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EU-ILO Project

“Towards safe, healthy and declared work in Ukraine”

OSH

Draft Legal Act

**“Minimum safety and health requirements
for the use of work equipment by workers at work”
developed by the State Labour Service of Ukraine**

**EU-ILO project technical recommendations
on its better alignment with International and European
Labour Standards and best practices**

August, 2021

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EXECUTIVE SUMMARY

The draft legal act on “Minimum safety and health requirements for the use of work equipment by workers at work”, prepared by the State Labour Service of Ukraine (SLS), is aimed at bringing the Ministry of Social Policy Order No. 2072, of 28 December 2017, “On Approval of the Requirements for Safety and Health Protection During the Use of Production Equipment by the Workers” closer to the Council Directive 2009/104/EC, of 16 September 2009, concerning the minimum safety and health requirements for the use of work equipment by workers at work, as foreseen in Article 424 and Annex¹ XL to Chapter 21 of the [Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part](#) (AA).

It was developed by the SLS and is expected to be submitted to the consideration of the Ministry of Economy, prior to its formally submission to social partners for consultation and, subsequently, to CMU, for adoption.

The present technical advice and recommendations, to the draft legal act on “Minimum safety and health requirements for the use of work equipment by workers at work”, are provided within the scope of the EU-ILO Project “[Towards safe, healthy and declared work in Ukraine](#)”, under the activities 1.1.1 and 1.1.2.

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They are intended to promote a better alignment of this draft legal act with the main applicable International² and European³ labour standards and best practices.

They build on the previous EU-ILO Project “[Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work](#)” contributions. Specially in what concerns the analysis and recommendations contained in the supported “[National Occupational Safety and Health Profile Ukraine - 2018](#)”, the proposed “[Guidelines and Recommendations to the Concept on the Reform of the National System for Occupational Risk Prevention and Promotion of OSH](#)”, the “[Brief notes on the main aspects of the alignment between Ukrainian national legislation and selected EU directives](#)” and the “[White Paper on EU Directives and Reform](#)”

¹ See pp. L 161/157 and L 161/1983, of the Official Journal of the European Union, of 29.5.2014.

² In particular, with the ILO [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), [Chemicals Convention, 1990 \(No. 170\)](#), [Labour Inspection Convention, 1947 \(No. 81\)](#), and [Labour Inspection \(Agriculture\) Convention, 1969 \(No. 129\)](#).

³ Most especially with EU 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, and [Directive 2009/104/EC](#), of 16 September 2009, concerning the minimum safety and health requirements for the use of work equipment at work.

[of OSH and Labour Relations' Legislation](#)" and the "[Roadmap for alignment of the Ukrainian legislation on working conditions with the EU legal framework](#)".

They also follow four sets of technical recommendations, provided by the EU-ILO Project in October and November of 2020 and in [February](#) and [June](#) of 2021, regarding the alignment of the ME draft Law "On Occupational Safety and Health of Workers" (aimed at transposing the EU OSH Framework Directive 89/391/EEC to the national legal framework) with the relevant International and European Labour Standards and best practices.

The present technical recommendations should not be seen as official comments of the ILO or as a replacement of the positions of its supervisory bodies.

Moreover, the expert technical opinions expressed therein neither reflect the official opinion of the European Union nor its responsibility can be attributed to the European Union.

The first section highlights the main positive aspects of this draft legal act. The key aspects that need further improvement are summarized in section II. Section III, identifies and details the needed amendments and proposes a more adequate wording for the concerned provisions along with the applicable rationale.

It is our expectation that these technical recommendations may contribute to an improved legislation, better aligned with the relevant International and European labour standards and best practices, and that can effectively improve the safety and health of workers on the use of work equipment in Ukraine.

Kyiv, 9 August 2021

EU-ILO Project
"Towards safe, healthy and declared work in Ukraine"

ILO Office for Central and Eastern Europe

I. MAIN POSITIVE ASPECTS

Looking at the provisions of the draft legal act under analysis, in the light of the main applicable International and European Labour Standards and best practices, it is possible to identify some positive aspects.

The latter include, among others, the following:

1. The development of a modern legal act, aligning national legislation with the applicable International and European Labour standards and best practices in the area of the use of work equipment. In particular, the draft legal act proposed by SLS follows closely the wording in the Directive 2009/104/EC and is easy to understand.
2. The specification of the main employers' obligations on the use of work equipment is a positive development, in particular, those on:
 - a. Ensuring the work equipment used by workers is without risk to their safety and health;
 - b. The carrying out of technical inspections of work equipment, to ensure continued safe use;
 - c. Carrying out ongoing maintenance of work equipment;
 - d. The provision of information, instructions and training to workers on the safe use of work equipment; and
 - e. Ensuring workers are consulted on and can participate in the discussions on introducing the use of work equipment for the first time.
3. The establishment of the minimum requirements and rules to be applied for the safe use of work equipment gives employers a focus on how to prevent workplace accidents involving the use of work equipment and fosters a preventive approach to workplace safety and health management.

II. KEY ASPECTS TO IMPROVE

When analyzing the proposed draft legal act, some aspects need to be further addressed and improved, to be better aligned with the aforesaid international and European Labour standards and best practices. These include:

1. This legal act should be a Cabinet of Ministers of Ukraine (CMU) Decree or Resolution (instead of a Ministry Order), in order to have the necessary legal power to ensure its effective implementation, overcoming contrary provisions of existing legal acts, as well as to ensure its sustainability and relative immunity as regards occasional changes in the competent ministry policy, ensuring the stability of the legal framework enabling, as a result, greater legal certainty, as previously recommended⁴. Besides, a Directive is a text with general application in all EU countries, so its implementation should adopt a legally equivalent instrument. The choice of a higher hierarchical legislative act is adopted by all EU member states as evidenced by the assessment carried out in 2004 by the European Commission.⁵ In addition, this draft legal act (as it also happens with the Directive that is being transposed) is much more than just a technical regulation (that could be enacted by a Ministry Order), considering its objectives and scope and the fact that it also regulates, *inter alia*, several employers' obligations such as
 - a. to carry out risk assessments
 - b. the provision of safety and health requirements for the use of work equipment
 - c. to inform, instruct and train workers
 - d. to consult workers and their representatives and ensure their participation in discussions around the health and safety implication of introducing the use of work equipment for the first time, etc.as well as its enforcement competencies and sanctioning framework.
2. The legal act's systematics, structure and clarity should be improved, in order to simplify it and to facilitate its understanding and alignment with the EU Directive 2009/104/EEC. Some examples:
 - a. All paragraphs of the Articles of the Decree, as well as all the Sections of the Annexes should be hierarchically numbered, in order to facilitate the

⁴ See, for example, the recommendation "To provide that the legal acts transposing the EU OSH legal framework have a reinforced nature in relation to other legislation", as laid down on point 4) of section "2 - Legislative measures" of "Part IV – Recommendations", in the in p. 48 of the "[White Paper on EU Directives and Reform of OSH and Labour Relations' Legislation](#)", to avoid the risk of "Option for hierarchically lower legal sources" associated with the "Strategic measures" of "Assume a legislative intervention program", as identified in the "Part V - Roadmap" table in the 53 of the same document.

⁵ See, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives 89/391 (Framework), 89/654 (Workplaces), 89/655 (Work Equipment), 89/656 (Personal Protective Equipment), 90/269 (Manual Handling of Loads) and 90/270 (Display Screen Equipment), Brussels, 05.02.2004, [COM\(2004\) 62 final](#)

understanding of the legal provisions and their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.

- b. Paragraphs of the legal act, under each section, should be grouped, by themes, into Articles, in order to improve clarity and understanding. This will make it easier for the duty holders to comply with the provisions in this Decree.
 - c. In the Annexes, the sections should be appropriately numbered, as well as the paragraphs and the subparagraphs under each section.
 - d. It is also advisable to foresee in the legal act structure (as proposed in “Section III - Promotion, control and enforcement”), the regulation of the legal competencies for promoting and enforcing the compliance with its legal provisions (cf. proposed “Article 11 - Legal competence to promote, control and enforce compliance”), as well as foreseeing the sanctions for its non-compliance (see proposed “Article 12 - Employers’ liability”). As a minimum, the enforcement provisions being proposed in the draft Law “On Amending Some Legislative Acts on the Procedure of State Supervision (Control) of Compliance with the Labour Legislation” must be linked to the enforcement provisions required for this Decree.
 - e. It is also recommended, under the proposed “Section IV - Miscellaneous provisions” to provide for the adjustment of its annexes, where appropriate (see proposed “Article 13 - Amendment of the Annexes”), as well as to foresee the date of its entry into force, and the implementation of the necessary measures to conform national legal framework with its provisions to ensure its effective application (as proposed in “Article 14 - Final and transitional provisions”).
3. Some terms used throughout this legal act should be changed, in order to improve clarity, simplicity and terminology consistency and to better align them with International and European Labor Standards and best practices. Terms such as “workplace”, “workstation”, “competent persons”, “technical inspection” and “expert organizations” should be defined at the start of the text, in particular, in “Article 2 - Definitions”, or referred to their definitions in the Law of Ukraine “On Occupational Safety and Health of Workers”, which transposes to the internal juridical order the 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.
 4. It should be specified, as recommended (see proposed Article 1(2) below), that the provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC) also applies to the minimum requirements for the use of work equipment by workers at work, without prejudice to more stringent and/or specific provisions laid down in this present Decree. This will better align it with Article 1(2) of Directive 2009/104/EEC and ensure an increased protection to the safety and health of the workers. This should avoid legislative gaps and the need to repeat all the provisions of the legal act transposing the EU Framework Directive in each legal act which transpose each individual Directive.

5. The omission of the definition of the state authority that has the legal competence to promote, control and enforce compliance with its legal provisions is a shortfall. It is therefore recommended that the Decree provides that the central executive authority, that implements the State policy on state control of compliance with the labour legislation, have legal competencies to ensure the promotion, control and enforcement of the legal provisions of this legal act (as proposed with the insertion of "Article 11 - Legal competence to promote, control and enforce compliance". This will ensure a better alignment of this legal act with:
 - a. Article 9(1) of ILO Occupational Safety and Health Convention, 1981 (No. 155), according to which "the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection";
 - b. Article 3(1) of the ILO Labour Inspection Convention, 1947 (No. 81) and Article 6(1) of the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), which define the main functions of the system of labour inspection; and
 - c. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
6. Absence of legal provisions aimed at sanctioning the violation of the provisions of this legal act. It is therefore recommended (as was done under the proposed "Article 12 - Employers' liability") to provide for adequate and dissuasive penalties for the violation of the provisions of this legal act, in order to ensure their compliance and to better align it with the applicable international and European labour standards. In particular, with the following:
 - a. Article 9(2) of ILO Convention 155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and
 - b. Article 18 of ILO C081 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".
7. An alternative example of how the enforcement provisions from the ILO Conventions 81 and 129 and to comply with Article 4(2) of EU Directive 89/391/EEC, is set out in the Safety, Health and Welfare at Work Act, 2005, a legal Act passed by the Irish Parliament, which sets out the enforcement powers and functions of the Health and Safety Authority in Ireland. Particular reference needs to be made to Chapter 2 (Enforcement – Sections 62 to 71, Part 7, Offences and Penalties – Sections 77 to 85 and Part 8 – Section 86). These provisions set out the dual nature of the Labour Inspectors role which is:
 - a. To sell the Occupational Safety and Health (OSH) prevention message for the most part during their workplace inspections. This also takes place via a helpdesk manned by OSH experts and online via the Authority's website.

- b. Prepare appropriate OSH Guidance on the legislation which will support duty holders with its use and implementation.
 - c. Monitor compliance with the legislation through workplace inspections and the investigation of workplace accidents and complaints.
 - d. Using the available enforcement powers to achieve compliance. This can be by way of either Improvement or Prohibition Notices, On the spot fines or prosecution in the Courts.
8. While the current draft Decree does not refer to the need to carry out risk assessments on the use of work equipment at work, or to have an Occupational Health Services available to workers, note should be taken of the general obligations on employers in other EU Directives on these provisions. For example: Article 6(3)(a) of the Framework Directive 89/391/EEC (evaluate the risks to the safety and health of workers, *inter alia* in the choice of work equipment.....); Article 7 (Protective and Preventive services); Article 9(1)(a), according to which employer needs to be in possession of an assessment of the risks to safety and health at work; and Article 5(c) of the ILO Convention 161 of 1985 (on the functions of an Occupational Health Services), which is also relevant and needs to be implemented in this Decree. While these provisions maybe covered by national legislation elsewhere, consideration should be given to putting similar provisions in this Decree.
 9. This draft legal act has omitted provisions regarding the entry into force of this Decree. It also does not provide for the adequate adjustment of the Annexes where and when necessary, to adapt them to national and international standards and to technical progress and for the need to ensure the conformity of other national legislation and procedures with this Decree. The recommended Articles 13 and 14, under "Section IV - Miscellaneous provisions", should therefore be inserted, and this will allow a better alignment of the legal act with the Article 11 of the Directive 2009/104/EEC.
 10. While this draft Decree follows the wording in the Directive 2009/104/EC closely and this is seen in a positive light, this draft only does that. An effort should now be made to use this Decree to improve and update existing national legislation on the same subjects. For example, the items covered in the Annexes are most likely already covered in a similar way in national legislation e.g., on scaffolding provisions, on the guarding of machinery and other work equipment, on testing, inspecting, and maintaining lifting equipment etc. If specific national provisions, not already covered by the Directive, are brought forward to this draft Decree, then the older national provisions can be taken off the statute books.
 11. Where Directive 2009/104/EC makes references to using other EU Directives or national practices, to give further effect to a requirement, this draft Decree only makes references to using Legislation, national practices, or national Guidance. This is too vague. Where a relevant national Order or Decree already exists or national Guidelines which was prepared by stakeholders is available, then these should be referenced in this Decree.
 12. Consideration should be given to producing national Guidelines on the implantation of the legal provisions in this Decree. These Guidelines will include the experience gained by your Labour Inspectors over many years and be agreed with the social partners. These will

facilitate the relevant duty holders in complying with them. An example of such guidance on the Irish Legislation, which was prepared to give effect to the [Use of Work Equipment Directive 2009/104/EC](#), is referenced below and can be used in this case. Guidance on all of the EU Health and Safety Directives is available on the Health and Safety Authority Website at [Guide to the General Application Regulations 2007](#).

13. The UK Health and Safety Executive website has also a wealth of information on the Use of Work Equipment, which gave effect to the original Use of Work Equipment Directive – Council Directive 89/655/EEC. The relevant legal provision are called the Provision and Use of Work Equipment Regulations 1998 (PUWER). The Guidance is available at <https://www.hse.gov.uk/work-equipment-machinery/puwer.htm>. Please note that, since the 1st January 2021, the UK has left the EU, and some provisions may have been changed to comply with the BREXIT agreement. Having said that, the Guidance is still very relevant and up to date.

The more detailed recommendations, concerning the main aspects referred to above, as well as many others, along with their respective rationale, are presented in the next section.

III. DETAILED RECOMMENDATIONS

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR THE USE OF WORK EQUIPMENT BY WORKERS AT WORK</p>	<p>MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR THE USE OF WORK EQUIPMENT BY WORKERS AT WORK</p>	<p>Title should be left as recommended, as it aligns with EU Directive 2009/104/EC.</p> <p>This legal act should be a CMU Decree (instead of a Ministry Order), in order to have the necessary legal power to ensure its effective implementation and enforcement for the reasons set out in the 'Main Acts to Improve' section above.</p>
<p>General provisions</p>	<p>Section I - General provisions</p>	<p>Should be amended, as recommended, to better align with EU Directive 2009/104/EC and also to improve legal act systematics, structure, clarity and understanding.</p>
<p>Subject matter</p>	<p>Article 1 - Object and scope</p>	<p>The referencing of the text to sections, articles and, when necessary, their subdivision into paragraphs and subparagraphs is consistent with the hierarchical level of the Directive and also with a national Decree and follows the appropriate organization and grouping of the themes. It is recommended to hierarchically number all the sections, Articles, paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.</p>
<p>1. These Requirements apply to all activity sectors, both public and private (industry, agriculture, commerce, administration, services,</p>	<p>1. These Requirements apply to all work activity sectors, both public and private, (industry, agriculture, commerce, administration,</p>	<p>Should be changed, as proposed, because the enumeration of several sectors may leave out of the scope of the Decree other sectors not</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
education, culture, recreation, etc.), and establish the minimum safety and health requirements for the use of work equipment by workers during execution of works, manufacturing, or provision of services.	services, education, culture, recreation, etc.), and establish the minimum safety and health requirements for the use of work equipment by workers at work .	specifically mentioned (e.g., Education, Financial sector, etc.). If certain work activities are excluded from this application e.g. the armed forces or police workers, these should be set out here.
2. The provisions of the Requirements are fully applicable to the use of work equipment by workers at work, without prejudice to more stringent or specific provisions contained in these Requirements	2. The provisions of the Law of Ukraine "On Occupational Safety and Health of Workers" - which transposes to the internal juridical order the 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 - , shall apply in full to the whole area referred to in paragraph 1 of this Article, without prejudice to more stringent and/or specific provisions in this Decree.	Minor change is recommended to make it a bit clearer and still reflect the wording of Article 1(2) of the EU Directive 2009/104/EC.
Definitions	Article 2 - Definitions	To improve decree systematics, structure, clarity and understanding, and to facilitate cross-referencing and application.
3. Definitions used herein shall have the following meanings:	1. Definitions used herein shall have the following meanings:	To renumber the paragraph.
1)	1)	
2) operator – a worker or workers given the task of using work equipment;	2)	
3)	3)	
4) work equipment – any machine, apparatus, tool or installation used as intended during execution of works, manufacturing, or provision of services.	4) work equipment – any machine, apparatus, tool or installation used at work used as intended during execution of works, manufacturing, or provision of services;	Should be changed, as recommended, because: 1. Even when a work equipment is not used as intended, it remains being a work equipment. It means that the fact of a work equipment being badly used does not imply that, because of that fact, such equipment ceases to be considered a work equipment;

SLS draft legal act provision's wording	Recommended wording	Rationale
		2. The work equipment is not only used during the execution of works, manufacturing or provisions of services.
	5) 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	<p>The definition of ‘use of work equipment’ was left out and should be included here, as foreseen in Article 2(a) of Directive 2009/104/EC.</p> <p>Other terms should also be defined here, even if by reference to the Law of Ukraine “On Occupational Safety and Health of Workers”, that transposes the Council Directive 89/391/EEC. They include, among others:</p> <ul style="list-style-type: none"> • Technical inspections; • Competent persons; • Expert organizations
Employer’s obligations	Section II - Employer’s obligations	It is recommended to hierarchically number all the sections, Articles paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.
General obligations	Article 3 - General obligations	
4. 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 the workers without impairment to their safety or health. In selecting the work equipment which he proposes to use, the employer shall take into account the specific	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 the workers without impairment to their safety or health.	To renumber the paragraph and to subdivide it into two paragraphs, each one addressing a different employer obligation.
	2. In selecting the work equipment which he proposes to use, the employer shall take into	Amended to make the provision clearer and to take account of the risk assessment provisions

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>working conditions and characteristics and to the risk factors existing in the undertaking or establishment, in particular at the workstation, for workers' safety and health, and any additional risk factors associated with the use of this work equipment.</p>	<p>account the specific working conditions and characteristics and to the risk factors existing in the undertaking or establishment, which shall be determined by carrying out an assessment of the risks that the use of the work equipment poses to workers' safety and health at the workstation, and of any additional risk factors associated with the use of the work equipment.</p>	<p>foreseen in Articles 6(3)(a) and 9(1)(a) of the EU Framework Directive 89/391/EEC.</p>
<p>5. Where it is not possible in this way to fully ensure that work equipment is used by workers without any risk to their safety or health, the employer shall take appropriate measures to minimize the risks.</p>	<p>3. Where it is not possible in this way to fully ensure that work equipment is used by workers without risk to their safety or health, the employer shall take appropriate measures, in order to minimize the risks:</p> <p>1) Decide on the appropriate preventive and protective measures to be taken; 2) Decide on the protective equipment to be used, if necessary; and 3) Ensure the implementation of the decided measures mentioned in the subparagraph 1) of this paragraph and, if necessary, the use of the protective equipment referred to in the previous subparagraph.</p>	<p>Minor changes are recommended to better clarify the sense of the provision, to reflect the wording in EU Directive 2009/104/EC, and to take account of the risk assessment provisions in Article 9(1)(b) of the EU Framework Directive 89/391/EEC.</p>
<p>Rules concerning work equipment</p>	<p>Article 4 - Rules concerning work equipment</p>	<p>It is recommended to hierarchically number all the sections, Articles, paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order to improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.</p>
<p>6. Without prejudice to the provisions of paras. 4 and 5, the employer shall obtain and/or use:</p>	<p>1. Without prejudice to the provisions of Article 3, the employer shall obtain and/or use:</p>	<p>To better align with Article 4(1) of EU Directive 2009/104/EC.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>1) work equipment which, if provided to workers in the undertaking or establishment for the first time, complies with: provisions of any technical regulation which is applicable; the minimum requirements laid down in Annex I, to the extent that no other technical regulation is applicable or is so only partially;</p> <p>2) the work equipment provided to and used by the worker does not comply with the minimum safety requirements to work equipment laid down in Annex I no later than 4 years after taking effect by these Requirements. ;</p> <p>3) without prejudice to the first subparagraph of para. 6(1), and by way of derogation from the second subparagraph of para. 6(1) and para. 6(2), specific work equipment subject to the requirements of para. 3 of Annex I, which, if already provided to workers in the undertaking or establishment, is brought into conformity with the minimum requirements laid down in Annex I, no later than 4 years after taking effect by these Requirements.</p>	<p>1) Work equipment which, if provided to workers in the undertaking or establishment for the first time after the entry into force of this Decree, complies with:</p> <ul style="list-style-type: none"> i. provisions of national regulation transposing any relevant applicable European Union Directive; ii. the minimum requirements laid down in Annex I, to the extent that no other national regulation transposing a relevant European Union Directive is applicable or is so only partially; <p>2) work equipment which, if already provided to workers before the entry into force of this Decree, complies with the minimum requirements laid down in Annex I no later than 4 years after the entry into force of this Decree;</p> <p>3) Without prejudice to subparagraph i. of paragraph 1) of this Article, and by way of derogation from subparagraph ii. of paragraph 1) of this Article, specific work equipment subject to the requirements of paragraph 3 of Annex I, which, if already provided to workers in the undertaking or establishment before the entry into force of these Decree, complies with the minimum requirements laid down in Annex I, no later than 4 years after the entry into force of these Decree.</p>	<p>Also to hierarchically renumber paragraphs and subparagraphs.</p>
<p>7. The employer shall take all the measures necessary to ensure that, throughout its working life, work equipment is kept, by means of</p>	<p>2. The employer shall take all the measures necessary to ensure that, throughout its working life, work equipment is kept, by means of adequate maintenance, at a level that complies</p>	<p>To better align with Article 4(2) of EU Directive 2009/104/EC</p> <p>Also to hierarchically renumber the paragraph.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
adequate maintenance, at a level that complies with para. 6(1) or 6(2).	with subparagraphs i. or ii. of paragraph 1) of this Article as applicable.	
8. After consultation with both sides of industry, and with due allowance for the legislation and/or established practice, procedures shall be established whereby a level of safety may be attained corresponding to the objectives indicated by Annex II.	3. The use of the work equipment has to comply with the minimum requirements laid down in Annex II.	To better clarify the sense of Article 4(3) of EU Directive 2009/104/EC and the nature of its Annex II. Also to renumber the paragraph.
Technical inspection of work equipment	Article 5 – Technical inspection of work equipment	It is recommended to hierarchically number all the sections, Articles, paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.
9. The employer shall ensure an initial technical inspection where the safety of work equipment depends on the installation conditions (after installation and before first put into service) and a technical inspection after assembly at a new site or in a new location by competent persons according to the legislation and/or established practice, to make sure that the work equipment has been installed correctly and is operating properly.	1. The employer shall ensure that an initial technical inspection is carried out, where the safety of work equipment depends on the installation conditions (after installation and before being first put into service) and a technical inspection after assembly at a new site or in a new location by competent persons within the meaning of subparagraph 14) of paragraph 1 of Article 1 of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC), to make sure that the work equipment has been installed correctly and is operating properly.	To better clarify what is a “competent person”. Also to renumber the paragraph.

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>10. 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:</p> <p>1) a periodic technical inspection and, where appropriate, testing by specialized organizations according to the legislation and/or established practice;</p> <p>2) an extraordinary special technical inspection by expert organizations according to the legislation and/or established practice where exceptional circumstances liable to jeopardize the safety of the work equipment have occurred, such as repair or modification works, or an accident or damage caused by a natural or man-caused emergency or prolonged periods of inactivity.</p>	<p>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:</p> <p>1) a periodic technical inspections within the meaning of subparagraph 39) of paragraph 1 of Article 1 of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC), and, where appropriate, testing by competent persons or expert organizations is carried out according to the applicable legislation.</p> <p>2) a thorough technical inspection by competent persons or expert organizations according to legislation, where exceptional circumstances liable to make the work equipment unsafe, such as repair or modification works, or an accident or damage caused by a natural phenomena or after prolonged periods of inactivity.</p>	<p>To better clarify what is a “technical inspection” and to better align with Article 5(2) of EU Directive 2009/104/EC.</p> <p>Also to renumber the paragraph.</p>
<p>11. The results of technical inspections shall be recorded and kept at the disposal of the above-mentioned organizations. They must be kept during for a suitable period of time.</p>	<p>3. The results of technical inspections shall be recorded and kept for inspection by the employer and, where appropriate, also by the owner of the equipment, during a period of five years counted from the date when the technical inspection was carried out.</p>	<p>To make it clearer and to better align with the wording of Article 5(3) of EU Directive 2009/104/EC.</p> <p>Also to (re)number the paragraphs.</p>
<p>When work equipment is used outside the undertaking it shall be accompanied by physical</p>	<p>4. When work equipment is used outside the undertaking it shall be accompanied by the</p>	

SLS draft legal act provision's wording	Recommended wording	Rationale
evidence that the last technical inspection has been carried out.	report of the last technical inspection which has been carried out.	
12. The legislation shall determine the conditions under which such technical inspections are made.	5. The legislation shall determine the conditions under which such technical inspections are made.	It is expected that this paragraph will be made more specific and refer to the specific national legislation or guidance/Codes of Practice that will set out the conditions where technical inspections are required (including when they are required and the maximum periods between technical inspections). It may also refer to the types of work equipment which are covered. E.g., if national legislation exists on inspecting lifting equipment which is to be used at work, it needs to be referred to here.,
	6. Where deterioration of the work equipment is noted, it must be remedied in good time and, if necessary to ensure the safety and health of workers, its use shall be suspended until defects are properly eliminated and ensured its safe use.	This new paragraph should be inserted to ensure that defects noted in technical reports gets remedied quickly (From the Irish Use of Work Equipment Regulations In Chapter 2) and, in case of posing threats to the life, safety or health of workers, its use is suspended until the conditions for its safe and healthy use are ensured.
Work equipment involving specific risks	Article 6 - Work equipment involving specific risks	It is recommended to hierarchically number all the sections, Articles, paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.
13. When the use of work equipment is likely to involve a specific risk to life and health	1. When the use of work equipment is likely to involve a specific risk to safety or health of	These changes are recommended to make the wording clearer and to comply with the wording of Article 6 of EU Directive 2009/104/EC.

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>of workers, the employer shall take all the measures necessary to ensure:</p> <p>1) the use of work equipment strictly by the workers given the task of using it;</p> <p>2) repairs, modifications, maintenance or servicing of work equipment strictly by the workers designated to carry out such work.</p>	<p>workers, the employer shall take all the measures necessary to ensure that:</p> <p>1) the use of such work equipment is restricted to those workers required to use it;</p> <p>2) where repairs, modifications, maintenance or servicing of work equipment is required to be carried out on such equipment, it must be done strictly by the competent workers specifically designated to carry out such work.</p>	<p>Also to renumber the paragraph.</p>
	<p>2. The specific risks referred to in the previous paragraph shall be determined by carrying out a risk assessment of the work equipment, its location in the workplace and the work activities to be performed using the work equipment.</p>	<p>It is recommended to insert these two paragraphs, although they go beyond the requirements set out in Article 6 of the EU Directive 2009/104/EC, in order to better implement the provisions on risk assessment and on the implementation of the resulting preventive and protective measures, foreseen in Articles 6(3)(a), 9(1)(a) and 9(1)(b) of the EU Framework Directive 89/391/EEC.</p>
	<p>3. Following the risk assessment mentioned in the previous paragraph, and in consultation with workers, employers shall decide and implement the most appropriate preventative and protective measures to eliminate or, if not possible, to reduce them.</p>	
<p>Ergonomics and occupational health</p>	<p>Article 7 - Ergonomics and occupational health</p>	<p>It is recommended to hierarchically number all the sections, Articles, paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
14. The workstation and position of workers while using work equipment and ergonomic principles shall be taken fully into account by the employer when applying the minimum health and safety requirements	1. The workplace and position of workers while using work equipment and ergonomic principles shall be considered fully by the employer when applying the minimum safety and health requirements for the use of work equipment.	To better align with Article 7 of Directive 2009/104/EC. In addition, it is important to understand that “workplace” is different than “workstation”. “Workplace” includes one or more “workstations”. “Workstation” is the precise spot, location (e.g., site, equipment, chair, secretary) to which an individual worker is assigned to perform his work.
Informing workers	Article 8 - Informing workers	It is recommended to hierarchically number all the sections, Articles paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.
15. The employer shall take the measures necessary to ensure that workers have at their disposal adequate information and, where appropriate, written instructions concerning the work equipment used in work.	1. Without prejudice to Articles 21 and 25(1)(18) of the Law of Ukraine “On Occupational Safety and Health of Workers”, which transposes the EU OSH Framework 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, which shall be developed following the risk assessment referred to in Articles 3(2), 6(2) and 6(3), on the work equipment used at work.	Should be changed, as recommended, in order to: 1. Better align with Article 8(1) of Directive 2009/104/EC and with Article 10 of EU OSH Framework Directive 89/391/EEC. 2. Take account of the risk assessment provisions in Articles 6(3)(a) and 9(1)(a) of the EU OSH Framework Directive 89/391/EEC. Also to renumber the paragraph.
16. The information and written instructions shall contain at least adequate safety and health information concerning:	2. The information and written instructions shall contain at least adequate safety and health information concerning:	To renumber the paragraph.

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>1) the conditions of use of work equipment; 2) foreseeable abnormal situations; 3) the conclusions to be drawn from experience in using work equipment.</p>	<p>1) the conditions of use of work equipment; 2) foreseeable abnormal situations; 3) the conclusions to be drawn from experience in using work equipment.</p>	
<p>Workers shall be informed about any dangers relevant to them, inasmuch as they affect the work equipment situated in the direct workplace or site even if they do not use such equipment directly.</p>	<p>3. Workers shall be informed about any dangers relevant to them, as well as about work equipment present at the workplace and any changes affecting them, inasmuch as they affect the work equipment situated near their workstation, even if they do not use such equipment directly.</p>	<p>Minor changes are recommended to make the wording clearer and closer to the wording and sense of the last sentence of Article 8(2) of the EU OSH Framework Directive 89/391/EEC.</p> <p>Also to number the paragraph.</p>
<p>17. The information and the written instructions shall be comprehensible to the workers.</p>	<p>4. The information and the written instructions shall be comprehensible to the workers and provided in a language they understand.</p>	<p>The addition is made to ensure migrant workers get the information in a language they understand.</p> <p>Also to renumber the paragraph.</p>
<p>Training of workers</p>	<p>Article 9 - Training of workers</p>	<p>It is recommended to hierarchically number all the sections, Articles paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.</p>
<p>18. The employer shall take all the measures necessary to ensure:</p> <p>1) adequate training of the workers who are expected to use work equipment, including training on any risks which such use may entail ;</p> <p>2) adequate specific training of workers referred to in para. 13(2).</p>	<p>1. Without prejudice to Articles 20, 25(1)(14) and 25(1)(15) of the Law of Ukraine “On Occupational Safety and Health of Workers”, which transposes the EU OSH Framework Directive 89/391/EEC, the employer shall take all the measures necessary to ensure:</p>	<p>Should be changed, as recommended, in order to better align with Article 9 of Directive 2009/104/EC and with Article 12 of Directive 89/391/EEC on the Training of Workers.</p> <p>Also to update the reference to workers performing repairs, modifications, maintenance or servicing of work equipment.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
	<p>1) adequate training of the workers who are expected to use work equipment, including training on any risks which such use may entail;</p> <p>2) adequate specific training of the workers referred to in Article 6(1)(2).</p>	<p>Finally, to renumber the paragraph.</p>
<p>Consultation of workers and workers' participation</p>	<p>Article 10 - Consultation of workers and workers' participation</p>	<p>It is recommended to hierarchically number all the sections, Articles paragraphs and subparagraphs of the text of the proposed legal act, along with its annexes, in order improve the legal act structure and systematics, to facilitate the understanding of the legal provisions, their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.</p>
<p>19. Employers shall consult workers and/or their representatives, and enable them to provide proposals and to take part in discussion on all the matters relating to workers' safety and health concerning the use of work equipment.</p>	<p>1. Without prejudice to Articles 23, 25(1)(11) and 25(1)(12) of the Law of Ukraine "On Occupational Safety and Health of Workers", which transposes the EU OSH Framework Directive 89/391/EEC, employers shall consult workers and/or their representatives, and enable them to provide proposals and to take part in discussion on all the matters relating to workers' safety and health on the use of work equipment.</p>	<p>Should be changed, as recommended, in order to better align with Article 10 of Directive 2009/104/EC and to give effect to Article 11 of Directive 89/391/EEC on Consultation and participation of workers.</p> <p>Finally, to renumber the paragraph</p>
	<p>Section III - Promotion, control and enforcement</p>	<p>Should be inserted to improve legal act systematics, structure and clarity.</p>
	<p>Article 11 - Legal competence to promote, control and enforce compliance</p>	<p>It should be inserted, in order to ensure the alignment of this Decree with:</p>
	<p>1. The state measures for promoting, controlling, ensuring and improving compliance with the the provisions of this Decree and its Annexes shall be taken by the central executive authority that implements the state policy on</p>	<p>1. Article 9(1) of ILO Occupational Safety and Health Convention, 1981 (No. 155), according to which "the enforcement of laws and regulations concerning occupational safety and health and the</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
	<p>state control of compliance with the labour legislation.</p>	<p>working environment shall be secured by an adequate and appropriate system of inspection”;</p> <p>2. Article 3(1) of the ILO Labour Inspection Convention, 1947 (No. 81) and Article 6(1) of the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), which define the main functions of the system of labour inspection; and</p> <p>3. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".</p>
	<p>Article 12 - Employers' liability</p>	<p>It should be inserted, in order to ensure the alignment of this Decree with:</p>
	<p>1. Employers shall be held liable to a fine for the violation of the provisions of this Decree, including its Annexes.</p>	<p>1. Article 9(2) of ILO Convention 155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and</p>
	<p>2. The fine for the violation of any provision of this Decree or of its Annexes is in the amount of "X" minimum wages for each violation.</p>	<p>2. Article 18 of ILO C081 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".</p>
	<p>3. The minimum wage rate established according to the legislation as of the violation moment shall be used to determine the amount of the fines mentioned in the previous paragraph.</p>	
	<p>4. If a repeated similar violation is found within a year from the date when the previous violation was found, the amount of the fine shall be doubled.</p>	
	<p>5. The fines imposition of which is provided for by this Article shall be financial sanctions and shall not belong to the administrative economic sanctions laid down in Chapter 27 of the Economic Code of Ukraine.</p>	

SLS draft legal act provision's wording	Recommended wording	Rationale
	6. Payment of a fine shall not release the employer from the obligation to comply with the provisions of this Decree and its Annexes.	
	Section IV - Miscellaneous provisions	Should be inserted to improve legal act systematics, structure and clarity.
	Article 13 - Amendment of the Annexes	This Article should be inserted, in order to align with Article 11 of Directive 2009/104/EC and to give effect to Article 17(2) of Directive 89/391/EEC.
	1. When appropriate, Cabinet of Ministers of Ukraine will set forth adaptations of technical nature to the Annexes, in order to ensure:	
	1) The approximation to and harmonization with relevant international and European legislation and standards on work equipment; and/or	
	2) The adaptation to technical progress, changes in international regulations or specifications, or knowledge in the field of work equipment.	
	Article 14 - Final and transitional provisions	
	1. This Decree enters into force on the sixth month following the publication of this decree in the official journal.	To give some time to employers, workers, and their representatives, as well as to suppliers of goods and services connected with work equipment to adapt to this Decree provisions.
	2. The Cabinet of Ministers shall, within sixth months following the date of publication of this Decree, shall:	To ensure the adaptation of the national OSH legal framework to this Decree and to secure its effective application.
	1) Prepare its proposals on bringing laws of Ukraine into conformity with this Decree, and submit them to the Verkhovna Rada of Ukraine for consideration;	
	2) Bring its regulatory legal acts into conformity with this Decree;	
	3) Ensure adoption of regulatory legal acts necessary to implement this Decree;	

SLS draft legal act provision's wording	Recommended wording	Rationale
	<p>4) Ensure that ministries and other central executive authorities bring their regulatory legal acts into conformity with this Decree.</p>	
<p>Annex 1 to the Minimum Requirements (as per paras. 1(3) and 6(2))</p>	<p>Annex I Minimum safety requirements for all work equipment [referred to in Article 4.1 (ii) and 4.2]</p>	<p>Changes are made here in order to comply with Annex I of EU Directive 2009/104/EC. This is to make it clear what Annex I covers:</p> <ol style="list-style-type: none"> 1. Minimum safety requirements for all new work equipment brought into use after the coming into effect of this Decree [according to Article 4.1 (ii)], and 2. Equipment already in use before this Decree comes into effect, after 4 year counted from the date it comes into force [in accordance with Article 4.2].
<p>General comment</p> <p>1. The obligations laid down in this Annex apply having regard to these Requirements and where the corresponding risk exists for the work equipment in question.</p> <p>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.</p>	<p>1. General principles</p> <p>1.1. The obligations laid down in this Annex apply if the corresponding risk exists for the work equipment in question.</p> <p>1.2. The following minimum requirements, inasmuch as they apply to work equipment in use, do not necessarily call for the same measures as the essential requirements concerning new work equipment.</p>	<p>To renumber the paragraphs and subparagraphs and to make them clearer.</p>
<p>General minimum requirements applicable to work equipment</p> <p>2. Work equipment control devices which affect safety must be clearly visible and identifiable and appropriately marked.</p>	<p>2. General minimum requirements applicable to work equipment</p> <p>2.1. Work equipment control devices which affect safety must be clearly visible and identifiable and appropriately marked.</p>	<p>To renumber the paragraph.</p> <p>Minor changes are recommended to make the text a bit clearer. The text is the same wording as in EU Directive 2009/104/EC. Also to renumber the subparagraphs.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>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.</p> <p>If the operator of the main control cannot make sure that no person is present in the danger zones, there must be an alarm system (an audible and/or light signal) triggered automatically whenever the work equipment is started. An exposed worker must have the time and the means to avoid quickly any hazards caused by the starting or stopping of the work equipment.</p> <p>Control systems must be safe and must be chosen making due allowance for the failures, faults and constraints to be expected in the normal conditions of use.</p>	<p>2.1.1. 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.</p> <p>2.1.2. If the operator of the main control cannot make sure that no person is present in the danger zones, there must be an alarm system (an audible and/or light signal) triggered automatically whenever the work equipment is started. An exposed worker must have the time and the means to quickly avoid any hazards caused by the starting or stopping of the work equipment.</p> <p>2.1.3. Control systems must be safe and must be chosen making due allowance for the failures, faults and constraints to be expected in the planned conditions of use.</p>	<p>The numbering sequence differs from that which is used in the SLS draft in order to improve clarity and facilitate its understanding, cross-references and its application.</p>
<p>3. It must be possible to start work equipment only by deliberate action on a control provided for the purpose.</p> <p>The same shall apply to restart work equipment after a stoppage for whatever reason, for the control of important parameters (e.g. speed, pressure, etc.), unless such a restart or parameter change does not subject exposed workers to any hazard.</p>	<p>2.2. It must be possible to start work equipment only by deliberate action on a control provided for that purpose.</p> <p>2.3. The previous subparagraph shall apply to restart work equipment after a stoppage for whatever reason, and for the control of a significant change in the operating conditions (e.g. speed, pressure, etc.), unless such a restart or parameter</p>	<p>To renumber the subparagraphs, for clarity. Minor changes are recommended to make the text a bit clearer and to comply with the same wording as in EU Directive 2009/104/EC.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>This requirement does not apply to restarting or a change in parameters in the normal operating cycle of an automated device.</p>	<p>change does not subject exposed workers to any hazard.</p> <p>2.4. The precedent subparagraph does not apply to restarting or a change in parameters in the normal operating cycle of an automated device.</p>	
<p>4. All work equipment must be fitted with a control to stop it completely and safely.</p> <p>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.</p>	<p>2.5. All work equipment must be fitted with a control to stop it completely and safely.</p> <p>2.6. Each workstation 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.</p>	<p>Numbering was changed to continue the sequence set out above.</p>
<p>5. Depending on the hazards the equipment presents the work equipment must be fitted with an emergency stop device.</p>	<p>2.7. Where appropriate and depending on the hazards the equipment presents and its normal stopping time, the work equipment must be fitted with an emergency stop device.</p>	<p>Numbering was changed to continue the sequence set out above. The text was changed in order to reflect the wording as in EU Directive 2009/104/EC.</p>
<p>6. Work equipment presenting risk due to falling objects or projections must be fitted with appropriate safety devices corresponding to the risk.</p> <p>Work equipment presenting hazards due to emissions of gas, vapour, liquid or dust must be fitted with appropriate</p>	<p>2.8. Work equipment presenting risk due to falling objects or projections must be fitted with appropriate safety devices corresponding to the risk.</p> <p>2.9. Work equipment presenting hazards due to emissions of gas, vapour, liquid or dust must be fitted with</p>	<p>Numbering was changed to continue the sequence set out above.</p> <p>Minor change made to the text in order to make the wording clearer.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
containment and/or extraction devices near the sources of the hazard.	appropriate containment or extraction devices or both near the sources of the hazard.	
7. Work equipment and parts of such equipment must, where necessary for the safety and protection of health and life of workers, be stabilized by clamping or some other means.	2.10. Work equipment and parts of such equipment must, where necessary for the safety and protection of health and life of workers, be stabilized by clamping or some other means.	Numbering was changed to continue the sequence set out above. The text is the same wording as in EU Directive 2009/104/EC and is ok.
8. 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.	2.11. 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.	Numbering was changed to continue the sequence set out above. The text is the same wording as in EU Directive 2009/104/EC and is ok.
<p>9. 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.</p> <p>The guards and protection devices must comply with the following requirements:</p> <ul style="list-style-type: none"> be robust; not give rise to any additional hazard; not be easily removed or rendered inoperative; be situated at sufficient distance from the danger zone; 	<p>2.12. 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.</p> <p>2.13. The guards and protection devices mentioned in the previous subparagraph, must comply with the following requirements:</p> <ul style="list-style-type: none"> 2.13.1. be of robust construction; 2.13.2. not give rise to any additional hazard; 	<p>Numbering was changed to continue the sequence set out above.</p> <p>Minor change only in order to make the wording clearer and use the same wording as in the Directive.</p> <p>Also to renumber the subparagraphs and sub-subparagraphs.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>not restrict the view of the operating cycle of the equipment; be convenient for carrying out operations necessary to fit or replace parts of work equipment 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 devices.</p>	<p>2.13.3. not be easily removed or rendered inoperative; 2.13.4. be situated at sufficient distance from the danger zone; 2.13.5. not restrict more than necessary, the view of the operating cycle of the equipment; 2.13.6. be convenient for carrying out operations necessary to fit or replace parts of work equipment 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.</p>	
<p>10. Areas and points for work and maintenance of work equipment must be adequately lit in line with the operations to be carried out therein.</p>	<p>2.14. Areas and points for working on, or maintenance of, work equipment must be adequately lit in line with the operations to be carried out.</p>	<p>Numbering was changed to continue the sequence set out above. Minor change only in order to make the wording clearer and to use the same wording as in the Directive.</p>
<p>11. 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.</p>	<p>2.15. 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.</p>	<p>Numbering was changed to continue the sequence set out above. Leave as is as it reflects the wording in Directive 2009/104/EC</p>
<p>12. Warning devices on work equipment must be unambiguous and easily perceived and understood.</p>	<p>2.16. Warning devices on work equipment must be unambiguous and easily perceived and understood.</p>	<p>Numbering was changed to continue the sequence set out above. Leave text as is as it reflects the wording in Directive 2009/104/EC</p>
<p>13. Work equipment may be used only for operations and under conditions for which it is appropriate.</p>	<p>2.17. Work equipment may be used only for operations and under conditions for which it is appropriate.</p>	<p>Numbering was changed to continue the sequence set out above. Leave text as is as it reflects the wording in Directive 2009/104/EC</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>14. Work equipment maintenance operations must only be conducted when the equipment is shut down. If this is not possible, appropriate protection measures must be taken for the carrying-out of such operations or for such operations to be carried out outside the danger zones. If work equipment has a maintenance log, it must be kept up to date.</p>	<p>2.18. Work equipment maintenance operations must only be conducted when the equipment is shut down. If this is not possible, appropriate protection measures must be taken for the carrying-out of such operations or for such operations to be carried out outside the danger zones.</p> <p>2.19. If any machine has a maintenance log, it must be kept up to date.</p>	<p>Numbering was changed to continue the sequence set out above. Minor change made to text to reflect the wording in Directive 2009/104/EC</p>
<p>15. All work equipment must be fitted with clearly identifiable means to isolate it from all every separate energy source.</p> <p>Reconnection must pose no risk to the workers.</p>	<p>2.20. All work equipment must be fitted with clearly identifiable means to isolate it from all its energy sources.</p> <p>2.21. Reconnection of work equipment to its energy sources must be presumed to pose no risk to the workers concerned.</p>	<p>Numbering was changed to continue the sequence set out above. Minor change made to text to reflect the wording in Directive 2009/104/EC and make it clearer.</p>
<p>16. Work equipment must bear the warnings (signs) and markings essential to ensure the safety of workers.</p>	<p>2.22. Work equipment must bear the appropriate safety and/or health signs, in accordance with the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work” which transposes the EU Council Directive 92/58/EEC.</p>	<p>Numbering was changed to continue the sequence set out above.</p> <p>Wording changed in order to link the present decree to the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work” that will transpose to the internal juridical order the provisions of the EU Directive 92/58/EEC, on the minimum requirements for the provision of safety and/or health signs at work.</p>
<p>17. Workers must have safe means of access to, and be able to remain safely in, all the areas necessary for production, adjustment and maintenance, as well as safely leave these areas.</p>	<p>2.23. Workers must have safe means of access to, and be able to remain safely in, all the areas necessary for production, adjustment and maintenance, as well as safely leave these areas.</p>	<p>Numbering was changed to continue the sequence set out above. Leave the text the same as it reflects the wording in Directive 2009/104/EC</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>18. All work equipment must comply with the requirements 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.</p>	<p>2.24. All work equipment must comply with the requirements 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.</p>	<p>Numbering was changed to continue the sequence set out above. Leave text the same as it reflects the wording in Directive 2009/104/EC</p>
<p>19. All work equipment must comply with preventing the risk of explosion of the work equipment or of substances produced, used or stored in the work equipment.</p>	<p>2.25. 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.</p>	<p>Numbering was changed to continue the sequence set out above. The text was changed to reflect the wording in Directive 2009/104/EC</p>
<p>20. All work equipment must properly protect exposed workers against the risk of direct or indirect contact with electricity.</p>	<p>2.26. All work equipment must be appropriate for protecting exposed workers against the risk of direct or indirect contact with electricity.</p>	<p>Numbering was changed to continue the sequence set out above. Text was changed to reflect the wording in Directive 2009/104/EC</p>
	<p>3. Additional minimum requirements applicable to specific types of work equipment</p>	<p>The numbering sequence set out above is continued and reflects the numbering used in Directive 2009/104/EC. This line was left out in the SLS draft and is included in this proposal.</p>
<p>Minimum requirements for self-propelled or non-self-propelled work equipment</p> <p>21. Work equipment with ride-on workers must be designed in such a way as to reduce the risks for workers when the equipment moves. These risks must include the risks of contact by workers with, or trapping by, wheels or tracks.</p>	<p>3.1. Minimum requirements for mobile work equipment whether or not self-propelled</p> <p>3.1.1. Work equipment with ride-on workers must be designed in such a way as to reduce the risks for workers when the equipment moves.</p> <p>3.1.2. The risks mentioned in the previous provision must include the risks of</p>	<p>To renumber the subparagraphs. Text changed to reflect the wording in Directive 2009/104/EC</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
	contact by workers with, or trapping by, wheels or tracks.	
<p>22. 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 to prevent blockages of the drive units.</p> <p>Where such a seizure cannot be avoided, every possible measure must be taken to avoid any adverse effects on workers</p>	<p>3.1.3. 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 to prevent blockages of the drive units.</p> <p>3.1.4. Where the seizure referred to in the precedent provision cannot be avoided, every possible measure must be taken to avoid any adverse effects on workers</p>	<p>The numbering was changed to maintain the numbering sequence.</p>
<p>23. To prevent soiling or damage of drive (gimbal) shafts for the transmission of energy to mobile work equipment, facilities must be available for fixing them.</p>	<p>3.1.5. To prevent soiling or damage of drive shafts for the transmission of energy to mobile work equipment, facilities must be available for fixing them.</p>	<p>The numbering was changed to maintain the numbering sequence.</p> <p>The word 'gimbal' was deleted here, as it is not mentioned in Directive 2009/104/EC. It is also not a word which is commonly used in the English language. I am not sure why it is inserted here as it refers to just one type of work equipment.</p>
<p>24. Mobile work equipment with ride-on workers must be designed to prevent, under normal conditions of use, the risks arising from work equipment roll-over:</p> <ul style="list-style-type: none"> by protection structures to prevent tilt of the equipment by more than a quarter turn; by structures giving sufficient clearance around the ride-on worker if the tilting movement can continue beyond a quarter turn; 	<p>3.1.6. Mobile work equipment with ride-on workers must be designed to prevent, under actual conditions of use, the risks arising from work equipment roll-over:</p> <ul style="list-style-type: none"> 3.1.6.1. by protection structures to prevent tilt of the equipment by more than a quarter turn, or 3.1.6.2. by structures giving sufficient clearance around the ride-on worker if the tilting movement can continue beyond a quarter turn, or 	<p>The numbering was changed to maintain the numbering sequence.</p> <p>Small changes were made to the text to reflect the wording in Directive 2009/104/EC.</p> <p>Each of the bullet points are different options which can be used.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>by any 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 stabilized during operation or where its design makes roll-over impossible. Where there is a risk of a worker being crushed between parts of the work equipment and the ground, should the equipment roll over, a restraining system for the workers must be installed.</p>	<p>3.1.6.3. by any other device of equivalent effect. 3.1.7. The protection structures mentioned in provisions 3.1.6.1. to 3.1.6.3. may be an integral part of the work equipment. 3.1.8. The protection structures mentioned in provisions 3.1.6. and 3.1.7. are not required when the work equipment is stabilized during operation or where its design makes roll-over impossible. 3.1.9. Where there is a risk of a worker being crushed between parts of the work equipment and the ground, should the equipment roll over, a restraining system for the workers must be installed.</p>	
<p>25. Lift trucks carrying one or more workers must be equipped to limit the risk of the fork-lift truck overturning by one of the following means: an enclosure for the driver; a structure preventing the fork-lift truck from overturning; a structure ensuring that, if the fork-lift truck overturns, sufficient clearance remains between the ground and certain parts of the fork-lift truck for the driver; a structure restraining the worker on the driving seat so as to prevent them from</p>	<p>3.1.10. Fork lift trucks carrying one or more workers must be adapted or equipped to limit the risk of the fork-lift truck overturning, by one the following means: 3.1.10.1. installation of an enclosure for the driver, or 3.1.10.2. a structure preventing the fork-lift truck from overturning, or 3.1.10.3. 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</p>	<p>The numbering was changed to maintain the numbering sequence.</p> <p>Changes were made to the text to reflect the wording in Directive 2009/104/EC. Each of the bullet points are different options which can be used.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>being crushed by parts of the fork-lift truck which overturns.</p>	<p>3.1.10.4. 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.</p>	
<p>26. Self-propelled work equipment motion of which poses a risk for other persons must fulfill the following conditions:</p> <p>1) it must have facilities for preventing unauthorized start-up;</p> <p>2) it must have appropriate facilities for minimizing the consequences of a collision where there is more than one item of track-mounted work equipment in motion on the same rail track at the same time;</p> <p>3) there must be a device for braking and stopping the work equipment. If necessary, emergency facilities must be available for braking and stopping the equipment. In the event of failure of the main engine operated by readily accessible controls or automatically, emergency facilities must be available for braking and stopping the equipment;</p> <p>4) where the driver's direct field of vision is inadequate to ensure safety, adequate auxiliary devices must be installed to improve visibility;</p> <p>5) work equipment designed for use at night or in dark places must be equipped</p>	<p>3.1.11 Self-propelled work equipment which may, when in motion engender risks for persons must fulfill the following conditions:</p> <p>3.1.11.1. the equipment must have facilities for preventing unauthorized start-up;</p> <p>3.1.11.2. it must have appropriate facilities for minimizing the consequences of a collision where there is more than one item of track-mounted work equipment in motion at the same time;</p> <p>3.1.11.3. 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 the equipment, in the event of failure of the main facility;</p> <p>3.1.11.4. where the driver's direct field of vision is inadequate to ensure safety, adequate auxiliary devices must be installed to improve visibility;</p>	<p>The numbering was changed to maintain the numbering sequence.</p> <p>Changes were made to the text reflect the wording and the meaning in Directive 2009/104/EC.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>with lighting appropriate to the work to be carried out and must ensure sufficient safety for workers;</p> <p>6) work equipment which constitutes a fire hazard and can endanger workers must be equipped with a sufficient number of appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of work equipment use;</p> <p>7) remote-controlled work equipment must stop automatically once it leaves the control range;</p> <p>8) 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.</p>	<p>3.1.11.5. 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;</p> <p>3.1.11.6. work equipment which constitutes a fire hazard, either on its own or in respect of whatever it is towing or carrying, and which can endanger workers must be equipped with appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of use;</p> <p>3.1.11.7. remote-controlled work equipment must stop automatically once it leaves the control range;</p> <p>3.1.11.8. 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.</p>	
<p>Minimum requirements for work equipment for lifting loads</p> <p>27. When work equipment for lifting loads is installed permanently, its strength and stability must be ensured, having regard, in particular, to the loads to be lifted and the</p>	<p>3.2. Minimum requirements for work equipment for lifting loads</p> <p>3.2.1. When work equipment for lifting loads is installed permanently, its strength and stability must be ensured, having regard, in particular, to the loads to be lifted and the</p>	<p>The numbering was changed to maintain the numbering sequence. Leave text as is as it reflects the wording in Directive 2009/104/EC.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
stress induced at the mounting or fixing point of the structures.	stress induced at the mounting or fixing point of the structures.	
<p>28. Machinery for lifting loads must be clearly marked to indicate its nominal load, and must where appropriate be fitted with a load distribution plate giving the nominal load for each configuration of the equipment.</p> <p>Accessories for lifting load must be marked in such a way that it is possible to identify the key characteristics essential for their safe use.</p> <p>Work equipment which is not designed for lifting persons but which might be so used in error must be appropriately marked to this effect.</p>	<p>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 distribution plate giving the nominal load for each configuration of the machinery.</p> <p>3.2.3. Accessories for lifting loads must be marked in such a way that it is possible to identify the key characteristics essential for their safe use.</p> <p>3.2.4. 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.</p>	<p>The numbering was changed to maintain the numbering sequence.</p> <p>Minor changes are made to reflect the wording in Directive 2009/104/EC.</p>
<p>29. Permanently installed work equipment at operation areas must be installed in such a way as to reduce the risk of the load:</p> <ol style="list-style-type: none"> 1) striking workers; 2) unintentionally drifting dangerously or falling freely; 3) being released unintentionally. 	<p>3.2.5. Permanently installed work equipment at operation areas must be installed in such a way as to reduce the risk of the load:</p> <ol style="list-style-type: none"> 3.2.5.1. striking workers; 3.2.5.2. unintentionally drifting dangerously or falling freely; 3.2.5.3. being released unintentionally. 	<p>To renumber the subparagraphs.</p>
<p>30. Work equipment for lifting or moving workers must be such as to:</p> <ol style="list-style-type: none"> 1) prevent a possible risk of the car falling by means of installing suitable devices. 	<p>3.2.6 Work equipment for lifting or moving workers must be such as to:</p> <ol style="list-style-type: none"> 3.2.6.1. prevent the risk of the car falling, where one exists, by means of installing suitable devices; 	<p>To renumber the subparagraphs.</p> <p>Text changes are made to reflect the wording in Directive 2009/104/EC.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>2) prevent a possible risk of a worker falling from the car;</p> <p>3) prevent the risk of the worker being crushed, trapped or struck, in particular through inadvertent contact with an object;</p> <p>4) ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed.</p> <p>If such risks mentioned in para. 30.1 cannot be avoided, an enhanced safety coefficient suspension rope must be installed and checked every working day.</p>	<p>3.2.6.2. prevent the risk of the user himself falling from the car, where one exists;</p> <p>3.2.6.3. prevent the risk of the user being crushed, trapped or struck, in particular through inadvertent contact with objects;</p> <p>3.2.6.4. ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed.</p> <p>3.2.6.5. If for reasons inherent in the site and in height differences, the risks mentioned in subparagraph 3.2.6.1. of this Annex cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope must be installed and checked every working day.</p>	
<p>Annex II to the Minimum Requirements Provisions concerning the use of work equipment (according to para. 8)</p> <p>This Annex applies having regard to these Requirements and where the corresponding risk exists for the work equipment in question.</p>	<p>Annex II</p> <p>Minimum requirements for the use of work equipment [referred to in Article 4(3)]</p> <p>1. General principle</p> <p>1.1. The minimum requirements for the use of work equipment laid down in this Annex apply if the corresponding risk exists for the work equipment in question.</p>	<p>Amended, in order to better clarify its meaning and alignment with Annex II of EU Directive 2009/104/EC.</p> <p>Also to renumber the paragraphs and subparagraphs.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>General provisions for all work equipment</p> <p>31. Work equipment must be installed, located and used in such a way as to reduce risks to operators and other workers, for example providing sufficient space between the moving parts of work equipment and fixed or moving parts in its environment, and safe supply and removal of all forms of energy of substances used or produced.</p>	<p>2. General provisions for all work equipment</p> <p>2.1. Work equipment must be installed, located and used in such a way as to reduce risks to operators and other workers, for example by ensuring there is sufficient space between the moving parts of work equipment and fixed or moving parts in its environment, and all forms of energy and substances used or produced can be supplied or removed in a safe manner.</p>	<p>Amended, in order to ensure a logical, sequential and hierarchical numbering of the paragraphs and subparagraphs. Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC.</p>
<p>32. Work equipment must be erected or dismantled under safe conditions, in particular observing any instructions which may have been furnished by the manufacturer.</p>	<p>2.2. Work equipment must be erected or dismantled under safe conditions, in particular observing any instructions which may have been furnished by the manufacturer.</p>	<p>To renumber the subparagraphs.</p>
<p>33. 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.</p>	<p>2.3. 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.</p>	
<p>Provisions concerning the use of mobile equipment, whether or not self-propelled</p> <p>34. Self-propelled work equipment must be driven only by workers who have been appropriately trained and are authorized to drive such equipment.</p>	<p>3. Provisions concerning the use of mobile equipment, whether or not self-propelled</p> <p>3.1. Self-propelled work equipment must be driven only by workers who have been appropriately trained in the safe driving of such equipment.</p>	<p>To renumber the paragraph and subparagraph. Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC.</p>
<p>35. If self-propelled work equipment is moving around within a work area, the</p>	<p>3.2. If self-propelled work equipment is moving around in a work area, appropriate traffic rules must be drawn up and followed.</p>	<p>Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC. Also to renumber the subparagraph.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>employer must draw up appropriate traffic rules that must be followed.</p>		
<p>36. Organizational 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.</p>	<p>3.3. Organizational measures must be taken to prevent workers on foot coming within the area of operation of self-propelled work equipment.</p> <p>3.4. 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.</p>	<p>To number the subparagraphs.</p>
<p>37. The transport of workers on mechanically driven 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.</p>	<p>3.5. The transport of workers on mechanically driven 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.</p>	
<p>38. Mobile work equipment with a combustion engine may be used in work areas only if quantities of air sufficient to avoid any risk to workers' safety, health and life are present or provided.</p>	<p>3.6. Mobile work equipment with a combustion engine may not be used in work areas unless sufficient quantities of air presenting no health and safety risk to workers can be guaranteed.</p>	<p>Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC. Also to number the subparagraph.</p>
<p>Provisions concerning the use of work equipment for lifting loads</p> <p>39. 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.</p>	<p>4. Provisions concerning the use of work equipment for lifting loads</p> <p>4.1. General Considerations</p> <p>4.1.1. 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</p>	<p>The heading 'General Considerations' has been added and the numbering sequence has been changed to follow that in Annex II of Directive 2009/104/EC.</p> <p>The text is as set out in Directive 2009/104/EC</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
	conditions, taking into account the nature of the ground.	
<p>40. Persons may be lifted only by means of work equipment and accessories provided for that purpose.</p> <p>Work equipment which is not specifically designed for the purpose of lifting workers may be used for that purpose only provided appropriate action has been taken to ensure safety in accordance with requirements of the legislation and appropriate supervision over the work is ensured.</p> <p>While workers are on work equipment designed for lifting loads, an operator (machine driver) must be at the control position 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.</p>	<p>4.1.2. Persons may be lifted only by means of work equipment and accessories provided for that purpose.</p> <p>4.1.3. Without prejudice to the employers' non-transferable responsibility for ensuring the safety and health of workers in every aspect related to the work, foreseen in Article 5 of the EU Directive 89/391/EEC and in the Law of Ukraine "On Occupational Safety and Health of Workers" which transposes this Directive, exceptionally, work equipment which is not specifically designed for the purpose of lifting workers may be used for that purpose, provided that appropriate action has been taken to ensure the health and safety of workers in accordance with requirements of the above legislation and appropriate supervision over the work is provided.</p> <p>4.1.4. 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.</p>	<p>The numbering of subparagraphs has been changed for clarity and to maintain the sequence.</p> <p>Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC.</p> <p>A specific reference must be made to the national legislation which gives effect to Article 5 of Framework Directive 89/391/EEC on the employer's duty to ensure health and safety of his employees.</p>
41. Measures must be taken to ensure that workers are not present under	4.1.5. Measures must be taken to ensure that workers are not present under suspended loads, unless such presence is	The text has been changed to better align with the wording in Annex II of Directive 2009/104/EC.

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>suspended loads, unless such presence is required for the operation of the work.</p> <p>Loads may not be moved above unprotected workplaces occupied by workers.</p> <p>If work cannot be carried out properly any other way, appropriate safety measures must be laid down and applied.</p>	<p>required for the effective operation of the work.</p> <p>4.1.6. Loads may not be moved above workplaces usually occupied by workers.</p> <p>4.1.7. Where the previous provision is not possible and the work cannot be carried out properly any other way, appropriate safety measures must be laid down and applied.</p>	<p>The numbering was changed to maintain the sequence.</p> <p>EC.</p>
<p>42. 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.</p> <p>Lifting accessory tackle must be clearly marked to ensure awareness of its characteristics, where such tackle is not dismantled after use.</p>	<p>4.1.8. Lifting accessories must be selected according to the loads to be handled, gripping points, attachment tackle and atmospheric conditions having regard to the mode and configuration of slinging. Lifting accessory tackle must be clearly marked to ensure awareness of its characteristics, where such tackle is not dismantled after use.</p>	<p>Numbering revised.</p>
<p>43. Lifting accessories must be stored in a way that ensures that they will not be damaged or degraded.</p>	<p>4.1.9. Lifting accessories must be stored in a way that ensures that they will not be damaged or degraded.</p>	<p>The numbering sequence has been changed to follow that in Annex II of Directive 2009/104/EC.</p>
<p>Work equipment for lifting non-guided loads</p> <p>44. When two or more items of work equipment intended for lifting non-guided loads are installed or erected on a site in such a way that their working areas overlap, appropriate measures must be taken to avoid collision between loads or the work equipment parts.</p>	<p>4.2. Work equipment for lifting non-guided loads</p> <p>4.2.1. 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.</p>	<p>The numbering has been changed to update the sequence.</p> <p>Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC.</p>

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>45. When using mobile work equipment for lifting non-guided loads, measures must be taken to prevent the equipment from wobbling, overturning or, as the case may be, moving or slipping. Checks must be carried out to ensure that these measures are executed properly.</p>	<p>4.2.2. 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 and their results recorded.</p>	<p>The numbering has been changed to update the sequence. Text changes have been made which in order to incorporate the best practices. The 'Recording of results', if done, will ensure the checks are being carried out as required.</p>
<p>46. 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 (a flag person) to guide their actions, and organizational measures must be taken to prevent collisions of the load which could endanger workers.</p>	<p>4.2.3 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 organizational measures must be taken to prevent collisions of the load which could endanger workers.</p>	<p>Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC. The numbering was also revised.</p>
<p>47. Work must be organized in such a way that, when a worker is attaching (slinging) or detaching a load by hand, the worker retains direct or indirect control of the work equipment.</p>	<p>4.2.4 Work must be organized in such a way that, when a worker is attaching or detaching a load by hand, it can be done safely, namely through the worker retaining direct or indirect control of the work equipment.</p>	<p>To better align with Annex II of Directive 2009/104/EC and to renumber the subparagraph.</p>
<p>48. All load lifting operations must be properly planned and supervised in such a way as to protect the safety of workers. If a load has to be lifted simultaneously by two or more items of work equipment</p>	<p>4.2.5. All load lifting operations must be properly planned, appropriately supervised and carried out in such a way as to protect the safety of workers.</p>	

SLS draft legal act provision's wording	Recommended wording	Rationale
<p>designed for lifting non-guided loads, a relevant procedure (work order project) must be established and applied to ensure good coordination on the part of the operators.</p>	<p>4.2.6. 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.</p>	
<p>49. 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.</p> <p>Suspended loads must not be left unsupervised unless access to the danger zone is prevented and the load is safely held.</p>	<p>4.2.7. 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.</p> <p>4.2.8. 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.</p>	<p>To renumber subparagraphs.</p>
<p>50. Open-air use of work equipment for lifting non-guided loads must be halted when meteorological conditions deteriorate to the point of jeopardizing the safe use of the equipment and exposing workers to greater risks. Adequate protection measures to prevent work equipment turning over must be taken to avoid any risks to workers.</p>	<p>4.2.9. Open-air use of work equipment designed for lifting non-guided loads must be halted when meteorological conditions deteriorate to the point of jeopardizing the safe use of the equipment and exposing workers to risks. Adequate protection measures, in particular measures to avoid work equipment turning over, must be taken to avoid any risks to workers.</p>	<p>The numbering sequence has been changed to follow that in Annex II of Directive 2009/104/EC.</p> <p>Text changes have been made to comply with the wording in Annex II of Directive 2009/104/EC.</p>

<p>Provisions concerning the use of work equipment provided for temporary work at a height</p> <p>51. Work equipment for temporary work at a height must comply with the requirements of the technical documents concerning operation of such work equipment.</p> <p>52. 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.</p> <p>Collective protection measures must be given priority over personal protection measures.</p> <p>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.</p> <p>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 reached, and the duration of use.</p> <p>The choice made must permit evacuation in the event of danger. Passage in either direction between a means of access and platforms, decks or gangways must not give rise to any risk of falling.</p>	<p>5. Provisions concerning the use of work equipment provided for temporary work at a height</p> <p>5.1. General Provisions</p> <p>5.1.1. If, pursuant Article 25 of Law of Ukraine “On Occupational Safety and Health of Workers” which transposes Article 6 of the EU OSH Framework Directive 89/391/EEC and Article 3 of this Decree, 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.</p> <p>5.1.2. 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 reached, and the duration of use.</p> <p>5.1.3. The selected means of access to temporary workplaces at a height, mentioned in the previous provision, must permit evacuation in the event of imminent danger.</p>	<p>Text has been changed to better align with the wording in Annex II of Directive 2009/104/EC, by referring to the national legislation that implements Article 6 of EU OSH Framework Directive 89/391/EEC on the general obligations of employers, including the implementation of the necessary OSH measures in accordance with the General Principles of Prevention.</p> <p>Directive paragraphs were also disaggregated, in order to improve clarity.</p> <p>Paragraphs and subparagraphs were also numbered / renumbered, for clarity and to facilitate their use and understanding.</p>
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	5.1.4. Passage in either direction between a means of access and platforms, decks or gangways must not give rise to any risk of falling.	
53. Ladders may be used as work stations for work at a height according to requirements in para. 52 only if the use of other, safer work equipment is not justified because of low risk, short duration of use, or existing features on site that the employer cannot alter.	5.1.5. Ladders may be used as work stations for work at a height only under circumstances in which, given the requirements of subparagraph 5.1.1., 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.	To number / renumber the subparagraphs and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.
54. Rope access techniques may be used only under circumstances where the risk assessment indicates that the work can be performed safely. Taking into account of risk, duration of work and ergonomic constraints, provision must be made for a seat with appropriate accessories.	5.1.6. 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 equipment is not justified. 5.1.7. In the cases foreseen in the previous subparagraph, taking the risk assessment into account and depending in particular on the duration of work and ergonomic constraints, provision must be made for a seat with appropriate accessories.	
55. Depending on the type of work equipment selected pursuant to paras 52 and 53 of the Requirements, appropriate measures for minimizing the risks to workers	5.1.8. Depending on the type of work equipment selected pursuant subparagraph 5.1.: 5.1.8.1. the appropriate measures for minimizing the risks to workers inherent	To number / renumber the subparagraphs, to disaggregate provisions so as to improve clarity and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.

<p>inherent in that type of equipment must be determined.</p> <p>56. If necessary, safeguards to prevent falls must be installed, being of suitable configuration and sufficient strength to prevent or arrest falls from a height and eliminate likelihood of injury to workers. Collective safeguards to prevent falls may be interrupted only at points of ladder or stairway access.</p>	<p>in that type of equipment must be determined;</p> <p>5.1.8.2. If necessary, provision must be made for the installation of safeguards to prevent falls.</p> <p>5.1.8.3. The safeguards to prevent falls mentioned in the previous subparagraph:</p> <p>5.1.8.3.1. 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;</p> <p>5.1.8.3.2. May be interrupted only at points of ladder or stairway access.</p>	
<p>57. When the performance of a particular task requires the temporary removal of a collective safeguard designed to prevent falls, effective equivalent safety measures must be determined. Once the work has been finished or temporarily suspended, the collective safeguards to prevent falls must be reused.</p>	<p>5.1.9. When the performance of a particular task requires the temporary removal of a collective safeguard designed to prevent falls:</p> <p>5.1.9.1. Effective compensatory safety measures must be determined;</p> <p>5.1.9.2. The task may not be performed until such measures have been taken;</p> <p>5.1.9.3. Once the particular task has been finished, either definitely or temporarily, the collective safeguards to prevent falls must be reinstalled.</p>	
<p>58. Temporary work at a height may be carried out only when the weather conditions do not jeopardize the safety, health, and life of workers.</p>	<p>5.1.10. Temporary work at a height may be carried out only when the weather conditions do not jeopardize the safety and health of workers.</p>	<p>To renumber the subparagraphs and to bring its wording closer to that of Annex II of Directive 2009/104/EC.</p>

<p>Specific provisions regarding the use of ladders</p> <p>59. Ladders must be so positioned as to ensure their stability during use.</p> <p>Portable ladders must rest on a stable, strong, suitably-sized immobile footing so that the rungs remain horizontal.</p> <p>Suspended ladders, with the exception of rope ladders, must be installed in such a way that they cannot be displaced and swinging is prevented.</p>	<p>5.2. Specific provisions regarding the use of ladders</p> <p>5.2.1. Ladders must be so positioned as to ensure their stability during use.</p> <p>5.2.1.1. Portable ladders must rest on a stable, strong, suitably-sized immobile footing so that the rungs remain horizontal.</p> <p>5.2.1.2. Suspended ladders must be attached in a suitable manner and, with the exception of rope ladders, in such a way that they cannot be displaced and swinging is prevented.</p>	<p>To number / renumber the subparagraphs, to disaggregate provisions so as to improve clarity and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.</p>
<p>60. The feet of portable ladders must be prevented from slipping during use by securing their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness.</p> <p>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.</p> <p>Interlocking ladders and extension ladders must be used in such a way that the different sections are prevented from moving relative to one another.</p> <p>Mobile ladders must be reliably fixed before they are used.</p>	<p>5.2.2. The feet of portable ladders must be prevented from slipping during use by securing their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness.</p> <p>5.2.3. 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.</p> <p>5.2.4. Interlocking ladders and extension ladders must be used in such a way that the different sections are prevented from moving relative to one another.</p> <p>5.2.5. Mobile ladders must be reliably fixed before they are stepped on.</p>	

<p>61. Ladders must be used in such a way that a secure handhold and secure feet support are available to workers at all times. If a load has to be carried by a worker by hand, it must not preclude the maintenance of a safe handhold.</p>	<p>5.2.6 Ladders must be used in such a way that a secure handhold and secure support are available to workers at all times.</p> <p>5.2.7. If a load has to be carried in a ladder by a worker by hand, it must not preclude the maintenance of a safe handhold.</p>	
<p>Specific provisions regarding the use of scaffolding</p>	<p>5.3 Specific provisions regarding the use of scaffolding</p>	<p>To number the subparagraph.</p>
<p>63. Unless scaffolding is assembled in conformity with a generally recognized standard configuration, where calculations for the scaffolding or structural arrangements contemplated are not available, the respective strength and stability calculations must be carried out.</p>	<p>5.3.1 Where 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 recognized standard configuration.</p>	<p>To better align with subparagraph 4.3.1. of Annex II of Directive 2009/104/EC. Also to renumber the subparagraph.</p>
<p>64. Depending on the complexity of the scaffolding chosen, the employer ensures drawing-up of an assembly, use and dismantling procedure (work order project), which may be standard, supplemented by items relating to specific details of the scaffolding chosen.</p>	<p>5.3.2. Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan must be drawn up by a competent person, which may be a standard plan, supplemented by items relating to specific details of the scaffolding in question.</p>	<p>To better align with Annex II of Directive 2009/104/EC. Also to renumber the subparagraph.</p>
<p>65. 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</p>	<p>5.3.3. 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.</p>	<p>To disaggregate provisions so as to improve clarity and to number / renumber the subparagraphs.</p>

<p>ensure that the scaffolding is stable. Wheeled scaffolding must be prevented by appropriate devices from moving accidentally during work at a height.</p>	<p>5.3.4. Steps must be taken to ensure that the scaffolding is stable. 5.3.5. Wheeled scaffolding must be prevented by appropriate devices from moving accidentally during work at a height.</p>	
<p>66. 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 and that there are no dangerous gaps between the deck components and the vertical collective safeguards designed to prevent falls.</p>	<p>5.3.6. The dimensions, form and layout of scaffolding decks must: 5.3.6.1. Be appropriate to the nature of the work to be performed and suitable for the loads to be carried; 5.3.6.2. Permit work and passage in safety. 5.3.7. Scaffolding decks must be assembled in such a way that their components cannot move in normal use. 5.3.8. There must be no dangerous gaps between the deck components and the vertical collective safeguards designed to prevent falls.</p>	<p>To number / renumber the subparagraphs, to disaggregate provisions so as to improve clarity and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.</p>
<p>67. When parts of a scaffolding are not ready for use during assembly, dismantling or alteration of configuration, they must be marked with respective warning signs according to the legislation and must be provided with means preventing access to the danger zone.</p>	<p>5.3.9. When parts of a scaffolding are not ready for use, for example during assembly, dismantling or alteration of configuration, they must be: 5.3.9.1. Marked with respective warning signs, according to the provisions of the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work” which transposes the EU Council Directive 92/58/EEC;</p>	<p>To number / renumber the subparagraphs, to disaggregate provisions so as to improve clarity and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.</p> <p>Also to ensure that the text of this provision refers to the CMU Decree “On Minimum Requirements for the Provision of Safety and Health Signs at Work” that will transpose to the internal juridical order the provisions of the EU Directive 92/58/EEC, on the minimum requirements for the provision of safety and/or health signs at work.</p>

	<p>5.3.9.2. Suitably delimited by physical means preventing access to the danger zone.</p>	
<p>68. Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person by workers who have received specific training in the operations envisaged, addressing specific risks in accordance with para. 18 of the Requirements, including:</p> <ul style="list-style-type: none"> understanding of the plan for the assembly, dismantling or alteration of configuration; safety measures during the assembly, dismantling or alteration of configuration; measures to prevent the risk of persons or objects falling; safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding; permissible loads; any other risks which the abovementioned scaffolding assembly, dismantling or alteration operations may entail. <p>The responsible person supervising and the workers performing the work must have available the assembly, use, and dismantling procedure (work order project) referred to in para. 63 of Annex II as well as any instructions required.</p>	<p>5.3.10. Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person and by workers who have received specific training in the operations envisaged, addressing specific risks in accordance with Article 9 of this Decree, and more particularly in:</p> <ul style="list-style-type: none"> 5.3.10.1. understanding the plan for the assembly, dismantling or alteration of the scaffolding concerned; 5.3.10.5. safety during the assembly, dismantling or alteration of the scaffolding concerned; 5.3.10.3. measures to prevent the risk of persons or objects falling; 5.3.10.4. safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding concerned; 5.3.10.5. permissible loads; 5.3.10.6. any other risks which the abovementioned scaffolding assembly, dismantling or alteration operations may entail. 5.3.11. The person supervising and the workers concerned, referred to in subparagraph 5.3.10. of this Annex, must have available the assembly, and 	<p>To number / renumber the subparagraphs, to disaggregate provisions so as to improve clarity and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.</p>

	<p>dismantling plan referred to in subparagraph 5.3.2. of Annex II, including any instructions which it may contain.</p>	
<p>Specific provisions regarding the use of rope access and positioning techniques</p> <p>69. Work at a height using rope access must comply with the following conditions:</p> <ul style="list-style-type: none"> the system must comprise at least two anchored ropes, one as a means of access, descent and support (work rope) and the other as backup (security rope); workers must be provided with appropriate harness and must be connected by it to the security rope; the work rope must be equipped with safe means of ascent and descent and have a self-locking system to prevent the worker's falling. The security rope must be equipped with a mobile fall prevention system which follows the movements of the worker; the tools and other accessories used by a worker must be secured to the worker's harness or seat or by some other appropriate means; the work must be planned and supervised, so that a worker can be rescued immediately in an emergency; in accordance with para. 18 of the Requirements, the workers concerned must 	<p>5.4. Specific provisions regarding the use of rope access and positioning techniques</p> <p>5.4.1. The use of rope access and positioning techniques must comply with the following conditions:</p> <ul style="list-style-type: none"> 5.4.1.1. 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); 5.4.1.2. workers must be provided with and use an appropriate harness and must be connected by it to the security rope; 5.4.1.3. the work rope must be equipped with safe means of ascent and descent and have a self-locking system to prevent the worker's falling. 5.4.1.4. The security rope must be equipped with a mobile fall prevention system which follows the movements of the worker; 5.4.1.5. the tools and other accessories used by a worker must be secured to the worker's harness or seat or by some other appropriate means; 5.4.1.6. the work must be properly planned and supervised, so that a 	<p>To number / renumber the subparagraphs, to disaggregate provisions so as to improve clarity and to bring their wording and sense closer to that of Annex II of Directive 2009/104/EC.</p>

<p>receive adequate training, in particular in rescue procedures.</p> <p>If, in view of the assessment of risks, the use of a security rope would make the work safer, the use of a single rope may be permitted as an exception, provided that appropriate safety measures have been taken.</p>	<p>worker can be rescued immediately in an emergency;</p> <p>5.4.1.7. in accordance with Article 9 of this Decree, the workers concerned must receive adequate training, in particular in rescue procedures.</p> <p>5.4.2. 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.</p>	<p>The text in para 4.4 of Annex II of Directive 2009/104/EC suggests that the exceptional circumstances can be spelt out in more detail in either legislation or national Guidance. If this is the case, it needs to be referred to here.</p>
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ANNEX III - TABLE OF CORRELATION

between the provisions of 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) **and the provisions of this Decree and its Annexes I and II**

Provisions of the Directive 2009/104/EC	Provisions of the Minimum Safety and Health Requirements for the Use of Work Equipment by Workers at Work
Article 1 (Subject matter)	Article 1 (Object and scope)
Article 2 (Definitions)	Article 2 (Definitions)
Article 3 (General obligations)	Article 3 (General Obligations)
Article 4 (Rules concerning work equipment)	Article 4 (Rules concerning work equipment)
Article 5 (Inspection of work equipment)	Article 5 (Technical inspection of work equipment)
Article 6 (Work equipment involving specific risks)	Article 6 (Work equipment involving specific risks)
Article 7 (Ergonomics and occupational health)	Article 7 (Ergonomics and occupational health)
Article 8 (Informing workers)	Article 8 (Informing workers)
Article 9 (Training of workers)	Article 9 (Training of workers)
Article 10 (Consultation of workers and workers' participation)	Article 10 (Consultation of workers and workers' participation)
-	Article 11 (Legal competence to promote, control and enforce compliance)
-	Article 12 (Employers Liability)
Article 11 (Amendment of the Annexes)	Article 13 (Amendment to the Annexes)
Article 14	Article 14 (Final and transitional provisions)
Article 12 (Final provisions)	-
Article 13	Article 14 (Final and transitional provisions)
Article 15	-
Annex I (Minimum Requirements)	Annex I (Minimum Requirements for all work equipment)
Annex II (Provisions concerning the use of work equipment)	Annex II (Provisions concerning the use of work equipment)
-	Annex III (Table of Correlation between Directive 2009/104/EC and this Decree and its Annexes I and II)
Annex III, Part A	-
Annex III, Part B	-
Annex IV (Correlation table between Directive 89/655/EEC and Directive 2009/104/EC)	-

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