Basic information

1995/0235(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Safety and health of workers: protection against risk from explosive atmospheres **Subject** 4.15.15 Health and safety at work, occupational medicine	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	PRONK Bartho (PPE-DE)	13/09/1999

Former committee responsible	Former rapporteur	Appointed
EMPL Employment and Social Affairs	MATHER Graham (PPE)	26/09/1994

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets		
ITRE Industry, External Trade, Research, Energy		

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2201	1999-09-13
General Affairs	2232	1999-12-06
Research	2154	1998-12-22
Social Affairs	2145	1998-12-01
Social Affairs	2127	1998-10-27
Social Affairs	2182	1999-05-25

Key events

Date	Event	Reference	Summary

12/12/1994	Additional information		Summary
18/09/1995	Legislative proposal published	COM(1995)0310	Summary
07/05/1996	Vote in committee, 1st reading		Summary
07/05/1996	Committee report tabled for plenary, 1st reading	A4-0158/1996	
19/06/1996	Debate in Parliament		Summary
11/04/1997	Modified legislative proposal published	COM(1997)0123	Summary
27/10/1998	Debate in Council		
22/12/1998	Council position published	13836/4/1998	Summary
28/01/1999	Committee referral announced in Parliament, 2nd reading		
25/03/1999	Vote in committee, 2nd reading		Summary
25/03/1999	Committee recommendation tabled for plenary, 2nd reading	A4-0155/1999	
22/04/1999	Vote in committee, 1st reading		
22/04/1999	Committee report tabled for plenary confirming Parliament's position	A4-0258/1999	
04/05/1999	Debate in Parliament		
05/05/1999	Debate in Parliament		
25/05/1999	Debate in Council		
13/09/1999	Parliament's amendments rejected by Council		
21/10/1999	Formal meeting of Conciliation Committee		Summary
21/10/1999	Final decision by Conciliation Committee		
12/11/1999	Joint text approved by Conciliation Committee co-chairs	3623/1999	
19/11/1999	Committee referral announced in Parliament, 1st reading		
24/11/1999	Report tabled for plenary, 3rd reading	A5-0074/1999	
01/12/1999	Debate in Parliament		
02/12/1999	Decision by Parliament, 3rd reading	T5-0128/1999	Summary
06/12/1999	Decision by Council, 3rd reading		
16/12/1999	Final act signed		
16/12/1999	End of procedure in Parliament		
28/01/2000	Final act published in Official Journal		

Technical information

Procedure reference	1995/0235(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive

Legal basis	EC Treaty (after Amsterdam) EC 137-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/12080

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0158/1996 OJ C 166 10.06.1996, p. 0004	07/05/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0349/1996 OJ C 198 08.07.1996, p. 0160-0177	20/06/1996	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0155/1999 OJ C 219 30.07.1999, p. 0009	25/03/1999	
Committee final report tabled for plenary, 1st reading /single reading		A4-0258/1999 OJ C 279 01.10.1999, p. 0009	22/04/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T4-0355/1999 OJ C 279 01.10.1999, p. 0021-0055	04/05/1999	Summary
Text adopted by Parliament, 2nd reading		T4-0449/1999 OJ C 279 01.10.1999, p. 0257-0386	06/05/1999	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0074/1999 OJ C 194 11.07.2000, p. 0006	24/11/1999	
Text adopted by Parliament, 3rd reading		T5-0128/1999 OJ C 194 11.07.2000, p. 0013-0045	02/12/1999	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	13836/4/1998 OJ C 055 25.02.1999, p. 0045	22/12/1998	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0310 OJ C 332 09.12.1995, p. 0010	18/09/1995	Summary
Modified legislative proposal	COM(1997)0123 OJ C 184 17.06.1997, p. 0001	11/04/1997	Summary
Commission communication on Council's position	SEC(1999)0089	26/01/1999	Summary
Reconsultation	SEC(1999)0581	28/04/1999	

Commission opinion on Parliament's position at 2nd reading	COM(1999)0283	04/06/1999	Summary
Commission working document (SWD)	SWD(2017)0010	12/01/2017	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0251/1996 OJ C 153 28.05.1996, p. 0035	29/02/1996	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3623/1999	12/11/1999	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1999/0092
OJ L 023 28.01.2000, p. 0057 Summary

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

1995/0235(COD) - 20/06/1996 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Graham MATHER (PPE, UK), the European Parliament approved the proposal for a directive with the following amendments: - Parliament urged that the directive should be applied in a flexible way and thus proposed that it should follow certain principles for the prevention and reduction of effects of an explosion rather than preventing the formation of explosive atmospheres; it stressed that the requisite protection for workers can be provided only by taking measures to respect these principles; - on supervision, Parliament urged that it should be ensured by use of instruments and modern technical means as well as by education and training in working environments where explosive atmospheres may arise; where workers from several undertakings are present at the same workplace each employer shall ensure appropriate supervision of its workers or may designate one of the employers as overall supervisor; - on protection documents, Parliament asked that employer should draw up and keep up to date a health and safety plan, which may be a set of documents satisfying the pertinent requirements of Directive 89 /391/EEC; - requirements for modifications to hardware or equipment already used before entry into force of the directive must be applied on a similar timescale to Directive 94/98/EEC, which does not come into force before 2003. - the Member States must take measures to inform undertakings likely to be affected by the directive, particularly SMEs, of the provisions of the directive, particularly by ensuring a wide distribution of the vade-mecum setting out guidelines for some possible ways of complying with minimum requirements of the directive; - the periods for implementing the directive are extended (24 months after adoption of the directive instead of 31 December 1997); - finally, in Annex I (Zones), Parliament stresses that each zone or place where there is an explosive atmosphere should be assessed in accordance with normal operation.

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

1995/0235(COD) - 11/04/1997 - Modified legislative proposal

The European Commission's amended proposal incorporates, in full or in part, 10 of the 14 amendments approved by the European Parliament at first reading. The main amendments incorporated cover the following points: - appropriate supervision of workers, using monitoring devices and modern

technical means (however, the Commission has not accepted the part of the amendment on the training of workers and the designation of a responsible employer where workers from several undertakings are present at the same workplace), - the obligation to draw up an explosion protection document and keep it up to date, - requirements relating to work equipment in use before entry into force of the Directive, - preparation of a vademecum setting out general guidelines, - information for SMEs on the main provisions of the directive, - amendment of the Annex on 'explosion zones', which must be assessed on the basis of their normal operation. The Commission has not accepted the amendment relating to the date of entry into force of the Directive (24 months after adoption). It proposes 31 December 1999 as the date for transposition of in the Member States. A second parallel group of amendments introduced by the Commission cover editorial and linguistic aspects and attempt to make the text of the proposal consistent with that of Directive 94/9/EC on protective systems intended for use in potentially explosive atmospheres.

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

1995/0235(COD) - 06/05/1999 - Text adopted by Parliament, 2nd reading

At second reading under codecision procedure, the European Parliament adopted the recommendation by Bartho Pronk (PPE,NL), which amends the Council common position on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres, notably in the following areas: - explicitly setting out employers' general obligations in this area; - requiring that, further to the provisions made in the common position, the explosion protection document shall also demonstrate that the workplace and work equipment, including warning devices, are designed, operated and maintained with due regard for safety and that arrangements have been made for the safe use of work equipment; - requiring the Commission to draw up a vademecum setting out guidelines for possible ways of complying with the minimum requirements contained in the directive; - requiring Member States to ensure that measures are taken to inform undertakings likely to be affected by the proposed directive (particularly SMEs) of its provisions and that the proposed vademecum is widely distributed; - providing that, if an explosive atmosphere contains several types of flammable and/or combustible gases, vapours, mists or dusts, protective measures shall be appropriate to the greatest potential hazard; - providing that, where equipment and protective systems can give rise to a spread of additional risks in the event of a power failure, it must be possible to maintain them in a safe state of operation independently of the rest of the installation; - providing that manual override must be possible in order to shut down the equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that this does not compromise safety and only workers competent to do so take such action; - providing that, when the emergency shutdown system is actuated, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard.

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

1995/0235(COD) - 04/06/1999 - Commission opinion on Parliament's position at 2nd reading

The Commission considers all 8 amendments, adopted by the European Parliament during its second reading, acceptable. The Commission has amended its proposal as a consequence. The amendments aim at : - the reintroduction of the general obligations upon the employer concerning a safe working environment, appropriate supervision and designation of an overall supervisor (which were deleted by the Council); - the reintroduction of the requirements of the Commission's proposal design, operation and maintenance of the workplace and work equipment including safety warning signs are safe; - reintroducing the requirement of the establishment of a vademecum setting out guidelines for some possible ways of complying with the directive; - reintroducing the requirement of an obligation of information to undertakings in particular to SMEs; - the reintroduction of protection measures corresponding to the greatest potential hazard for certain gases and dangerous fumes; - the reintroduction of requirements already applicable to new equipment (e.g.: the containment of risks originating from power failure, the possibility of a manual override of automatic processes, etc...); - bringing into line of certain safety signs.

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

1995/0235(COD) - 04/05/1999 - Text adopted by Parliament confirming position adopted at 1st reading

Following the entry into force of the Treaty of Amsterdam on 01/05/99, the European Parliament confirmed (without debate) as its first reading under codecision procedure its vote of 20/06/96 on the proposal for a European Parliament and Council directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres. The Parliament's rapporteur is Bartho Pronk (NL,PPE).

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

1995/0235(COD) - 16/12/1999 - Final act

PURPOSE : to extend explosion protection to all industrial sectors and to supplement the existing directive concerning equipment and protective systems (daughter directive of Council Directive 89/391/EEC on workers' health and safety). COMMUNITY MEASURE : Directive 1999/92/EC on

minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual directive within the meaning of Article 16(1) of Directive 89/391/EEC). CONTENT : The Directive places a number of obligations on employers : a general duty to prevent and protect against explosions, the duty to produce and maintain an 'explosion protection document' (a health and safety plan for explosion protection measures providing detailed information about the steps taken), a duty to classify places where explosive atmospheres may occur into zones (based on the nature of such an atmosphere, the frequency and duration of its occurrence and an assessment of its anticipated effects). Dangerous areas in the workplace will have to be signposted with a prescribed European warning sign. The Commission has been mandated to draw up practical guidelines in the form of a non-binding guide of good practice. Member States shall take the greatest possible account of this guide in drawing up their national policies for the protection of the health and safety of workers. They shall also, on request, endeavour to make relevant information available to employers. ENTRY INTO FORCE: 28/01/2000. Member States must transpose the Directive into national legislation by 30/06 /2003 at the latest.

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

1995/0235(COD) - 02/12/1999 - Text adopted by Parliament, 3rd reading

Under the codecision procedure, third reading, the Parliament approved the joint text.

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

1995/0235(COD) - 18/09/1995 - Legislative proposal

PURPOSE: to set and harmonise the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres; to create a framework for industry, in general, of protection against explosions equivalent to that which exists for the extractive industry. CONTENT: - field of application: exclusion from the field of the Directive's scope of medical environments, appliances burning gaseous fuels, handling of explosives, the use of means of transport to which the pertinent provisions of international agreements and implementing Community Diretives apply, and extractive industries; - definition of an explosive atmosphere; - employer obligations: prevention of and protection against explosions, assessment of explosion risks. To respect these obligations, the proposal lays down technical requirements with which work equipment and the workplace must comply. A document regarding protection against explosions will be drawn up by the employer who assesses the risks. - The employer is required to classify places (in the workplace) by zone (described in Annex I) where workers are likely to be exposed to explosive atmospheres and has to apply minimal requirements (outlined in Annex IIa). These positions have to be duly indicated (Annex III). Transitional provisions are laid down for existing workplaces and equipment (those considered safe may continue to operate). From 01.07.2003, all equipment put into service for the first time would have to conform with the Directive (transitional periods of 3 years are provided for workplaces that are already used). - A Vademecum will be drawn up describing how the requirements of this Directive will be applied by the Council. The Directive provides for measures regarding the information and consultation of workers. The date for transposition of the Directive is set at 31.12.1997. - Annex I: classification of zones at risk: maximum conformity with existing international (ISO) standards and the taking into consideration of explosive atmospheres in the form of a combustible dust cloud in the air; - Annex IIA: requirements including organisational measures (obligation to have a sufficient number of qualified workers - work permits - written instructions), the evaluation of risks of explosion, the principles for the design of new or the modification of existing installations, protection measures against explosions (comparable to those that exist in Directive 94/9/EC on protection equipment and systems used in explosive atmospheres); - Annex IIb: correspondence between the categories defined in Directive 94/9/EC and the various work zones of this Directive; Annex III: presentation of a system of uniform signs for dangerous places (application of the 'EX' symbol); - Annex IV (not binding): indicative criteria for the execution of works in the zones; - Annex V: non-exhaustive list of subjects to be dealt with in the Vademecum drawn up in agreement with the Council.

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).

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

1995/0235(COD) - 29/02/1996 - Economic and Social Committee: opinion, report

The Committee approves the Commission's proposal. It urges the Commission and the Council to confirm that explosion risks due to chemical substances containing oxygen and fuel will be covered by the chemical agents Directive, and to ensure that there is no uncertainty or overlap between the two proposals. It would also draw the Commission's attention to the importance and relevance of inserting a reference to Articles 8 (among employers' obligations) and 13 (workers' obligations) of the Framework Directive in the present proposal. As regards questions of work organization, workplaces and equipment already in use, the three-year deadline stipulated in Article 9(4) for compliance with the minimum requirements could be eventually extended to five with a view to facilitating application, particularly by SMEs and crafts. In connection with the technical adjustments to the Annexes, the Committee underlines the important role of the social partners. The Advisory Committee for Safety, Hygiene and Health Protection at Work should be given a more prominent role at the application stage of the Directive and in preparing the vademecum prior to submission to the Council.

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

1995/0235(COD) - 26/01/1999 - Commission communication on Council's position

The Commission regrets that the common position has considerably weakened the Commission's proposal since provisions considered essential for the protection of the health and safety of workers potentially at risk from explosive atmospheres have been removed. For this reason, the Commission maintains its reservations against the following deletions from the amended proposal: - the requirement to regularly review the measures to prevent and to protect against explosions at least once a year was considered essential as the concept of "regular review" is imprecise and lies within the discretion of the employer; - the reintroduction of requirements on appropriate supervision and on the competent workers was judged essential since work in potentially explosive atmospheres represents a specific risk to workers and the provisions of the framework directive are not sufficiently specific in this regard; - the Commission could not agree with the deletion of requirements relating to the criteria for the selection of equipment and protective systems, since directive 94/9/EC is not applicable to equipment already in use. Without these requirements, workers will be exposed to risks relating to old equipment for which no community obligation exists, until the replacement of this old equipment takes place.

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

1995/0235(COD) - 12/01/2017

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.