of injury or emergency shall be used in accordance with the requirements of these Regulations and operating instructions supplied by the manufacturers. When carrying out work at height in unconstrained space and on structures (structural components) with the use of climbing equipment, the plaited synthetic cords shall be used for supporting, safety and auxiliary ropes. The steel ropes described in Item 4.4 of these Regulations may be used for safety lines. Also, a safety harness with a shock absorber should be used in the safety system (chain). Ropes shall meet the manufacturer's specifications for ropes of a specific design and type. Cords shall be made of synthetic fibres with characteristics not worse than those of polyamide and polyester fibres. Cords of at least 10 mm diameter with a breaking load of at least 22 kN shall be used for supporting and safety ropes (safety slings); cords of at least 6 mm diameter with a breaking load of at least 7 kN as auxiliary ropes. It is allowed to use ropes with a diameter of at least 6 mm for self-fastening ties on vertical safety ropes. Static cords with a relative elongation of 1.5 to 2.5% under a static load of 800 N shall be used as supporting ropes. These cords can also be used as safety lines, if the technology of work excludes the possibility of a worker's fall with a fall factor of two. Dynamic cords with a relative elongation of 4.5 to 6.5% under a static load of 800 N shall be used as safety ropes for operations where the possibility of a fall of an employee with a fall factor of two is not excluded. It is allowed to use static cords specified in Item 4.7.1.5 of these Regulations for safety ropes. In that case, a safety harness (PL) with a shock absorber shall be used in the insurance system (chain) during work at a height. Safety, support and auxiliary ropes in operation shall undergo periodic tests at least once in 6 months according to the methodology set forth in the manufacturers' operating instructions. During operation, the ropes shall be subject to tests for defects that reduce their mechanical strength: • damage (discontinuity) of filaments; • fused areas; • traces of paint, solvent, oil, other aggressive substances; • local shrinks or expanses of the rope; • internal strands coming through the braid; • after the dynamic impact that occurred on the rope, at the moment of stopping the worker's fall. The supporting and safety ropes used for work shall be integral throughout. No artificial extension by tying, splicing etc. shall be allowed. The maximum length of ropes required to perform the work shall be determined by the WEP. "			x		Yes				x							NON-PROVIDED FOR: The national provision misses the point: instead of addressing the conditions required for the use of rope access and positioning techniques (like the directive provision does) it is focused on the requirements of the ropes and accessories themselves.

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149	5	Employers' obligations - Inspection of work equipment	1	The employer shall ensure that where the safety of work equipment depends on the installation conditions, it shall be subject to an initial inspection (after installation and before first being put into service) and an inspection after assembly at a new site or in a new location by competent persons within the meaning of national laws and/or practices, to ensure that the work equipment has been installed correctly and is operating properly.	3.1	8; 9; 21			The primary, periodic (regular) and extraordinary technical inspection shall be carried out. All equipment shall be subject to initial technical inspection before commissioning. Periodic (regular) and extraordinary technical inspection shall be carried out in the timeframe established by the safety and health regulations and manufacturer's operations documents. The equipment shall undergo an extraordinary technical inspection in the following cases: recommissioning after repair, reconstruction or upgrade; break in operation for over 12 months; dismantling and installation in a new place; end of life (with the use of types of work not used during the expert examination); operational or degradation failure, detection of wear (mechanical or corrosive), residual deformation, cracks, other damage to components, parts or their elements; an accident or damage caused by a natural or man-made emergency. In other cases, the equipment shall undergo an extraordinary technical inspection in accordance with the requirements of safety and health regulations or at the employer's initiative. Where the equipment reaches end of its design life, has an accident or is damaged in an emergency of a natural or man-made origin, the detection of wear (mechanical or corrosive), residual deformation, cracks, other damage to components, parts or their elements exceeding the allowable values, the extraordinary technical inspection of the equipment shall be carried out based on a positive conclusion of the expert examination. The expert examination of the equipment shall be carried out in the following cases: end of design life; reconstruction (rebuilding) or upgrade which is stipulated by the safety and health regulations; accident or damage caused by a natural or man-made emergency in order to assess the chances of recovery; detection during the technical inspection of wear (mechanical or corrosive), residual deformation, cracks, other damage to parts, parts or their elements that exceed the permissible values. In other cases, an expert examination of the equipment shall be carried out in accordance with the requirements of safety and health regulations or at the employer's initiative.		x			Yes		x							PARTIALLY PROVIDED FOR. This directive provision is not focused on establishing a national system for the inspection and certification of the production, trade and use of high-risk machines, mechanisms and equipment, nor, more specifically, on the regulation of all the procedures concerning all the inspections to which the work equipment should be subjected to, but only on establishing the obligation of the employer to subject work equipment to an initial inspection after installation and before use, as well as an inspection after assembly in a new site or location, by a competent person, in order to ensure that the work equipment has been installed correctly and is operating properly, whenever the safety of work equipment depends on the installation conditions. Moreover, this directive provision concerns all work equipment, and not only high-risk machines, mechanisms and equipment.
150	5	Employers' obligations - Inspection of work equipment	2 (a)	In order to ensure that health and safety conditions are maintained and that deterioration liable to result in dangerous situations can be detected and remedied in good time, the employer shall ensure that work equipment exposed to conditions causing such deterioration is subject to periodic inspections and, where appropriate, testing by competent persons within the meaning of national laws and/or practices.	3.1	8; 9; 21			"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements.			x		Yes				x				NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision is only and specifically focused on establishing the obligation of the employer to ensure that work equipment's health and safety conditions are maintained and that the one's exposed to conditions causing deterioration liable to result in dangerous situations is subject to periodic inspections and, where appropriate, testing by competent persons, in order to ensure that health and safety conditions are maintained and that such deterioration can be detected and remedied in good time. Moreover, this directive provision concerns all work equipment, and not only high-risk machines, mechanisms and equipment.	

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151	5	Employers' obligations - Inspection of work equipment	2 (b)	In order to ensure that health and safety conditions are maintained and that deterioration liable to result in dangerous situations can be detected and remedied in good time, the employer shall ensure that work equipment exposed to conditions causing such deterioration is subject to special inspections by competent persons within the meaning of national laws and/or practices each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred, such as modification work, accidents, natural phenomena or prolonged periods of inactivity.	3.1	8; 9; 21			The primary, periodic (regular) and extraordinary technical inspection shall be carried out. All equipment shall be subject to initial technical inspection before commissioning. Periodic (regular) and extraordinary technical inspection shall be carried out in the timeframe established by the safety and health regulations and manufacturer's operations documents. The equipment shall undergo an extraordinary technical inspection in the following cases: recommissioning after repair, reconstruction or upgrade; break in operation for over 12 months; dismantling and installation in a new place; end of life (with the use of types of work not used during the expert examination); operational or degradation failure, detection of wear (mechanical or corrosive), residual deformation, cracks, other damage to components, parts or their elements; an accident or damage caused by a natural or man-made emergency. In other cases, the equipment shall undergo an extraordinary technical inspection in accordance with the requirements of safety and health regulations or at the employer's initiative. Where the equipment reaches end of its design life, has an accident or is damaged in an emergency of a natural or man-made origin, the detection of wear (mechanical or corrosive), residual deformation, cracks, other damage to components, parts or their elements exceeding the allowable values, the extraordinary technical inspection of the equipment shall be carried out based on a positive conclusion of the expert examination. The expert examination of the equipment shall be carried out in the following cases: end of design life; reconstruction (rebuilding) or upgrade which is stipulated by the safety and health regulations; accident or damage caused by a natural or man-made emergency in order to assess the chances of recovery; detection during the technical inspection of wear (mechanical or corrosive), residual deformation, cracks, other damage to parts, parts or their elements that exceed the permissible values. In other cases, an expert examination of the equipment shall be carried out in accordance with the requirements of safety and health regulations or at the employer's initiative.		x			Yes		x						PARTIALLY PROVIDED FOR. This directive provision is not focused on establishing a national system for the inspection and certification of the production, trade and use of high-risk machines, mechanisms and equipment, nor, more specifically on the regulation of all the procedures concerning all the inspections to which the work equipment should be subjected to, but only on establishing the obligation of the employer to ensure that work equipment exposed to conditions causing deterioration liable to result in dangerous situations is subject to special inspections by competent persons each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred (e.g., modification work, accidents, natural phenomena or prolonged periods of inactivity). Moreover, this directive provision concerns all work equipment, and not only high-risk machines, mechanisms and equipment.
152	5	Employers' obligations - Inspection of work equipment	3 (1)	The results of inspections shall be recorded and kept at the disposal of the authorities concerned. They must be kept for a suitable period of time.	4.4	2.13.			Findings of a technical and expert inspection of high-risk machines, mechanisms, equipment are stored by the employer during the entire service life of the high-risk machines, mechanisms, and equipment.			x		Yes				x				NON-PROVIDED FOR. This national provision only refers to high-risk machines, mechanisms, equipment, and not to all work equipment. Furthermore, it does not specifies the obligation of the employers to keep them at the disposal of the authorities concerned.
153	5	Employers' obligations - Inspection of work equipment	3 (2)	When work equipment is used outside the undertaking it shall be accompanied by physical evidence that the last inspection has been carried out.	4.4	2.14.			High-risk equipment used outside of the economic entity's territory must be accompanied with a document to confirm the last technical inspection and/or expert inspection.			x		Yes				x				NON-PROVIDED FOR. This national provision only refers to high-risk equipment, and not to all work equipment.
154	5	Employers' obligations - Inspection of work equipment	4	Member States shall determine the conditions under which such inspections are made.	4.4	2.15.			Technical and expert inspection of high-risk equipment and submission of reports on findings of a technical and expert inspection are performed in accordance with the procedures established by the legislation.			x		Yes				x				NON-PROVIDED FOR. This national provision misses the point. First, it should only provide that the conditions under which this inspections are carried out are determined by national legislation. Second, it is only focused on high-risk equipment, and not on all work equipment.

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155	6	Employers' obligations - Work equipment involving specific risks	(1) (a)	When the use of work equipment is likely to involve a specific risk to the safety or health of workers, the employer shall take the measures necessary to ensure that the use of work equipment is restricted to those persons given the task of using it.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes				x						NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to establish the obligation of the employer to take measures in order to ensure that the use of work equipment is restricted to those persons given the task of using it, whenever the use of work equipment is likely to involve a specific risk to the safety or health of workers.

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156	6	Employers' obligations - Work equipment involving specific risks	(1) (b)	When the use of work equipment is likely to involve a specific risk to the safety or health of workers, the employer shall take the measures necessary to ensure that in the case of repairs, modifications, maintenance or servicing, the workers concerned are specifically designated to carry out such work.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes				x						NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to establish the obligation of the employer to take measures in order to ensure that in the case of repairs, modifications, maintenance or servicing, the workers concerned are specifically designated to carry out such work, whenever the use of work equipment is likely to involve a specific risk to the safety or health of workers.

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157	7	Employers' obligations - Ergonomics and occupational health	(1)	The workplace and position of workers while using work equipment and ergonomic principles shall be taken fully into account by the employer when applying minimum health and safety requirements.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes					x						NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to establish the obligation of the employer to take into account, when applying minimum health and safety requirements, the workplace and position of workers while using work equipment and ergonomic principles.

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158	8	Employers' obligations - Informing workers	1	Without prejudice to Article 10 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that workers have at their disposal adequate information and, where appropriate, written instructions on the work equipment used at work.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes					x					NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to establish the obligation of the employer to take the measures necessary to ensure that workers have at their disposal adequate information and, where appropriate, written instructions on the work equipment used at work, without prejudice to the employer's obligations foreseen in article 10 of Directive 89/391/EEC.

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159	8	Employers' obligations - Informing workers	2 (1) (a)	The information and the written instructions shall contain at least adequate safety and health information concerning the conditions of use of work equipment.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes				x						NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to specify that the information and the written instructions that the employer has to provide to workers shall contain at least adequate safety and health information concerning the conditions of use of work equipment.

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160	8	Employers' obligations - Informing workers	2 (1) (b)	The information and the written instructions shall contain at least adequate safety and health information concerning foreseeable abnormal situations.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes				x						NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to specify that the information and the written instructions that the employer has to provide to workers shall contain at least adequate safety and health information concerning foreseeable abnormal situations.

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161	8	Employers' obligations - Informing workers	2 (1) (c)	The information and the written instructions shall contain at least adequate safety and health information concerning the conclusions to be drawn from experience, where appropriate, in using work equipment.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes					x					NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to specify that the information and the written instructions that the employer has to provide to workers shall contain at least adequate safety and health information concerning the conclusions to be drawn from experience, where appropriate, in using work equipment.

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162	8	Employers' obligations - Informing workers	2 (2)	Workers shall be made aware of dangers relevant to them, work equipment present in the work area or site, and any changes affecting them, inasmuch as they affect work equipment situated in their immediate work area or site, even if they do not use such equipment directly.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes				x						NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to establish the obligation of the employer to make workers aware made aware of dangers relevant to them, work equipment present in the work area or site, and any changes affecting them, inasmuch as they affect work equipment situated in their immediate work area or site, even if they do not use such equipment directly.

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163	8	Employers' obligations - Informing workers	3	The information and the written instructions shall be comprehensible to the workers concerned.	1.2	13	Safety and Health Management and Employer's Responsibilities		"The employer shall create working conditions in each structural subdivision in accordance with the regulations, as well as ensure compliance with the requirements of legislation on workers' rights in the field of safety and health. To this end, the employer shall ensure functioning of the Safety and Health management system, including: create appropriate services and appoint officials who provide for the resolution of specific safety and health issues, approve their job descriptions, rights and responsibilities for the performance of their functions, as well as controls their observance; develop with the parties a collective agreement and implement comprehensive measures to achieve the established norms and increase the existing level of safety and health; ensure the necessary preventive measures in accordance with changing circumstances; implement progressive technologies, achievements in science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in safety and health, etc.; ensure proper maintenance of buildings and structures, production plant and equipment, monitoring of their technical condition; provide for the elimination of the causes leading to accidents, occupational diseases, and the implementation of preventive measures determined by the commissions on the basis of the investigation of these reasons; organize a safety and health audit, laboratory testing of working conditions, an assessment of the technical condition of production plant and equipment, certification of workplaces for compliance with safety and health regulations in the manner and in the timeframe established by law, and, on the basis thereof, take measures to eliminate hazardous and harmful factors; develop and approve regulations, instructions, other safety and health acts operating within the enterprise (hereinafter - acts of the enterprise), and establish the rules for the performance of work and conduct of workers at the enterprise premises, industrial premises, construction sites, workplaces in accordance with the safety and health regulations, provides for free regulations and acts of the enterprise on safety and health to workers; carry out control over observance of technological processes by the employees, rules of handling of machines, mechanisms, equipment and other means of production, use of collective and individual protection equipment, performance of works in accordance with safety and health requirements; organize promotion of safe working methods and cooperation with workers in the field of safety and health; take urgent measures to help the injured, involves, if necessary, professional emergency rescue units in the event of emergencies and accidents at the enterprise. The employer shall be directly responsible for violating these requirements. "			x		Yes				x					NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to specify that the information and the written instructions that the employer has to provide to workers shall be comprehensible to the workers concerned.
164	9	Employers' obligations - Training of workers	(a)	Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail.	1.2	18	Safety and Health Training		During the recruitment and during the work, employees must be trained at the expense of the employer, on safety and health, providing first aid to injured and emergency regulations. Workers, including officials who have not been trained, instructed and checked for knowledge of safety and health, shall not be allowed to work.			x		Yes				x				NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision intends to establish the obligation of the employer to take the measures necessary to ensure that workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail, without prejudice to the employer's obligations foreseen in article 12 of Directive 89/391/EEC.	
165	9	Employers' obligations - Training of workers	(b)	Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that workers the workers specifically designated to carry out repairs, modifications, maintenance or servicing to work equipment [referred to in Article 6 (1) (b)] receive adequate specific training.	1.2	18	Safety and Health Training		During the recruitment and during the work, employees must be trained at the expense of the employer, on safety and health, providing first aid to injured and emergency regulations. Workers, including officials who have not been trained, instructed and checked for knowledge of safety and health, shall not be allowed to work.			x		Yes				x				NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision is focused on establishing the obligation of the employer to take the measures necessary to ensure that workers specifically designated to carry out repairs, modifications, maintenance or servicing to work equipment [referred to in Article6 (1)(b) of this Directive], receive adequate specific training, without prejudice to the employer's obligations foreseen in article 12 of Directive 89/391/EEC.	

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166	10	Employers' obligations - Consultation of workers and workers' participation	(1)	Consultation and participation of workers and/or of their representatives on the matters covered by this Directive, including the Annexes thereto, shall take place in accordance with Article 11 of Directive 89/391/EEC.	1.2	16	Enterprise Safety and Health Commission		A safety and health commission may be established at the enterprise by the decision of the labour collective in order to ensure proportional involvement of employees in managing any safety, occupational health and working environment issues. The commission shall consist of the employer's and the trade union's representatives, as well as of the authorized representative of the employees, safety and health specialists and other services of the enterprise in accordance with the standard provision to be approved by the central executive body which ensures development of the state policy in the field of safety and health.			x		Yes				x				NON-PROVIDED FOR. This national provision is too generic and misses the point. This directive provision is aimed at establishing the obligation of the employer to ensure the consultation and participation of workers and/or of their representatives on the matters covered by this Directive, including the Annexes thereto, which shall take place in accordance with Article 11 of Directive 89/391/EEC, and not restricted to a safety and health commission that may(or not) be established at the enterprise.

LIST OF REVISED LEGISLATION

Directive No. 2009/104/EC, 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

(Repeals the Council Directive No. 89/655/EEC, concerning the minimum safety and health requirements for the use of work equipment by workers at work, and its successive amendments)

CODE (NUMBER OF THE LEGISLATIVE ACT)	LEGISLATIVE DOCUMENT							LAST AMENDMENTS INTRODUCED	
	ISSUER	LEGISLATIVE DOCUMENT	NUMBER	DATE OF ADDOPTION	NAME/SUBJECT OF THE LEGAL ACT	DATE OF ENTRY INTO FORCE	DATE OR REGISTRATION BY THE NINISTRY OF JUSTICE	DATE OF LAST AMENDMENT	LEGAL ACT
1. Parliament of Ukraine									
1.1	Parliament	Law	322-VIII	12/10/1971	Labour Code of Ukraine	6/1/1972		12/24/2015	Law No.911-VIII, of 24 December 2015, amending several legal acts of Ukraine.
1.2	Parliament	Law	2694-XII	10/14/1992	On labour protection			2/12/2015	Law No.191-VIII, of 12 February 2015, Amending several legal acts of Ukraine on simplification of terms of conducting a business (deregulation)
1.12	.....	.....	.....	.....	.....		.....	.....	.....
2. President of Ukraine									
2.1	President	Order							
3. Cabinet of Ministers of Ukraine									
3.1	Cabinet of Ministers of Ukraine	Decree	687	5/26/2004	The procedure of inspections, tests and expert examination (technical diagnostics) vehicles, machinery, equipment increased risk			11/02/2016	
4. Ministries and other state authorities									
4.1	State Committee of Ukraine on Industrial Safety, Labour Protection and Mining Supervision	Order	62	3/27/2007	Rules of occupational safety during works at height				
4.2	Ministry of Energy and Coal Mining	Order	966	12/19/2013	Rules of occupational safety when working with tools and devices		.....	.....	.....
4.3	Ministry of Energy and Coal Mining	Order	21	1/19/2015	Safety and health during handling operations				.....
4.4	Ministry of Social Policy	Order	DRAFT	DRAFT	Safety and health protection requirements for employees' use of production equipment		.....	.....	.....

The proposed analysis is based on the assumption that the analyzed draft Safety and health protection requirements for employees’ use of production equipment, already submitted to the Ministry of Justice of Ukraine, will be approved and published as proposed