Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

COUNCIL DIRECTIVE 92/91/EEC

of 3 November 1992

concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission[(1)], drawn up after consultation with the Safety and Health Commission for the Mining and other Extractive Industries,

In cooperation with the European Parliament[(2)],

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

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

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

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

Whereas Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC[(4)]) does not apply to the extractive industries;

Whereas compliance with the minimum requirements designed to guarantee a better standard of safety and health for the mineral-extracting industries through drilling is essential to ensure the safety and health of workers;

Whereas the mineral-extracting industries through drilling constitute an area of activity likely to expose workers to particularly high levels of risk;

Whereas this Directive is an individual directive within the meaning of Article 16 (1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work[(5)]; whereas, therefore, the provisions

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.

of the said Directive apply in full to the mineral-extracting industries through drilling without prejudice to more stringent and/or specific provisions contained in this Directive;

Whereas this Directive is a practical contribution towards creating the social dimension of the internal market,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Subject

1 This Directive, which is the eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum requirements for the safety and health protection of workers in the mineral-extracting industries through drilling defined in

2 The provisions of Directive 89/391/EEC shall apply in full to the sphere referred to in paragraph 1, without prejudice to more stringent and/or specific provisions contained in this Directive.

Article 2

Definitions

For the purpose of this Directive:

(a) *mineral-extracting industries through drilling* shall mean all the industries practising:
- — extraction, in the strict sense of the word, of minerals through drilling by boreholes, and/or
- — prospection with a view to such extraction, and/or
- — preparation of extracted materials for sale, excluding the activities of processing the materials extracted;

(b) *workplace* shall mean the whole area intended to house workstations, relating to the immediate and ancillary activities and installations of the mineral-extracting industries through drilling, including accommodation, where provided, to which workers have access in the context of their work.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

SECTION II

EMPLOYERS' OBLIGATIONS

Article 3

General obligations

1 To safeguard the safety and health of workers, the employer shall take the necessary measures to ensure that:

a workplaces are designed, constructed, equipped, commissioned, operated and maintained in such a way that workers can perform the work assigned to them without endangering their safety and/or health and/or those of other workers;

b the operation of workplaces when workers are present takes place under the supervision of a person in charge;

c work involving a special risk is entrusted only to competent staff and carried out in accordance with the instructions given;

d all safety instructions are comprehensible to all the workers concerned;

e appropriate first-aid facilities are provided;

f any relevant safety drills are performed at regular intervals.

2 The employer shall ensure that a document concerning safety and health, hereinafter referred to as 'safety and health document', covering the relevant requirements laid down in Articles 6, 9 and 10 of Directive 89/391/EEC, is drawn up and kept up to date.

The safety and health document shall demonstrate in particular:

— that the risks incurred by the workers at the work place have been determined and assessed,

— that adequate measures will be taken to attain the aims of this Directive,

— that the design, use and maintenance of the workplace and of the equipment are safe.

The safety and health document must be drawn up prior to the commencement of work and be revised if the workplace has undergone major changes, extensions or conversions.

3 Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters under his control.

The employer who, in accordance with national laws and/or practices, is in charge of the workplace, shall coordinate the implementation of all the measures concerning the safety and health of the workers and shall state, in his safety and health document, the aim of that coordination and the measures and procedures for implementing it.

The coordination shall not affect the responsibility of the individual employers as provided for in Directive 89/391/EEC.

4 The employer shall, without delay, report any serious and/or fatal occupational accidents and situations of serious danger to the competent authorities.

If necessary, the employer shall update the safety and health document recording measures taken to avoid any repetition.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Article 4

Protection from fire, explosions and health-endangering atmospheres

The employer shall take measures and precautions appropriate to the nature of the operation:

— to avoid, detect and combat the starting and spread of fires and explosions, and

— to prevent the occurance of explosive and/or health-endangering atmospheres.

Article 5

Escape and rescue facilities

The employer shall provide and maintain appropriate means of escape and rescue in order to ensure that workers have adequate opportunities for leaving the workplaces promptly and safely in the event of danger.

Article 6

Communication, warning and alarm systems

The employer shall take the requisite measures to provide the necessary warning and other communication systems to enable assistance, escape and rescue operations to be launched immediately if the need arises.

Article 7

Keeping workers informed

1 Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Article 3 to 6.

2 The information must be comprehensible to the workers concerned.

Article 8

Health surveillance

1 To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices.

2 The measures referred to in paragraph 1 shall be such that each worker shall be entitled to or shall undergo health surveillance before being assigned to duties related to the activities referred to in Article 2 and subsequently at regular intervals.

3 Health surveillance may be provided as part of a national health system.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Article 9

Consultation of workers and workers' participation

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on the matters covered by this Directive.

Article 10

Minimum requirements for safety and health

1 Workplaces used for the first time after the date on which this Directive is brought into effect as referred to in Article 12 (1) must satisfy the minimum safety and health requirements laid down in the Annex.

2 Workplaces already in use before the date on which this Directive is brought into effect as referred to in Article 12 (1) must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest five years after that date.

3 When workplaces undergo changes, extensions and/or conversions after the date on which this Directive is brought into effect as referred to in Article 12 (1), the employer shall take the measures necessary to ensure that those changes, extensions and/or conversions are in compliance with the corresponding minimum requirements laid down in the Annex.

SECTION III

OTHER PROVISIONS

Article 11

Adjustments to the Annexes

Purely technical adjustments to the Annexes in line with:

— the adoption of Directives in the field of technical harmonization and standardization concerning the mineral-extracting industries through drilling, and/or

— technical progress, changes in international regulations or specifications, and new findings concerning the mineral-extracting industries through drilling,

shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

Article 12

Final provisions

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 24 months after its adoption. They shall forthwith inform the Commission thereof.