Safety and health of workers: protection against risk from explosive atmospheres

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The Commission presented a working document accompanying the Commission communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the modernisation of the EU occupational safety and health legislation and policy.

The detailed ex-post evaluation of the EU acquis, checking their relevance as well as efficiency, effectiveness, coherence and EU added value, carried out by the Commission confirms that the framework meets its ambition to adequately protect workers.

Main conclusions: the evaluation concluded that the overall structure of the EU occupational safety and health acquis, consisting of a goal-oriented Framework Directive complemented by specific Directives, is generally effective and fit-for-purpose.

However, it pointed to **specific provisions of individual Directives that have become outdated or obsolete**, and highlighted the need to find effective ways to **address new risks**.

The way in which Member States have transposed the EU occupational safety and health Directives varies considerably across Member States. Compliance costs therefore vary and cannot be easily dissociated from more detailed national requirements.

As regards SMEs: the evaluation clearly concluded that compliance with the occupational safety and health Directives is more challenging for SMEs than large establishments, while at the same time the **major and fatal injury rates are higher for SMEs**. Specific support measures are therefore necessary to **reach SMEs** and help them increase their compliance in an efficient and effective way.

Next steps: the evaluation considered that occupational safety and health measures should reach the widest number of people at work, **no matter the type of working relationship they are in, and no matter the size of company they work for**. Compliance with occupational safety and health rules should be manageable for businesses of all sizes and effectively monitored on the ground.

Measures must be result-oriented, instead of paper-driven, and maximum use should be made of **new digital tools** to facilitate implementation.

Characteristics of the evaluation: this exercise also forms part of the Commission's Regulatory Fitness (REFIT) Programme with a special focus on SMEs. In this respect, the evaluation concentrated both on Framework Directive 89/391/EEC and on the other 23 directives related to it.

The evaluation also concerned Directive 1999/92/EC of the European Parliament and of the Council on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres

(explosive atmospheres workplace/ATEX Workplace)) (fifteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

The Directive lays down minimum requirements for the safety and health protection of workers potentially at risk from explosive atmospheres. It obliges the employer to take technical and/or

organisational measures appropriate to the nature of the operation, in order protect the health and safety of workers.

The study recommended to revise the Directive in order to:

- make clear the ways that explosive gas/vapours and dust clouds are generated and sustained;
- include smouldering dust fires as a hazard in its own right;
- include combustible dust layers in the definition of hazardous areas.

It is also proposed to review: (a) information for workers under Directive 1999/92/EC to include relevant information requirements on explosive atmosphere; (b) the definition of zones to ensure similar interpretations in Member States to avoid barriers to the free movement of ATEX equipment; (c) guidelines for the application of Directive 1999/92/EC to equipment and protective systems placed on the market before the entry into force of Directive 94/9/EC (ATEX equipment) and equipment not falling under the scope of this Directive.

Lastly, it is proposed to simplify the Directive by including the explosion protection document as an integral part of the document on workplace risk assessments referred to in Article 9 of Directive 89/391 /EEC.