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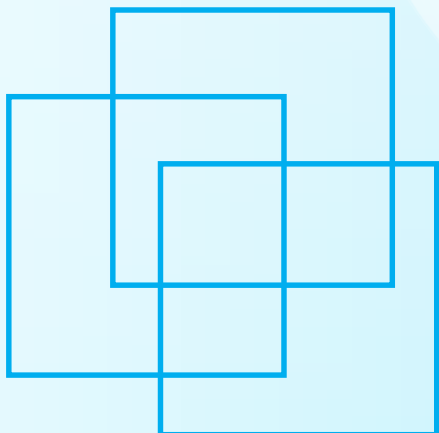


Проект виконується
Міжнародною організацією праці

«Зміцнення адміністрації праці
з метою покращення умов праці
і подолання незадекларованої праці»

**TRAINING FOR THE MEMBERS OF THE WORKGROUP
ON THE DEVELOPMENT OF THE TABLE OF
CONCORDANCE BETWEEN THE NATIONAL
LEGISLATION AND THE DIRECTIVE No. 2009/104/EC
OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL OF 16 SEPTEMBER 2009**

«Enhancing the Labour Administration
Capacity to Improve Working Conditions
and Tackle Undeclared Work»



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the European Union



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the International Labour Organization

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

**Training for the members of the workgroup on the development
of the Table of Concordance between the national legislation and
the 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**

30 November 2017
room 319, State Labour Service
14, Desyatynna Str.

*Consecutive English/Ukrainian interpretation provided

- | | |
|-------------|---|
| 09:00-09:30 | Registration of participants |
| 09:30-11:00 | Presentation of the EU OSH framework Directive 2009/104/EC of 16 September 2009 and explanation of its key provisions

Antonio Santos , EU - ILO Project Manager |
| 11:00-11:30 | Coffee break |
| 11:30-12:30 | Resume of the training session |
| 12:30-13:30 | Lunch break |
| 13:30-15:00 | Resume of the training session (if necessary) |
| 15:00-16:00 | Presentation and discussion of the template of the Table of Concordance between the national legislation and the Directive 2009/104/EC

Antonio Santos , EU-ILO Project Manager |
| 16:00-17:00 | Development of the working group work plan (activities, timetable and responsible persons) for the execution of the Table of Concordance between the national legislation and the Directive 2009/104/EC |

Distribution materials:

1. Directive 2009/104/EC;
2. Table of the List of legislation to be revised;
3. Table of Concordance between the national legislation and the Directive 2009/104/EC;
4. PP Presentation on the provisions of the Directive 2009/104/EC.

This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

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COUNCIL DIRECTIVE

of 12 June 1989

on the introduction of measures to encourage improvements in the safety and health of workers at work

(89/391/EEC)

(OJ L 183, 29.6.1989, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003	L 284	1	31.10.2003
► <u>M2</u>	Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007	L 165	21	27.6.2007
► <u>M3</u>	Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008	L 311	1	21.11.2008

Corrected by:

- **C1** Corrigendum, OJ L 275, 5.10.1990, p. 42 (89/391/EEC)



COUNCIL DIRECTIVE

of 12 June 1989

**on the introduction of measures to encourage improvements in the
safety and health of workers at work**

(89/391/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽¹⁾, drawn up after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

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

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

Whereas it is known that workers can be exposed to the effects of dangerous environmental factors at the work place during the course of their working life;

Whereas, pursuant to Article 118a of the Treaty, such Directives must avoid imposing administrative, financial and legal constraints which would hold back the creation and development of small and medium-sized undertakings;

Whereas the communication from the Commission on its programme concerning safety, hygiene and health at work ⁽⁴⁾ provides for the adoption of Directives designed to guarantee the safety and health of workers;

Whereas the Council, in its resolution of 21 December 1987 on safety, hygiene and health at work ⁽⁵⁾, took note of the Commission's intention to submit to the Council in the near future a Directive on the organization of the safety and health of workers at the work place;

Whereas in February 1988 the European Parliament adopted four resolutions following the debate on the internal market and worker protection; whereas these resolutions specifically invited the Commission to draw up a framework Directive to serve as a basis for more specific Directives covering all the risks connected with safety and health at the work place;

Whereas Member States have a responsibility to encourage improvements in the safety and health of workers on their territory;

⁽¹⁾ OJ No C 141, 30. 5. 1988, p. 1.

⁽²⁾ OJ No C 326, 19. 12. 1988, p. 102, and OJ No C 158, 26. 6. 1989.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 22.

⁽⁴⁾ OJ No C 28, 3. 2. 1988, p. 3.

⁽⁵⁾ OJ No C 28, 3. 2. 1988, p. 1.

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whereas taking measures to protect the health and safety of workers at work also helps, in certain cases, to preserve the health and possibly the safety of persons residing with them;

Whereas Member States' legislative systems covering safety and health at the work place differ widely and need to be improved; whereas national provisions on the subject, which often include technical specifications and/ or self-regulatory standards, may result in different levels of safety and health protection and allow competition at the expense of safety and health;

Whereas the incidence of accidents at work and occupational diseases is still too high; whereas preventive measures must be introduced or improved without delay in order to safeguard the safety and health of workers and ensure a higher degree of protection;

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

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

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

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

Whereas the provisions of this Directive apply, without prejudice to more stringent present or future Community provisions, to all risks, and in particular to those arising from the use at work of chemical, physical and biological agents covered by Directive 80/1107/EEC ⁽¹⁾, as last amended by Directive 88/642/EEC ⁽²⁾;

Whereas, pursuant to Decision 74/325/EEC ⁽³⁾, the Advisory Committee on Safety, Hygiene and Health Protection at Work is consulted by the Commission on the drafting of proposals in this field;

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

HAS ADOPTED THIS DIRECTIVE:

⁽¹⁾ OJ No L 327, 3. 12. 1980, p. 8.

⁽²⁾ OJ No L 356, 24. 12. 1988, p. 74.

⁽³⁾ OJ No L 185, 9. 7. 1974, p. 15.



SECTION I

GENERAL PROVISIONS

Article 1

Object

1. The object of this Directive is to introduce measures to encourage improvements in the safety and health of workers at work.
2. To that end it contains general principles concerning the prevention of occupational risks, the protection of safety and health, the elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with national laws and/ or practices and training of workers and their representatives, as well as general guidelines for the implementation of the said principles.
3. This Directive shall be without prejudice to existing or future national and Community provisions which are more favourable to protection of the safety and health of workers at work.

Article 2

Scope

1. This Directive shall apply to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).
2. This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

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

Article 3

Definitions

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

- (a) worker: any person employed by an employer, including trainees and apprentices but excluding domestic servants;
- (b) employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment;
- (c) workers' representative with specific responsibility for the safety and health of workers: any person elected, chosen or designated in accordance with national laws and/ or practices to represent workers where problems arise relating to the safety and health protection of workers at work;
- (d) prevention: all the steps or measures taken or planned at all stages of work in the undertaking to prevent or reduce occupational risks.

Article 4

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

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

SECTION II**EMPLOYERS' OBLIGATIONS***Article 5***General provision**

1. The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.
2. Where, pursuant to Article 7 (3), an employer enlists competent external services or persons, this shall not discharge him from his responsibilities in this area.
3. The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.
4. This Directive shall not restrict the option of Member States to provide for the exclusion or the limitation of employers' responsibility where occurrences are due to unusual and unforeseeable circumstances, beyond the employers' control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.

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

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

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

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

2. The employer shall implement the measures referred to in the first subparagraph of paragraph 1 on the basis of the following general principles of prevention:
 - (a) avoiding risks;
 - (b) evaluating the risks which cannot be avoided;
 - (c) combating the risks at source;
 - (d) adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;
 - (e) adapting to technical progress;
 - (f) replacing the dangerous by the non-dangerous or the less dangerous;
 - (g) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment;

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- (h) giving collective protective measures priority over individual protective measures;
- (i) giving appropriate instructions to the workers.

3. Without prejudice to the other provisions of this Directive, the employer shall, taking into account the nature of the activities of the enterprise and/ or establishment:

- (a) evaluate the risks to the safety and health of workers, *inter alia* in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places.

Subsequent to this evaluation and as necessary, the preventive measures and the working and production methods implemented by the employer must:

- assure an improvement in the level of protection afforded to workers with regard to safety and health,
 - be integrated into all the activities of the undertaking and/ or establishment and at all hierarchical levels;
- (b) where he entrusts tasks to a worker, take into consideration the worker's capabilities as regards health and safety;
 - (c) ensure that the planning and introduction of new technologies are the subject of consultation with the workers and/ or their representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers;
 - (d) take appropriate steps to ensure that only workers who have received adequate instructions may have access to areas where there is serious and specific danger.

4. Without prejudice to the other provisions of this Directive, where several undertakings share a work place, the employers shall cooperate in implementing the safety, health and occupational hygiene provisions and, taking into account the nature of the activities, shall coordinate their actions in matters of the protection and prevention of occupational risks, and shall inform one another and their respective workers and/ or workers' representatives of these risks.

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

Article 7

Protective and preventive services

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

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

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

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

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

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5. In all cases:

- the workers designated must have the necessary capabilities and the necessary means,
- the external services or persons consulted must have the necessary aptitudes and the necessary personal and professional means, and
- the workers designated and the external services or persons consulted must be sufficient in number

to deal with the organization of protective and preventive measures, taking into account the size of the undertaking and/ or establishment and/ or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/ or establishment.

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

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

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

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

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

Article 8

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

1. The employer shall:

- take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/ or establishment and taking into account other persons present,
- arrange any necessary contacts with external services, particularly as regards first aid, emergency medical care, rescue work and fire-fighting.

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

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

3. The employer shall:

- (a) as soon as possible, inform all workers who are, or may be, exposed to serious and imminent danger of the risk involved and of the steps taken or to be taken as regards protection;
- (b) take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger to stop work and/ or immediately to leave the work place and proceed to a place of safety;
- (c) save in exceptional cases for reasons duly substantiated, refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.

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

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

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

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

1. The employer shall:

- (a) be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks;
- (b) decide on the protective measures to be taken and, if necessary, the protective equipment to be used;
- (c) keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days;
- (d) draw up, for the responsible authorities and in accordance with national laws and/ or practices, reports on occupational accidents suffered by his workers.

2. Member States shall define, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings in respect of the drawing-up of the documents provided for in paragraph 1 (a) and (b) and when preparing the documents provided for in paragraph 1 (c) and (d).

*Article 10***Worker information**

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

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

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

3. The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and

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health of workers shall have access, to carry out their functions and in accordance with national laws and/ or practices, to:

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

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

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

This presupposes:

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

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

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

3. Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger.

4. The workers referred to in paragraph 2 and the workers' representatives referred to in paragraphs 2 and 3 may not be placed at a disadvantage because of their respective activities referred to in paragraphs 2 and 3.

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

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

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



Article 12

Training of workers

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

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

The training shall be:

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

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

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

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

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

The training referred to in paragraph 3 must take place during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment.

SECTION III

WORKERS' OBLIGATIONS

Article 13

1. It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his ►**C1** acts or omissions ◀ at work in accordance with his training and the instructions given by his employer.

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

- (a) make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production;
- (b) make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place;
- (c) refrain from disconnecting, changing or removing arbitrarily safety devices fitted, e.g. to machinery, apparatus, tools, plant and buildings, and use such safety devices correctly;
- (d) immediately inform the employer and/ or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements;

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- (e) cooperate, in accordance with national practice, with the employer and/ or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out;
- (f) cooperate, in accordance with national practice, with the employer and/ or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.

SECTION IV

MISCELLANEOUS PROVISIONS*Article 14***Health surveillance**

1. To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/ or practices.
2. The measures referred to in paragraph 1 shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals.
3. Health surveillance may be provided as part of a national health system.

*Article 15***Risk groups**

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

*Article 16***Individual Directives — Amendments —****General scope of this Directive**

1. The Council, acting on a proposal from the Commission based on Article 118a of the Treaty, shall adopt individual Directives, *inter alia*, in the areas listed in the Annex.
2. This Directive and, without prejudice to the procedure referred to in Article 17 concerning technical adjustments, the individual Directives may be amended in accordance with the procedure provided for in Article 118a of the Treaty.
3. The provisions of this Directive shall apply in full to all the areas covered by the individual Directives, without prejudice to more stringent and/ or specific provisions contained in these individual Directives.

▼ **M3***Article 17***Committee procedure**

1. The Commission shall be assisted by a committee to make purely technical adjustments to the individual directives provided for in Article 16(1) in order to take account of:

- (a) the adoption of directives in the field of technical harmonisation and standardisation;
- (b) technical progress, changes in international regulations or specifications and new findings.

Those measures, designed to amend non-essential elements of the individual directives, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in paragraph 2. On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in paragraph 3.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

▼ **M2***Article 17a***Implementation reports**

1. Every five years, the Member States shall submit a single report to the Commission on the practical implementation of this Directive and individual Directives within the meaning of Article 16(1), indicating the points of view of the social partners. The report shall assess the various points related to the practical implementation of the different Directives and, where appropriate and available, provide data disaggregated by gender.

2. The structure of the report, together with a questionnaire specifying its content, shall be defined by the Commission, in cooperation with the Advisory Committee on Safety and Health at Work.

The report shall include a general part on the provisions of this Directive relating to the common principles and points applicable to all of the Directives referred to in paragraph 1.

To complement the general part, specific chapters shall deal with implementation of the particular aspects of each Directive, including specific indicators, where available.

3. The Commission shall submit the structure of the report, together with the above-mentioned questionnaire specifying its content, to the Member States at least six months before the end of the period covered by the report. The report shall be transmitted to the Commission within 12 months of the end of the five-year period that it covers.

4. Using these reports as a basis, the Commission shall evaluate the implementation of the Directives concerned in terms of their relevance, of research and of new scientific knowledge in the various fields in question. It shall, within 36 months of the end of the five-year period, inform the European Parliament, the Council, the European Economic and Social Committee and the Advisory Committee on Safety and Health at Work of the results of this evaluation and, if necessary, of any initiatives to improve the operation of the regulatory framework.

5. The first report shall cover the period 2007 to 2012.

▼ B*Article 18***Final provisions**

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

They shall forthwith inform the Commission thereof.

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

▼ M2
_____**▼ B***Article 19*

This Directive is addressed to the Member States.

*ANNEX***List of areas referred to in Article 16 (1)**

- Work places
- Work equipment
- Personal protective equipment
- Work with visual display units
- Handling of heavy loads involving risk of back injury
- Temporary or mobile work sites
- Fisheries and agriculture

DIRECTIVES

DIRECTIVE 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 (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

(codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) This Directive is an individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and

health of workers at work ⁽⁵⁾. Therefore, the provisions of Directive 89/391/EEC are fully applicable to the scope of the use of work equipment by workers at work, without prejudice to more stringent or specific provisions contained in this Directive.

(3) Article 137(2) of the Treaty provides that the Council may adopt, by means of directives, minimum requirements for encouraging improvements, in particular, of the working environment so as to protect workers' health and safety.

(4) Pursuant to the said Article, such directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

(5) The provisions adopted pursuant to Article 137(2) of the Treaty do not preclude any Member State from maintaining or introducing more stringent measures for the protection of working conditions provided they are compatible with the Treaty.

(6) Compliance with the minimum requirements designed to guarantee a better standard of safety and health in the use of work equipment is essential in order to ensure the safety and health of workers.

(7) The improvement of occupational safety, hygiene and health is an objective which should not be subordinated to purely economic considerations.

(8) Work at a height may expose workers to particularly severe risks to their health and safety, notably to the risks of falls from a height and other serious occupational accidents, which account for a large proportion of all accidents, especially of fatal accidents.

⁽¹⁾ OJ C 100, 30.4.2009, p. 144.

⁽²⁾ Opinion of the European Parliament of 8 July 2008 (not yet published in the Official Journal) and Council Decision of 13 July 2009.

⁽³⁾ OJ L 393, 30.12.1989, p. 13.

⁽⁴⁾ See Annex III, Part A.

⁽⁵⁾ OJ L 183, 29.6.1989, p. 1.

- (9) This Directive constitutes a practical aspect of the realisation of the social dimension of the internal market.
- (10) Pursuant to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽¹⁾, Member States are required to notify the Commission of any draft technical regulations relating to machines, equipment and installations.
- (11) This Directive is the most appropriate means of achieving the desired objectives and does not go beyond what is necessary for that purpose.
- (12) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex III, Part B,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Directive, which is the second individual directive within the meaning of Article 16(1) of Directive 89/391/EEC, lays down minimum safety and health requirements for the use of work equipment by workers at work, as defined in Article 2.
2. The provisions of Directive 89/391/EEC are fully applicable to the whole scope referred to in paragraph 1, without prejudice to more stringent or specific provisions contained in this Directive.

Article 2

Definitions

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

- (a) 'work equipment': any machine, apparatus, tool or installation used at work;
- (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;

- (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;
- (d) 'exposed worker': any worker wholly or partially in a danger zone;
- (e) 'operator': the worker or workers given the task of using work equipment.

CHAPTER II

EMPLOYERS' OBLIGATIONS

Article 3

General obligations

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.

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.

2. Where it is not possible in this way fully to 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.

Article 4

Rules concerning work equipment

1. Without prejudice to Article 3, the employer shall obtain and/or use:
 - (a) work equipment which, if provided to workers in the undertaking or establishment for the first time after 31 December 1992, complies with:
 - (i) the provisions of any relevant Community directive which is applicable;
 - (ii) the minimum requirements laid down in Annex I, to the extent that no other Community directive is applicable or is so only partially;

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

(b) 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;

(c) without prejudice to point (a)(i), and by way of derogation from point (a)(ii) and point (b), specific work equipment subject to the requirements of point 3 of Annex I, 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.

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 (a) or (b) of paragraph 1 as applicable.

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.

Article 5

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.

2. 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:

- (a) periodic inspections and, where appropriate, testing by competent persons within the meaning of national laws and/or practices;
- (b) 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. 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.

When work equipment is used outside the undertaking it shall be accompanied by physical evidence that the last inspection has been carried out.

4. Member States shall determine the conditions under which such inspections are made.

Article 6

Work equipment involving specific risks

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:

- (a) the use of work equipment is restricted to those persons given the task of using it;
- (b) in the case of repairs, modifications, maintenance or servicing, the workers concerned are specifically designated to carry out such work.

Article 7

Ergonomics and occupational health

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.

Article 8

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.

2. The information and the written instructions shall contain at least adequate safety and health information concerning:

- (a) the conditions of use of work equipment;
- (b) foreseeable abnormal situations;
- (c) the conclusions to be drawn from experience, where appropriate, in using work equipment.

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.

3. The information and the written instructions shall be comprehensible to the workers concerned.

Article 9

Training of workers

Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall take the measures necessary to ensure that:

- (a) workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail;
- (b) workers referred to in Article 6(b) receive adequate specific training.

Article 10

Consultation of workers and workers' participation

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.

CHAPTER III

MISCELLANEOUS PROVISIONS

Article 11

Amendment of the Annexes

1. The addition to Annex I of supplementary minimum requirements applicable to specific work equipment, as referred to in point 3 thereof, shall be adopted by the Council in accordance with the procedure laid down in Article 137(2) of the Treaty.

2. Strictly technical adaptations of the Annexes shall be adopted, in accordance with the procedure laid down in Article 17(2) of Directive 89/391/EEC, as a result of:

- (a) the adoption of directives on technical harmonisation and standardisation of work equipment; and/or
- (b) technical progress, changes in international regulations or specifications or knowledge in the field of work equipment.

Article 12

Final provisions

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

Article 13

Directive 89/655/EEC, as amended by the Directives listed in Annex III, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 14

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 15

This Directive is addressed to the Member States.

Done at Strasbourg, 16 September 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
C. MALMSTRÖM

ANNEX I

MINIMUM REQUIREMENTS

(referred to in points (a)(ii) and (b) of Article 4(1))

1. General comment

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.

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.

2. General minimum requirements applicable to work equipment

- 2.1. Work equipment control devices which affect safety must be clearly visible and identifiable and appropriately marked where necessary.

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.

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.

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.

- 2.2. It must be possible to start work equipment only by deliberate action on a control provided for the purpose.

The same shall apply:

- to restart it after a stoppage for whatever reason,
- for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.),

unless such a restart or change does not subject exposed workers to any hazard.

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.

- 2.3. All work equipment must be fitted with a control to stop it completely and safely.

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.

- 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.

- 2.5. Work equipment presenting risk due to falling objects or projections must be fitted with appropriate safety devices corresponding to the risk.

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.

- 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.

- 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.
- 2.8. 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.

The guards and protection devices must:

- be of robust construction,
 - not give rise to any additional hazard,
 - not be easily removed or rendered inoperative,
 - be situated at sufficient distance from the danger zone,
 - not restrict more than necessary the view of the operating cycle of the 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.
- 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.
- 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.
- 2.11. Warning devices on work equipment must be unambiguous and easily perceived and understood.
- 2.12. Work equipment may be used only for operations and under conditions for which it is appropriate.
- 2.13. 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.
- If any machine has a maintenance log, it must be kept up to date.
- 2.14. All work equipment must be fitted with clearly identifiable means to isolate it from all its energy sources.
- Reconnection must be presumed to pose no risk to the workers concerned.
- 2.15. Work equipment must bear the warnings and markings essential to ensure the safety of workers.
- 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.
- 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.
- 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.
- 2.19. All work equipment must be appropriate for protecting exposed workers against the risk of direct or indirect contact with electricity.

3. Additional minimum requirements applicable to specific types of work equipment

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

3.1.1. Work equipment with ride-on workers must be fitted out in such a way as to reduce the risks for workers during the journey.

Those risks must include the risks of contact by workers with, or trapping by, wheels or tracks.

3.1.2. 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.

Where such a seizure cannot be avoided, every possible measure must be taken to avoid any adverse effects on workers.

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

3.1.4. 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
- by a structure giving sufficient clearance around the ride-on workers if the tilting movement can continue beyond a quarter turn, or
- by some other device of equivalent effect.

These protection structures may be an integral part of the work equipment.

These protection structures are not required when the work equipment is stabilised during operation or where the design makes roll-over impossible.

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.

3.1.5. Fork-lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning, e.g.:

- by the installation of an enclosure for the driver, or
- by a structure preventing the fork-lift truck from overturning, or
- 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
- 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.

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

- (a) the equipment must have facilities for preventing unauthorised start-up;
- (b) it 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;

- (c) 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;
- (d) where the driver's direct field of vision is inadequate to ensure safety, adequate auxiliary devices must be installed to improve visibility;
- (e) work equipment designed for use at night or in dark places must be equipped with lighting appropriate to the work to be carried out and must ensure sufficient safety for workers;
- (f) work 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 workers must be equipped with appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of use;
- (g) remote-controlled work equipment must stop automatically once it leaves the control range;
- (h) remote-controlled work equipment which may in normal conditions engender a crushing or impact hazard must have facilities to guard against this risk, unless other appropriate devices are present to control the impact risk.

3.2. Minimum requirements for 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.

3.2.2. 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.

Accessories for lifting must be marked in such a way that it is possible to identify the characteristics essential for safe use.

Work equipment which is not designed for lifting persons but which might be so used in error must be appropriately and clearly marked to this effect.

3.2.3. Permanently installed work equipment must be installed in such a way as to reduce the risk of the load:

- (a) striking workers;
- (b) unintentionally drifting dangerously or falling freely;
- (c) being released unintentionally.

3.2.4. Work equipment for lifting or moving workers must be such as to:

- (a) prevent the risk of the car falling, where one exists, by means of suitable devices;
- (b) prevent the risk of the user himself falling from the car, where one exists;
- (c) prevent the risk of the user being crushed, trapped or struck, in particular through inadvertent contact with objects;
- (d) ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed.

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

ANNEX II

PROVISIONS CONCERNING THE USE OF WORK EQUIPMENT

(referred to in Article 4(3))

General comment

This Annex applies having regard to this Directive and where the corresponding risk exists for the work equipment in question.

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, 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.
- 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.
- 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.

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.
- 2.2. If work equipment is moving around in a work area, appropriate traffic rules must be drawn up and followed.
- 2.3. Organisational measures must be taken to prevent workers on foot coming within the area of operation of self-propelled work equipment.

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.

- 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.
- 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.

3. Provisions concerning the use of work equipment for lifting loads**3.1. 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.
- 3.1.2. Persons may be lifted only by means of work equipment and accessories provided for that purpose.

Without prejudice to Article 5 of Directive 89/391/EEC, 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.

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.

- 3.1.3. 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.

Loads may not be moved above unprotected workplaces usually occupied by workers.

Where that is the case, if work cannot be carried out properly any other way, appropriate procedures must be laid down and applied.

- 3.1.4. Lifting accessories must be selected 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.

- 3.1.5. Lifting accessories must be stored in a way that ensures that they will not be damaged or degraded.

3.2. Work equipment for lifting non-guided loads

- 3.2.1. When two or more items of work equipment used for lifting non-guided loads are installed or erected on a site 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.

- 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.

- 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.

- 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.

- 3.2.5. All lifting operations must be properly planned, appropriately supervised and carried out in such a way as to protect the safety of workers.

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.

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

Suspended loads must not be left unsupervised unless access to the danger zone is prevented and the load has been safely suspended and is safely held.

- 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. Provisions concerning the use of work equipment provided for temporary work at a height

4.1. General provisions

- 4.1.1. If, 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.

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.

- 4.1.2. 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.
- 4.1.3. 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.

- 4.1.4. 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.
- 4.1.5. 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.
- 4.1.6. Temporary work at a height may be carried out only when the weather conditions do not jeopardise the safety and health of workers.

4.2. 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.
- 4.2.2. 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.
- 4.2.3. 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.

4.3. 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.
- 4.3.2. 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.
- 4.3.3. 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.
- 4.3.4. 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.
- 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 of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽¹⁾ and must be suitably delimited by physical means preventing access to the danger zone.
- 4.3.6. 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:
- (a) understanding of the plan for the assembly, dismantling or alteration of the scaffolding concerned;
 - (b) safety during the assembly, dismantling or alteration of the scaffolding concerned;
 - (c) measures to prevent the risk of persons or objects falling;
 - (d) safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding concerned;
 - (e) permissible loads;
 - (f) any other risks which the abovementioned assembly, dismantling or alteration operations may entail.

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.

4.4. Specific provisions regarding the use of rope access and positioning techniques

The use of rope access and positioning techniques must comply with the following conditions:

- (a) 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);

⁽¹⁾ OJ L 245, 26.8.1992, p. 23.

- (b) workers must be provided with and use an appropriate harness and must be connected by it to the security rope;
- (c) 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;
- (d) 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;
- (e) the work must be properly planned and supervised, so that a worker can be rescued immediately in an emergency;
- (f) in accordance with Article 9, the workers concerned must receive adequate training specific to the operations envisaged, in particular rescue procedures.

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.

ANNEX III

PART A

Repealed Directive with its successive amendments

(referred to in Article 13)

Council Directive 89/655/EEC
(OJ L 393, 30.12.1989, p. 13)

Council Directive 95/63/EC
(OJ L 335, 30.12.1995, p. 28)

Directive 2001/45/EC of the European Parliament and
of the Council
(OJ L 195, 19.7.2001, p. 46)

Directive 2007/30/EC of the European Parliament and
of the Council
(OJ L 165, 27.6.2007, p. 21)

Only as regards the reference made in point 3 of
Article 3 of Directive 89/655/EEC

PART B

List of time limits for transposition into national law

(referred to in Article 13)

Directive	Time limit for transposition
89/655/EEC	31 December 1992
95/63/EC	4 December 1998
2001/45/EC	19 July 2004 ⁽¹⁾
2007/30/EC	31 December 2012

⁽¹⁾ Member States shall have the right, as regards the implementation of point 4 of Annex II to Directive 89/655/EEC, to make use of a transitional period of not more than 2 years from 19 July 2004, in order to take account of the various situations which might arise from the practical implementation of Directive 2001/45/EC in particular by small and medium-sized enterprises.

ANNEX IV

Correlation table

Directive 89/655/EEC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 4a(1)	Article 5(1)
Article 4a(2), first and second indents	Article 5(2), points (a) and (b)
Article 4a(3)	Article 5(3)
Article 4a(4)	Article 5(4)
Article 5, first and second indents	Article 6, points (a) and (b)
Article 5a	Article 7
Article 6(1)	Article 8(1)
Article 6(2), first subparagraph, first, second and third indents	Article 8(2), first subparagraph, points (a), (b) and (c)
Article 6(2), second subparagraph	Article 8(2), second subparagraph
Article 6(3)	Article 8(3)
Article 7, first indent	Article 9, point (a)
Article 7, second indent	Article 9, point (b)
Article 8	Article 10
Article 9(1)	Article 11(1)
Article 9(2), first and second indents	Article 11(2), points (a) and (b)
Article 10(1)	—
Article 10(2)	Article 12
—	Article 13
—	Article 14
Article 11	Article 15
Annex I	Annex I
Annex II	Annex II
—	Annex III
—	Annex IV



Проект фінансується
Європейським Союзом



Проект виконується
Міжнародною організацією праці

Директива Європейського Парламенту та Ради № 2009/104 / ЄС від 16 вересня 2009 року щодо мінімальних вимог до безпеки та охорони здоров'я для використання робочого обладнання працівниками на роботі

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

Проект ЄС-МОП «Зміцнення адміністрації праці з метою покращення умов праці і подолання незадекларованої праці»

OSH profile preliminary findings

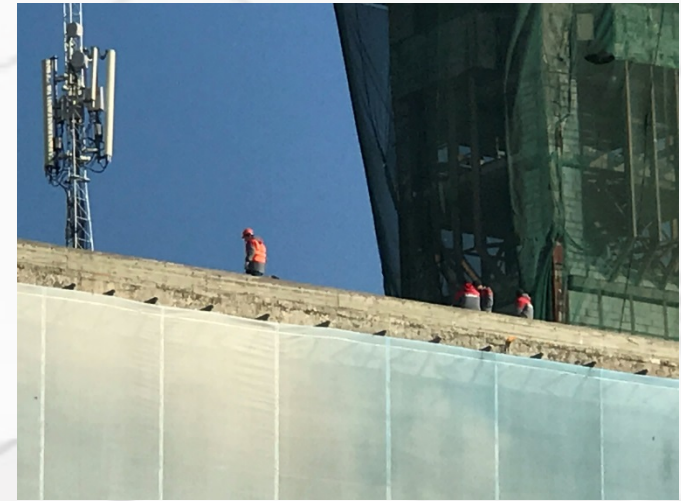
EU-ILO Project «Enhancing the labour administration capacity to improve working conditions and tackle undeclared work

Антоніу Сантош / António Santos
Менеджер проекту / Project manager

www.ilo.org/UkraineEUProject

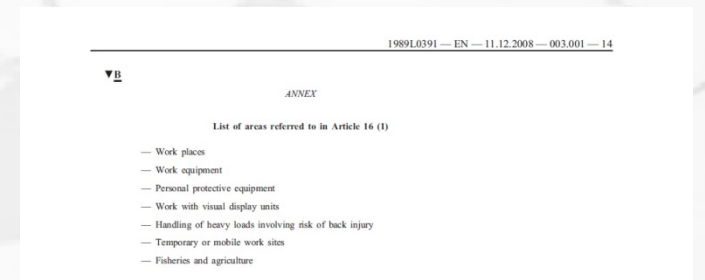
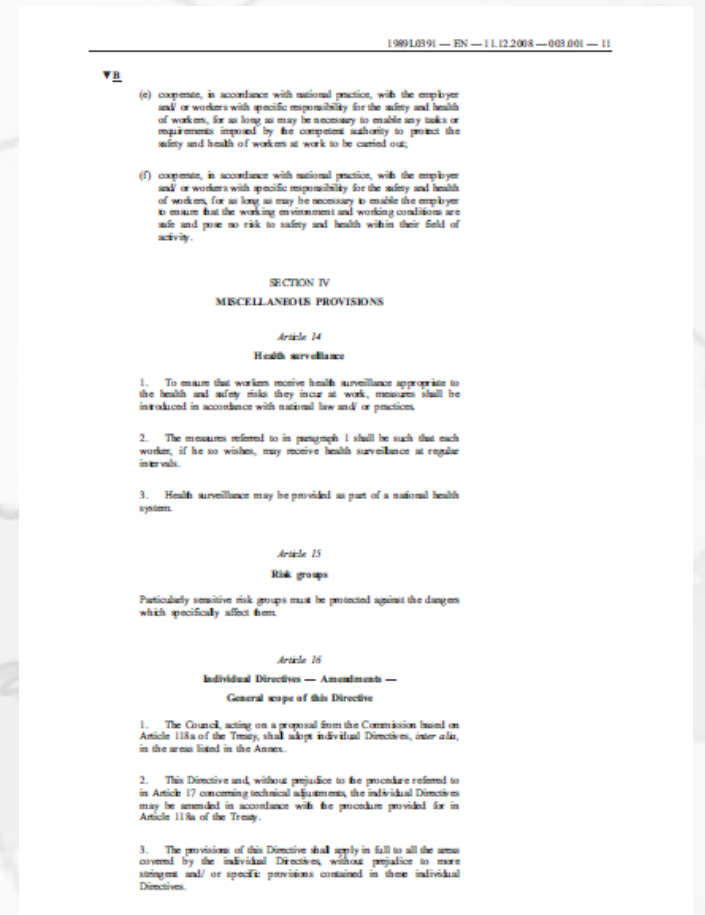
Contents:

- Why Directive No. 2009/104/EC?
- What does Directive No. 2009/104/EC?
- Why aligning the Ukrainian legislation with Directive No. 2009/104/EC?
- EU Council Directive No. 2009/104/EC:
 - ✓ Subject matter (art. 1.º)
 - ✓ Definitions (art. 2.º)
 - ✓ Employers' obligations:
 - General obligations (art. 3.º)
 - Rules concerning work equipment (art. 4.º) ➔ **ANNEX I** and **ANNEX II**
 - Inspection of work equipment (art. 5.º)
 - Work equipment involving specific risks (art. 6.º)
 - Ergonomics and occupational health (art. 7.º)
 - Informing workers (art. 8.º)
 - Training of workers (art. 9.º)
 - Consultation of workers and workers' participation (art. 10.º)
 - ✓ Amendments to the Annexes (art. 11.º)
 - ✓ Final provisions (art. 12.º)
- **ANNEX I** [art. 4(1)(a)(ii) and 4(1)(b)] - Minimum S&H requirements of the work equipment itself
- **ANNEX II** [art. 4(3)] - Provisions concerning the use of work equipment
- List of revised legislation within the scope of the Table of Concordance draft
- Table of concordance between Ukrainian legislation and the EU Directive No. 2009/104/EC.



Why Directive No. 2009/104/EC?

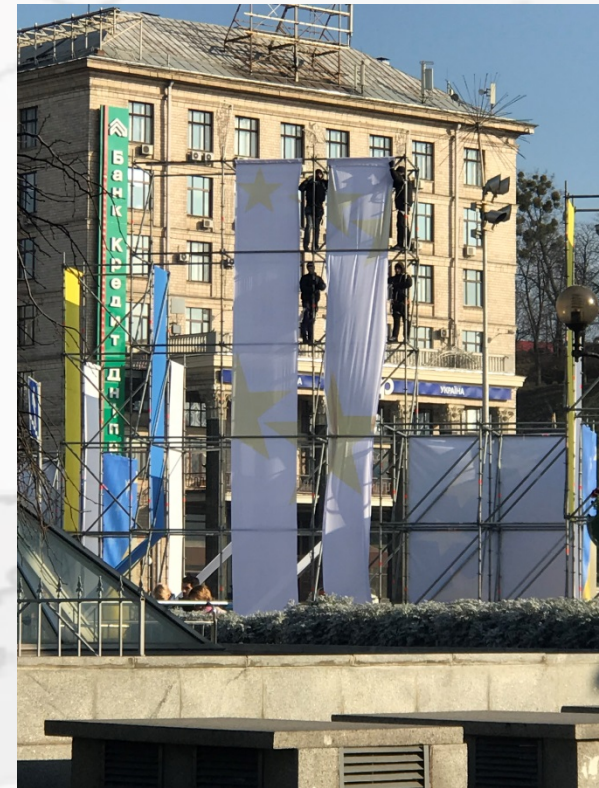
- To comply with **Article 16 (1)** of Council Directive 89/391/EEC, of 12 June 1989;
- To establish **harmonized minimum OSH requirements** concerning the **use of work equipment**;
- Because **compliance with the minimum requirements** designed to guarantee a **better standard of safety and health in the use of work equipment is essential** in order to ensure **the safety and health of workers**.



What does Directive No. 2009/104/EC ?

- Lays down and harmonizes in the EU the OSH minimum requirements for the use of work equipment by workers at work;
- The provisions of the EU OSH framework Directive 89/391/EEC are fully applicable to the use of work equipment, without prejudice to more stringent and/or specific provisions contained in this Directive.

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Why aligning the Ukrainian legislation with Directive No. 2009/104/EC?

- To improve the working conditions in Ukraine;
- To reduce the number, incidence rates and severity rates of the **work-related accidents and occupational diseases** in Ukraine, **related with the use of work equipment**;
- To ensure the effective **implementation** of the **EU-Ukraine Association Agreement (AA)**. This directive shall be implemented ([cf. AA: articles 419.º and 420.º to 424.º of chapter 21, p. 156-157; and Annex XL to chapter 21, p. 1981](#)):
 - ✓ **Directive's provisions:** shall be implemented within 3 years of AA entrance into force;
 - ✓ **Work equipment already provided to workers by that date:** must comply with the minimum requirements foreseen in the Annex, within 7 years of AA entrance into force.

Health and Safety at Work

Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement.

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

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Workplaces already in use before the final date on which this Directive is to be implemented must satisfy the minimum safety and health requirements laid down in Annex II at the latest six years after the entry into force of this Agreement.

Council Directive 89/655/EEC of 30 November 1989, concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Timetable: the Directive's provisions shall be implemented within 3 years of the entry into force of this Agreement. Work equipment already provided to workers in the undertaking and/or establishment by the final date on which this Directive is to be implemented must comply with the minimum requirements laid down in the Annex no later than 7 years after the entry into force of this Agreement

- Lays down **minimum safety and health requirements** for the **use of work equipment** by workers at work;
- The provisions of **Directive 89/391/EEC** are fully applicable to the use of work equipment, without prejudice to more stringent or specific provisions contained in this Directive.



- **Work equipment:** any machine, apparatus, tool or installation used at work;
- **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;
- **Danger zone:** any zone within or around work equipment in which an exposed worker is subject to a risk to his health or safety;
- **Exposed worker:** any worker wholly or partially in a danger zone;
- **Operator:** the worker or workers given the task of using work equipment.



- **Employers' general obligations (art. 3.º):**

- ✓ **Ensure** that the provided **work equipment is suitable** for the work to be done (or properly adapted) and may be used by workers **without impairment to their safety or health**;
- ✓ Pay attention, **when selecting the work equipment**, to: its **specific working conditions and characteristics**; **OSH risks at the workplace** and any **additional risks posed** by the use of the **work equipment** in question;
- ✓ Take appropriate **measures to minimize the risks**, when it is **not possible** in this way to **fully ensure** that **work equipment can be used by workers without risk** to their safety or health.



- Rules concerning work equipment (art. 4.º):

1. Work equipment provided for the 1st time after 31/12/1992: must comply

with:

- The provisions of any **Community directive applicable**;
- The minimum requirements of **Annex I** (if no other Community directive is applicable or is so only partially);

2. Work equipment already provided to workers by 31/12/1992: must

comply with the minimum requirements of **Annex I** (within 4 years after that date);

3. Employers shall ensure (via adequate maintenance) that work equipment, throughout its working life, complies with points 1 or 2 (as applicable, depending on the date of its provision).



- Rules concerning work equipment (art. 4.º):

3. Mobile work equipment (whether or not self-propelled) and work equipment for lifting loads, already provided to workers by 5/12/1998: must comply with:

- The provisions of any **Community directive applicable**;
- The minimum requirements of Annex I (within 4 years after that date);

4. Establish procedures to ensure a level of safety indicated by Annex II.



- **Inspection of work equipment (art. 5.º):**

- ✓ The employer shall ensure:



- **Initial inspection** of the work equipment (after installation and before first being put into service);
- **Inspection after assembly** at a new site or in a new location by competent persons (to ensure that the work equipment has been installed correctly and is operating properly).

- **Inspection of work equipment (art. 5.º):**

- ✓ The employer shall ensure that:

- **Work equipment exposed** to conditions causing **deterioration** is subject to (in order to ensure that H&S conditions are maintained and that deterioration can be detected and remedied in good time):

- ❖ **Periodic inspections** and, where appropriate, **testing** by competent persons;

- ❖ **Special inspections** by competent persons each time exceptional circumstances (e.g., modification work, accidents, natural phenomena or prolonged periods of inactivity) are likely to jeopardise the safety of the work equipment.



- **Inspection of work equipment (art. 5.º):**

- ✓ The employer shall ensure that:
 - 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;
 - When **work equipment** is used **outside** the undertaking it shall be **accompanied by physical evidence** that **the last inspection** has been carried out;
- ✓ **Member States** shall **determine** the **conditions** under which such **inspections** are made.



- **Work equipment involving specific risks (art. 6.º):**

- ✓ When the **use** of work equipment **involves** a **specific risk** to the workers, the **employer shall** take the measures to **ensure** that:
 - The **use** of work equipment is **restricted** to those **persons given** the **task** of using it;
 - In the case of repairs, modifications, maintenance or servicing, the workers concerned are **specifically designated** to carry out such work;

- **Ergonomics and occupational health (art. 7.º):**

- ✓ The **workplace** and **position of workers** while **using work equipment** and **ergonomic principles** shall be **observed** by the employer.



- **Informing workers (art. 8.º):**

- ✓ Without prejudice to Article 10 of Directive 89/391/EEC, the **employer shall ensure** that **workers have** adequate **information** and, where appropriate, **written instructions** on the work equipment used at work;
- ✓ The **OSH information** and the written instructions **shall contain** at least **information on**:
 - The **conditions of use** of work equipment;
 - The **foreseeable abnormal situations**;
 - The **conclusions from experience** in the use of the work equipment.



- **Informing workers (art. 8.º):**

- ✓ **Workers shall be made aware of dangers relevant to them;**
- ✓ **Workers should be informed of the work equipment present in the work area or site and any changes affecting them, if they affect work equipment situated in their immediate work area or site (even if they do not use such equipment directly);**
- ✓ **The information and the written instructions shall be comprehensible to the workers concerned.**



- **Training of workers (art. 9.º):**

✓ Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall ensure that:

- **Workers** given the task of **using work equipment** receive **adequate training**, including training on **any risks** which such use may entail;
- **Workers specifically designated** for work equipment repairs, modifications, maintenance or servicing **receive adequate specific training**.



- **Consultation of workers and workers' participation (art. 10.º):**

- ✓ Consultation and participation of workers and/or of their Reps. on the matters of this Directive (including its Annexes), shall take place in accordance with Article 11 of Directive 89/391/EEC.



- **Amendments to the Annexes (art. 11.º):**

- ✓ The **addition of supplementary minimum requirements** applicable to specific work equipment **to Annex I, shall be adopted** by the Council **in accordance** with Article 137(2) of the Treaty (see Consolidated version of the Treaty Establishing the European Community);
- ✓ **Strictly technical amendments to the Annexes** (as a result of the adoption of directives on technical harmonization and standardization of work equipment, technical progress, changes in international regulations or specifications or knowledge in the field of work equipment) shall be **adopted in accordance with Article 17 (2) of Directive 89/391/EEC.**



- **Final provisions (art. 12.º):**

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



Minimum Requirements of Work Equipment

[points (a)(ii) and (b) of Article 4(1)]

- **General minimum requirements –control systems:**

- ✓ Work equipment **control devices** which affect safety must be clearly **visible** and **identifiable** and appropriately **marked** where necessary;
- ✓ Control devices must be **located outside danger zones** (except where necessary for certain control devices), 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**.



Minimum Requirements of Work Equipment

- **General minimum requirements – control systems:**

- ✓ 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**;
- ✓ **Control systems** must be safe and must be **chosen** considering the **failures**, **faults** and **constraints** to be expected in the **planned circumstances** of use.



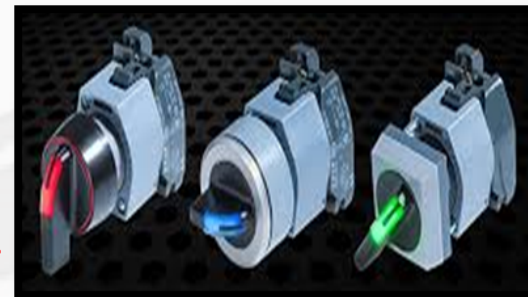
Minimum Requirements of Work Equipment

- **General minimum requirements – equipment start-up:**

- ✓ It **must be possible, only** by **deliberate action** on a **control** provided for the purpose:

- a) **To start** work equipment;
- b) **To restart** it after a stoppage for whatever reason;
- c) **Control a significant change** in the operating conditions (e.g. speed, pressure, etc.);

- ✓ Requirements b) and c) **do not apply** when the restart **do not expose workers to any hazard** or when it results of the normal operating cycle of an automatic device.



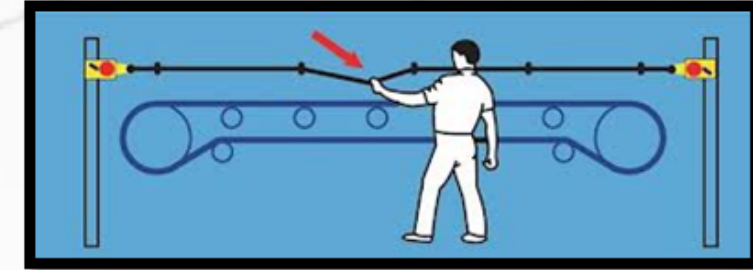
ANNEX I

Minimum Requirements of Work Equipment

Directive 2009/104/EC

- **General minimum requirements – stop of the equipment:**

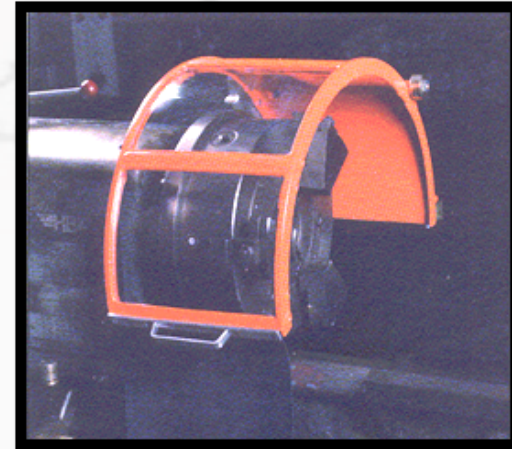
- ✓ All work equipment must be fitted with a control to stop it completely and safely;
- ✓ Each workstation must be fitted with a control to stop some or all of the work equipment, depending on the type of hazard;
- ✓ The equipment's stop control must have priority over the start controls;
- ✓ When the work equipment or the dangerous parts of it have stopped, the energy supply of the actuators concerned must be switched off;
- ✓ Where appropriate, work equipment must be fitted with an emergency stop device.



Minimum Requirements of Work Equipment

- **General minimum requirements – projections and emanations:**

- ✓ Work equipment presenting **risk** due to **falling objects** or **projections** must be fitted with appropriate **safety devices** corresponding to the risk;
- ✓ Work equipment presenting hazards due to **emissions of gas, vapor, liquid or dust** must be fitted with appropriate **containment and/or extraction devices** near their sources.



ANNEX I

Minimum Requirements of Work Equipment

Directive 2009/104/EC

- General minimum requirements – stability and rupture:

- ✓ Work equipment and parts of such equipment must, where necessary, **be stabilized** by clamping or some other means;
- ✓ Where there is a **risk of rupture or disintegration** of parts of the work equipment, **appropriate protection measures must be taken.**



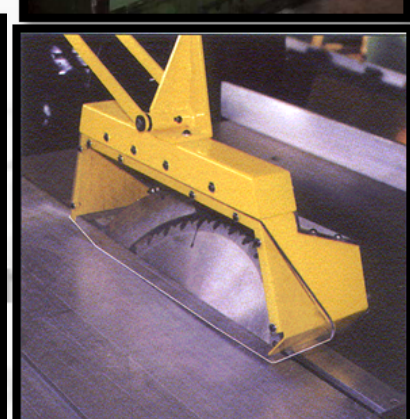
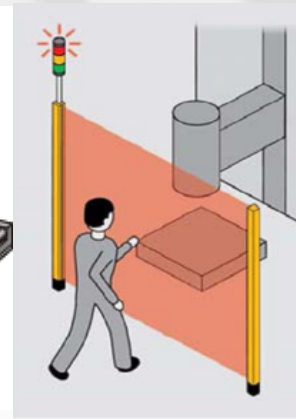
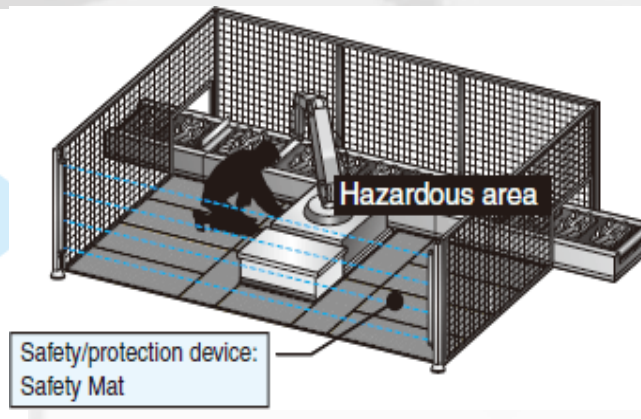
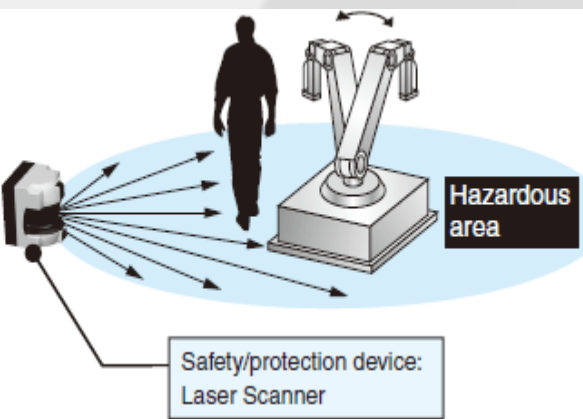
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Minimum Requirements of Work Equipment

- **General minimum requirements - risk of mechanical contact:**

✓ 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.**



Minimum Requirements of Work Equipment

• General minimum requirements - risk of mechanical contact:

✓ The **guards and protection devices** must:

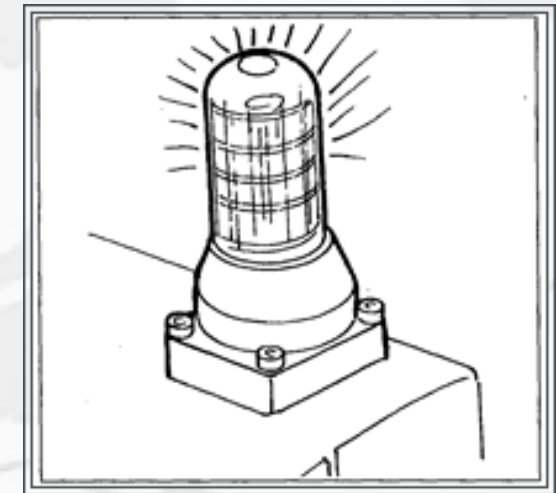
- Be of **robust** construction;
- **Not** give rise to **any additional hazard**;
- **Not** be **easily removed** or rendered **inoperative**;
- Be situated at sufficient **distance from the danger zone**;
- **Not restrict more than necessary the view** of the operating cycle of the equipment;
- **Allow** operations to fit or **replace parts and maintenance work**, preferably **without their removal** and **restricting access only to the concerned area**.



Minimum Requirements of Work Equipment

- **General minimum requirements – lighting, warning and temperature:**

- ✓ **Areas and points for working on, or maintenance of, work equipment must be suitably lit** in line with the operation to be carried out;
- ✓ Work equipment parts at **high or very low temperature** must be protected to **avoid** the **risk** of workers coming into contact or coming too close;
- ✓ **Warning devices** on work equipment **must be unambiguous and easily perceived** and understood;
- ✓ Work equipment must be **used only for operations and under conditions** for which it is **appropriate**.



Minimum Requirements of Work Equipment

• General minimum requirements – work equipment maintenance:

- ✓ It must be **possible** to **ensure maintenance** operations when the equipment is **shut down** or, if not possible, it must be possible to **carry-out** this operations **outside danger zones**;
- ✓ **Maintenance log** must be kept **up to date**;
- ✓ **All work equipment** must be **fitted** with clearly identifiable **means to isolate** it from all its **energy sources**;
- ✓ **Reconnection** must be **presumed** to **pose no risk** to the workers concerned.



Minimum Requirements of Work Equipment

- **General minimum requirements – signals and working areas:**

- ✓ Work equipment **must bear** the **warnings** and **markings** essential to ensure the safety of workers;
- ✓ 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;
- ✓ 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, vapor or other substances** produced, used or stored in the work equipment.



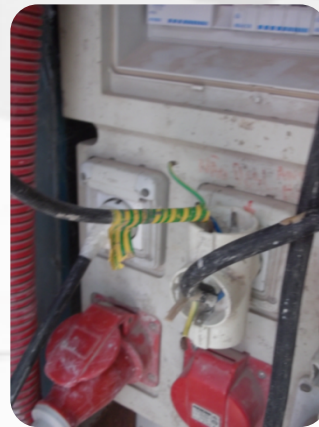
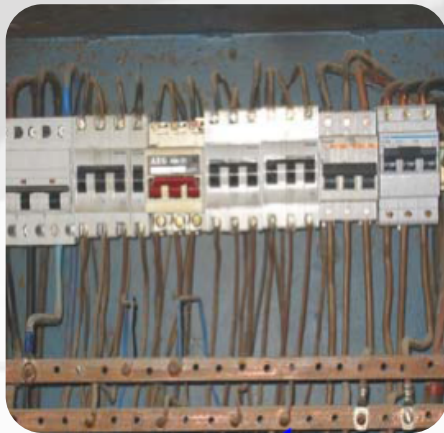
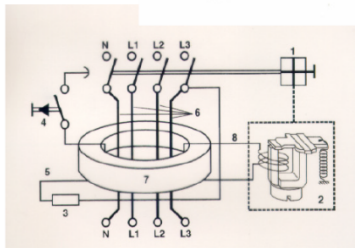
ANNEX I

Minimum Requirements of Work Equipment

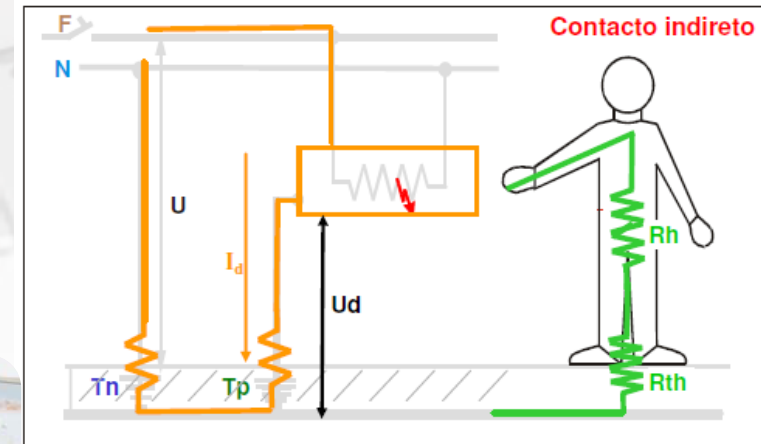
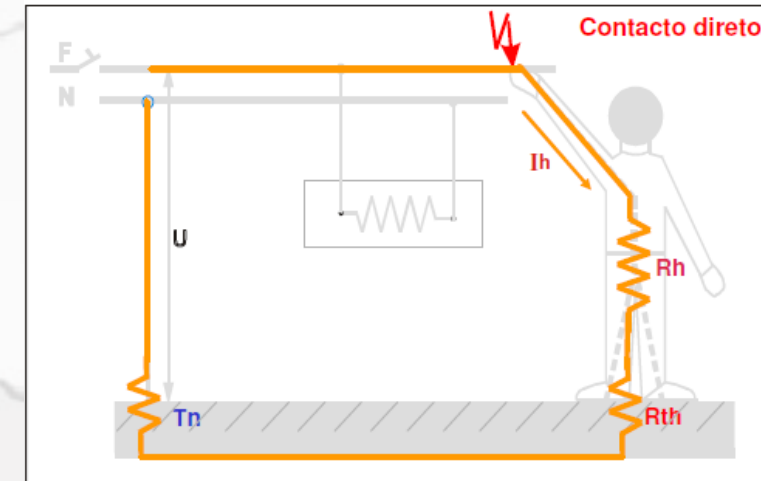
- **General minimum requirements – electrical and explosion risks:**

- ✓ Work equipment must **prevent the risk of its explosion** or of substances produced, used or stored in it;
- ✓ Work equipment must **protect exposed workers against the risk of direct or indirect contact with electricity.**

1 trinco (engate)
2 relé
3 resistência
4 botão de teste
5 circuito de teste
6 condutores primários
7 anel magnético
8 circuito secundário



Directive 2009/104/EC



Minimum Requirements of Work Equipment

- **Minimum requirements – mobile work equipment (whether or not self-propelled):**

- ✓ Work equipment **with ride-on workers must reduce the risks** for workers during the journey (including of **contact** by workers with, or **trapping** by, **wheels or tracks**);
- ✓ Work equipment **must** be equipped or adapted to **prevent blockages of the drive units**, when 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**;
- ✓ If such a seizure **cannot be avoided**, **every possible measure must be taken** to **avoid any adverse effects** on workers.



- **Minimum requirements – mobile work equipment (whether or not self-propelled):**

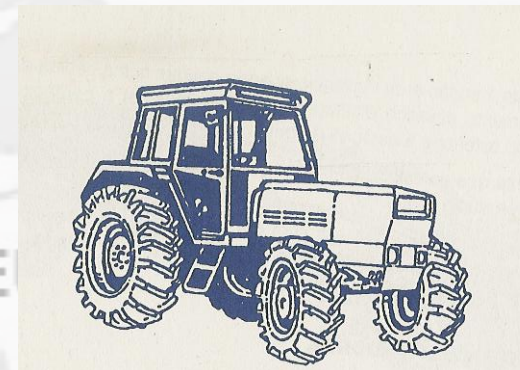
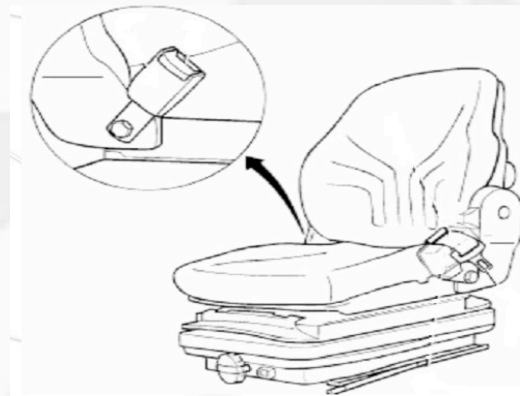
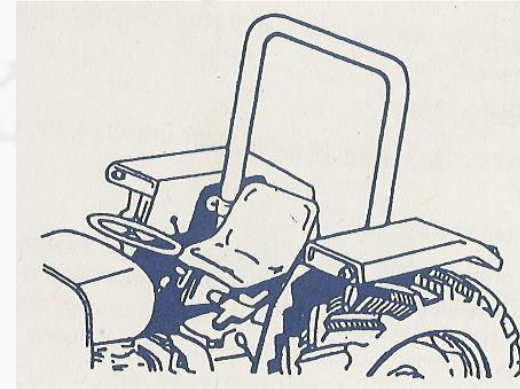
- ✓ Where **drive shafts** for the **transmission of energy** can become **soiled or damaged** by trailing on the ground, facilities must be available for fixing them;
- ✓ Mobile work equipment with ride-on workers **must be designed to restrict** the risks arising from work equipment **roll-over**:
 - By a protection **structure** to ensure that the **equipment does not tilt** by more than a **quarter turn**;
 - By a **structure** giving sufficient **clearance around the ride-on workers** (if the tilting movement can continue beyond a quarter turn); or
 - By some **other device of equivalent effect**.



Minimum Requirements of Work Equipment

- **Minimum requirements – mobile work equipment (whether or not self-propelled):**

- ✓ These protection structures **may be an integral part of the work equipment;**
- ✓ These protection structures are **not required** when the work equipment is **stabilized** during operation or **where the design makes roll-over impossible;**
- ✓ 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.**



Minimum Requirements of Work Equipment

• Minimum requirements – Fork-lift trucks :

✓ 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
- A **structure preventing** the fork-lift truck from **overturning**; or
- 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
- A **structure restraining** the **workers** on the driving seat **to prevent them from being crushed** by parts of the fork-lift truck which overturns.



Minimum Requirements of Work Equipment

• Minimum requirements – mobile self-propelled work equipment:

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

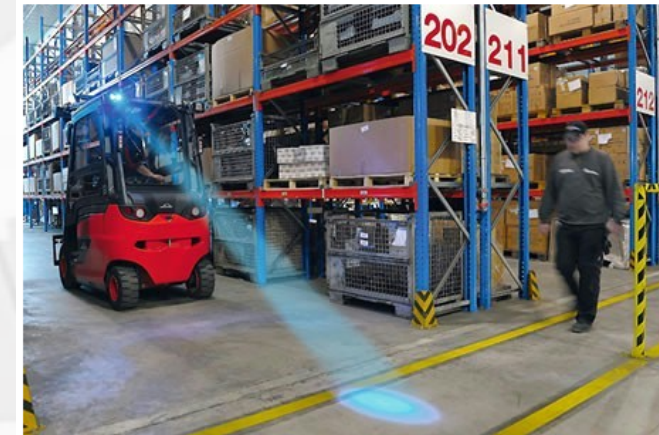
- Must **prevent unauthorized start-up** (e.g., keys);
- Must **minimize the consequences of a collision** where there is more than one work equipment in motion at the same time;
- There must be a **device for braking and stopping** equipment;
- **Emergency braking** (operated by readily accessible controls or automatic systems) **must be available** (for braking and stopping equipment in the event of failure of the main system).



Minimum Requirements of Work Equipment

- **Minimum requirements – mobile self-propelled work equipment:**

- Where the driver's **direct field of vision** is inadequate to ensure safety, adequate **auxiliary devices** must be installed to improve visibility;
- Work equipment designed for **use at night** or in **dark places** must be **equipped with** appropriate **lighting**;
- If it constitutes a **fire hazard** (either on its own or in respect of whatever it is towing or carrying), it **must be equipped** with appropriate **fire-fighting appliances** (if such appliances are not available nearby).



Minimum Requirements of Work Equipment

- **Minimum requirements – remote-controlled mobile self-propelled work equipment:**

- ✓ Remote-controlled work equipment **must stop automatically** once it leaves the control range;
- ✓ Remote-controlled work 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).



ANNEX I

Minimum Requirements of Work Equipment

Directive 2009/104/EC

Portée	Portée										Maxi
	25	30	35	40	45	50	55	60	65	Charge / Portée	
65	5 880	4 740	3 930	3 200	2 850	2 470	2 170	1 920	1 700	6 000 / 24,6	
60	6 000	5 920	4 940	4 200	3 630	3 180	2 810	2 500		6 000 / 29,6	
55	6 000	6 000	5 240	4 470	3 870	3 400	3 000			6 000 / 31,2	
50	6 000	6 000	5 540	4 730	4 100	3 600				6 000 / 32,7	
45	6 000	6 000	5 800	4 950	4 300					6 000 / 33,9	
40	6 000	6 000	5 850	5 000						6 000 / 34,2	
35	6 000	6 000	5 850							6 000 / 34,2	
30	6 000	6 000								6 000 / 30,0	
25	6 000									6 000 / 25,0	

• Minimum requirements – work equipment for lifting loads:

- ✓ When permanently installed, its **strength and stability** during use must be **ensured** (considering the loads to be lifted and the stress induced at the mounting or fixing point of the structures);
- ✓ Machinery for lifting loads must be **clearly marked** to **indicate** its **nominal load** and, where appropriate, **fitted with a load plate** giving the nominal load for each configuration of the machinery;
- ✓ **Accessories for lifting must be marked** to **identify the characteristics essential for safe use**;
- ✓ Work equipment which is **not designed for lifting persons** but which might be so used in error **must be appropriately and clearly marked** to this effect.

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ANNEX I

Minimum Requirements of Work Equipment

- **Minimum requirements – work equipment for lifting loads:**

- ✓ Permanently installed work equipment must be **installed in such a way as to reduce the risk of the load:**

- **Striking workers;**
- **Unintentionally drifting dangerously or falling freely;**
- **Being released unintentionally.**



Minimum Requirements of Work Equipment

- **Minimum requirements – work equipment for lifting or moving workers:**

- ✓ **Must** be such as to **prevent** :

- Prevent the **risk of the car falling**, where one exists, by means of suitable devices (if it cannot be avoided by any other safety measures, an enhanced safety coefficient suspension rope must be installed and checked every working day);
- Prevent the **risk of the user himself falling from the car**, where one exists;
- Prevent the **risk of the user being crushed, trapped or struck** (e.g., through inadvertent contact with objects);
- Ensure that **persons trapped** in the car, in the event of an incident, **are not exposed to danger and can be freed**.



Provisions Concerning the Use of Work Equipment

[referred to in Article 4(3)]

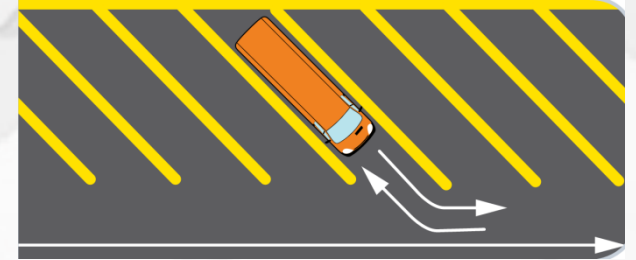
- **General provisions for the use of all work equipment:**



- ✓ Work equipment **must be installed, located and used** in such a way as to **reduce risks to users and other workers** (e.g., ensuring **sufficient space** between its moving parts and fixed or moving parts in its environment; ensuring that all forms of **energy and substances** used or produced **can be supplied or removed in a safe manner**);
- ✓ Work equipment must be **erected or dismantled under safe conditions** (e.g., observing any instructions provided by the manufacturer);
- ✓ 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.

Provisions Concerning the Use of Work Equipment

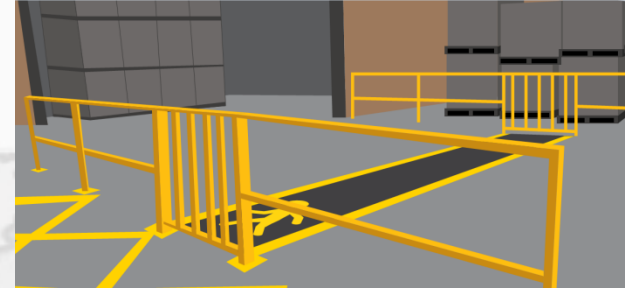
- Provisions concerning the use of mobile equipment (whether or not self-propelled):
 - ✓ Self-propelled work equipment shall be driven only by workers who have been **appropriately trained** in the safe driving of such equipment;
 - ✓ If work equipment is **moving around in a work area**, appropriate **traffic rules** must be **drawn up and followed**;
 - ✓ Organizational **measures** must be taken to **prevent workers on foot coming within the area of operation of self-propelled work equipment**.



Provisions Concerning the Use of Work Equipment

- **Provisions concerning the use of mobile equipment (whether or not self-propelled):**

- ✓ Appropriate **measures** must be **taken** to **prevent workers on foot** from **being injured** by the equipment (if work can't be done properly without the presence of workers on foot);
- ✓ **Transport of workers on mobile work 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;
- ✓ Mobile work equipment with **combustion engine** may **not be used in working areas** (unless the quantity of air presenting no health or safety risk to workers can be guaranteed).



Provisions Concerning the Use of Work Equipment

• Provisions for the use of work equipment for lifting loads - general considerations:

- ✓ Work equipment for lifting loads, which is mobile or can be dismantled, must be used **ensuring** the **stability** during use under all foreseeable conditions, considering the nature of the ground;
- ✓ **Persons may be lifted only** by means of **work equipment** and **accessories** provided for that purpose;
- ✓ **Exceptionally**, work equipment which is **not specifically designed** for lifting persons may be used for that purpose, **provided** appropriate action has been taken to ensure safety.



Provisions Concerning the Use of Work Equipment

- Provisions for the use of work equipment for lifting loads - general considerations:

- ✓ While workers are on work equipment designed for lifting loads:

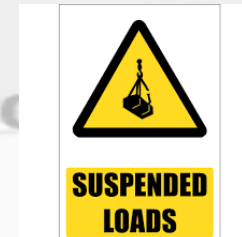
- The control position must be manned at all times;
- Persons being lifted must have reliable means of communication;
- There must be reliable means of evacuating them, in the event of danger.



Provisions Concerning the Use of Work Equipment

- **Provisions for the use of work equipment for lifting loads - general considerations:**

- ✓ **Workers may not be present under suspended loads** (unless such presence is required for the effective operation of the work);
- ✓ **Loads may not be moved above unprotected workplaces** usually occupied by workers;
- ✓ Where that is the case (when work cannot be carried out in any other way), **appropriate procedures must be laid down and applied.**



Provisions Concerning the Use of Work Equipment

• Provisions for the use of work equipment for lifting loads - general considerations:

✓ Lifting accessories must be:

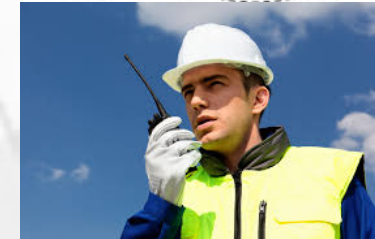
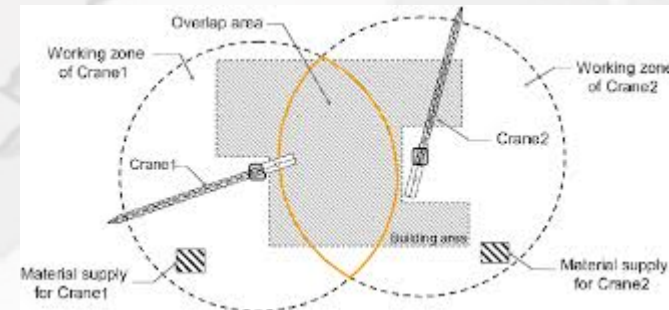
- Selected according to the loads to be handled, gripping points, attachment tackle and atmospheric conditions, and the mode and configuration of slinging;
- Clearly marked (so that users are aware of its characteristics where such tackle is not dismantled after use);
- Stored in a way that ensures that they will not be damaged or degraded.



Provisions Concerning the Use of Work Equipment

• Provisions for the use of work equipment for lifting non-guided loads:

- ✓ When there are **two or more** work equipments on a site **for lifting non-guided loads** which **working radii overlap**, measures must be taken to **avoid collision** between **loads** or the **work equipment parts**;
- ✓ Measures must be taken to prevent equipment from **tilting, overturning, moving or slipping**;
- ✓ Checks must ensure proper **execution** of such measures;
- ✓ When operator cannot observe the full path of the load, a **competent person** must be in **communication with him** to guide him and **organizational measures** must be taken to prevent collisions.



Training is essential to ensure clear communication between the crane operator and ground personnel.



Provisions Concerning the Use of Work Equipment

- **Provisions for the use of work equipment for lifting non-guided loads:**

- ✓ **Lifting operations must be properly planned, organized and supervised, so that:**

- It **protects the safety of workers;**
- When a **worker is attaching or** detaching a load by **hand, it can be done safely** (e.g., worker retaining direct or indirect control of the work equipment);
- When a load **has to be lifted simultaneously by two or more** items of **work equipment**, a **procedure** must be established and applied to ensure **good coordination** on the part of the **operators**.



Provisions Concerning the Use of Work Equipment

- **Provisions for the use of work equipment for lifting non-guided loads:**
 - ✓ If work equipment **cannot maintain its hold on the load** (in the event of a complete or partial power failure), **appropriate measures must be taken to avoid exposing workers to any resultant risks;**
 - ✓ **Suspended loads must not be left unsupervised** (unless access to the danger zone is prevented and the load has been safely suspended and is safely held);
 - ✓ When **meteorological conditions compromise the open-air safe use** of work equipment for lifting non-guided loads, **its use must be halted** and **measures to avoid work equipment turning over must be taken.**



ANNEX II

Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height - General provisions :**
 - ✓ If 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** individual ones;
 - ✓ The **dimensions** of the **work equipment** must be **appropriate** to the **nature of work, foreseeable stresses** and **allow passage** without danger;
 - ✓ The **means of access** to temporary workplaces at a height **must**:
 - Be **selected according** to the **frequency** of passage, the **height** and the **duration** of use;
 - **Allow evacuation** in the event of imminent danger;
 - **Ensure** that **the passage** in either direction between means of access and platforms, decks or gangways **do not give rise to any additional risks of falling**.

Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – General provisions:**

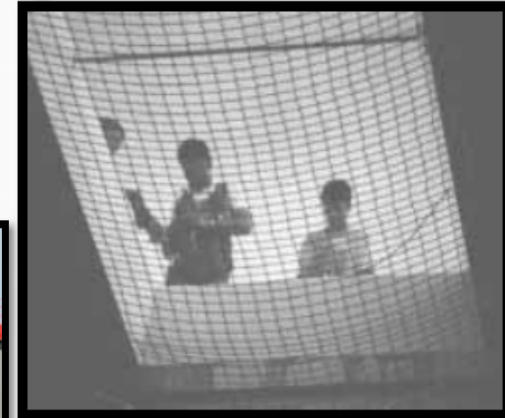
- ✓ **Ladders may be used** as work stations for work at a height only under circumstances in which the use of other safer work equipment is not justified (e.g., because of the **low level of risk**, **short duration** of use and **existing features** on site **that the employer cannot alter**);
- ✓ **Rope access and positioning techniques may be used** only under circumstances where the risk assessment indicates that the **work can be done safely** and the use of other safer work equipment is not justified;
- ✓ In the **latter case**, a **seat with appropriate accessories must be provided** (depending on the risk assessment, the duration of the work and ergonomic constraints).



Provisions Concerning the Use of Work Equipment

• Provisions for work equipment to temporary work at a height – General provisions:

- ✓ Depending on the type of work equipment selected:
 - Appropriate **measures for minimizing the risks** to workers inherent in that type of equipment **must be determined**;
 - **Safeguards to prevent falls must be installed**, with **suitable configuration and sufficient strength to prevent or arrest falls** from a height;
- ✓ **Collective safeguards to prevent falls may be interrupted only at points of ladder or stairway access.**



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – General provisions:**

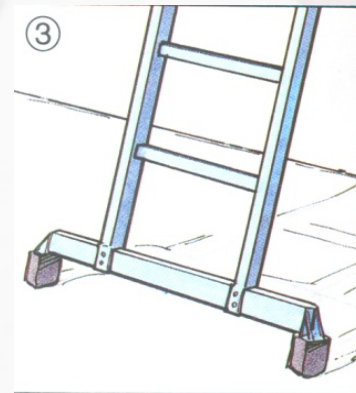
- ✓ When the performance of a particular **task requires** the temporary **removal** of a **collective safeguard** designed to **prevent falls**:
 - Effective **compensatory** safety measures must be taken;
 - The **task may not be performed until** such measures have been taken;
 - **Once** the **task** has been **finished**, either definitively or temporarily, the **collective safeguards** to prevent falls **must be reinstalled**;
- ✓ Temporary **work at a height** may be **carried out only** when the **weather conditions** do not jeopardize the safety and health of workers.



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of ladders :**

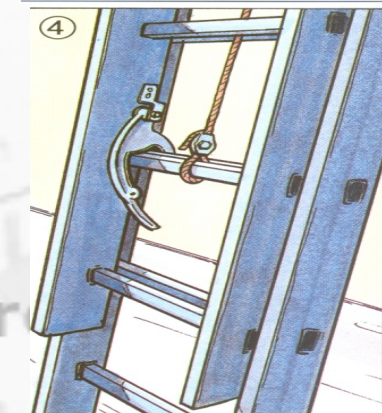
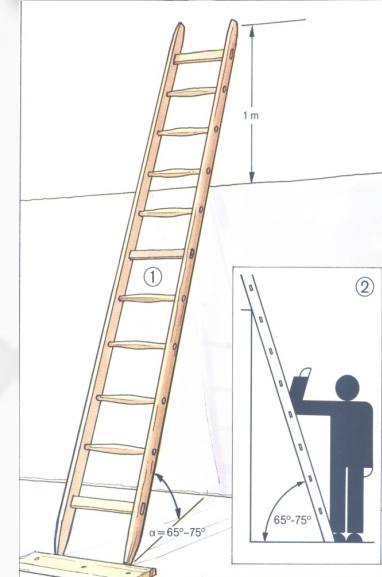
- ✓ **Ladders must be so positioned as to ensure their stability during use;**
- ✓ **Portable ladders:** must **rest on a stable, strong, suitably-sized, immobile footing** so that the **rungs remain horizontal**;
- ✓ **Suspended ladders:** must be **attached in a secure manner**, to avoid being displaced or swing (except for rope ladders);
- ✓ The **feet of portable ladders** must be **prevented from slipping** during use (by, e.g., securing the uprights at or near their upper or lower ends, any anti-slip device, or any other arrangement of equivalent effectiveness).



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of ladders:**

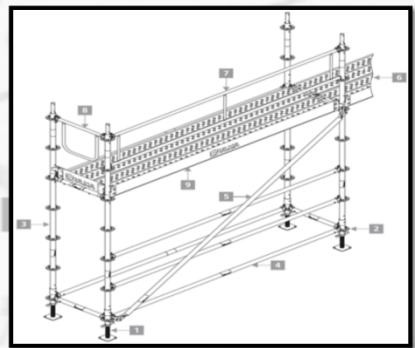
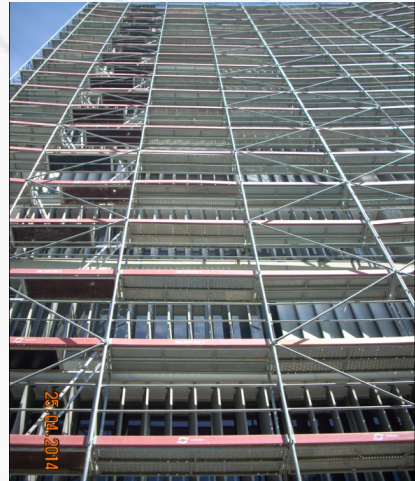
- ✓ **Ladders used for access:** must be long enough to protrude sufficiently beyond the access platform (unless other measures have been taken to ensure a firm handhold);
- ✓ **Interlocking ladders and extension ladders:** must be used in such a way that the different sections are prevented from moving relative to one another;
- ✓ **Mobile ladders:** must be **prevented from moving before they are stepped on**;
- ✓ **Ladders must be used** in such a way that **a secure handhold and secure support are available to workers** at all times and **allows a safe handhold if a load has to be carried** by hand on a ladder.



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of scaffolding:**

- ✓ **Strength and stability calculations must be carried out** for the scaffolding selected (if not available a note of its calculations or it doesn't cover its structure), unless it is conform with the generally recognized standard configuration;
- ✓ Depending on the complexity of the scaffolding chosen, **an assembly, use and dismantling plan must be drawn up** by a competent person;
- ✓ The **bearing components** of scaffolding **must**:
 - **Prevent slipping** (whether by attachment to the bearing surface, anti-slip device or any equivalent mean);
 - Ensure that the **load-bearing surface have sufficient capacity**.



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of scaffolding:**

- ✓ **Measures must be taken to ensure that the scaffolding is stable;**
- ✓ **Wheeled scaffolding must be prevented from moving accidentally during work at a height;**
- ✓ **Scaffolding decks:**
 - **Their dimensions, form and layout must be appropriate to the work, loads to be carried and must permit work and passage in safety;**
 - **Must be assembled so 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.**



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of scaffolding:**

- ✓ **When parts of a scaffolding are not ready for use (e.g., during assembly, dismantling or alteration), they must be:**
 - **Marked** with **warning signs**;
 - Suitably **delimited** by **physical means** (preventing access to the danger zone);
- ✓ Scaffolding may only be **assembled, dismantled or significantly altered under the supervision of a competent person** and **by workers who have received appropriate and specific training**;
- ✓ The **person supervising** and the **workers** concerned must **have access** to the **assembly and dismantling plan** and to any instructions it contains.



Provisions Concerning the Use of Work Equipment

- Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of scaffolding:

✓ The **specific training** needed on scaffolding assemble, dismantle or alteration should address its specific risks (in accordance with art. 9) and, in particular:

- The **plan** for the **assembly, dismantling or alteration** of the scaffolding concerned;
- **Safety** during those operations;
- **Measures to prevent the risk of persons or objects falling**;
- **Safety measures to address the risks resulting from a change on the weather**;
- **Permissible loads**;
- Any **other risks** which those **operations** can entail.



Provisions Concerning the Use of Work Equipment

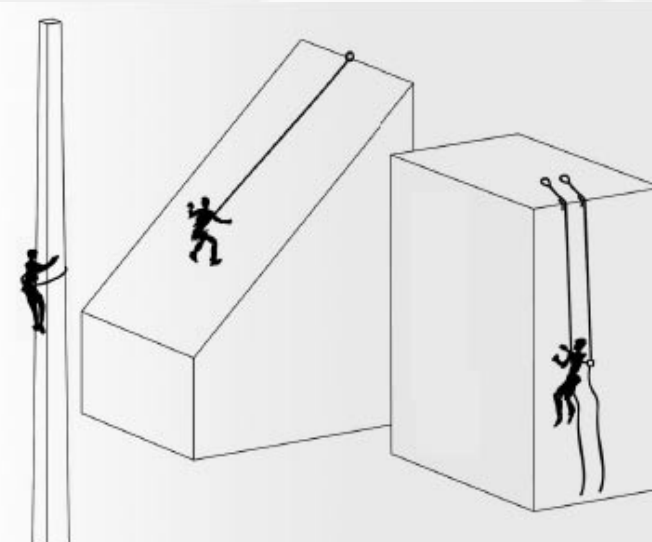
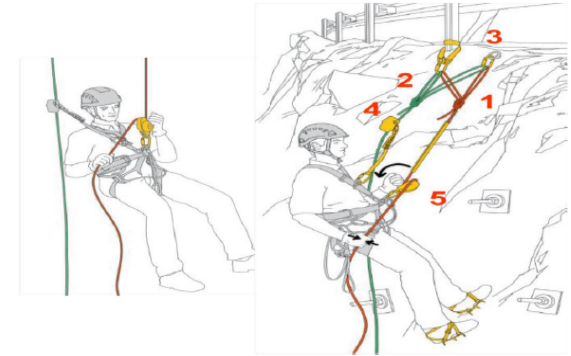
- Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of rope access and positioning techniques:

✓ 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);
- ❖ Other as backup (security rope);

➤ workers must be provided with and use an appropriate harness and must be connected by it to the security rope.



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of rope access and positioning techniques:**

- **Work rope:** must be **equipped** with **safe means of ascent and descent** and have a **self-locking system** (to prevent the user falling if he loses control of his movements);
- **Security rope:** must be **equipped** with a **mobile fall prevention system** (which should follow the movements of the worker);
- **Tools and other accessories** (to be used by the worker): must be **secured to the worker's harness or seat** or by other appropriate mean;
- **Work** must be **properly planned and supervised** (so that worker can be immediately rescued in case of emergency).



Provisions Concerning the Use of Work Equipment

- **Provisions for work equipment to temporary work at a height – Specific provisions regarding the use of rope access and positioning techniques:**

- **Workers concerned must receive adequate specific training on the operations** (in accordance with art. 9.º) in particular, **rescue procedures**;
- **The use of a single rope may be permitted, in exceptional circumstances, where:**
 - **Risk assessment finds that a second rope would make the work more dangerous; and**
 - **Appropriate measures have been taken to ensure safety.**



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

CODE (NUMBER OF THE LEGISLATIVE ACT)	LEGISLATIVE DOCUMENT						LAST AMENDEMENTS INTRODUCED	
	ISSUER	LEGISLATIVE DOCUMENT	NUMBER	DATE OF ADDPTION	NAME/SUBJECT OF THE LEGAL ACT	DATE OF ENTRY INTO FORCE	DATE OF LAST AMENDEMENT	LEGAL ACT
1. Ukrainian Parliament (Verkhovna Rada)								
1,1	Parliament	Law	322-VIII	10.12.1971	Labour Code of Ukraine	01.06.1972	24.12.2015	Law № 911-VIII of 24 December 2015 "On amendments to some legal acts of Ukraine"
1,2	Parliament	Law	2694-XII	14.10.1992	On occupational safety		12.02.2015	Law № 191-VIII of 12 February 2015 "On amendments to some legislative acts of Ukraine concerning simplification of business conditions (deregulation)"
1,3								
1,4								
1,5								
1,6								
1,7								
1,8								
1,9								
2. President of Ukraine								
2,1	President of Ukraine	Decree/Order						
2,2								
2,3								
2,4								
2,5								
2,6								
2,7								
2,8								
2,9								
3. Cabinet of Ministers of Ukraine								
3,1								
3,2								
3,3								
3,4								
3,5								
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3,8								
3,9								
4. Ministries and other state authorities								
4,1								
4,2								
4,3								
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4,8								
4,9								

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

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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 b

EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS				LEVEL OF COMPLIANCE				RECOMMENDATIONS FOR FURTHER ACTION						
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	ADEQUATE JURIDICAL POWER OF LEGAL ACT	MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - ANNEX I - 3	Additional minimum requirements applicable to specific types of work equipment - work equipment for liftime 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.															

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 b

EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS				LEVEL OF COMPLIANCE				RECOMMENDATIONS FOR FURTHER ACTION						
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	ADEQUATE JURIDICAL POWER OF LEGAL ACT	MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
4(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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(1)(a)(ii) and 4(1)(b) - 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.															
ANNEX II [Provisions concerning the use of work equipment - art. 4(3)]	General comment	(1)	This Annex applies having regard to this Directive and where the corresponding risk exists for the work equipment in question.															
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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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) - 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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 pevention 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 (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.															

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EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
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
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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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 (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.															
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 (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 (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;															
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;															
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 (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;															
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;															
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.															
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.															
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)	The use of rope access and positioning techniques must comply with the following conditions:															
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 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 (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)	Workers must be provided with and use an appropriate harness and must be connected by it to the security rope;															
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 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 (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 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 (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 work must be properly planned and supervised, so that a worker can be rescued immediately in an emergency;															
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)	In accordance with Article 9, the workers concerned must receive adequate training specific to the operations envisaged, in particular rescue procedures.															
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.															

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 b

[illegible]

TABLE OF CONCORDANCE WORKPLAN

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 workSeptember 2009

[illegible]

EU-ILO Project
“Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”
Ukraine

Timetable for activities 1.1.2-1.1.4 under the Outcome 1

	27-30 November 2017			4-8 December 2017					11-15 December 2017	18-22 December 2017
Trainings on EU directives and development of the tables of concordance										
EU Directive	28.11.17	29.11.17	30.11.17	04.12.17	05.12.17	06.12.17	07.12.17	8.12.17	11.12.17	
Directive 89/391	training									
Development of the table № 2 by workgroup for Dir. 89/391										
Directive 89/654		training								
Development of the table № 2 by workgroup for Dir. 89/654										
Директива 2009/104			training							
Development of the table № 2 by workgroup for Dir. 2009/104										
Directive 89/656				training						
Development of the table № 2 by workgroup for Dir. 89/656										
Directive 2003/88					training					
Development of the table № 2 by workgroup for Dir. 2003/88										
Directive 91/533									training	
Development of the table № 2 by workgroup for Dir. 91/533										

Finalization of the tables of concordance						
	25-30 December 2017	8-12 January 2018	15-19 January 2018	22-26 January 2018	29-31 January 2018	February 2018
Finalization of the tables by MSP and SLS and submission to EU-ILO Project						
Translation of the tables and submission to the experts						
Studying of the table by the experts						
Tripartite workshop based on the results of the workgroups						