COUNCIL DIRECTIVE

of 4 December 1990

relating to the transitional measures applicable in Germany in the field of workers' health and safety

(90/659/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),

In cooperation with the European Parliament (2),

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

Whereas the European Economic Community has adopted a number of rules on the health and safety of workers;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas a special period must be provided for bringing the rules in force in the territory of the former German Democratic Republic into line with Community acts;

Whereas, although further administrative, technical and training problems make it difficult to apply the Directives correctly and may, in certain cases, result in delayed implementation where existing plant is concerned, any companies established after the date of unification must comply with the Directives on the protection of workers at the workplace,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Federal Republic of Germany shall adopt, in respect of the territory of the former German Democratic Republic, the laws, regulations and administrative provisions necessary to comply with the Directives referred to in the Annex by 31 December 1992. It shall immediately inform the Commission thereof, which shall inform the other Member States and the European Parliament.

With effect from the date of unification, new plant must comply with the Directives contained in the Annex.

When the Federal Republic of Germany adopts these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Federal Republic of Germany.

Article 2

The Federal Republic of Germany shall report on the implementation of this Directive before 31 December 1991 and 31 December 1992.

Its reports shall be forwarded to the Commission, which shall communicate them to the other Member States and the European Parliament.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

(1) OJ No L 266, 28. 9. 1990, p. 17, as amended on 25 October 1990 and 28 November 1990.

(2) Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).

(3) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).