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

1995/0235(COD) - 22/12/1998 - Council position

The Council common position is based on an Austrian Presidency text which maintains in general terms the approach of the Commission's proposal but seeks to shorten the text in particular by avoiding repetition of provisions already contained in framework directive 89/391/EEC (in particular with regard to consultation and participation of workers and worker information) and concentrating on those provisions which are essential for the protection of workers potentially at risk from explosive atmospheres. It changes the general structure of the text of the Commission proposal by giving greater prominence to provisions in respect of the explosion protection document and the investigation and assessment of explosion risks. At the same time, the Council has considerably weakened the Commission's proposal by removing provisions considered essential for the protection of the health and safety of workers potentially at risk from explosive atmospheres, namely: 1) the requirement to regularly review the measures to prevent and to protect against explosions at least once a year has been replaced by the concept of a "regular review" at the discretion of the employer; 2) the removal of an article on appropriate supervision and competent workers (in this area, the Council refers back to the framework directive) 3) the removal of certain requirements from the annex regarding equipment already in use, such that the common position does not cover old equipment until it has been replaced. As regards the European Parliament's amendments, out of the 14 amendments which it adopted, the Council accepted 4 in total and 2 in part. These amendments relate to the following: - prevention of formation, avoidance of ignition and mitigation of the effects of explosive atmospheres; - strengthening coordination and provisions relating to the explosion protection document; - compliance of new work equipment with the directive from 30/06/2003; - classification of hazardous places according to the frequency and duration of explosive atmospheres; - making provision in the annexes for checks by competent persons of places where explosive atmospheres can occur. All of the other amendments (8 in total) were rejected (in particular, the amendment which sought to eliminate all risks to workers).