# Council Directive 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) (89/654/EEC)

## COUNCIL DIRECTIVE

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)

(89/654/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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 the arrangement of the place of work;

Whereas compliance with the minimum requirements designed to guarantee a better standard of safety and health at work is essential to ensure the safety and health of workers;

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[(6)]; whereas the provisions of the latter are therefore fully applicable to the workplace without prejudice to more stringent and/or specific provisions contained in the present Directive;

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

Whereas, pursuant to Decision 74/325/EEC[7], as last amended by the 1985 Act of Accession, the Advisory Committee on Safety, Hygiene and Health Protection at Work is consulted by the Commission on the drafting of proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

## SECTION I

## GENERAL PROVISIONS

### *Article 1*

### Subject

1 This Directive, which is the first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum requirements for safety and health at the workplace, as defined in Article 2.

2 This Directive shall not apply to:

- a means of transport used outside the undertaking and / or the establishment, or workplaces inside means of transport;
- b temporary or mobile work sites;
- c extractive industries;
- d fishing boats;
- e fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.

3 The provisions of Directive 89/391 /EEC are fully applicable to the whole scope referred to in paragraph 1, without prejudice to more **[**[X1]stringent**]** and/or specific provisions contained in this Directive.

**Editorial Information**

**X1** Substituted by Corrigendum to Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directivewithin the meaning of Article 16 (1) of Directive 89/391/EEC) (Official Journal of the European Communities No L 393 of 30 December 1989).

### *Article 2*

### Definition

For the purposes of this Directive, ‘workplace’ means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment.

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SECTION II

## EMPLOYERS' OBLIGATIONS

*Article 3*

**Workplaces used for the first time**

Workplaces used for the first time after 31 December 1992 must satisfy the minimum safety and health requirements laid down in Annex I.

*Article 4*

**Workplaces already in use**

Workplaces already in use before 1 January 1993 must satisfy the minimum safety and health requirements laid down in Annex II at the latest three years after that date.

However, as regards the Portuguese Republic, workplaces used before 1 January 1993 must satisfy, at the latest four years after that date, the minimum safety and health requirements appearing in Annex II.

*Article 5*

**Modifications to workplaces**

When workplaces undergo modifications, extensions and/or conversions after 31 December 1992, the employer shall take the measures necessary to ensure that those modifications, extensions and/or conversions are in compliance with the corresponding minimum requirements laid down in Annex I.

*Article 6*

**General requirements**

To safeguard the safety and health of workers, the employer shall see to it that:

— traffic routes to emergency exits and the exits themselves are kept clear at all times,

— technical maintenance of the workplace and of the equipment and devices, and in particular those referred to in Annexes I and II, is carried out and any faults found which are liable to affect the safety and health of workers are rectified as quickly as possible,

— the workplace and the equipment and devices, and in particular those referred to in Annex I, point 6, and Annex II, point 6, are regularly cleaned to an adequate level of hygiene,

— safety equipment and devices intended to prevent or eliminate hazards, and in particular those referred to in Annexes I and II, are regularly maintained and checked.

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*Article 7*

**Information of workers**

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 the workplace.

*Article 8*

**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, including the Annexes thereto.

SECTION III

**MISCELLANEOUS PROVISIONS**

*[F1 Article 9*

**Amendments to the Annexes**

The Commission is empowered to adopt delegated acts in accordance with Article 9a to make strictly technical amendments to the Annexes, in order to take account of technical harmonisation and standardisation of the design, manufacture or construction of parts of workplaces, technical progress, changes in international regulations or specifications and knowledge with regard to workplaces.

Where, in duly justified and exceptional cases involving imminent, direct and serious risks to workers' and other persons' physical health and safety, imperative grounds of urgency require action in a very short timeframe, the procedure provided for in Article 9b shall apply to delegated acts adopted pursuant to this Article.]

**Textual Amendments**

**F1** Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

*[F2 Article 9a*

**Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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2 The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[8].

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**Textual Amendments**

**F2** Inserted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

*Article 9b*

**Urgency procedure**

1 Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and the Council shall state the reasons for the use of the urgency procedure.

2 Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 9a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.**]**

**Textual Amendments**

**F2** Inserted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny