Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

COUNCIL DIRECTIVE 92/57/EEC

of 24 June 1992

on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth 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)], submitted after consulting the Advisory Committee on Safety, Hygiene and Health Protection at Work,

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

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

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

Whereas, under the terms of that Article, those directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

Whereas the communication from the Commission on its programme concerning safety, hygiene and health at work[(4)] provides for the adoption of a Directive designed to guarantee the safety and health of workers at temporary or mobile construction sites;

Whereas, in its resolution of 21 December 1987 on safety, hygiene and health at work[(5)], the Council took note of the Commission's intention of submitting to the Council in the near future minimum requirements concerning temporary or mobile construction sites;

Whereas temporary or mobile construction sites constitute an area of activity that exposes workers to particularly high levels of risk;

Whereas unsatisfactory architectural and/or organizational options or poor planning of the works at the project preparation stage have played a role in more than half of the occupational accidents occurring on construction sites in the Community;

Whereas in each Member State the authorities responsible for safety and health at work must be informed, before the beginning of the works, of the execution of works the scale of which exceeds a certain threshold;

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.*

Whereas, when a project is being carried out, a large number of occupational accidents may be caused by inadequate coordination, particularly where various undertakings work simultaneously or in succession at the same temporary or mobile construction site;

Whereas it is therefore necessary to improve coordination between the various parties concerned at the project preparation stage and also when the work is being carried out;

Whereas compliance with the minimum requirements designed to guarantee a better standard of safety and health at temporary or mobile construction sites is essential to ensure the safety and health of workers;

Whereas, moreover, self-employed persons and employers, where they are personally engaged in work activity, may, through their activities on a temporary or mobile construction site, jeopardize the safety and health of workers;

Whereas it is therefore necessary to extend to self-employed persons and to employers where they are personally engaged in work activity on the site certain relevant provisions of Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive)[(6)], and of Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive)[(7)];

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[(8)]; whereas, therefore, the provisions of the said Directive are fully applicable to temporary or mobile construction sites, without prejudice to more stringent and/or specific provisions contained in this Directive;

Whereas this Directive constitutes a practical step towards the achievement of the social dimension of the internal market with special reference to the subject matter of Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products[(9)] and the subject matter covered by Council Directive 89/440/EEC of 18 July 1989 amending Direaive 71/305/EEC concerning coordination of procedures for the award of public work contracts[(10)];

Whereas, pursuant to Council Decision 74/325/EEC[(11)], the Advisory Committee on Safety, Hygiene and Health Protection at Work is consulted by the Commission with a view to drawing up proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Subject

1 This Directive, which is the eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum safety and health requirements for temporary or mobile construction sites, as defined in Article 2 (a).

2 This Directive shall not apply to drilling and extraction in the extractive industries within the meaning of Article 1 (2) of Council Decision 74/326/EEC of 27 June 1974 on the extension of the responsibilities of the Mines Safety and Health Commission to all mineral-extracting industries[12].

3 The provisions of Directive 89/391/EEC are fully applicable to the whole scope referred to in paragraph 1, without prejudice to more stringent and/or specific provisions contained in this Directive.

Article 2

Definitions

For the purposes of this Directive:

(a) ‘temporary or mobile construction sites’ (hereinafter referred to as ‘construction sites’) means any construction site at which building or civil engineering works are carried out; a non-exhaustive list of such works is given in Annex I;

(b) ‘client’ means any natural or legal person for whom a project is carried out;

(c) ‘project supervisor’ means any natural or legal person responsible for the design and/or execution and/or supervision of the execution of a project, acting on behalf of the client;

(d) ‘self-employed person’ means any person other than those referred to in Article 3 (a) and (b) of Directive 89/391/EEC whose professional activity contributes to the completion of a project;

(e) ‘coordinator for safety and health matters at the project preparations stage’ means any natural or legal person entrusted by the client and/or project supervisor, **[**[X1]during the project preparation stage**]**, with performing the duties referred to in Article 5;

(f) ‘coordinator for safety and health matters at the project execution stage’ means any natural or legal person entrusted by the client and/or project supervisor, during execution of the project, with performing the duties referred to in Article 6.

Editorial Information

X1 Substituted by Corrigendum to Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (Official Journal of the European Communities No L 245 of 26 August 1992).

Article 3

Appointment of coordinators — Safety and health plan — Prior notice

1 The client or the project supervisor shall appoint one or more coordinators for safety and health matters, as defined in Article 2 (e) and (f), for any construction site on which more than one contractor is present.

2 The client or the project supervisor shall ensure that prior to the setting up of a construction site a safety and health plan is drawn up in accordance with Article 5 (b).

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.*

[X2The Member States may, after consulting both management and the workforce, allow derogations from the provisions of the first subparagraph, except where it is a question of:

— work involving particular risks as listed in Annex II, or

— work for which prior notice is required pursuant to paragraph 3 of this Article.]

3 In the case of constructions sites:

— on which work is scheduled to last longer than 30 working days and on which more than 20 workers are occupied simultaneously, or

— on which the volume of work is scheduled to exceed 500 person-days,

the client or the project supervisor shall communicate a prior notice drawn up in accordance with Annex III to the competent authorities before work starts.

The prior notice must be clearly displayed on the construction site and, if necessary, periodically updated.

Editorial Information

X2 Substituted by Corrigendum to Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (Official Journal of the European Communities No L 245 of 26 August 1992).

Article 4

Project preparation stage: general principles

The project supervisor, or where appropriate the client, shall take account of the general principles of prevention concerning safety and health referred to in Directive 89/391/EEC during the various stages of designing and preparing the project, in particular:

— when architectural, technical and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession,

— when estimating the period required for completing such work or work stages. Account shall also be taken, each time this appears necessary, of all safety and health plans and of files drawn up in accordance with Article 5 (b) or (c) or adjusted in accordance with Article 6 (c).

Article 5

Project preparation stage: duties of coordinators

The coordinator(s) for safety and health matters during the project preparation stage appointed in accordance with Article 3 (1) shall:

(a) coordinate implementation of the provisions of Article 4;

(b) draw up, or cause to be draw up, a safety and health plan setting out the rules applicable to the construction site concerned, taking into account where necessary the industrial activities taking place on the site; this plan must also include specific measures concerning work which falls within one or more of the categories of Annex II;

(c) prepare a file appropriate to the characteristics of the project containing relevant safety and health information to be taken into account during any subsequent works.

Article 6

Project execution stage: duties of coordinators

The coordinator(s) for safety and health matters during the project execution stage appointed in accordance with Article 3 (1) shall:

(a) coordinate implementation of the general principles of prevention and safety:
- — when technical and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession,
- — when estimating the period required for completing such work or work stages;

(b) coordinate implementation of the relevant provisions in order to ensure that employers and, if necessary for the protection of workers, self-employed persons:
- — apply the principles referred to in Article 8 in a consistent manner,
- — where required, follow the safety and health plan referred to in Article 5 (b);

(c) make, or cause to be made, any adjustments required to the safety and health plan referred to in Article 5 (b) and the file referred to in Article 5 (c) to take account of the progress of the work and any changes which have occurred;

(d) organize cooperation between employers, including successive employers on the same site, coordination of their activities with a view to protecting workers and preventing accidents and occupational health hazards and reciprocal information as provided for in Article 6 (4) of Directive 89/391/EEC, ensuring that self-employed persons are brought into this process where necessary;

(e) coordinate arrangements to check that the working procedures are being implemented correctly;

(f) take the steps necessary to ensure that only **[**[X1]authorized persons are**]** allowed onto the construction site.

Editorial Information

X1 Substituted by Corrigendum to Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (Official Journal of the European Communities No L 245 of 26 August 1992).

Article 7

Responsibilities of clients, project supervisors and employers

1 Where a client or project supervisor has appointed a coordinator or coordinators to perform the duties referred to in Articles 5 and 6, this does not relieve the client or project supervisor of his responsibilities in that respect.