

WORKING CONDITIONS DECREE

Version valid as from 23 August 2000

Integral version in which are incorporated: Bulletin of Acts, Orders and Decrees 1997, 217; Bulletin of Acts, Orders and Decrees 1997, 339; Bulletin of Acts, Orders and Decrees 1998, 111; Bulletin of Acts, Orders and Decrees 1998, 589; Bulletin of Acts, Orders and Decrees 1998, 691; Bulletin of Acts, Orders and Decrees 1999, 105; Bulletin of Acts, Orders and Decrees 1999, 234; Bulletin of Acts, Orders and Decrees 1999, 435; Bulletin of Acts, Orders and Decrees 2000, 210; Bulletin of Acts, Orders and Decrees 2000, 211; Bulletin of Acts, Orders and Decrees 2000, 327

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Incorporated Bulletins of Acts, Orders and Decrees 1997, 217; Bulletin of Acts, Orders and Decrees 1997, 339; Bulletin of Acts, Orders and Decrees 1998, 111; Bulletin of Acts, Orders and Decrees 1998, 589; Bulletin of Acts, Orders and Decrees 1998, 691; Bulletin of Acts, Orders and Decrees 1999, 105; Bulletin of Acts, Orders and Decrees 1999, 234; Bulletin of Acts, Orders and Decrees 1999, 435; Bulletin of Acts, Orders and Decrees 2000, 210; Bulletin of Acts, Orders and Decrees 2000, 211; Bulletin of Acts, Orders and Decrees 2000, 327

We Beatrix, by the Grace of God, Queen of the Netherlands, Princess of Oranje-Nassau, etc. etc. etc.

At the recommendation of 12 July 1996, no. WBJA/W2/96/0407, by the Secretary of State for Social Affairs and Employment and Our Ministers of Education, Culture and Science, the Interior, Transport and Public Works, Justice and the State Secretary of Defence, Direct Legislation, Administrative and Legal Affairs, also put forward on behalf of the Minister President, Minister of General Affairs and in accordance with the Minister of Economic Affairs;

In view of the Workings Conditions Act 1998 and Sections 5 and 8 of the Trading Hours Act;

Having considered the advice of the Socio-Economic Council of 9 February 1995, no. 95/31 I and II;

Having heard the Council of State (advice of 24 September 1996, no. W12.960298);

Having considered the further report by the State Secretary for Social Affairs and Employment and Our Ministers of Education, Culture and Science, the Interior, Transport and Public Works, Justice and the State Secretary of Defence of 18 December 1996, Direct Legislation, Administrative and Legal Affairs, no. WBJA/W2/96/1537, also issued on behalf of the Minister President, Minister of General Affairs and in accordance with the Minister of Economic Affairs;

Have approved and understood:

CHAPTER 1. DEFINITIONS AND SCOPE

PART 1. DEFINITIONS

Article 1.1. Definitions in general

1. In this Decree and the provisions based on it, the Act means: the Working Conditions Act 1998.
2. In this Decree and the provisions based on it the following words have the following meaning:
 - a. construction site: any temporary or mobile work site where civil engineering or construction activities are carried out, a non-exhaustive list of which is included in Appendix I of the Directive meant in Article 2.23, under a;
 - b. construction: a civil engineering work or construction as meant under a;
 - c. client: the natural person or corporation on whose account a construction is made;
 - d. client-consumer: the natural person not acting within the course of his profession or trade on whose account a construction is being made;
 - e. designing party: the natural person or corporation who undertook to the client or client-consumer to carry out the designing function in the construction stage;
 - f. executive party: the natural person or corporation who undertook to the client or client-consumer to carry out the executive function in the construction stage;
3. In this Decree and the provisions based on it the following words have the following meanings:
 - a. workplace in the mining industry: any workplace connected directly or indirectly with opencast mining;
 - b. minerals: a natural concentration or deposit on the soil or immediately below its surface of substances of organic origin, ores or minerals;
 - c. opencast mining: any industry:-
 1. extracting minerals in the open air;
 2. carrying out prospecting activities with a view to extraction of minerals in the open air, or

3. preparing minerals for sale with the exception of activities in connection with the processing minerals.
4. The following words in this Decree and the provisions based on it have the following meaning:
 - a. physical load: the working position to be adopted by the employee in connection with his work, movements to be carried out or powers to be applied for instance consisting of sitting and standing or lifting, pushing, pulling, carrying or moving or supporting in another manner one or more loads;
 - b. personal protection device: any equipment intended to be worn or carried by the employee in order to protect him against one or more hazards which could constitute a danger to his health or safety at work as well as all additions or accessories which could contribute to this with the exception of:
 1. ordinary and uniform work clothing not specifically intended to protect the health and safety of the employee;
 2. sporting equipment;
 3. material for self-defence or a deterrent, and
 4. portable devices to detect and identify hazards and load factors;
 - c. health or safety indication: an indication applied to a certain object, a certain activity or a certain situation by means of a sign, a colour, a light signal, an acoustic signal, a verbal communication or a hand or arm signal, an indication or given instruction concerning health or safety at work.
5. The following words in this Decree and the provisions based on it have the following meaning:
 - a. young employee: an employee below the age of 18 years;
 - b. pregnant employee: an employee who is pregnant and who has notified her employer of this;
 - c. breast-feeding employee: the employee breast feeding her child and who has notified her employer of this;
 - d. home employer:
 1. the employer meant in Article 1, paragraph 1, under a, and the second paragraph, part a, sub 1 of the Act insofar as he has another person carrying out work in a home;
 2. the employer as meant in Article 1, second paragraph, part a, sub 2 of the Act insofar as within the execution of a profession or trade he has another person carrying out a profession or trade by virtue of an agreement for contracting work or by virtue of an assignment agreement, unless this other person carries out a profession or trade independently (is self-employed) whereby he usually also undertakes to third parties to carry out such activities;
 - e. home worker: the other person, meant under d;
 - f. home work: the work meant under d with the exception of:
 1. work carried out to the home or for the benefit of manufacturing, altering, repairing, ornamenting, finishing or making suitable for use or maintaining or making the home more suitable in another manner;
 2. work of a nursing, caring or domestic nature, offered to persons in connection with illness, recuperation, age, being handicapped, death, psycho-social or relational problems.
6. In this Decree and the provisions based on it the term 'certifying institution' means: an institution appointed by our Minister by virtue of Section 20, second sub-section, of the Act which decides on the issue of a certificate as meant in Section 20 , first sub-section of this Act.
7. Where in this Decree the words <business> and <establishment> are used to indicate a location, this also includes any other place where employees are carrying out activities.

Article 1.2

[Repealed]

Article 1.3. Definitions concerning education

1. In this Decree and the provisions based on it the term 'educational institution' means: an educational institution paid for or appointed.
2. In this Decree and the provisions based on it, the term 'educational institution paid for' means:
 - a) a public or private school fully or partly paid for from public funds as meant in the Primary Education Act;
 - b) a public or private school fully or partly paid for from public funds as meant in the Interim Act concerning special education and special secondary education;
 - c) a public or private school, course or establishment fully or partly paid for from public funds as meant by or pursuant to the Secondary Education Act;
 - d) a public or special establishment fully or partly paid for from public funds as mentioned in the Appendix belonging to the Higher Education and Scientific Research Act, sub a and b;
 - e) a public or special institution fully or partly paid for from public funds as mentioned in the Appendix belonging to the Higher Education and Scientific Research Act, sub c to g;

- f) Heerlen Open University, mentioned in the Appendix belonging to the Higher Education and Research Act, under h;
 - g) a school as meant in the Educational Experiments Act;
 - h) a public or special institution for education and vocational secondary education wholly or partly paid for out of public funds as meant in the Adult and Vocational Education Act.
3. In this Decree and the provisions pursuant to it the term indicated educational institution means:
- a. a school as meant in Section 56 of the Secondary Education Act;
 - b. an institution as meant in Section 6.9 of the Higher Education and Research Act;
 - c. an institution as meant in Section 1.4.1 of the Adult and Vocational Education Act.
4. In this Decree and the provisions pursuant to it the term co-determination council means:
- a. a co-determination council as meant in the Participation Education Act 1992 or in Section 10.17 of the Higher Education and Research Act;
 - b. the personnel council of the Open University meant in Section 11.19 of the Higher Education and Research Act;
 - c. The student council of the Open University meant in Section 11.23 of the Higher Education and Research Act.

Article 1.4. Definitions of judicial institutions

1. In this Decree and the provisions pursuant to it the following terms have the following meaning:
- a. judicial personnel:
 - 1. persons who by virtue of a public law appointment in civilian public service are obliged to the Kingdom to carry out work in judicial institutions;
 - 2. persons who under the authority of the Kingdom are carrying out work in a judicial institution with the exception of prisoners, patients and young persons;
 - b. prisoners, patients and young persons: the persons who by virtue of a decision or ruling of the court or by the public authorities have rightfully been deprived of their freedom and are detained in a judicial institution with the exception of the soldiers imprisoned in the Nieuwesluis Penitentiary Centre;
 - c. Judicial institution: a prison or detention centre as meant in the Prisons Act, a judicial institution for nursing persons placed under a hospital order as meant in the Hospital Orders Framework Act or a national institution as meant in the Youth Services Act.
2. The term judicial institution also means: the transport of prisoners, patients and young persons to and from the judicial institution as well as all other work carried out by judicial personnel with prisoners, patients and young persons outside the judicial institution.

Article 1.5. Definitions of Defence

In this Decree and the provisions pursuant to it the following terms have the following meaning:

- a. military personnel:
 - 1. the military officials in actual service within the sense of Section 1, sub-section one and two, of the Military Personnel Act 1931;
 - 2. the conscripts in actual service within the sense of Sections 18, 19 and 21 of the National Service Framework Act;
- b. civilian personnel at the Ministry of Defence:
 - 1. Persons who by virtue of a public appointment in civilian public service are obliged to the Kingdom represented by the Minister of Defence to carry out work except if the person involved is being made available to a third party to carry out work, which this third party usually has carried out;
 - 2. Persons who under the authority of the Kingdom represented by the Minister of Defence are carrying out work;
- c. defence personnel: military personnel and civilian personnel at the Ministry of Defence;
- d. exercise: any putting into practice of skills theoretically taught by defence personnel in war simulations in order to acquire, increase or maintain proficiency in carrying out war duties;
- e. military vessel: a Dutch warship, marine auxiliary vessel or other ship used for carrying out military duties;
- f. military aircraft: an aircraft managed by the Ministry of Defence;
- g. manned weapon system: any weapon system propelled or not, which is manned or operated during use with the exception of a light personal weapon;
- h. a standby-unit: a unit appointed to this end and deployed or ready or which has to be kept ready to be deployed in connection with the armed forces.

Part 1A. Certification

§ 1. Appointment of certifying institutions

Article 1.5a. Appointment criteria

1. An institution complying with the following requirements may be appointed as a certifying institution if:
 - a) it is incorporated;
 - b) it has its registered office or a branch in the Netherlands;
 - c) it is independent;
 - d) it has sufficient expertise and equipment at its disposal to be properly able to fulfil the duties for which it is appointed;
 - e) it has a registration system at its disposal which records the data in connection with and relating to the performance of their duties in such a systematic way that on the basis of these data the certified product or quality system or the certified person can be sufficiently identified;
 - f) it functions properly.
2. With respect to the first paragraph detailed provisions can be laid down in a ministerial order.

Article 1.5b. Supplying information

1. The certifying institution should draw up a report each year before 1 March of the activities it has carried out within the scope of its duties and the regularity and effectiveness of its activities and operations in the previous calendar year. The report should be sent to Our Minister. Detailed provisions will be laid down by ministerial order concerning the subjects which should at least be dealt with in the annual report.
2. The certifying institution should supply Our Minister each year with a copy of the insurance taken out to cover third party liability against all risks resulting from the performance of the duties to which end they are appointed.

Article 1.5c. Changing or terminating activities

1. In the event of there being a change in the information on the basis of which the certifying institution has been appointed, the institution should inform Our Minister of this forthwith.
2. In the event that a certifying institution intends to terminate one or more duties for which it is appointed, the institution should notify Our Minister and other interested parties forthwith. In this case the certifying institution should transfer the information as meant in Article 1.5a, first paragraph, sub e, to Our Minister or to another certifying institution appointed for the same duties after Our Minister and the certificate holder have given their approval.

Article 1.5d. Applying to be appointed

1. An application to be appointed should be accompanied by evidence of compliance with the criteria as set out in Article 1.5a, or by a statement showing preparedness to submit to an examination of compliance with these criteria at the applicant's own expense.
2. An appointment can be refused or withdrawn if the conditions laid down by the Act or by or pursuant to this Part have not or have not been fully complied with.

§ 2. Certificates

Article 1.5e. General provisions concerning the issue of certificates

1. After an application has been submitted, a certificate as meant in Section 20, first sub-section, of the Act, will be issued by Our Minister or – if Our Minister has appointed a certifying institution – the certifying institution, if the requirements with respect to the certificate laid down by or pursuant to the Act have been complied with.
2. By ministerial order, provisions are laid down concerning the information which has at least to be supplied together with an application.
3. Provisions will be laid down in ministerial orders concerning the maximum fee due on the issue of a certificate.
4. A certificate may be refused or issued or extended under conditions or be withdrawn if it has appeared that the requirements concerning certificates laid down by or pursuant to the Act have not or have not been fully complied with.

Part 2. Co-operation, consultation and protection from dismissal and disadvantage

Article 1.6. Definitions of co-operation and consultations

1. Contrary to the Act, this Decree and the provisions based on it, for the purposes of their applications with respect to work carried out in educational institutions paid for as meant in Article 1.3, second paragraph, sub d, for <work council> one should read the <office council> and with respect to work carried out by defence staff – insofar as the Works Councils Act does not apply – for <the works councils> one should read <the consultative body>.
2. In this Decree and the provisions based on it the following concepts have the following meaning:
 - a) office council: an office council as meant in Section 9.58 of the Higher Education and Scientific Research Act;
 - b) consultative body: a consultative body as meant in the General Military Civil Servants Regulations and a consultative body established under Section 23 of the Military Service Framework Act as well as a office council as meant in the Defence Civil Servants Regulations and the Defence Sector Organized Consultations Decree.

Article 1.7. Nature and content of the consultations

1. With regard to the nature and contents of the consultations with an office council or consultative body, with respect to the manner in which the consultations with an office council or consultative body are held and with regard to the powers of an office council or consultative body, the following apply:
 - a) The Scientific Education and Research Legal Position Regulations, or
 - b) The General Military Civil Servants Regulations, the provisions to be laid down by Our Minister of Defence pursuant to Section 23 of the Military Service Framework Act or the Defence Civil Servants Regulations or the Defence Sector Organised Consultations Decree.
2. Insofar as the Act contains provisions concerning the rights of the works council or its members with respect to which the provisions meant in the first paragraph do not contain any rules, the Act will apply.

Article 1.8. Protection against dismissal

- Article 126d, second and third paragraph, of the General Government Officials Regulations or Article 144, second and third paragraph, of the Defence Sector Civil Servants Regulations applies accordingly to persons governed by the General Government Officials Regulations or the Defence Sector Civil Servants Regulations and who are employed as expert employees as meant in Section 14, first sub-section, of the Act, .
2. With respect to persons as meant in the first paragraph who are governed by corresponding provisions such as the General Government Officials Regulations, insofar as this is necessary the first paragraph applies accordingly.
 3. The first paragraph applies accordingly with respect to the persons governed by the Scientific Education and Research Legal Position Regulations on the understanding that in the third paragraph of Article 126d of the General Government Officials Regulations instead of: Article 6, second paragraph, sub d and e, one should read: Article 2.3, paragraph four, sub c, and Article 2.3, sixth paragraph, sub a, of the Scientific Education and Research Legal Position Regulations.

Article 1.9 Protection against disadvantage

Contrary to Section 14, sub-section two, of the Act, Article 1.16 of the Scientific Education and Research Legal Position Regulations does apply to persons governed by the Scientific Education and Research Legal Position Regulations and who are employed as expert employees as meant in Section 14, first sub-section, of this Act. Article 20 of the Defence Sector Co-determination Decree applies to persons governed by the General Military Civil Servants Regulations or the Defence Sector Civil Servants Regulations and who are employed as expert employees as meant in the previous sentence,.

Part 3. Education

Article 1.10. Applicability

Unless otherwise provided for herein below, the Act and this Decree apply to employees in educational institutions and they apply accordingly to pupils and students in educational institutions.

Article 1.11 Co-operation and consultation / educational institutions with a co-determination council

1. With respect to educational institutions paid for as meant in Article 1.3, second paragraph, sub a to c, and sub e to h, insofar as this is applicable the rights as meant in Section 12, sub-section two and three, of the Act are vested in the members of the co-determination council.
2. With respect to the educational institutions paid for as mentioned in the first paragraph, for the purposes of Section 12 sub-section four and five of the Act, the co-determination council replaces the works council.
3. With respect to educational institutions paid for as mentioned in the first paragraph, the rights and powers vested under the Act and this Decree will with due observance of Article 1.13 be carried out by the members of the co-determination council or – if this involves matters of general interest for the special legal position of the personnel, by the consultative body of the decentralised, organised consultation body or of the institution.

Article 1.12 Co-operation and consultation / Universities

With respect to the educational institutions paid for as mentioned in Article 1.3, second paragraph sub d, the rights and powers vested under the Act and this Decree will be executed with due observance of Article 1.13 by the office council as meant in the Higher Education and Scientific Research Act or – if matters of general importance for the special legal position of the personnel are involved – by the consultative body of the decentralised, organized consultation body or of the institution.

Article 1.13 Exceptions to working conditions policy and hearing both sides

1. Section 3, sub-section one, sub c, of the Act with the exception of the ergonomic work aspects, and d, insofar as they do not relate to health and safety, does not apply to pupils or students respectively in educational institutions.
2. Part 4.1.2 of the General Administrative Law Act does not apply to pupils or students in educational institutions.

Article 1.14 Exceptions to employee obligations

Where in the Act certain obligations are imposed on employees, these obligations do not apply to pupils or students in educational institutions.

Article 1.15 Exception to work related health examination

Section 18 of the Act does not apply to pupils or students in educational institutions.

Part 4. Civilian Public Service

Article 1.16 Applicability

This part applies to work carried out in civilian public service with the exception of work:-

- a) carried out in educational institutions;
- b) carried out in judicial institutions;
- c) carried out by civil employees employed by the Ministry of Defence, including subordinate departments and institutions.

Article 1.17. Police and fire brigade

Sections 10, 27, 28 and 29 of the Act apply to work carried out in civilian public service aimed at actually carrying out the duties meant in Section 2 of the Police Act 1993, Section 141 or 142 of the Code of Criminal Procedure or Section 1, sub-section six of the Fire Brigade Act 1985 insofar as this duty relates to acting repressively with respect to fires, accidents and contingencies, insofar as proper performance of their duties will not be impeded by the application of these Sections.

Article 1.18 Security of the State

1. Sections 27, 28 and 29 of the Act apply with respect to work carried out in civilian public service aimed at actually performing the duties mentioned in Section 8, sub-section two, sub a, of the Intelligence and Security Services Act, insofar as proper performance of these duties will not be impeded by the application of these Sections.

2. With respect to work carried out in public service, the Act will be applied with due observance of the national and international provisions in force for safeguarding data, the secrecy of which is necessary in the interests of the State or of its allies.

3. With respect to work carried out in civilian public service by or for the benefit of the intelligence and security services, the Act will also be applied with due observance of the care entrusted to the heads of these departments for the secrecy of the information they obtain and of the sources from which it originates and for properly safeguarding the security of the persons whose services are being used in collecting the information.

Part 5. Transport

Article 1.19. Applicability

1. The Act does not apply to work carried out in or on a seagoing vessel which under Dutch legislation is not entitled to carry the Dutch flag and which is situated in the territorial sea, on one of the other shipping waterways meant in Section 10, sub-section one, of the Shipping Traffic Act or in Scheveningen Harbour.

2. The first paragraph does not apply with respect to extending, converting, repair, dismantling, maintenance, cleaning and other associated activities connected with the vessels meant in the first paragraph and situated in the Netherlands as well as with respect to loading and unloading unless this work is carried out by an employee forming part of the crew of a seagoing vessel as meant in paragraph 1.

3. The Act does not apply to work carried out in or on an aircraft as meant in Section 1, opening sentence and sub e of the Aviation Act made available to an employer not established in the Netherlands, unless:

- a) this employer has a majority of his employees originating from the Netherlands carrying out work in or on it;
- b) this involves loading and unloading, extending, converting, repair, dismantling, maintenance, cleaning and other associated activities connected with any of the said aircraft situated in the Netherlands.

4. The Act does not apply to work carried out in or on aircraft as meant in Section 1, opening sentence and sub f of the Aviation Act.

5. The fourth paragraph does not apply to the loading, unloading, extending, converting, repairing, dismantling, maintenance, cleaning and other activities connected with the aircraft meant in the fourth paragraph and situated in the Netherlands.

Article 1.20 Restriction of the right to stop work

1. Section 29 of the Act does not apply to work carried out in or on a seagoing vessel or an aircraft insofar as the application of this Section is in contradiction with the obligations resulting from carrying out the powers of captain or commander as meant in Section 341 of the Commercial Code or Article 95, first paragraph, of the Aviation Supervision Regulations.

2. Section 29 of the Act does not apply to work carried out by the commander or captain as meant in the first paragraph, in or on a seagoing vessel or an aircraft, insofar as the application of this Section would contravene obligations resulting from the Commercial Code or the Aviation Supervision Regulations.

Article 1.21. Railway Police

Sections 10, 27, 28 and 29 of the Act do not apply to work carried out by employees employed by the Railway Police department of N.V. Nederlandse Spoorwegen, and who are appointed as special investigating officers under Section 142, first sub-section, sub c, of the Code of Criminal Procedure, insofar as the application of those Sections would impede the proper performance of their duties.

Part 6. Judicial State institutions

Article 1.22. Security in judicial institutions

1. Sections 10, 27, 28 and 29 of the Act apply to the work carried out by judicial personnel in the judicial institution insofar as this does not infringe upon the order, security or the proper state of affairs in the institution or the undisturbed course of the implementation of the deprivation of liberty and other restrictions imposed by any legal provision by the competent authorities.

2. The first paragraph applies accordingly to prisoners, patients and young persons on the understanding that instead of Sections 10, 27, 28 and 29 of the Act one should read Sections 24, sub-section six, 27, 28 and 29 of the Act.

Article 1.23. State security

With regard to work carried out by judicial personnel in the judicial institutions, the Act will be applied with due observance of the national and international rules for data protection applicable to the public service, the secrecy of which is required in the interest of the State or its allies.

Article 1.24 Inspection of assessment and evaluation

Contrary to Section 5, sub-section four, of the Act, a prisoner, patient or young person may inspect the assessment and evaluation insofar as this does not form an impediment to the order or security of the judicial institution.

Article 1.25. Co-operation

Contrary to Section 12, first sub-section, of the Act, the managing director of the institution and the prisoners, patients or young persons should co-operate as much as possible in carrying out the prisoners, patients and young persons working conditions policy in a judicial institution.

Part 7. Defence

Article 1.26. Applicability

Unless otherwise provided for in this Part, the Act applies to work carried out by defence personnel.

Article 1.27. State security

1. Implementation of the Act concerning work carried out by defence personnel should take place with due observance of the national and international provisions for data protection in the Ministry of Defence, the secrecy of which is required in the interest of the State or its allies.
2. Implementation of the Act with regard to work carried out in public service by or for the military intelligence and security services should in addition take place with due observance of the care entrusted to the heads of these departments for the secrecy of the information they obtain and of the sources from which it originates and for properly safeguarding the security of the persons whose services are being used in collecting the information.

Article 1.28. International obligations

Implementation of the Act with regard to work carried out by defence personnel will take place with due observance of international obligations.

Article 1.29. Total exclusion

The Act does not apply to work carried out by defence personnel:

- a) during war, threat of war or other extraordinary circumstances relating to or associated with it including the cases listed in Section 71 of the Military Penal Code;
- b) in other cases to be determined by Our Minister of Defence where armed forces are deployed including rendering assistance under the Sections 58, 59 or 60 of the Police Act 1993 or under Section 146, second sub-section, of the Code of Criminal Procedure and rendering assistance in the public interest.

Article 1.30. Partial exceptions to Sections 3 and 16 of the Act

Section 3, sub-section one, of the Act and Articles 1.37 and 1.41 based on this Act, Parts 5 and 6 of Chapter 2, Chapters 3, 4, 5, 6 and 7 and Parts 1 and 2 of Chapter 8 of this Decree do not apply:-

- a) during, immediately before and immediately after exercises;
- b)

- c) with respect to military vessels, military aircraft, manned weapon systems and stand-by units:-
 1. insofar as at Our Minister's discretion deviation from these Articles, Chapters or Parts are required in connection with the building, construction, fitting out or equipment of these vessels and weapon systems;
 2. if warships are sailing and if military aircraft and manned weapon systems are in use as such;
 3. insofar as at Our Minister's discretion the operational performance of duties of these vessels and weapon systems or of stand-by units would be impeded by application of these Articles, Chapters or Parts.

Article 1.31. Partial exception to section 10 of the Act.

Insofar as the Act applies to work carried out by defence personnel, Section 10 of this Act applies to work carried out by defence personnel:-

- a) entrusted with any police duty or with guard or security duties, or
- b) carrying out watch duties, or
- c) deployed to provide assistance as meant in Article 1.29, sub b, to the police insofar as application of the said Section does not form an impediment to the proper performance of duties.

Article 1.32. Partial exception to Sections 12 and 13 of the Act

Sections 12 and 13 of the Act do apply except:-

- a) during exercises;
- b) with regard to matters directly relating to the holding of exercises;
- c) with regard to matters directly relating to work as meant in Article 1.29.

Article 1.33 Partial exception to Section 27 and 28 of the Act

1. Sections 27 and 28 of the Act do not apply:

- a) during, immediately before or immediately after exercises;
- b) to stand-by units.

2. Sections 27 and 28 of the Act do not apply to military vessels, military aircraft and manned weapon systems:

- a. if warships are sailing and if military aircraft and manned weapon systems are in use as such;
- b. in the cases meant in Article 1.30, under b, sub 3.

3. Sections 27 and 28 of the Act apply to the personnel of the Royal Netherlands Military Constabulary, subject to this personnel being actually engaged in the carrying out of specific duties entrusted to the Royal Netherlands Military Constabulary in Section 6, sub-section one, of the Police Act 1993.

4. In addition to the third paragraph, Sections 27 and 28 of the act apply to work carried out by personnel of the Royal Netherlands Military Constabulary in case of rendering assistance as meant in Article 1.29, sub b, insofar as the application of those Sections does not impede the proper performance of this assistance.

Article 1.34. Exception to Section 29 of the Act

Section 29 of the Act does not apply to military personnel.

Part 8. Young persons

Article 1.35. Definition

In this part the term Directive means: Directive no. 94/33/EEC of the Council of the European Union of 22 June 1994 concerning the protection of young persons at work (*Official Journal EC L 216*).

Article 1.36. Detailed provisions for assessment and evaluation

1. If one or more young employees are or are usually employed in a business or establishment, in the assessment and evaluation as meant in Section 5 of the Act special attention should be given to:

- a) the age of the young employee;
- b)

- c) the specific hazards of working conditions as a result of a lack of work experience, not being able to assess the hazards properly and the young employee not having sufficiently developed mentally or physically;
 - d) the equipment and lay-out of the workplace;
 - e) the nature, extent and duration of the exposure to substances, agents and physical factors;
 - f) the choice and use of work equipment and personal protection devices;
 - g) the overall activities in the business or the establishment and their organization, and
 - h) the training level of the young employees and the information to be provided to them.
2. In addition, in the assessment and evaluation special attention should be given to the non-exhaustive list of agents, processes and activities, included in the Appendix of the Directive.

Article 1.37. Expert supervision

1. If young employees are carrying out activities in a business or establishment, this work should be adequately and expertly supervised. The content and extent of the supervision depends on the hazards shown in the assessment and evaluation as meant in Section 5 of the Act which might arise if expert supervision was lacking.
2. If it appears from the assessment and evaluation meant in Article 1.36 that young employees have to carry out work associated with specific hazards, particularly with respect to accidents which may occur as a result of a lack of work experience, from not being able to assess hazards and from the young employee having insufficiently developed mentally and physically, this work may only be carried out if the expert supervision has been organised in such a manner that those hazards are prevented. If this is not possible, this work should not be carried out by young employees.

Article 1.38 Work related health examination

In addition to Section 18 of the Act, young employees are given the opportunity to submit to a work related health examination as soon as it appears from the assessment and evaluation meant in Article 1.36 that young employees have to carry out work associated with specific hazards, particularly with respect to accidents which may occur as a result of a lack of work experience, from not being able to assess hazards properly and the young employee having insufficiently developed mentally or physically.

Article 1.39. Exception of pupils and students in educational institutions

This part and paragraph 4 of Part 5 of Chapter 3, paragraph 2 of Part 10 of Chapter 4, paragraph 3 of Part 6 of Chapter 6 and paragraph 2 of Part 6 of Chapter 7 do not apply to pupils and students in educational institutions.

Part 9. Pregnant and breast-feeding employees

Article 1.40 Definition

In this Part the Directive means: Directive no. 92/85/EEC of the Council of the European Communities of 19 October 1992 concerning measures to promote improvement of the health and safety of employees during pregnancy, after the delivery and during breast-feeding (*Official Journal EC L 348*)

Article 1.41. Assessment and evaluation

If a pregnant or breast-feeding employee is or is usually employed in a business or establishment, in the assessment and evaluation as meant in Section 5 of the Act, special attention should be given to the non-exhaustive list of agents, processes and working conditions included in Appendix I of the Directive.

Article 1.42. Organization of the work

1. Without prejudice to Section 4:5 of the Working Hours Act, the employer should organize the work of a pregnant or breast-feeding employee in such a manner, organise the workplace to such an extent, apply such a production and working method and should have such work equipment used that the work will not constitute any hazards for the health and safety of this employee and cannot cause any negative effect on the pregnancy or lactation.
2. If compliance with the provisions set out in the first paragraph is not reasonably possible, a temporary adjustment of the work or temporary adjustment of the working and resting hours should prevent the pregnant or breast-feeding employee from any danger to

health and safety and should avoid any negative affect on the pregnancy or lactation.

3. If compliance with the provisions set out in the second paragraph is not reasonably possible, other work should be given temporarily to the pregnant or breast-feeding employee.

4. If compliance with the provisions set out in the third paragraph is not reasonably possible, the pregnant or breast-feeding employee should be temporarily released from carrying out work.

Part 10. Home workers

Article 1.43. Applicability

1. This Decree does not apply to work carried out at home unless regulations concerning work at home are explicitly provided for. In the latter case the word 'employer' also means the home employer and the 'employee' also means home worker.

2. If a home worker is also a young employee, the provisions provided for home workers are exclusively applicable.

Article 1.44 Availability of data

Data will be available on home workers including their name, address and domicile as well as the activities being carried out by the respective home workers and of the substances, aids and tools being used in this respect.

Article 1.45. Stock

It is not allowed to give as stock to the home worker or have him keep in storage a large quantity of raw materials, semi-finished products and ready-made products other than is strictly required for the work.

Article 1.46. Notification of accidents

If in connection with the carrying out of his work, a home worker suffers an accident as meant in Section 9, sub-section one, of the Act, the home worker should notify the home employer of this immediately.

CHAPTER 2. HEALTH AND SAFETY MANAGEMENT AND ORGANISATION OF THE WORK

Part 1. Notification of accidents and occupational diseases

Article 2.1. Information about accidents and occupational diseases

Provisions will be laid down by ministerial order concerning the information which ought to be supplied in the written notification of an accident meant in Section 9, sub-section one, of the Act and the notification of an occupational disease as meant in Section 9, sub-section two, of the Act.

Part 2. Work safety reports

Article 2.2 Definitions

In this Part the following concepts have the following meaning:

- a) Flammable liquid: a substance having a process temperature which is equal or higher than the flashpoint, determined by means of the Abel-Pensky device for flashpoints up to and including 65° C or determined by means of the Pensky-Martens device for flashpoints above 65° C;
- b) Highly toxic substance:
 1. a substance possessing acutely poisonous characteristics and thereby being able to create a health hazard on a single exposure for a relatively short period, whether or not with a delayed effect and which has the following characteristics:
 - the lethal concentration of 50 when exposing a rat for four hours is smaller than or equal to 20 milligrams per cubic metre, or

- the lethal dose of 50 administered orally to a rat is smaller than or equal to 1 milligram per kilogram, or
 - the lethal dose of 50 administered percutaneously to a rat is smaller than or equal to 2 milligrams per kilogram;
2. the following substances carcinogenic for humans with a high potency: 2-acetyl aminofluorene, 4-aminophenyl, benzidine, bi-chloride methyl ether, dialkyl nitrosamine, 4-dimethyl amino azobenzene, methyl nitroso urea, 2- naphthylamine, 4-nitrodiphenyl and 3-nitro naphthylamine;
- c) Toxic substance: a substance not being a highly toxic substance containing acute poisonous characteristics and therefore being able to create a health hazard after a single exposure for a relatively short time whether or not with a delayed effect and which has the characteristic that the lethal concentration of 50 when a rat is exposed for one hour, is smaller than or equal to 20,000 milligrams per cubic metre;
 - d) explosive substance: a substance also including a mix of substances having the inherent characteristic without input of oxygen of being able to explode when exposed to light, shock, friction or heat or by self-heating;
 - e) installation: a processing installation or a storage installation;
 - f) processing installation: the system of barrels, devices and piping which can form or forms a whole with respect to the substance contained therein and serves for the manufacture, processing, loading or destruction of this substance;
 - g) storage installation: the tanks, silos, bunkers and packaging units serving as storage on the understanding that these units are situated outside the spatial borders of a processing installation and whereby as to tanks, silos and bunkers, each unit should be regarded as an autonomous storage installation;
 - h) process temperature: the maximum temperature which can be reached at storage or processing under normal operating conditions;
 - i) encasement: a construction encasing a processing or storage installation impeding or preventing the natural ventilation of the encased installation and in which employees regularly carry out work;
 - j) limit value: the quantity of a substance expressed in kilograms which when suddenly released may still threaten the life or health of an employee situated at about 100 metres distance from the point of emission.

Article 2.2a. Applicability

This Part does not apply to businesses, establishments or parts thereof to which paragraph 3 of the Serious Accident Risks Decree 1999 applies.

Article 2.2b. Work safety reports

1. The employer should make sure that in a business, an establishment or part thereof which belongs to a category indicated by this Part a work safety report is present with respect to this business, establishment or part thereof, containing the following:

- a) a description of the business, establishment or part thereof, and of the substances contained therein and their properties;
- b) a description of the processes taking place in the business, establishment or part thereof as well as their operation;
- c) a description of the reasonably foreseeable hazards which could occur as a result of defects in the process mentioned under b or by faulty actions during all stages of the process including the putting of it into and out of operation;
- d) a description of whatever else is required to assess the reasonably foreseeable hazards for the health and safety of the employees employed in this business or this establishment;
- e) a description of the technical and organisational provisions made to prevent defects and faulty actions as much as possible and to limit the seriousness of the consequences of this as much as possible.

2. If such a change is made or occurs in the business, the establishment or any part thereof such that the work safety report no longer complies with the first paragraph, the report should be amended accordingly. Such an amendment should also be applied if a change in the insight into safety gives rise to it.

Article 2.2c. Supplying and exchanging information

1. Seven copies of the work safety report and its amendments should be sent to the officer appointed to this end as meant in Section 24, first sub-section, of the Act, and a copy to the works council or the employees' representative or, should this be lacking, to interested employees.

The employer should ensure that the employees, other persons and services as meant in Section 14 first sub-section of the Act can take note of the work safety report.

2. The official appointed to this end as meant in Section 24, first sub-section, of the Act should send a copy of the work safety report or an amendment to it for their information to:

- a) the regional health inspector entrusted with the supervision of the environmental hygiene of the district in which the business, the establishment or part thereof to which the work safety report relates is situated;
- b) the authority having the power to grant permits under the Environmental Management Act with respect to the establishment or part thereof to which the work safety report relates;
- c) the administration of the municipality and of the province and the regional fire brigade, where the business, the establishment or part thereof to which the work safety report relates is situated, except if this administration is the authority as meant under b.

Article 2.2d. Operating prohibition

The business, the establishment or part thereof indicated in this Part or pursuant to Section 6, sub-section two, of the Act should not be put into operation and the change meant in Article 2.2b, paragraph two, should not be implemented before the obligations as meant in Article 2.2b and Article 2.2c, paragraph one, have been complied with.

Article 2.2e Requirement of compliance and consultation

1. A demand for compliance as meant in Section 27 of the Act having one or more things in common with a requirement attached to a permit, which has been granted under one of the Acts for the protection of the environment, to establish, put into or maintain in operation, expand or change a business or establishment or to change a method of operation taking place in these, where this demand could be in contravention with this requirement should only be determined by the officer appointed to this end as meant in Section 24 of the Act after consultation with the authority which granted the permit.

2. When a demand is made as meant in Section 27 of the Act the officer appointed to this end as meant in Section 24 of the Act can for instance demand– in connection with compliance with Section 6, sub-section one, of the Act and Article 2.2b, first paragraph, sub e – that provisions are made to limit the consequences of an industrial contingency. The demand may for instance relate to:

- a) the manner of internal alert and its organization;
- b) the actions to be taken by the employees individually or in a group;
- c) alerting the respective authorities and relief organizations;
- d) practice drills to be held in accordance with a schedule determined in advance.

3. A demand to make provisions as meant in the second paragraph which has one or more things in common with a municipal or regional contingency plan will only be made after consultation with the authority who drew up the contingency plan.

Article 2.2f. Further rules

Further rules with respect to Article 2.2b, first paragraph, and Article 2.2e, second and third paragraph may be laid down by ministerial order.

Article 2.3 Making obligations

1. For the purposes of Section 6 sub-section one of the Act, installations are appointed in which a quantity of flammable, highly toxic, toxic or explosive substances expressed in kilograms are situated which multiplied by the applicable circumstantial factor or factors is equal to or greater than the limit value multiplied by the staging factor.

2. With respect to an installation in which a substance or a group of substances with identical limit value under various circumstances is/are located, any part quantity of the substance or group of substances under the same circumstances will be multiplied by the applicable circumstantial factors. An installation as meant in the first paragraph will only be indicated if the sum total of the part quantities whether or not corrected is equal to or greater than the limit value of the respective substance or group of substances multiplied by the staging factor.

3. With respect to an installation containing substances with various limit values, each quantity of a substance or group of substances with an identical limit value will be multiplied by the applicable circumstantial factors. An installation as meant in the first paragraph will only then be indicated if with respect to the categories of substances mentioned in Article 2.4, first paragraph, under a or b, or Article 2.4, second paragraph, the sum total of the quotients of the respective quantities, whether or not corrected, and the limit values of the substances belonging to that category and present in the installation are multiplied by the staging factor, is equal to or greater than 1.

4. The multiplication by a circumstantial factor or factors as meant in this Article will not be applied to explosive substances.

Article 2.4. Limit values

1. The limit value meant in Article 2.3, first paragraph, amounts to:

- a) 10,000 kilograms for inflammable substances;
- b) 1 kilogram for highly toxic substances;
- c) for explosive substances: the quantity the explosive energy of which is equivalent to the explosive energy of 1000 kilograms of trinitrotoluene, the explosive energy of which is set at 4600 kilojoules per kilogram.

2. With respect to toxic substances the limit values as meant in Article 2.3, first paragraph, are derived on the basis of the toxicological information and physical circumstances at 25 °C of the limit value of chlorine setting the limit value of chlorine at 300 kilograms. This derivation is based on a lethal concentration of 50 when exposing a rat to the substance for one hour.

Article 2.5. Circumstantial factors

The circumstantial factors meant in Article 2.3, first paragraph, are:

- a) for a substance situated in a processing installation: 1
- b) for a substance situated in a storage installation: 0.01;
- c) for an installation placed in the open air: 1;
- d) for an installation placed in an encasement: 10;
- e) for a substance in a liquid phase the process temperature of which is equal to the atmospheric boiling point of this substance: 1; for each 10° C that this process temperature is above the atmospheric boiling point this factor will be increased by 1 up to a maximum of 10, rounded off to a whole number and for each 10°C that the process temperature is under the atmospheric boiling point this factor will be reduced by 0.1 up to a minimum of 0.1 rounded off to one decimal point;
- f) for a substance in a liquid phase the process temperature of which is lower than the ambient temperature, being 25°C: 1; for each 50°C that the atmospheric boiling point of the respective substance is below 25°C this factor will be increased by 1 up to a maximum of 4 rounded off to whole numbers;
- g) for process circumstances where factors mentioned under e and also under f apply, a multiplication factor applies which is equal to the sum total of the multiplication factors e and less 1 and with a maximum of 10;
- h) for a substance in a gaseous phase: 10;
- i) for a substance in a solid phase: 0.1.

Article 2.6. Staging factor

The staging factor meant in Article 2.3, first paragraph, amounts to 1.

Part 3. Working conditions services

Article 2.6a. Definitions

In this Part and the provisions based on it the following concepts have the following meanings:

- a) experts: expert employees and other expert persons as meant in Section 14, first paragraph, of the Act, employed in a working conditions service;
- b) internal working conditions service: a service as meant in Section 14, third paragraph, second sentence, of the Act consisting of expert employees;
- c) external working conditions service: a service as meant in Section 14, third paragraph, second sentence, of the Act, consisting of other experts.

Article 2.7. Expertise requirements of working conditions services

1. Experts in a working conditions service should be working in occupational and industrial health, labour hygiene, safety studies, ergonomics or organizational science.

2. An expert should have sufficient expertise and experience in the field indicated in the first paragraph if he is in the possession of a certificate of competence in labour and industrial health, labour hygiene, safety studies or labour and organizational science issued by Our Minister or by a certifying institution.

Article 2.8. EC certificate of expertise

If in one or more fields diplomas are required in order to issue a certificate of competence as meant in Article 2.7 second paragraph, an EC certificate in one of these fields, as meant in the Recognition of EC Higher Education Diplomas issued by Our Minister or by an institution appointed by Our Minister, is the equivalent of this diploma.

Article 2.9. Requirements as to functioning

1. A working conditions service should:
 - a) perform its duties taking into account the latest technology and with due observance of generally recognised technical provisions;
 - b) give advice on the implementation of structured, systematic and adequate working conditions policy with regard to absenteeism due to illness in such a manner as to contribute as much as possible to this being effected, in particular taking into account special groups of employees and also events which have occurred in the business or the establishment;
 - c) be aware of and assess the hazards of the technology in use and also of the organization and human behaviour, also events which have occurred in the business or in the establishment;
 - d) evaluate the service;
 - e) take care of the continuity of the service, and
 - f) deal with complaints about the service.
2. Detailed provisions concerning the functioning of the working conditions service will be laid down by a ministerial order.

Article 2.10. Organizational requirements of the working conditions service

1. An external working conditions service should be incorporated with its main objective being the performance of the duties meant in Section 14, third sub-section, of the Act.
2. At least one expert should be working under an employment contract or a public appointment for an indefinite period of time in the fields mentioned in Article 2.7, first paragraph.

Article 2.11. Equipment Requirements

A working conditions service should have accommodation and equipment at their disposal such that protection of the privacy of the employees of the affiliated businesses is guaranteed.

Article 2.12. Supplying information

1. When requested to do so the external working conditions service or the employer of the internal working conditions service should supply Our Minister with statistical data concerning the performance of its duties.
2. Provisions may be laid down by ministerial order concerning the nature of the data meant in the first paragraph and the form in which and the frequency with which these data are submitted.

Article 2.13

[Repealed]

Article 2.14. Working conditions service certificate.

1. An external working conditions service should be in the possession of a certificate issued either by Our Minister or a certifying institution.
2. The employer of an internal working conditions service should be in the possession of a working conditions service certificate for its internal working conditions service issued by Our Minister or a certifying institution.
3. In the event of a working conditions service certificate issued to an external working conditions service being withdrawn, not being extended or conditions being attached to its extension, the service should immediately notify the employer for whose benefit the duties are being performed, and the works council or the employee representation. Should a works council or employee representation be lacking, the employer should make sure that interested employees will be informed of this notice as soon as possible.
4. In the event of a working conditions service certificate issued to an internal working conditions service being withdrawn, not being extended or conditions being attached to its extension, the employer should immediately notify the works council or employee representation or, should these be lacking, the interested employees.

Article 2.15

[Repealed]

Part 4. In-house emergency and first-aid service

Article 2.16. Definitions

In this Part the following concepts have the following meaning:

- a) company emergency officer: the employee entrusted with the in-house emergency and first-aid service duties by the employer under Section 15 first sub-section of the Act;
- b) in-house emergency and first-aid service: the actual performance of the in-house emergency and first-aid service duties as meant in Section 15, second sub-section, of the Act, if necessary in co-operation with the emergency services having duties in case of a fire or accident;
- c) accident: an event other than a fire happening to one or more employees present in a business or establishment or other persons, which almost immediately causes damage to health or which creates a direct hazard to the health or safety of those employees or other persons;
- d) emergency services: specialised organizations for the provision of assistance operating within the scope of public health or safety.

Article 2.17. Indicative factors for the in-house emergency and first-aid service

In organising the in-house emergency and first-aid service the following factors should at least be taken into account:

- a) the nature, size and location of the business or the establishment;
- b) the hazards present in the business or the establishment and the fire scenarios deemed indicative for the business or the establishment on the determination of which any safety principles of protection against fire declared applicable by the authorities to the business or establishment have been taken into account;
- c) the number of employees and other persons reasonably expected to be present and also the times at which they are present or are usually present;
- d) the number of persons reasonably expected to be unable to get themselves to safety independently in case of a fire or accident;
- e) the arrival time and possibilities of the fire brigade and other emergency services;
- f) the presence of an infrastructure in the field of working conditions;
- g) the possibility of co-operating with other industrial organisations;
- h) deploying an external expert.

Article 2.18. Being operational, accessible, available and present

1. The in-house emergency and first-aid service should be organised in such a way that within a few minutes after an accident or fire has occurred, the in-house emergency and first-aid service duties can be performed adequately.
2. Organizational measures should be taken such that in case of an accident or fire that emergency services can be assisted adequately when they arrive.
3. Under all circumstances and with due observance of Article 2.19 company emergency officers should be accessible and available in order to perform in-house emergency and first-aid service duties in case of an accident or fire.
4. If the health or safety of other employees in close proximity may be threatened, the employers involved should take organizational measures with regard to in-house emergency and first-aid services such that the company emergency officers involved are able to assist each other in case of an accident or fire.

Article 2.19. Number of company service officers

1. The number of company service officers should be such that the performance of in-house emergency and first-aid service duties are guaranteed under all circumstances.
2. Without prejudice to the first paragraph at least one company emergency officer per 50 or fewer employees present should be present in a business or establishment where a maximum of 250 employees are usually employed. If there is only one employee present in a business or establishment, this employee should have effective means at his disposal to quickly bring himself to safety in case of an accident or fire.
3. Without prejudice to the first paragraph and contrary to the second paragraph, at least five company emergency officers should be present in a business or establishment where more than 250 employees are usually employed. The second paragraph, closing sentence is applicable.
4. In the event of employers organising joint in-house emergency and first-aid services in the performance of their in-house emergency and first-aid service duties, the respective agreements should be laid down in writing.

In this case for the purposes of this Part, the respective businesses or establishments will be regarded as one whole.

5. The employers having made agreements as meant in the fourth paragraph are deemed to have complied with the obligations under this Part if the in-house emergency and first-aid service has been guaranteed for the whole of the businesses or establishments involved.

Article 2.20. Safety instructions

Sufficient posters should be affixed which indicate in a simple way what employees should do in the event of an accident or fire.

Article 2.21. Expertise requirements

1. The company emergency officers should be trained in such a manner that the in-house emergency and first-aid service is guaranteed.
2. Provisions concerning the training, expertise and experience of company emergency officers may be laid down by ministerial order for categories of businesses or establishments indicated in the order or in connection with special hazards.

Article 2.22 Exercises

Refresher courses and practice drills or other activities will be organized for company emergency officers in which the company emergency officers should take part. These courses, exercises or activities should be of such content and frequency that the knowledge and skills of the company emergency officers remain at the level required for an adequate in-house emergency and first-aid service.

Part 5. Construction process

§ 1. Definitions and applicability

Article 2.23 Definitions

In this Part the following words have the following meaning:

- a. Directive: Directive no. 92/57/EEC of the Council of the European Communities of 24 June 1992 concerning the minimum health and safety requirements for temporary and mobile construction sites (*Official Journal EC L 245*);
- b. Coordinator for the design stage: the natural person or corporation entrusted with the duties mentioned in Article 2.30 involving health and safety during the study, design and implementation stage of the construction design;
- c. Coordinator for the implementation stage: the natural person or corporation entrusted with the health and safety duties mentioned in Article 2.34 during the creation of a construction.

Article 2.24. Indication

For the purposes of Section 16, sub-section 7, of the Act, the client, the designing party and the implementing party should be indicated.

Article 2.25. Applicability

This Part does not apply to work carried out in opencast mining as meant in Part 6.

§ 2. General obligations concerning construction sites and obligations in connection with the design of a structure

Article 2.26. Notice

1. An official appointed to this end as meant in Section 24, sub-section one, of the Act in accordance with the model prescribed by ministerial order, will be notified of the intended realization of a structure before the commencement of the activities on the construction site, if:

- a) the estimated duration of the realization of the structure covers more than 30 working days and more than 20 employees will carry out activities simultaneously on this construction site, or
- b) more than 500 human working days will be involved in the realization of the structure

2. The notice should be posted visibly on the construction site. If there are any changes with respect to the information stated in the notice, the notice should be amended accordingly.

Article 2.27. Health and safety plan

1. With respect to a structure as meant in Appendix II of the Directive or a structure with respect to which a notice as meant in Article 2.26 has been given, a health and safety plan should be drawn up stating at least:
 - a) a description of the structure to be realized;
 - b) a summary of the natural persons or corporations involved in realizing the structure on the construction site;
 - c) the name of the co-ordinator for the design stage;
 - d) the name of the co-ordinator for the implementation stage;
 - e) the assessment and evaluation of the hazards in accordance with Section 5 of the Act;
 - f) the manner in which the co-operation between the employers and as the case may be the self-employed persons on the construction site is implemented, what provisions will be made in this respect and in what manner those provisions will be supervised;
 - g) the manner in which the co-operation and consultation between employers and employees on the construction site is carried out and the manner in which the information and instruction of these employees takes place.
2. The information as meant in the first paragraph under a, c and e is in any event stated in the design stage of the construction process. The information meant in the first paragraph, under b, d, f and g should be stated in the design stage unless this information cannot reasonably be identified in this stage. In that case this will be realized before the commencement of the activities in the implementation stage of the construction process.
3. If any changes occur concerning the information meant in the first paragraph during the design stage or implementation stage of the construction process, the plan should be amended accordingly.
4. Detailed provisions with respect to this Article may be laid down in a ministerial order.

Article 2.28. Appointment of co-ordinator for the design stage

One or more co-ordinators for the design stage should be appointed for the benefit of the construction site where two or more employers or one employer and one or more self-employed persons or two or more self-employed persons are going to work or have work carried out in connection with the realization of a structure.

Article 2.29. General health and safety principles in the design of a structure.

In the study, design and implementation stage of the design of a structure, Sections 3, 5, first sub-section, with the exception of the third sentence, second sub-section, and Section 8 of the Act will be taken into account with respect to the constructional, technical or organizational choices connected with the planning of the various elements of the structure or the stages in which the structure or its elements are brought about and also with respect to the estimate of the duration of these elements or stages. Insofar as is applicable the health and safety plans as meant in Article 2.27 which have been or are to be drawn up during the design stage concerning the various elements of the structure or the stages in which the structure or parts of it will be realized, should be taken into account along with the files as meant in Article 2.30, under c, and with the amendments to it by virtue of Article 2.34 under g.

Article 2.30. Co-ordination duties during the design stage

The co-ordinator of the design stage has a duty to:

- a) co-ordinate the implementation of Article 2.29;
- b) ensure that a health and safety plan as meant in Article 2.27 is drawn up;
- c) compile a file intended for the owner of manager of the structure or the person taking decisions about carrying out the said activities describing the constructional and technical characteristics or characteristics of the lay-out or equipment of the structure relevant to the health and safety of the employees and which should be taken into account when carrying out any subsequent work on the structure.

Article 2.31. Obligations of the client

In accordance with the provisions set out in or pursuant to this paragraph:

- a) the client should ensure that the provisions laid down in Articles 2.26 to 2.29 are complied with;
- b) the client should take measures and organise the activities in such a manner that:
 - 1) the co-ordinator for the design stage is able to perform the duties as meant in Article 2.30;
 - 2) the co-ordinator of the design stage is able to perform his duties properly;

- c) the client should ensure that the health and safety plan as meant in Article 2.27 forms part of the building specifications of the structure.

Article 2.32. Obligations of the designing party

1. With respect to a client-consumer the designing party should make sure that Article 2.31 is complied with.
2. In the event of one or more designing parties having each separately undertaken to the client-consumer to realize a part of the design of the structure, they should lay down in a written agreement which party will comply with the obligations meant in Article 2.31.

§ 3. Obligations in connection with the realization of a structure

Article 2.33. Appointment of a co-ordinator for the implementation stage

One or more co-ordinators for the implementation stage should be appointed for the benefit of the construction site where two or more employers or one employer and one or more self-employed persons or two or more self-employed persons are going to work or have work carried out in connection with the realization of a structure.

Article 2.34. Co-ordination duties during the implementation stage

The co-ordinator of the implementation stage has a duty to:

- a) co-ordinate the respective measures to be taken by the employers or self-employed persons under Articles 2.38 and 2.39 when making the technical or organisational choices in connection with the planning of the various elements of the construction or the stages in which the structure or its elements will be realized and also as to the estimate of the duration of the carrying out of these elements or stages so that those employers and - if required for the protection of health and safety of the employees - the self-employed persons on the construction site apply the respective measures in a coherent manner;
- b) organising and coordinating the cooperation between the employers having work carried out simultaneously or consecutively as meant in Article 2.27, first paragraph, under f and, as the case may be, involving the self-employed persons also present on the construction site in doing so;
- c) coordinating the supervision meant in Article 2.27, first paragraph, under f;
- d) coordinating the information for the employees on the construction site;
- e) taking the necessary measures to prevent unauthorized persons from entering the construction site;
- f) making sure that the data meant in Article 2.27, first paragraph, under b, d, f and g – insofar as is necessary – are stated in the health and safety plan;
- g) making sure that the health and safety plan meant in Article 2.27 and the file meant in Article 2.30 under c, are adjusted should the progress of the construction or parts thereof give rise to it;
- h) giving instructions as necessary if employers or self-employed persons in his opinion do not or not to a sufficient extent or inaccurately implement a coherent application of their obligations as meant under a and b.

Article 2.35. Obligations of the client

1. the Client should ensure that the obligations meant in Articles 2.33 and 2.34 are laid down in a written agreement with the implementing party.
2. In the event that one or more of the implementing parties have each separately undertaken to the client to realize a part of the structure, the client should ensure that the obligations meant in Article 2.33 and 2.34 are laid down in a written agreement with one of the implementing parties.

Article 2.36. Obligations of the designing party

1. With respect to a client-consumer the designing party should make sure that Article 2.35 is complied with.
2. Article 2.32, second paragraph, applies accordingly.

Article 2.37. Obligations of the implementing party

1. In accordance with the Articles 2.33 and 2.34:
 - a)

- b) the implementing party should ensure that a co-ordinator for the implementation stage is appointed;
 - c) the implementing party should take measures and organise the activities in such a manner that:
 - 1) the coordinator for the implementation stage will carry out the duties meant in Article 2.34;
 - 2) the coordinator for the implementation stage is able to perform his duties properly.
2. The implementing party will ensure that cooperation and consultations between the employers and employees on the construction site is coordinated in a suitable manner.

Article 2.38. Obligations of the employer

1. In carrying out his obligations under Sections 3, 5, 8 and 19, first sub-section, of the Act, the employer who in the course of realizing a structure has work carried out on a construction site should take effective measures to protect the health and safety of his employees on this construction site. These measures relate in particular to:

- a) maintenance of the construction site in proper order and with sufficient protection of the health and safety of the employees;
- b) safe location of the various workplaces on the construction site taking into account the possibilities of access to this construction site and the roads connecting to it;
- c) the internal transport of the various materials on the construction site;
- d) maintenance, the checks before putting into operation and the periodic checks of the installations and appliances in order to prevent defects which might harm the health and safety of the employees;
- e) the delineation and layout of areas for final and intermediate storage of various materials particularly where these materials or substances are hazardous;
- f) provisions for the removal of the hazardous materials used;
- g) storage, disposal or removal of waste and rubble;
- h) adjustment of the actual duration of the activities to be carried out with respect to the realization of the structure or the stages in which these activities are carried out, depending on the development with respect to the progress of the structure on the construction site;
- i) cooperation with other employers and self-employed persons on the construction site;
- j) interaction with operating activities on or close to the construction site.

2. Measures also to be taken on the basis of the first paragraph should in any event comply with Parts 1 and 2 of Chapter 3 of this Decree.

3. The employer is obliged to comply and cooperate with the health and safety plan meant in Article 2.27 insofar as and with respect to the activities determined in it concerning the activities carried out or to be carried out by him and in doing so taking into account the instructions of the coordinator of the implementation stage.

4. Insofar as the employer is himself carrying out activities on the construction site with respect to realizing a structure, for the protection of the health and safety of the employees on this construction site the Section 11 of the Act, Chapter 7 and Articles 8.1 first to fifth paragraph, and seventh paragraph, 8.2 and 8.3 of this Decree apply to him accordingly.

Article 2.39. Obligations of the self-employed person

With respect to a self-employed person carrying out activities on the construction site with respect to realizing a structure, for the protection of the health and safety of the employees on this construction site the Sections 11 and 19, first sub-section, of the Act, Article 2.38, Chapter 7, and Articles 8.1 first to fifth paragraph, and seventh paragraph, 8.2 and 8.3 of this Decree apply to him accordingly.

Part 6. Opencast mining

Article 2.40. Applicability

This Part does not apply to work carried out in opencast mining by means of dredging equipment.

Article 2.41. Obligations of the employer

1. If manned workplaces in the mining industry are being used, a responsible person should carry out supervision.
2. Activities to which special hazards are attached, are exclusively entrusted to expert personnel with sufficient experience and are to be carried out in accordance with the instructions provided.
3. With respect to workplaces in the mining industry the necessary safety exercises should be held at regular intervals.

4. Situations which constitute a serious hazard should immediately be notified to an official appointed to this end as meant in Section 24, first sub-section, of the Act.
5. Supplementary to Part 4 of Chapter 2 the necessary alarm or other communication systems should be made available so that in emergencies immediate assistance, escape, evacuation and rescue can take place.
6. If in a workplace in the mining industry only one employee is present, he should have telecommunication means at his disposal in order to contact others.

Article 2.42 Cooperation, health and safety plan

1. For the purposes of Section 19 sub-section two of the Act, the activities performed in opencast mining are listed.
2. Before the commencement of the work a health and safety plan should be drawn up stating at least:-
 - a) the assessment and evaluation of the hazards meant in Section 5 of the Act;
 - b) the measures meant in Section 5 of the Act with special attention to the measures taken or to be taken to comply with the provisions of this Part and Parts 1 and 3 of Chapter 3 of this Decree;
 - c) the manner in which Section 19, sub-section two, of the Act has been complied with if, in the workplace in the mining industry, more than one employer has work carried out;
 - d) the information which shows that the design, use and maintenance of the workplace in the mining industry and also the work equipment are safe.
3. In addition to the second paragraph under c the employer responsible for the workplace in the mining industry should coordinate the implementation of all health and safety measures and he should indicate in the health and safety plan the aim, the measures and the manner in which this implementation is coordinated.
4. The health and safety plan should be reviewed when there is any relevant change, expansion or conversion of the workplace in the mining industry.
5. The activities should be carried out in accordance with the health and safety plan.

Part 7. Night work

Article 2.43. Work related health examination

1. For the purposes of this Article night work has the meaning given to it in the Working Hours Act.
2. Any employee who is going to carry out night work for the first time should be given the opportunity as an addition to Section 18 of the Act to submit to a work related health examination before commencing this work.

Part 8. Special sectors and special categories of employees

§ 1. Transport

Article 2.44. Exceptions to means of transport

Parts 4 and 7 of this Chapter do not apply to work carried out in or on an aircraft, a seagoing vessel, a river-vessel, a vehicle on a public road or a railway or tramway.

§ 2. Home workers

Article 2.45. Applicability

Parts 3 and 4 of this Chapter apply accordingly to homework.

CHAPTER 3. ORGANIZATION OF WORKPLACES

Part 1. General provisions

§ 1. Definitions

Article 3.1. Concepts

In this Chapter the concepts used have the following meaning:

- a) electrical installation: an assembly of electric equipment, wiring and wiring accessories;
- b) electric equipment: parts or elements of an electrical installation serving to generate, transport and apply electrical energy;
- c) use of electricity: any activity relating to an electrical installation in any event including the construction, putting into or out of operation, operation, repair, conversion, maintenance, inspection and also working close to an electrical installation;
- d) high voltage: a voltage the value of which with respect to AC voltage is higher than 1000 Volt effective between the phases or 600 Volt effective between a phase and earth and with respect to DC voltage is higher than 1500 Volt between the poles or 900 Volt between one of the poles and earth;
- e) low voltage: a voltage with a value lower than high voltage.

§ 2. General obligations of the employer

Article 3.2. General requirements

1. Workplaces should be safely accessible and able to be safely exited. They should be designed, constructed, equipped, put into operation, used and maintained in such a manner that danger to the health and safety of the employee is avoided as much as possible. In addition, they should be kept clean, free of dust as much as is possible and be kept as tidy as is necessary for health and safety.
2. Regular checks should take place on whether the provisions and measures taken for the protection of employees present in the workplace are still functioning properly.
3. Defects found with respect to the provisions and measures meant in the second paragraph which might affect health or safety, should be remedied as soon as possible.

Article 3.3. Stability and strength

1. Buildings and other structures should consist of proper materials, be of proper construction and should be in such a condition that there is no danger of their wholly or partly collapsing or falling over.
2. The workplace should be organized in such a manner that the objects or substances present do not create a hazard to health or safety by collapsing, shifting, falling or toppling over.

Article 3.4. Electrical installations

1. Electrical installations should be designed, arranged, connected, wired, maintained and marked so as to guarantee as far as possible the safe use of electricity. To this end the necessary provisions and protective measures should be fitted, including safety, measuring, checking and monitoring devices and also earthing, switches, isolators and plug sockets. In doing so the special requirements which may result from the manner of use, the user circumstances and the external influences to be expected should be taken into account.
2. In an electrical installation effective measures should be taken against the danger of fire, explosion, direct and indirect contact and too close proximity.
3. Clear schedules kept up-to-date at all times should be available with respect to each electrical installation as well as all other information required for a safe use of the electrical installation.
4. The third paragraph does not apply to electrical installations of low voltage of a limited scope.

Article 3.5. Electro technical, operating and other activities to or close to an electrical installation

1. Electro technical activities and operating activities which may create hazards should be carried out by expert, sufficiently trained and competent employees.

2. A space containing a high voltage electrical installation the parts of which are not or insufficiently protected against direct or indirect contact or getting too close, should only be entered in the presence of a second person having the authority to do so.
3. Activities to or close to an electrical installation should only be carried out if the installation or the part on which or close to which the activities are taking place, has been rendered dead.
4. In addition to the third paragraph the employees with the authority to do so should also take effective measures to guarantee the safe progress of these activities.
5. The third and fourth paragraph do not apply to activities carried out to or close to a low voltage electrical installation, if:-
 - a) urgent reasons for carrying out the activities live have been demonstrated;
 - b) explicit instructions have been given for carrying out these activities by the employee having the authority to do so, and
 - c) the installation is also suitable for carrying out these activities live and the employee having the authority to do so has taken effective measures to avoid the hazards associated with these activities.
6. The third and fourth paragraph do not apply to activities carried out to or close to a high voltage electrical installation, consisting of:
 - a) taking and discontinuing safety measures including cutting or coiling wires with suitable equipment;
 - b) carrying out measurements and tests, or
 - c) cleaning electrical equipment.
7. Activities consisting of cleaning electrical equipment in a high voltage electrical installation as meant in the sixth paragraph, under c, will only be carried out, if:
 - a) the employee having the authority to do so has given explicit instructions for carrying out these activities;
 - b) suitable cleaning and work equipment for these activities are being used, and
 - c) the employees do not have to move into the danger area of the live installation or parts of it with work equipment with which they are in physical contact.

§ 3. Provisions for emergency situations

Article 3.6. Escape routes and emergency exits

1. If a situation occurs which is a direct hazard for health or safety, effective measures should be taken in order to enable the employee to bring himself quickly to safety via the shortest route.
2. The number, place and dimensions of the escape routes and emergency exits intended for this purpose depend on the use, equipment and dimensions of the workplaces and also on the maximum number of employees and other persons who might be present in these places.

Article 3.7. Safe use of escape routes and emergency exits

1. Escape routes and emergency exits should be free of obstacles.
2. Emergency exits should be able to be opened at all times.
3. The doors of emergency exits and doors on escape routes should be easily openable and open outwards.
4. Sliding or revolving doors should not be used as emergency exits.
5. Escape routes and emergency exits which would be hard to see if the lighting failed, should be supplied with adequate emergency lighting.
6. Escape routes, doors and gates on the escape routes as well as the emergency exits should be marked by signs in compliance with the provisions set out in or pursuant to Part 2 of Chapter 8.

Article 3.8. Fire alarm and fire fighting

1. In addition to Part 4 of Chapter 2, sufficient and suitable equipment for fighting fires should be present in workplaces depending on the nature of the work carried out there, the hazards connected with it and the maximum number of employees and other persons situated there.
2. In addition to the first paragraph, fire detectors and alarm systems should be present if necessary.
3. Non-automatic equipment for fire fighting should be easily accessible and easy to operate.
4. Non-automatic fire fighting equipment should be provided with an indication in compliance with the provisions set out in or pursuant to Part 2 of Chapter 8. The indication should be durable and fitted in the right location.

Article 3.9. Emergency lighting

Workplaces where employees would be exposed to special hazards if the artificial lighting failed, should be provided with adequate emergency lighting. If emergency lighting is not possible, the employees should have individual lighting at their disposal.

Article 3.10. Rescue of drowning persons

In workplaces where there is a danger of drowning, this danger should be avoided as much as possible and effective equipment for rescuing drowning persons should be available in a properly visible location.

§ 2. Fitting-out requirements

Article 3.11. Floors, walls and ceilings of workplaces

1. Floors of workplaces should be as much as possible free from unevenness and dangerous slopes and should also be as much as possible fixed, stable and non-slippery.
2. The surfaces of floors, walls and ceilings of workplaces should be such that for purposes of hygiene they can be cleaned and maintained in the workplace.
3. Enclosed spaces where work is carried out, should have sufficient thermal insulation, taking into account the nature of the activities and the physical load.
4. So far as is possible in connection with the nature of the workplace transparent or translucent walls in workplaces should be:-
 - a) clearly marked and made of safety material, or
 - b) fitted or screened off in such a manner that the employees cannot injure themselves.

Article 3.12. Windows and overhead lights in spaces

1. If windows, overhead lights and provisions for ventilation can be opened or closed:
 - a) this should take place in a safe manner,
 - b) it should be possible to adjust and secure them in a safe manner, and
 - c) they should not cause a hazard when open.
2. It should be possible to clean windows and overhead lights without any hazard.

Article 3.13. Doors, movable gates and other passageways

1. The place, number and dimensions of doors, movable gates and other passageways as well as the materials they are made of, should be synchronised with the nature and use of the workplace.
2. On transparent doors a marker should be fitted at eye-level.
3. Depending on the nature of the workplace and the work being carried out there, swinging doors should be transparent or fitted with transparent panels.
4. If doors or other passageways have transparent or translucent surfaces, suitable measures should be taken to prevent employees being injured by unintentional contact with these surfaces.
5. Doors and movable gates which can derail out of or away from their guide rails should be safeguarded against being lifted out, derailing or falling down.
6. Automatic doors and gates should function to such an extent that they do not create any hazard. They should be equipped with easily recognisable protection preventing employees from being injured.
7. Automatic doors and gates should be able to be opened manually during a power failure unless they open automatically.
8. There should be separate passageways for pedestrians in the immediate proximity of doors, movable gates or other passageways which are mainly intended for the traffic of vehicles or other means of transport, unless the way through is safe for pedestrians.
9. The passageways meant in paragraph 8 for pedestrians should be clearly and visibly marked and free from obstacles.

Article 3.14. Connecting roads

1. The connecting roads in the workplace should be situated and fitted out in such a manner that they can be used easily, safely and in accordance with their intended use by pedestrians, vehicles or other means of transport,.
2. Employees should be prevented from carrying out activities close to connecting roads where they might be exposed to hazards.

3. The dimensions of the connecting roads should be geared to the number of users and the nature of the work carried out in the business or the establishment.
4. If vehicles or other means of transport are being used on the connecting roads – insofar as this does not involve public roads – the necessary traffic rules should be determined.
5. In the cases mentioned in the fourth paragraph a safe space for pedestrians should also be guaranteed or other effective measures taken to protect pedestrians.
6. The connecting roads intended for vehicles or other of means of transport should be situated at a sufficient distance from other connecting roads in the workplace.
7. Insofar as required by the use or the fitting-out of the workplace, the connecting roads should be clearly defined.

Article 3.15. Marking of hazardous areas

1. Areas where there is a danger of falling or of falling objects or where obstacles which cannot be removed create a hazard for the safety of moving vehicles or persons, should be clearly marked by signs which comply with the provisions set out in or pursuant to Part 2 of Chapter 8.
2. Only employees who in their professional capacity or on account of their job have to enter the areas meant in paragraph one should be admitted.

Article 3.16 Preventing danger of falling

1. Wherever possible when carrying out work where there is a danger of falling, safe scaffolding, frameworks, platforms or work floors should be erected or the hazard should be averted by mounting effective screens, railings or other such provisions.
2. The first paragraph does not apply to work which can be carried out in a safe manner on a ladder, steps or similar device.
3. If the provisions meant in paragraph one cannot or can only partly be erected or if erecting or removing them would involve greater hazards than the work for which they serve as protection, then in order to eliminate the danger, sufficiently strong and sufficiently large safety nets should be attached to suitable places in a suitable manner or suitable safety belts with safety lines of sufficient strength should be used or other technical means should be applied which at least give the same extent of protection for the work as is meant in the first paragraph. In this respect, measures aimed at collective protection are preferable to measures aimed at individual protection.

Article 3.17. Avoiding danger of moving objects

The danger of being hit by objects, products, liquids or gases moving or being released should be prevented and – if this is not possible – limited as much as is possible. Article 3.16, third paragraph, closing sentence, applies.

Article 3.18. Specific measures for escalators, moving walkways and loading platforms

1. Escalators and moving walkways should function safely and should be equipped with the necessary safety provisions, including easily recognisable and accessible emergency stop provisions.
2. Loading platforms and loading slopes should be geared to the dimensions of the loads being transported. They should have at least one exit.
3. Loading platforms with a length of over 50 metres should have an exit on both sides unless this is technically not possible.

Article 3.19. Dimensions and air volume of spaces; room for manoeuvre in the workplace

1. The dimensions and the air volume of the workplace should be such that the employee is able to carry out his work without any danger to his health, safety or well being.
2. The dimensions of the workplace should be such that the employee has sufficient room for manoeuvre in order to carry out his work.
3. If in connection with the nature of the work the second paragraph cannot be complied with, another open or closed area close by with sufficient room for manoeuvre should be available for the respective employees.

§ 5. Recreation rooms and other provisions

Article 3.20. Recreation rooms

1. In the business or the establishment or in its direct vicinity an easily accessible area should be available where the employees can spend their breaks.. This area should be suitable for this purpose and also - depending on the number of employees –sufficiently spacious in size and equipped with sufficient tables and chairs.

2. In the area meant in the first paragraph suitable measures should be taken to protect the non-smokers against discomfort from tobacco smoke.

Article 3.21. Night rooms

For employees who usually stay over in the business or the establishment in which they are working during the time between the end and the beginning of their daily working hours, a night room should be available. A night room should be fitted out adequately and should only be intended for persons of the same sex.

Article 3.22. Changing rooms

1. Each employee should have a place available for hanging his clothes.

2. Where employees have to wear special working clothing, suitable, sufficiently spacious changing rooms should be available provided with chairs or benches and separated for the sexes; as far as is possible these rooms should be situated close to the open or closed areas where the work is usually carried out. If necessary, it should be possible to dry wet working clothing.

3. It should be possible to keep clothing not worn by the employees in the course of their work in the changing room in a suitable manner and locked away.

4. According to the circumstances, it should be possible to retain special working clothing and employees' personal clothing in a suitable manner and locked away.

Article 3.23. Washing facilities and shower rooms

1. If employees are exposed to dirt or dust a wash room with a sufficient number of washbasins should be present. The washbasins should be placed functionally and separated according to the sexes; they should have cold and if necessary hot running water.

2. If the employees are exposed to dirt, dust or high temperatures to such an extent that the necessary cleaning of their bodies involves more than washing their hands and face, or because of the nature of their work or the care of their health, there should also be a shower room with a sufficient number of showers. The shower room should be sufficiently spacious, suitably fitted out and separated according to the sexes; the showers should have hot and cold running water.

3. If the shower rooms or washing facilities and the changing rooms are not situated in the same room, it should be easy to move between them without going outside.

Article 3.24. Toilets, urinals and washbasins

1. There should be at least one toilet for the employees in a business or establishment where employees usually work.

2. In a business or establishment where 10 or more employees usually work simultaneously there should be at least one toilet for every 15 or fewer employees of the same sex. With respect to male employees, urinals should partly suffice, provided there is at least one sit-down toilet for each 25 or fewer male employees.

3. The toilets and urinals should be suitable fitted out and properly ventilated; they should be situated close to the areas where the employees carry out their activities.

4. In a business or establishment where 10 or more employees usually work simultaneously, the toilets should be separated according to sex.

5. Sufficient washbasins should be present in or in the immediate vicinity of the areas in which the toilets and urinals are situated. The washbasins should be suitably placed and have running water.

Article 3.25. First aid stations

1. If the nature of the work or the associated hazards makes it necessary, in addition to Part 4 of Chapter 2 there should be sufficient first aid stations available in the business or establishment.

2. Clearly visible instructions for first aid for accidents should be present in the first aid stations.

3. An alarm number should be clearly visible in the first aid station.

4. The first aid stations should be provided with the necessary first aid equipment.

5. First aid stations should be easily accessible with stretchers.

6. First aid stations and first aid equipment should be supplied with an indication in compliance with the provisions set out in or pursuant to Part 2 of Chapter 8.

Part 2. Additional provisions for construction sites

Article 3.26. Linking provision

Apart from the provisions of Part 1 the provisions of this Part also apply to construction sites.

Article 3.27 General requirements

1. A construction site should be marked and defined.
2. Sufficient drinking water or other soft drinks should be available on the construction site.
3. If necessary, facilities for preparing meals should be available on construction sites.

Article 3.28. Stability and strength

1. Workplaces on a construction site not situated at ground level, should be stable and strong, taking into account the number of employees present on it, the maximum load and the load spread as well as external influences. If necessary, suitable means of attachment should be applied for the sake of stability.
2. The stability and strength should be properly checked on a regular basis and in any event after any relevant change of the height or depth of the workplaces meant in paragraph one.

Article 3.29. Electrical installations and wiring

1. Electrical installations already present on the construction site before the activities commence, should be identified, checked and clearly marked.
2. Where possible overhead electricity cables should be diverted outside the construction site or rendered dead. If this is not possible, fencing or warning signs should be positioned.
3. If vehicles have to drive underneath electricity cables, protective devices should be attached under the cables.
4. Underground electricity cables, conduits for other distribution systems and cables should be identified before commencement of the earth-moving activities.
5. As far as is possible suitable measures should be taken to avoid hazards for employees associated with damage to the conduits and cables meant in paragraph four.

Article 3.30. Construction pits, tunnels, excavations and other underground activities and earth-moving activities

1. Suitable shoring or slope provisions should be applied in a construction pit, a tunnel, at excavations or other underground activities in order to prevent collapse or flooding.
2. With respect to earth-moving activities the excavated earth, the materials used and the vehicles used in this respect should be kept at a safe distance from the excavation. If necessary, suitable fencing should be placed around the excavation.

Article 3.31. Metal and concrete constructions, shuttering and heavy prefabricated elements

1. Metal and concrete constructions as well as parts of them, shuttering, prefabricated elements or temporary shoring and propping should only be erected or dismantled under the supervision of a person specially appointed to this end.
2. Shuttering, temporary shoring and propping should be able to bear the forces to which they are exposed without any danger to employees.

Part 3. Additional provisions for opencast mining

Article 3.32. Linking provisions and applicability

1. In addition to the provisions of Part 1 the provisions of this Part also apply to a workplace in opencast mining.
2. This part does not apply to work carried out in open dredging.

Article 3.33. Written information

1. Written instructions should be drawn up for each employee working in the mining industry containing the rules to be complied with in order to guarantee the health and safety of the employees as well as the safe use of work equipment. These instructions should also contain indications how to use emergency equipment and the action to be taken in emergencies.
2. The instructions should be available to the employee in a properly accessible place.

Article 3.34. Danger of suffocation, intoxication, poison, fire and explosion

1. In areas where there is a danger of suffocation, intoxication or poison, or of fire or explosion, the measures required in accordance with Article 4.6 should be taken in order to avoid this danger.
2. The measures meant in the first paragraph should be included in the health and safety plan meant in Article 2.42, second paragraph.

Article 3.35. Reanimation equipment

1. In addition to Part 4 of Chapter 2, in areas where there is a danger of suffocation, intoxication or poisoning suitable resuscitation equipment should be present.
2. In the workplace in the mining industry there should be sufficient employees present able to operate the equipment mentioned in the first paragraph.
3. The resuscitation equipment should be suitably maintained and stored.

Article 3.36. Restricting and fighting fires

In addition to Part 4 of Chapter 2 the measures meant in that Part concerning the restriction and fighting of fires should be included in the health and safety plan meant in Article 2.42, second paragraph, of this Decree.

Article 3.37. Preventing instability

1. Before commencement of activities involving excavation or reclamation of faces above workplaces or traffic routes, a check should always be carried out as to whether there are any unstable masses or rocks. If necessary, loose blocks of stone should be removed.
2. Always look out for any instability which might be created when reclaiming faces or stone heaps.

Part 4. Additional provisions for petrol stations

Article 3.38. Linking provision

In addition to the provisions of Part 1 the provisions of this Part also apply to petrol stations.

Article 3.39. Safety requirements for petrol stations

1. Petrol stations being open on working days between 6.30pm and 6.00 am, on Sunday, on New Year's Day, Easter Monday, Ascension Day, Whit Monday, Christmas Day, Boxing Day or on the anniversary of the Queen, should be provided with:-
 - a) a throw-in safe;
 - b) an optical or acoustic alarm system unless the petrol station has been supplied with an alarm system as meant in Article 3.40, under b;
 - c) a lighting system which continues to light the petrol station for at least 15 minutes after it has been closed.
2. With respect to petrol stations where one or more petrol pumps are operated by a person working for this petrol station, the access door to the shop in the petrol station should be at least lockable on the inside.
3. With respect to petrol stations where no petrol pump is operated by a person working at this petrol station, the access door to the shop in the petrol station should be supplied with a remote electronic locking device which can only be operated from inside the shop.

Article 3.40. Additional safety requirements for petrol stations

With respect to petrol station shops which open between 9.00pm and 6.00 am, the following provisions apply in addition to Article 3.39:

- a. at least one camera should be present in the petrol station shop and be connected to a recorder recording the camera images at least at certain time intervals;
- b. the petrol station should be supplied with an alarm system giving alarm signals when necessary via telecommunication connections to an alarm centre approved by Our Minister of Justice;

- c. the place where the cash till is situated in the shop in a petrol station should be surrounded by bullet-proof materials at least partly consisting of bullet-proof glass, and
- d. at least two persons should be present at the petrol station closing time.

Part 5. Special sectors and special categories of employees

§1. Education

Article 3.41. Recreational rooms, pupils and students

Article 3.20 does not apply to pupils or students in educational institutions.

§ 2. Transport

Article 3.42. Exceptions to means of transport

1. Articles 3.4, 3.5, 3.7, fifth paragraph, do not apply to aircraft for which a Dutch or a comparable certificate of airworthiness has been issued before 1 January 1997 unless compliance with this may reasonably be required.
2. Articles 3.7, fifth paragraph, 3.20, 3.22, 3.23 and 3.24 do not apply to seagoing vessels and river-vessels constructed before 1 January 1994 unless compliance with this may reasonably be required.
3. Constructed seagoing vessels has the meaning given to it in Article 1 of the Ships Decree 1965 or – insofar as this relates to seagoing fishing vessels – Article 2 of the Fishing Vessels Decree.
4. Article 3.7, fifth paragraph, does not apply to vehicles on a public road or railway or tramway constructed before 1 January 1994 unless compliance with this may reasonably be required.
5. Articles 3.4, 3.5 and 3.7, fifth paragraph, do not apply to the rolling stock present in businesses or establishments of railway and tramway enterprises.
6. Articles 3.20 up to and including 3.25 do not apply to aircraft.
7. Articles 3.4, 3.5, 3.7, third and fourth paragraph, 3.21, second sentence, and 3.25 do not apply to seagoing vessels and river vessels.
8. Articles 3.20 to 3.25 do not apply to vehicles on a public road or a rail- or tramway.

§ 3. Judicial institutions

Article 3.43. Changing rooms and some other provisions

Articles 3.20 to 3.25 do not apply to workplaces in judicial institutions which were in operation as such before 1 September 1990, insofar as compliance with this cannot reasonably be required.

Article 3.44. Escape routes and emergency exits

Articles 3.6 and 3.7 apply to work carried out in judicial institutions by judicial personnel, prisoners or young persons insofar as the order, security or the proper course of events in the judicial institution or the undisturbed implementation of the deprivation of liberty or other restrictions imposed under any law by the authorities having the power to do so shall not be violated.

In any event in doing so technical and organizational measures should be taken such that the judicial personnel, prisoners or young persons are able to get themselves to safety.

§ 4. Young persons

Article 3.45. Linking provision

In addition to the provisions under or pursuant to this Chapter the provisions and prohibitions mentioned in this § also apply to young employees.

Article 3.46. Expert supervision

Article 1.37, second paragraph, applies accordingly to young employees who:-

- a) Carry out work where there is a danger of collapse;
- b) Carry out work to, with or in close proximity to high voltage installations as meant in Article 3.1.

§ 5. Pregnant and breast-feeding employees

Article 3.47. Linking provision

In addition to this Chapter the provisions set out in this § also apply to pregnant and breast-feeding employees.

Article 3.48. Resting rooms

A suitable, lockable, enclosed space should be available for pregnant and breast-feeding employees in which there is an opportunity to take a rest or one can be immediately made. In such a space a proper, folding or non-folding bed or a suitable couch should be available.

CHAPTER 4. HAZARDOUS SUBSTANCES AND BIOLOGICAL AGENTS

Part 1. General provisions

Article 4.1. Care, order and cleanliness

If substances are present in the workplace which may cause a hazard to the health or safety of employees or could result in inconveniences, the greatest possible care, order and cleanliness should be observed.

Article 4.2. Detailed provisions on assessment and evaluation

1. If work is carried out whereby employees are or could be exposed to substances which could cause a hazard to health or safety or inconveniences for them, within the scope of the risk assessment and evaluation meant in Section 5 of the Act, the nature, extent and duration of this exposure should be assessed in order to determine the hazards for the employees.
2. With regard to the nature of the exposure it should in any event be determined to which substances the employees are or could be exposed, what dangers are associated with these substances, in what situations exposure could occur and in what manner exposure could take place.
3. Concerning the extent of the exposure, it should in any event be determined what the exposure level is in the workplace. For the effective determination of the exposure level, existing suitable measuring methods should be used, unless this level can be determined suitably by means of other methods.
4. Insofar as the exposure level can only be suitably determined by means of measurements, a method of measurement suitable and standardised for the purpose of measuring should be used. Should a standardised measuring method be lacking, the measurement will be carried out in accordance with another method of measurement suitable for the purpose.
5. If in connection with the nature of the activities carried out in the workplace, there are substances usually present, which are classified by or pursuant to the Chemical Substances Act under the category of <poisonous for procreation>, as meant in Section 34, sub-section two, under n, of this Act, as well as substances as meant in Directive no. 67/548/EEC of the Council of the European Community of 27 June 1976 concerning the adjustment of statutory and administrative provisions concerning the classification, packaging and characteristics of hazardous substances (Official Journal EC L 196) which with the warning sentence R64 are characterised in accordance with the criteria in § 3.2.8 of Appendix VI of this Directive with respect to these substances in the risk assessment and evaluation meant in Section 5 of the Act, the following information should also be mentioned:
 - a) The quantity of the substance which is usually manufactured or used or which is usually present in connection with storage each year;
 - b)

- c) The number of employees usually working in the workplace where the substance is usually present;
- d) the form of the work usually carried out with the substance;
- e) the manner in which the employees meant under b are or can be exposed to the substance in their work;
- f) the measures taken in compliance with Article 4.9.

Article 4.3. Packaging and labelling

1. Section 35, sub-section one to three, of the Chemical Substances Act applies accordingly to the packaging of a substance which might cause a hazard to the health or safety of employees and also to the fastening of this packaging.
2. On the packaging of a substance which should be labelled pursuant to the Chemical Substances Act on delivery and on having it available for delivery, the indications prescribed for this substance under or pursuant to the said Act for the delivery of this substance, should be stated in a striking and properly readable manner with the exception of the indications relating to the category <environmentally hazardous>.
3. The name of the substance and an indication as to the nature of the danger or hazards associated with this substance should be stated in a striking and properly readable manner on the packaging of a substance as meant in the first paragraph, to which Section 34 of the Chemical Substances Act does not apply.
4. This Article does not apply to pesticides as meant in the Pesticides Act 1962.

Article 4.4 Prevention of unintended events

1. If substances are present which, because of their characteristics or the circumstances in which they occur, could cause a danger for the health or safety of employees, provisions should be made such that the hazard that might arise from any unintended event occurring with respect to those substances is avoided as much as possible.
2. When carrying out work with substances as meant in the first paragraph, provisions should be made such that the danger of an unintended hazard occurring in connection with this work is avoided as much as possible.
3. The second paragraph applies accordingly on carrying out work to or the removal of reservoirs, installations, packaging or other matter in which substances or remnants of these substances as meant in the first paragraph are contained.
4. In addition, such provisions should be made that if an unintended event as meant in the first or the second paragraph occurs, the consequences of this are restricted as much as possible.
5. In spaces in which work is carried out as meant in the second paragraph, substances should not be present in higher quantities than is strictly required for the business operations.
6. In spaces as meant in the fifth paragraph no more employees should be present than are necessary.
7. Work with or in proximity of substances as meant in the first paragraph may only be carried out by persons in such physical and mental condition and having such basic knowledge in this field of work that they are sufficiently able to ascertain and prevent the associated hazards.
8. This Article does not apply to having present, using, storing or destroying pesticides, neither to the disposal or destruction of empty packaging of pesticide as meant in the Pesticides Act 1962.

Article 4.5. Special measures to prevent unintended events

1. It is not allowed to smoke in places where substances are present which under the Chemical Substances Act meet the criteria for classification under one or more of the categories of <explosive>, <highly flammable>, <flammable>, <poisonous>, <sensitising>, <carcinogenic>, <mutagenic> and <poisonous for procreation>, meant in Section 34, sub-section two, of the Act.
2. Places where substances are present which meet the criteria under the Chemical Substances Act for classification into one or more categories of <highly toxic>, <poisonous>, <carcinogenic>, <mutagenic> and <poisonous for procreation>, meant in Section 34, sub-section two, of the Act, are not allowed to be used as sleeping rooms, neither can they be used for consuming or keeping food or drinks.
3. Substances meeting the criteria under the Chemical Substances Act for classification in one or more of the categories of <highly poisonous>, <poisonous> and <corrosive>, meant in Section 34, sub-section two, of this Act, should be locked up whilst stored so that they cannot get into the hands of unauthorized persons.

Article 4.6. Danger of suffocation, intoxication, poison, fire or explosion

1. If it can be assumed that employees during their stay in a space can be exposed to substances to such an extent that this would create a hazard of suffocation, intoxication or poison, fire or explosion, an employee is not allowed access to this space before an adequate investigation has shown whether this hazard is present.
2. If it appears from the investigation meant in the first paragraph that the hazard of suffocation, intoxication, poison, fire or explosion is present, suitable measures should be taken so that the employees are able to enter this space without encountering the said hazards.
3. If a direct hazard occurs in a space as meant in the first paragraph, suitable measures should be taken so that the employees who have entered this space are able to leave it immediately. If this is not possible and it is nevertheless necessary to access this space, this is only allowed if work equipment is being used which cannot cause the respective hazard themselves and also if personal protection equipment is made available and used. If necessary, the employees who have to enter the space should be constantly observed from the outside.

Article 4.7. Safety on or in tankers

1. Article 4.6 does not apply to the following activities to, on or in tankers of a category appointed by ministerial order:-
 - a) cleaning,
 - b) maintaining, repairing or converting,
 - c) dismantling in part or in whole where there is a danger of fire, explosion, poisoning, suffocation or intoxication.
2. The activities mentioned in the first paragraph should be carried out in a safe manner by or under supervision of a person with sufficient expertise.
3. A ministerial order will indicate activities which should only be carried out if a gas expert has assessed in advance the health and safety hazards for the employees and has issued a certificate in compliance with a model to be determined by a ministerial order.
4. A gas expert as meant in the third paragraph should be in possession of a certificate of a professional gas expert issued by Our Minister or a certifying institution.
5. The certificate of a professional gas expert or a copy of it should be present at the workplace and should be shown to an official as meant in Section 24 of the Act when requested to do so.
6. Detailed provisions concerning the activities meant in the first paragraph will be laid down by a ministerial order.

Article 4.8. Explosives

1. Work whereby substances are being used to explode objects or materials, should be carried out in accordance with an explosion plan drawn up in advance containing a proper description of the activities to be carried out, the associated hazards and the manner in which these hazards will be prevented or restricted as much as possible.
2. The work meant in the first paragraph should be carried out by or under the continuous supervision of a person in the possession of a certificate of professional expertise as an explosives master with respect to the type of work carried out, issued by Our Minister or a certifying institution.
3. The explosion plan meant in the first or the second paragraph and the certificate of professional expertise as an explosives master or a copy of it should be present in the workplace and should be shown to officials meant in Section 24 of the Act when requested to do so.
4. Detailed provisions will be laid down in a ministerial order concerning the activities meant in the first paragraph.

Article 4.9. Work hygiene regime

1. Suitable measures should be taken to prevent employees being exposed in their work to substances to such an extent that it could damage their health or could cause inconvenience to employees.
2. In compliance with the first paragraph technical or organisational measures should be taken such that the hazard of exposure is avoided as much as possible at source, including the application of substances whereby the employees - with a view to the properties of these substances, the nature of the work, the work methods and work circumstances - are exposed to health hazards as little as possible or whereby the employees are inconvenienced as little as possible.
3. If preventing the exposure in a suitable manner by taking measures as meant in the second paragraph is not reasonably possible and the exposure is caused because the air

is contaminated by these substances in places where employees remain in connection with their work, the polluted air should be removed in a suitable manner.

4. If preventing the exposure in a suitable manner by taking measures as meant in the second paragraph is not reasonably possible and the exposure is caused in a manner other than meant in the third paragraph, the following measures should be taken:

- a) the duration of the exposure should be restricted as much as possible;
- b) a substance should not be present in a larger quantity than necessary and the number of exposed employees should not be higher than is strictly necessary in order to carry out the work;

5. If removal in a suitable manner of polluted air as meant in the third paragraph is not reasonably possible because of the nature of the work or the work circumstances, the measures mentioned in the fourth paragraph should be taken.

6. If it is not reasonably possible to prevent exposure of the employees or to restrict this to a sufficiently low level by means of the measures meant in the fourth or fifth paragraph, personal protection equipment will be made available to the employees who are or could be exposed.

7. If the activities are carried out with the use of personal protection equipment in accordance with the second paragraph, this should not continue to take place permanently in this manner and the time during which each of the employees has to wear these should be limited to when strictly necessary.

8. A ministerial order will determine values which should not be exceeded with respect to the concentration or average concentration of the substances indicated in this order in the air in the workplace and to which employees are exposed in connection with the work.

9. When a value as meant in paragraph 8 has been exceeded, suitable measures should be taken immediately to reduce the concentration below this value.

10. So long as measures as meant in paragraph nine have not yet been fully implemented or have not resulted in suitable protection, the work may only be continued if suitable measures are taken to prevent damage to the employees' health.

11. This Article does not apply to:

- a) carcinogenic substances and processes as meant in Part 2 of this Chapter;
- b) vinyl chloride monomer as meant in Part 3 of this Chapter;
- c) asbestos and crocidolite as meant in Part 5 of this Chapter;
- d) volatile organic substances and products containing these substances as meant in Part 6A, insofar as the obligation of replacement meant in Article 4.62b applies;
- e) lead and white lead as meant in Part 7 of this Chapter, and
- f) pesticides as meant in the Pesticides Act 1962.

Article 4.10. Ventilation

1. If pursuant to Article 4.9, third paragraph, air is being removed, a sufficient supply of non-polluted air should be simultaneously guaranteed.

2. Provisions will be laid down by ministerial order concerning the first paragraph. These provisions may for instance relate to:

- a) the quality of the air supplied;
- b) the air circulation or ventilation systems or air cleaning equipment used for the supply of non-polluted air;
- c) checks and maintenance of the systems or equipment meant under b.

3. A ministerial order will indicate cases in the interest of health and safety whereby re-circulation of air is prohibited or only allowed with due observance of the rules to be laid down in this order.

Part 2. Rules for working with carcinogenic substances and processes

§ 1. Definitions

Article 4.11. Definition of carcinogenic substances and processes

In this Part and the provisions based on it the following concepts have the following meaning:

- a) Directive: Directive no. 90/394/EEC of the Council of the European Communities of 28 June 1990 concerning the protection of employees against the risks of exposure to carcinogenic agents in the workplace (*Official Journal EC L 196*);
- b) Carcinogenic substance:

- 1) A single substance which has to be classified as a category 1 or 2 carcinogen according to the criteria of Appendix VI of Directive no. 67/548/EEC of the Council of the European Communities of 27 June 1967 concerning the approximation of statutory and administrative

provisions involving the classification, packaging and marking of hazardous substances (*Official Journal EC 196*) and also a substance as meant in Appendix I of the Directive;

2. A multiple substance consisting of one or more substances as meant under 1 the concentration limit of which is determined in Appendix I of Directive no. 67/548/EEC of the Council of the European Communities of 27 June 1967 concerning the approximation of statutory and administrative provisions concerning the classification, packaging and marking of hazardous substances (*Official Journal EC 196*) and – insofar as this relates to a substance not included in the latter Appendix or which is included but without any concentration limit- a substance the concentration limit of which is determined in Appendix I of Directive no. 88/379/EEC of the Council of the European Communities of 7 June 1988 concerning the approximation of statutory and administrative provisions of the Member States concerning the classification, packaging and marking of hazardous preparations (*Official Journal EC 187*) and also a multiple substance as meant in Appendix I of the Directive;

- c) Carcinogenic process: a process as meant in Appendix I of the Directive as well as a substance released in a process as meant in Appendix I of the Directive;
- d) Danger area: a place at a business or establishment where there is a hazard to the health or safety of the employees as a result of being exposed or the possibility of being exposed to carcinogenic substances and processes;
- e) Limit value: insofar as this is not determined otherwise under or pursuant to this Decree, the limit of the time-weighted average concentration of a carcinogenic substance in the air in the breathing area of the employee during a reference period specified under or pursuant to this Decree.

Article 4.12. Applicability

[Repealed]

§ 2. Written assessment and recording information

Article 4.13. Detailed provisions on assessment and evaluation

If work is being carried out whereby employees as a result of their work are or might be exposed to carcinogenic substances and processes, with respect to these substances or processes which – with a view to the nature of the activity – are present or applied quite regularly, the following information should in any event be recorded in the risk assessment and evaluation as meant in Section 5 of the Act:

- a) Concerning the identity:
 - 1. of a single substance: the chemical name or names or the CAS Number or the number under which the substance is included in the list of substances meant in Appendix I of Directive no. 67/548/EEC of the Council of the European Communities of 27 June 1967 concerning the approximation of statutory and administrative provisions involving the classification, packaging and marking of hazardous substances (*Official Journal EC 196*);
 - 2. of a multiple substance: the trade name or names and also the chemical name or names and the weight percentage of the component giving rise to the classification of the substance in the <carcinogenic> classification;
 - 3. of a process: the description of the process and the chemical name of the substances released thereby;
- b) The reason why the use of a carcinogenic substance or the application of a carcinogenic process is strictly required for the work and why a replacement would not be technically feasible;
- c) An indication of the organisational unit or units at the business or the establishment where a carcinogenic substance usually occurs or a carcinogenic process is usually applied;
- d) The designation of the hazard or the hazards of the carcinogenic substance or the carcinogenic process;
- e) The quantity of the carcinogenic substance which is usually manufactured or used per year or is usually present in connection with storage or the frequency with which a process is usually applied per year;
- f) The type of work which is carried out with the carcinogenic substance or in which the carcinogenic process is usually applied;
- g) The number of employees who are usually or might be exposed to the carcinogenic substance or process;
- h) The manner in which the employees meant under g are usually or might be exposed to a carcinogenic substance or process, and
- i) The measures taken in compliance with the provisions set out in or pursuant to this Part.

Article 4.14. Detailed provisions on assessment and evaluation, assessment

1. For all work whereby employees might be exposed to carcinogenic substances or processes, within the scope of the assessment and evaluation as meant in Section 5 of the Act, the nature, the extent and duration of any exposure should be assessed in order to be able to determine the hazards to the health and safety of the employees. During this assessment foreseeable events, which might result in a significant increase of the extent of the exposure, should be taken into account as much as possible.
2. Concerning the nature of any exposure it should in any event be determined to which carcinogenic substances and processes employees are or might be exposed, in what situations exposure may occur and in what manner this exposure may occur.
3. Concerning the extent of exposure it should in any event be determined what the exposure level in the workplace is. In order to effectively determine the exposure level, existing, suitable methods of measurement for carcinogenic substances should be used, unless this level can be determined effectively by means of other methods.
4. When carrying out the assessment as meant in the first paragraph, any amplifying effects which carcinogenic substances or processes might or might not have on each other should be taken into account as much as possible.
5. Detailed provisions with respect to this Article can be laid down in a ministerial order. These provisions may relate to:
 - a) The methods by which the exposure level meant in the second paragraph should be effectively ascertained;
 - b) The use of existing suitable methods of measurement for exposure to carcinogenic substances or processes;
 - c) The manner in which measuring results are appraised and recorded.

Article 4.15. List of employees

1. An up-to-date list should be kept of employees entrusted with activities which create a hazard to their health and safety as appears from the assessment meant in Article 4.14 stating the exposure they have undergone insofar as any information is available on this.
2. Any employee is entitled to inspect information concerning him recorded on the list meant in the first paragraph.

§ 3. Limit values and avoiding or restricting exposure

Article 4.16. Limit values

1. Rules concerning the limit values will be laid down in a ministerial order which should not be exceeded by the exposure level or the average exposure level of carcinogenic substances and substances released during carcinogenic processes.
2. When the value is exceeded as meant in the first paragraph, immediately effective measures should be taken to reduce this concentration below this value.
3. So long as the measures meant in the second paragraph have not yet been fully implemented or do not result in effective protection, the work may only be continued if effective measures are taken in order to avoid damage to the health of the employees.

Article 4.17. Prevention of exposure; replacement

Technical and organisational measures should be taken such that the hazard of exposure of employees to carcinogenic substances and processes is prevented at source as much as possible in particular by replacing carcinogenic substances and processes – insofar as this is technically feasible - by substances and processes whereby the employees - with a view to the properties of these substances or processes, the nature of the work, the working methods and operational circumstances - are not exposed or are exposed less to a hazard to their health and safety.

Article 4.18. Avoiding or restricting exposure

If it appears from the results of the assessment meant in Article 4.14, first paragraph, that there is a hazard to the health of the employees and that effectively preventing the exposure by taking measures as meant in Article 4.17 is technically not feasible, the hazard of exposure – insofar as this is technically feasible – should be prevented at source or be reduced to a level at which no damage to health can occur in particular by having the production and the use of carcinogenic substances and processes take place in a closed system.

2. If preventing exposure or reducing the level of exposure to a level which cannot cause a hazard for health as meant in the first paragraph is technically not feasible, carcinogenic substances should be removed at source in an effective manner, for instance by local removal

of the air, supplemented if necessary by general ventilation guaranteeing a simultaneous supply of non-polluted air without this causing any hazard for public health and the environment.

3. If the measures meant in the second paragraph are not technically feasible, measures should be taken to restrict exposure of employees to the lowest possible level that is technically feasible by separating the people from the source as much as possible.

4. If it is not technically feasible to prevent or restrict the exposure of the employees to a sufficiently low level by means of the measures meant in paragraph three, personal protection equipment should be made available to the employees who are or might be exposed.

5. If the activities are carried out by using personal protection equipment in accordance with the fourth paragraph, this should not be a permanent solution and for each of those employees the time spent wearing this equipment should be restricted to when strictly necessary.

Article 4.19. Restricting exposure

In all cases where work is being carried out and where employees as a result of their work could be exposed to carcinogenic substances or processes, the following measures should be taken to prevent the exposure of the employees or to restrict this to the lowest possible level:-

- a) Carcinogenic substances should not be present in larger quantities than strictly necessary and the number of employees which are or might be exposed should not be higher than is strictly necessary to carry out the work;
- b) The duration of the exposure should be restricted as much as possible;
- c) Employees who are or might be exposed should be sufficiently familiar with the nature of their activities and should have sufficient knowledge of the hazards attached to exposure and of the provisions made or which they should make to prevent or restrict these hazards;
- d) The necessary hygienic provisions are made with respect to the work;
- e) Anybody other than the employee or other persons who have to enter the areas in connection with their work should be prevented from entering the danger areas;
- f) Danger areas should be marked by means of warning and safety signs in compliance with the provisions set out in or pursuant to Part 2 of Chapter 8;
- g) Provisions should be made such that the hazard of an unintended event occurring during the work is avoided as much as possible;
- h) Provisions should be made so that if an unintended event occurs during the work, its consequences are restricted as much as possible;
- i) Use should be made of effective means for safely storing, handling and transporting carcinogenic substances by using hermetically sealed and clearly, visibly marked containers, and
- j) Use should be made of effective means for safely collecting, storing and removing waste materials including the use of hermetically sealed and clearly visibly marked containers.

Article 4.20. Hygienic measures of protection

1. Areas should be fitted-out where employees can eat and drink without any hazard of exposure.

2. If there is a chance of exposure, industrial clothing in compliance with Part 1 of Chapter 8 should be made available to employees which will always be worn by the employees during their work.

3. In addition to Article 3.22 the industrial clothing should be stored in a place apart from other clothing.

4. In addition to Article 3.23 effective washing facilities and shower rooms should be available for the employees.

5. Personal protection equipment should be stored in accordance with the instructions in the intended place and should be checked after every use.

Article 4.21. Unforeseen increase of the exposure level

1. If an event occurs which might result in an unforeseen increase in the exposure level, meant in Article 4.14, third paragraph, the employees should be notified of this immediately and it should be ensured that they leave the danger area.

2. If an unforeseen increase in the exposure level occurs, the works council or staff representation or – should these be lacking – the interested employees should be immediately notified of the causes of the increase, the height of the exposure level and the measures which are being taken to remove the cause and to avoid or restrict the exposure as much as possible.

3. If an unforeseen increase in the exposure level occurs, the employees or other persons entrusted with carrying out the necessary repair works should only enter the danger area using personal protection equipment. These employees and other persons should not be present in the respective area longer than is strictly necessary for reinstating normal conditions.
4. Anybody other than the persons meant in the third paragraph should be prevented from entering the danger area.

§ 4. Work-related health examination

Article 4.22. Examination.

1. Any employee who is entrusted with activities for the first time which as appears from the assessment meant in Article 4.14, might cause a hazard to health or safety, should as an addition to Section 18 of the Act be given the opportunity to submit to a work-related health examination before commencing this work.
2. If the employee is found to have a disorder which could be the result of exposure to carcinogenic substances or processes, employees who have been exposed in a similar way should be given the intermediate opportunity to submit to a work-related health examination.
3. The work-related health examination can be re-taken at the request of the employer or the employee involved. The results of the re-taken examination replace the previous one.
4. After the exposure has ended an employee as meant in the first paragraph should be informed of the manner in which he will be given the opportunity to submit to a work-related health examination.

Article 4.23. The carrying out and content of an examination

1. The work-related health examination meant in Article 4.22 should take place with due observance of the practical recommendations included in Appendix II of the Directive.
2. The working conditions service is entitled to inspect the list of exposed employees meant in Article 4.15. In addition, they will have at their disposal all information required to assess the exposure of the employees to carcinogenic substances and processes and to being able to give advice on the periodicity and content of the work-related health examination meant in the first paragraph, the preventative measures to be taken or personal protection equipment used.

Article 4.24. Files and recording

1. The working conditions service maintains a personal medical file of each employee who has submitted to a work-related health examination as meant in Article 4.22.
2. Any employee is entitled to inspect his personal medical file.
3. The results of the work-related health examination and an explanation of it should be brought to the notice of the works council or the staff representation or should these be lacking to the interested employees in a statistical form which cannot be traced to the individual.
4. The results of the work-related health examination of any employee should be recorded in a suitable form and stored for up to at least 40 years after termination of his exposure to carcinogenic substances or processes, as well as the list meant in Article 4.15 or the register of exposed employees meant in Article 4.53, first paragraph.
5. In the event of the activities in the business or establishment of the employer being discontinued during the period of 40 years meant in the fourth paragraph, the documents meant in the fourth paragraph should be transferred to the officer appointed to this end as meant in Section 24, sub-section one, of the Act.

Part 3. Additional provisions on vinyl chloride monomer

Article 4.25. Definitions

In the provisions set out in or pursuant to this Part the following words mean the following:

- a) Directive: Directive no. 78/610/EEC of the Council of the European Communities of 29 June 1978 concerning the approximation of statutory and administrative provisions of the Member States concerning the protection of health and safety of employees exposed to vinyl chloride monomer (*Official Journal EC L 197*);
- b) Work with vinyl chloride monomer: manufacturing, reclaiming, storing, filling up, transporting or using vinyl chloride monomer in any other way or converting vinyl chloride monomer into vinyl chloride polymer;
- c)

- d) Work area: the designated place or places used by an employee working with vinyl chloride monomer including the route to be used between these places for the benefit of the work.

Article 4.25a Linking provision

Apart from Part 2 of this Chapter with due observance of Article 4.25b, this Part also applies to working with vinyl chloride monomer.

Article 4.25b. Deviating provisions

1. Contrary to Article 4.14, third paragraph, Articles 4.26 to 4.29 should be applied.
2. Contrary to Article 4.16, Article 4.30 should be applied.
3. Contrary to Article 4.21, Article 4.31 should be applied.

Article 4.26. Detailed provisions on assessment and evaluation, measuring

1. During work with vinyl chloride monomer within the scope of the assessment and evaluation as meant in Section 5 of the Act, its concentration in the air in the workplace should be measured in a continuous, permanently sequential or discontinuous manner.
2. Measurements should be taken in a continuous or permanently sequential manner if vinyl chloride monomer is transformed into vinyl chloride polymer in the work area and the work area is situated in a building.

Article 4.27. Measuring point

The measuring point or the measuring points should be chosen in such a way that the vinyl chloride monomer concentrations are as representative as possible and are in any event not too low for the extent to which the employee may be deemed to be exposed in his work area to vinyl chloride monomer.

Article 4.28. Measuring tools

1. The measurements should be taken by means of instruments which are at least able to reliably record one third of the limit value mentioned in Article 4.30, first paragraph, opening sentence. The instruments should be regularly calibrated in accordance with methods prescribed by generally accepted technological rules.
2. Insofar as measurements are taken by means of instruments not exclusively recording the concentration of vinyl chloride monomer, the outcome should be regarded as the total registration of vinyl chloride monomer.

Article 4.29. Results of measurements

The outcomes of measurements as meant in Article 4.26 should be recorded in writing stating the workplaces and periods to which they relate. The outcomes should be made available at the first request to the works council or the staff representation or should these be lacking to the interested employees. The data should be stored for at least three years.

Article 4.30. Limit value

1. The average outcome of continuous or permanently sequential measurements should – always calculated for a period of one year - not exceed the limit value of 7.7 mg/m³. The calculation method should be in accordance with the method of the arithmetical mean.
2. The number of the measurements taken discontinuously should be such that one may assume with a statistical probability of at least 95% that the limit value mentioned in the first paragraph will not be exceeded. The calculation method should be in accordance with the method of the arithmetic mean. The outcome of such measurements should be assessed with due observance of the hypotheses and calculations meant in Appendix I, under 2, 3 and 4, of the Directive. The average outcome of the measurements should – always calculated over a period of one year - not exceed the limit value mentioned in the first paragraph.
3. If on the basis of the measurements over a shorter period than one year with application of the points 2, 3 and 4 of the Appendix mentioned in the second paragraph it can be assumed, that the limit value mentioned in the first paragraph will be exceeded, immediate measures should be taken to restrict the concentration of vinyl chloride monomer. Afterwards another measurement will be taken. The taking of measurements as meant in the opening sentence can only be terminated if - as appears from new measurements - the limit value mentioned in the first paragraph will not be exceeded.

4. In order to calculate the outcomes meant in the first, second and third paragraph, the outcomes of measurements taken during the period in which a concentration to be regarded as abnormal as meant in Article 4.31 should not be taken into account.

5. For as long as the provisions meant in the third paragraph have not yet been fully implemented or do not result in effective protection, the work is only allowed to continue if effective measures have been taken to avoid damage to the health of the employees.

Article 4.31. Monitoring system

1. There should be a proper monitoring system in the work area which should be operative during working hours which will give a warning as soon as there is a concentration of vinyl chloride monomer in the air which – with a view to the nature of the work – could be regarded as abnormal. A concentration should be regarded as abnormal if it is equal to or higher than an average of 77 mg/m³ in two minutes, 51 mg/m³ on average in 20 minutes or 38 mg/m³ in one hour.

2. In cases of concentrations regarded as abnormal as meant in the first paragraph, steps should immediately be taken to discover the cause of this concentration and to reduce it to a normal concentration.

3. In cases of concentrations regarded as abnormal as meant in the first paragraph, the employees should be notified of this immediately and their removal from the work area should be ensured.

4. In cases of concentrations regarded as abnormal as meant in the first paragraph, only employees or other persons entrusted with the implementation of the necessary repairs should enter the work area with the use of personal protection equipment. These employees or other persons should not be present in the respective area longer than is strictly necessary for the rectification of the normal situation.

5. Anybody other than those persons meant in the third paragraph should be prevented from entering the work areas.

6. Article 4.21, second paragraph, applies accordingly.

7. With respect to an abnormal concentration as meant in the first paragraph, the date as well as the times of the beginning and end should be recorded in writing. This information should be stored for at least three years.

Article 4.32. Avoiding or restricting exposure

[Repealed]

Article 4.33. List with exposure data

[Repealed]

Article 4.34. Personal protection equipment

[Repealed]

Article 4.35. Work-related health examination

1. For as long as the exposure to vinyl chloride monomer lasts, the employees involved should be given the opportunity at least once every two years to submit to a work-related health examination as meant in Article 4.22.

2. Contrary to Article 4.23, first paragraph, the work-related health examination meant in Article 4.22, should take place with due observance of the guidelines for medical supervision of employees, included in Appendix II of the Directive.

Part 4. Benzene and chlorinated hydrocarbons

Article 4.36. Prohibition of benzene and chlorinated hydrocarbons

1. The use of benzene or a product the benzene content of which amounts to more than 1 volume percentage as a solvent, cleaning agent or thinner, is not allowed unless this takes place in a closed system or in another manner offering at least the same level of protection against exposure to it.

2. If benzene or a product as meant in the first paragraph is being used other than as a solvent, cleaning agent or thinner, this should be carried out as much as possible in a closed system.

3. The first and second paragraph apply accordingly with respect to carbon tetrachloride, pentachloroethane and 1,1,2,2-tetrachloroethane and also with respect to a product the content of which amounts to more than 1 volume percentage of one of the said substances.

4. Insofar as the use of benzene, of carbon tetrachloride, pentachloroethane and 1.1.2.2.-tetrachloroethane is allowed under this Article, Part 2 of this Chapter applies to it.

Part 5. Additional provisions on asbestos

§ 1. Definitions and applicability

Article 4.37. Definition of asbestos and crocidolite

1. In this Part and the provisions based on it, the following words have the following meaning:

- a) asbestos: substances containing one or more of the following fibrous silicates:
 1. actinolite (CAS Number 77536-66-4);
 2. amosite (CAS Number 12172-73-5);
 3. anthophyllite (CAS Number 77536-67-5);
 4. chrysotile (CAS Number 12001-29-5);
 5. tremolite (CAS Number 77536-68-6);
- b) crocidolite: substances containing the fibrous silicate of crocidolite (CAS Number 12001-28-4);
- c) asbestos-bearing products: products containing one or more of the fibrous silicates mentioned under a;
- d) crocidolite-bearing products: products containing the fibrous silicate mentioned under b;
- e) fibre: particle longer than 5 micrometers, having a width of less than 3 micrometers and a length/width proportion of more than 3/1.

2. For the purposes of this Decree substances or products containing one or more of the fibrous silicates meant in the first paragraph under a and also the fibrous silicate meant in the first paragraph under b should be regarded as crocidolite or as crocidolite-bearing products.

Article 4.37a. Linking provision

This Part also applies to work with asbestos or asbestos-bearing products and crocidolite or crocidolite-bearing products with due observance of Article 4.37b, besides Part 2 of this Chapter.

Article 4.37b. Deviating provisions

1. Contrary to Article 4.15, Article 4.53 should be applied.
2. Contrary to Article 4.16, Article 4.46 should be applied.
3. Contrary to Article 4.17, the Articles 4.38 to 4.42 should be applied.

§ 2. Prohibitory provisions

Article 4.38. Spraying prohibition

It is prohibited to spray asbestos or asbestos-bearing products and crocidolite or crocidolite-bearing products.

Article 4.39. Crocidolite prohibition

1. Working crocidolite or crocidolite-bearing products is prohibited.
2. Processing crocidolite or crocidolite-bearing products is prohibited.
3. Keeping crocidolite or crocidolite-bearing products in stock is prohibited.

Article 4.40. Exceptions to the crocidolite prohibition

1. Article 4.39 does not apply with respect to:
 - a. carrying out laboratory research into crocidolite and crocidolite-bearing products;
 - b. the storage and processing of crocidolite-bearing waste.
2. Article 4.39, first paragraph does not apply to:
 - a) discovering this substance or carrying out repairs or maintenance to crocidolite and crocidolite-bearing products;
 - b) dismantling buildings, constructions, equipment, installations and means of transport in which crocidolite or crocidolite-bearing substances is or are processed and removing crocidolite or crocidolite-bearing products from them.

3. Article 4.39, third paragraph, does not apply to having crocidolite and crocidolite-bearing products in stock for transit to another Member State of the European Union or a State being a party to the Convention concerning the European Economic Area.

4. § 6 of this Part applies accordingly to the activities described in the first paragraph, in the second paragraph under a and those in the third paragraph.

5. § 5 of this Part applies to the activities described in the second paragraph, sub b.

Article 4.41. Asbestos prohibition

1. Working asbestos or asbestos-bearing products is prohibited.

2. Processing asbestos or asbestos-bearing products is prohibited.

3. Keeping asbestos or asbestos-bearing products in stock is prohibited.

Article 4.42. Exceptions to the asbestos prohibition

1. Article 4.41 does not apply to:

a) mounting, manufacturing and keeping in stock asbestos-bearing friction materials insofar as these actions relate to:

1. the situations described in Articles 2, paragraph two, 4 and 5 of the Asbestos-free Friction Materials Decree, Chemical Substances Act;

2. motor vehicles with an allowed mass of over 3500 kilograms;

3. motor vehicles with an allowed speed of less than 50 kilometres per hour;

b) carrying out laboratory research into asbestos and asbestos-bearing products;

c) the storage and processing of asbestos-bearing waste;

d) using, filling and keeping in stock asbestos-bearing cylinders for the storage of acetylene gas marketed before 1 July 1993.

2. Article 4.41, paragraph one, does not apply with respect to:-

a) discovering this substance or carrying out repairs or maintenance to asbestos and asbestos-bearing products;

b) dismantling buildings, constructions, equipment, installations and means of transport in which asbestos or asbestos-bearing substances is or are processed and removing asbestos or asbestos-bearing products from them.

3. Article 4.41, third paragraph, does not apply to having asbestos and asbestos-bearing products in stock for transit to another EEA Member State.

4. § 3 and 4 of this Part apply accordingly to the activities described in the first paragraph, in the second paragraph under a and those in the third paragraph.

5. § 5 of this Part applies to the activities described in the second paragraph, sub b. If with respect to categories of activities as meant in the previous sentence, the exposure level does not exceed the action level meant in Article 4.44, those categories will be indicated by a ministerial order as activities to which one or more provisions of § 5 of this Part do not apply, if the provisions laid down in that order are complied with.

§ 3. Provisions for working with asbestos and asbestos-bearing products.

Article 4.43. Detailed provisions on assessment and evaluation, assessment

[Repealed]

Article 4.44. Assessment of consequences

The provisions of this § apply if it appears from the assessment meant in Article 4.14, first paragraph, that the concentration of asbestos in the air to which employees are exposed in connection with their work is lower than the following action levels:

a) 0.10 fibre per cubic centimetre, calculated or measured over a reference period of eight hours;

b) an accumulated dose of 6.00 fibre days per cubic centimetre, calculated or measured over a period of three months.

Article 4.45. Avoiding or restricting exposure

1. The concentration of asbestos in the air should be kept as low as possible.

2. In compliance with the first paragraph the following measures should be taken:

a) buildings, installations and equipment serving to work or process asbestos or asbestos-bearing products should be kept as free of dust as possible;

b)

- c) asbestos as a raw material should be stored and transported in closed packaging suitable for this purpose;
- d) waste materials created as a result of working or processing asbestos or asbestos-bearing products, should be collected as soon as possible and removed in closed packaging suitable for this purpose provided with a label indicating clearly and in a properly readable manner that it contains asbestos;
- e) when carrying out repairs or maintenance, no electrical or pneumatic driven machining tools with revs of more than 100 revolutions per minute or a linear saw speed of more than 25 meters per minute should be used.

Article 4.46. Limit value

1. The concentration of asbestos in the air should not exceed the limit value of 0.30 fibres per cubic centimetre, determined, calculated or measured over a reference period of eight hours.
2. Should the limit value mentioned in the first paragraph be exceeded, effective measures should be taken as soon as possible to reduce the concentration below this value.
3. After the measures mentioned in the second paragraph have been taken, the concentration should be measured in accordance with Article 4.50, paragraph two.
4. The works council or the staff representation or should they be lacking the interested employees should be given the opportunity to express their view on the measures meant in the second paragraph. They should subsequently be informed of the results of the measurements.
5. For as long as the measures to reduce the concentration meant in the second paragraph have not yet been fully implemented or are not resulting in effective protection, the work in the respective workplace may only be continued if the employees involved are suitably protected against exposure to asbestos.

Article 4.47. Cases in which exceeding the limit value can be expected

1. If with a view to the nature of the activities, it can be expected that the limit value mentioned in Article 4.46 will be exceeded and technical measures to restrict the exposure of the employees are not reasonably feasible, it is only possible to actually carry out these activities if effective measures are taken to protect the employees involved.
2. The works council or the staff representation or if these are lacking, the interested employees should be given the opportunity to express their view on the measures meant in the first paragraph.
3. The measures meant in the first paragraph in any event include:-
 - a) making available personal protection equipment and ensuring that the time spent wearing it is restricted to when strictly necessary;
 - b) posting warning signs in compliance with the provisions laid down in or pursuant to Part 2 of Chapter 8, in order to indicate that the limit value meant in Article 4.46, first paragraph, is to be expected.

§ 4. Additional provisions for working with asbestos and asbestos-bearing products

Article 4.48. Linking provision

If it appears from the assessment meant in Article 4.14, first paragraph, that the concentration of asbestos in the air to which the employees are exposed in connection with their work is equal to or higher than both action levels mentioned in Article 4.44, apart from the provisions of § 3 the provisions set out in this § will also apply.

Article 4.49. Notification

1. Notification in writing should take place to the official appointed to this end as meant in Section 24 of the Act of the following:
 - a) the types of asbestos or asbestos-bearing products and also the quantities of each of these types or products being used, worked or processed;
 - b) the activities being carried out with asbestos or asbestos-bearing products as well as the operating methods;
 - c) the products manufactured.
2. If there is an intention to make any relevant changes in the information meant in the first paragraph, this intention should be notified in writing to the official appointed to this end as meant in Section 24, sub-section one, of the Act

3. The information notified by virtue of the first and second paragraph should be brought to the notice of the works council or the staff representation or, should these be lacking, the interested employees.

Article 4.50. Detailed provisions on assessment and evaluation, measurement

1. The concentration of asbestos dust in the air to which the employees are exposed within the course of their work should within the scope of the assessment and evaluation meant in Section 5 of the Act be measured at least once every three months by means of taking samples and in addition always when a change in the operating methods and circumstances of the exposure occurs. This frequency may be reduced to once per year if no change in the operating methods and circumstances of the exposure has occurred and it has appeared from two consecutive measurements prior to this that the concentration of asbestos in the air did not amount to more than half of the limit value mentioned in Article 4.46.

2. The measurements and sampling should be carried out in accordance with a method to be determined in a ministerial order or another method if this produces equivalent results.

3. The results of the measurements carried out on the basis of the first paragraph together with an explanation should be brought to the notice of the works council or the staff representation, and if these are lacking, the interested employees.

4. The measurements meant in the first paragraph should be carried out regularly in accordance with a plan drawn up in advance whereby the sampling should be representative for the employees' exposure to asbestos.

5. The works council or the staff representation, and if these are lacking, the interested employees should be given the opportunity to express their opinion on the manner in which the sampling takes place.

6. If employees are carrying out identical or similar duties in the same place and are therefore exposed to the same hazards, the sampling for these employees may take place group-wise.

7. The sampling should take place in such a manner that either by measurement or by calculation – weighted as to time – the representative exposure for a reference period of 8 hours of the employees to asbestos can be determined.

8. Personnel having the required expertise should carry out the sampling.

9. The sample analysis to be made after the sampling should be carried out in a laboratory which is suitably equipped to this end and also has experience of the required identification techniques.

Article 4.51. Hygienic protection measures

1. Industrial clothing may only be taken outside the business or the establishment if it is necessary for cleaning it in suitably equipped laundries.

2. In the cases as meant in the first paragraph, the industrial clothing should be transported in closed packaging suitable for this purpose.

3. When protective equipment is supplied, this should be stored in a specially dedicated place and after every use it should be checked and cleaned. Faulty equipment should not be used.

Article 4.52. Work-related health examination

1. For as long as the exposure to asbestos lasts – as an addition to Article 4.22, third paragraph – the employees involved should be given the opportunity at least once in three years to submit to a work-related health examination as meant in Article 4.22.

2. The work-related health examination meant in Article 4.22 should in any event include a specific examination of the chest.

3. If the result of the work-related health examination meant in Article 4.22 gives rise to it, suitable measures should be taken to prevent damage to the health of the respective employee because of exposure to asbestos.

4. The working conditions service will be entitled to inspect the information recorded in the register meant in Article 4.53.

Article 4.53. Registration

1. With respect to any employee who is exposed to asbestos in connection with his work, records will be entered into a register stating the nature and the duration of the work and also the extent of the exposure.

2. Each employee is notified of his personal information in the register.

3. The information in the register and an explanation of it, in statistical form whereby the individual cannot be traced, should be brought to the notice of the works council or the staff representation, and if these are lacking, the interested employees.

§ 5. Special provisions concerning the dismantling of asbestos, asbestos-bearing products, crocidolite and crocidolite-bearing products

Article 4.54. Dismantling asbestos and crocidolite

1. With the exception of the other provisions of Part 2 and § 3 and 4, Articles 18, 4.19, opening sentence and under a, e and f, 4.20 first to fourth paragraph, 4.21, 4.22, 4.24, fourth paragraph, 4.45, first and second paragraph, under a, c and d, 4.51, 4.52 and 4.53 apply accordingly to the dismantling of buildings, constructions, equipment, installations and means of transport incorporating asbestos or asbestos-bearing products or crocidolite or crocidolite-bearing products and to the removal of the said substances or products from them, and Articles 4.46 and 4.47 also apply on the understanding that for the purposes of these two Articles with regard to crocidolite, the limit value mentioned in Article 4.56, second paragraph applies.
2. Before commencing the activities meant in the first paragraph, the location, date and time at which these activities will be carried out should be notified promptly to the official appointed to this end as meant in Section 24, sub-section one, of the Act.
3. In addition, before commencing the activities meant in the first paragraph, a written work plan should be drawn up containing suitable measures for the protection of the health and safety of the employees involved.
4. The activities meant in the first paragraph should be carried out by or under the supervision of a person in the possession of a certificate of professional skill in the removal of asbestos and crocidolite issued by Our Minister or a certified institution.
5. The work plan and certificate of professional skill in the removal of asbestos and crocidolite meant in the third and fourth paragraph or a copy of it should be present at the workplace and should be shown to an official as meant in Section 24, sub-section one, of the Act when requested to do so.

Article 4.55. Work plan

1. The work plan meant in Article 4.54, third paragraph, should contain:
 - a) the measures mentioned in Article 4.47, third paragraph, and also – insofar as this is reasonably feasible - the measure to remove first asbestos or asbestos-bearing products or crocidolite or crocidolite-bearing products before applying other dismantling techniques;
 - b) the measures meant in Articles 4.18, 4.19, opening sentence and under a, e and f, 4.20, first to fourth paragraph, 4.21, 4.45, first and second paragraph, sub a, c and d, and 4.51;
 - c) the provisions taken to screen off the place where the activities are carried out from other work areas;
 - d) the way in which measurements will be carried out in accordance with the provisions by virtue of Article 4.50, second paragraph, and samples taken in accordance with Article 4.50, eighth paragraph, after the area has been cleaned, in order to determine whether the concentration of asbestos in the air has not exceeded 1/20 of the limit value mentioned in Article 4.46, first paragraph, or whether the concentration of crocidolite dust in the air has not exceeded 1/20 of the limit value mentioned in Article 4.46, second paragraph;
 - e) a description of the nature, duration and place of the activities and also of the operating method;
 - f) a description of the tools, machines, appliances and other aids used in the activities;
 - g) the name of the person meant in Article 4.54, fourth paragraph.
2. Dismantling and removal of asbestos or asbestos-bearing products or of crocidolite or crocidolite-bearing products should be carried out in accordance with the work plan meant in the first paragraph.

§ 6. Special provisions concerning crocidolite and crocidolite-bearing products

Article 4.56. Crocidolite

1. With due observance of Article 4.37a, the provisions of § 3, with the exception of Article 4.44 apply accordingly to carrying out laboratory research, trial boring or repair or maintenance activities to crocidolite or crocidolite-bearing substances and storage of it for transit to another EEC Member State and also to the storage and processing of crocidolite-bearing waste, on the understanding that for the purposes of Articles 4.46 and 4.47 the limit value mentioned in the second paragraph applies.
2. The concentration of crocidolite dust in the air to which the employees are exposed within the course of their activities meant in the first paragraph should not exceed the limit value of 0.1 fibre per cubic centimetre, determined, calculated or measured over a reference period of eight hours.

3. The crocidolite-bearing materials released during the activities should not be stored together with crocidolite-free materials and should be collected and removed as soon as possible in accordance with Article 4.45, second paragraph, under c.
4. If during the carrying out of the activities described in the first paragraph, crocidolite or crocidolite-bearing products is or are dismantled or removed, as well as this §, § 5 also applies.

§ 7. Special provisions involving information and instructions

Article 4.57. Information and instructions

1. Employees who are carrying out work where there is a hazard of exposure to asbestos dust or crocidolite dust, should be given suitable information and instructions in accordance with a written plan concerning:
 - a) the possible health hazards of exposure to asbestos dust or crocidolite dust;
 - b) the necessity of supervision of the asbestos content or crocidolite content in the air and the limit values applicable;
 - c) the measures involving personal and work hygiene;
 - d) the measures to keep exposure to asbestos dust or crocidolite dust as low as possible.
2. Employees dismantling or removing asbestos or asbestos-bearing products or crocidolite or crocidolite-bearing products, should in addition to the first paragraph be given suitable information and instructions about the health hazards associated with the said activities in accordance with the written plan, and about the manner in which these hazards can be restricted as much as possible.

Part 6. Specific SUBSTANCES harmful for health

Article 4.58. Propanesultone prohibition

1. The manufacture or use of propanesultone (CAS Number 1120-71-4) is prohibited.
2. Keeping propanesultone in stock other than for transit is prohibited.

Article 4.59. Specific prohibition of substances

1. The manufacture or use of the following substances is prohibited:
 - a) 2-naphtylamine and its salts (CAS Number 91-59-8);
 - b) 4-aminodiphenyl and its salts (CAS Number 92-67-1);
 - c) benzidine and its salts (CAS Number 92-87-5);
 - d) 4-nitrodiphenyl (CAS Number 92-93-3);
2. Keeping the substances meant in the first paragraph in stock other than for transit is prohibited.
3. The prohibitions contained in the first and second paragraph do not apply if the substances are present in a mix or solution in a concentration smaller than 0.1 weight percentage.

Article 4.60. Sandstone prohibition

1. Working or processing sandstone is prohibited.
2. The first paragraph does not apply to:
 - a) working or processing sandstone if this is necessary for the maintenance of monuments as meant in the Monuments and Historic Buildings Act 1988;
 - b) demounting sandstone or sandstone parts from buildings, constructions or installations, and
 - c) carrying out scientific research into sandstone.
3. The activities meant in the second paragraph, under a and b, should be carried out by a business or an establishment having a sandstone operations certificate in their possession issued by Our Minister or a certifying institution.
4. The sandstone operations certificate or a copy of it should be present at the workplace and should be shown to an official as meant in Section 24 , sub-section one, of the Act when requested to do so.
5. Keeping sandstone in stock is prohibited.
6. The fifth paragraph does not apply with respect to:
 - a) keeping sandstone in stock for the activities meant in the second paragraph under a;
 - b) the transit of sandstone;
 - c)

- d) objects consisting in whole or in part of sandstone and which are ready and fully finished for their destination.

Article 4.61. Sandblasting prohibition

1. In this Article the following terms have the meaning:
 - a) blasting: hitting an object with granules at high speed in order to clean or work this object with the exception of operations covering the object with a layer of material;
 - b) de-sanding: blasting a casting in order to remove attached moulding sand from it.
2. It is prohibited to blast with a substance containing more than 1% of quartz or other form of crystalline silicon dioxide.
3. De-sanding may only take place in equipment or rooms specially intended for this purpose.
4. The dust caused by de-sanding should be extracted, separated from the airflow and collected effectively.
5. The air extracted from de-sanding should not be removed into a room in which persons have to be present.

Article 4.62. Applicability

Insofar as the activities meant in Articles 4.59, first and second paragraph, and 4.60, first and fifth paragraph, are allowed, Part 2 of this Chapter applies to it.

Part 6A. Volatile organic substances

Article 4.62a. Definition

For the purposes of this Part volatile organic substances means: organic compounds and mixtures of these, having a vapour pressure at 293.15 K of at least 0.01 kPa or a corresponding volatility under the specific user circumstances.

Article 4.62b. Avoiding exposure; replacement

With respect to activities indicated by ministerial order the hazard of exposure of employees to volatile organic substances should be avoided as much as possible by replacing volatile organic substances by harmless or less harmful substances or by replacing products containing volatile organic substances by products indicated by the ministerial order with respect to those activities.

Part 7. Lead and white lead

§ 1. Lead

Article 4.63. Definition of lead

1. For the purposes of the provisions determined in or pursuant to this Part, the term lead means: metallic lead and its ion compounds.
2. Lead does not mean: lead alkyls.

Article 4.64. Detailed provisions on assessment and evaluation: assessment

1. With respect to work where there is a danger of employees of being exposed to lead, within the scope of the inventory and evaluation as meant in Section 5 of the Act, the nature, extent and duration of the exposure should be assessed in order to determine the hazard for the employees.
2. In addition to Section 5 of the Act the assessment should be reviewed if there are reasons to assume that the assessment carried out is inaccurate.
3. The works council or the staff representation or, if these are lacking, the interested employees should be given the opportunity to give their opinion of the assessment and its results.

Article 4.65. First action level of lead content in the blood

If it appears from the assessment meant in Article 4.64, first and second paragraph, that the lead content in the blood of any exposed employee has exceeded the first action level with regard to the lead content in the blood determined by ministerial order, in addition to Section 18 of the Act, the employees will be given the opportunity as often as is required to submit to a work-related health examination aimed at restricting the hazards for health associated with exposure to lead. Article 4.74 applies accordingly.

Article 4.66. Second action level of lead content in the blood, action level of lead concentration in the air

If it appears from the assessment meant in Article 4.64, first and second paragraph, that:

- a) the lead content in the blood of any exposed employee has exceeded the second action level concerning the lead content in the blood determined by ministerial order, or
- b) the concentration of lead in the air to which the employees are exposed in connection with the work exceeds the action level concerning the concentration of lead in the air determined by ministerial order, Articles 4.67 to 4.76 will apply.

Article 4.67. Detailed provisions on assessment and evaluation: measurement

1. The concentration of lead in the air to which the employees are exposed in connection with their work should, within the scope of the risk assessment and evaluation meant in Section 5 of the Act, be measured at least every three months. This frequency may in certain cases be reduced to once per year by ministerial order.
2. The measurements meant in the first paragraph should be representative for the exposure of the employees to lead. They should be carried out by taking one or more air samples in such a manner that the presumed maximum exposure of the employees to lead can be assessed.
3. The works council or the staff representation, and if these are lacking, the interested employees should be given the opportunity to express their opinion on the manner in which the sampling takes place.
4. If the employees are carrying out identical or similar duties in a similar place and as a result of this are exposed to the same hazards, the sampling for these employees may take place group-wise on the understanding that in that event at least one air sample should be taken for one out of ten employees.
5. On the first measurement after it has been found that one of the action levels as meant in Article 4.66 has been exceeded, the overall duration of sampling should be at least 4 hours. In addition, the total duration of the sampling should not be less than 4 hours if the previous measurement resulted in values for the concentration of lead in the air which exceeded those obtained previously.
6. The technical specifications of the equipment by means of which the measurements meant in this Article are carried out will be laid down in a ministerial order as well as rules concerning the manner in which the air samples are analysed.

Article 4.68. Air limit value

1. The concentration of lead in the air to which the employees are exposed in connection with their work should not exceed the limit value determined to this end by ministerial order. In this order detailed provisions can be laid down concerning the previous sentence.
2. When the limit value meant in the first paragraph is exceeded, effective measures should be taken as soon as possible in order to reduce the concentration to below this value.
3. The works council or the staff representation or, if these are lacking, the interested employees should be given the opportunity to express their opinion on the measures meant in the second paragraph.
4. After the measures meant in the second paragraph have been taken, the concentration should be measured in accordance with Article 4.67.
5. So long as the measures as meant in the second paragraph have not yet been completely implemented or have not resulted in suitable protection, the work at the respective workplace may only be continued if effective measures are taken to protect the employees involved.
6. The third paragraph applies accordingly to the measures meant in the fifth paragraph.
7. If the exposure of employees to lead cannot reasonably be restricted by other means than by means of personal protection equipment, this should not be a permanent solution and the time spent by each of the employees wearing these should be limited to when it is strictly necessary.

8. If during certain activities exceeding the value meant in the first paragraph can be expected and technical measures to restrict the exposure of the employees is not reasonably feasible, the employees are only allowed to carry out these activities if suitable measures have been taken to protect the respective employees.

9. The third paragraph applies accordingly to the measures meant in paragraph eight.

10. With respect to incidents which could result in a considerable increase in the exposure of employees to lead, the employees should be immediately removed from the respective workplace. Only the employees entrusted with carrying out the necessary remedies may enter the respective area using personal protection equipment.

Article 4.69. Registration

1. The results of the measurements carried out pursuant to Articles 4.67 and 4.68, of the concentration of lead in the air, should be recorded in a suitable form and stored for each employee for at least ten years after termination of the employee's exposure to lead.

2. The results meant in the first paragraph and an explanation of them should be brought to the notice of the works council or the staff representation or, should these be lacking, to the interested employees.

Article 4.70. Work-related health examination

1. Before or from the moment they are exposed to lead, in addition to Section 18 of the Act, the employees should be given the opportunity to submit to a work-related health examination aimed at restricting the health hazards associated with the exposure. This work-related examination should for instance include a measurement of the lead content in the blood.

2. If the employee undergoes high exposure for less than one month, the measurement of the lead content in his blood may be replaced by the measurement of the delta aminolevulinic acid content in his urine (ALAU).

3. After the commencement of the exposure to lead, the employees should at least once per year be given the opportunity to submit again to a health-related examination as meant in the first paragraph on the understanding that the opportunity for measuring the lead content in the blood is given at least twice a year. The frequency with which the opportunity of measuring the lead content in the blood is given, may in certain cases to be determined by ministerial order, be reduced to once per year.

4. If the value meant in Article 4.68 is exceeded, the employees should immediately be given the opportunity to measure the lead content in their blood if this is deemed necessary by the service meant in Article 4.74.

5. The methods by which the lead content in the blood and the ALAU is measured will be laid down in a ministerial order.

Article 4.71. Third action level

1. If it appears from the measurement carried out in accordance with Article 4.70, that the lead content in the blood of an employee exceeds the third action level laid down for this purpose by ministerial order, but is lower than the value meant in Article 4.72, the employee involved should be given as soon as possible the opportunity to submit to a health-related examination as meant in Article 4.70, first paragraph, unless it appears from a new measurement of the lead content in the blood carried out within one month after the previous measurement in accordance with the provisions pursuant to Article 4.70, fifth paragraph, that the third action level is no longer being exceeded.

2. If the result of the health-related examination gives rise to it, suitable measures should be taken to prevent damage of the health of the employees involved from exposure to lead.

3. In addition, the employee involved should be given the opportunity to submit to a work-related health examination as meant in Article 4.70, first paragraph, at shorter intervals than provided for in Article 4.70, third paragraph, until the lead content in his blood is lower than the action level meant in the first paragraph.

Article 4.72. Blood limit value

1. If it appears from the measurements of the lead content in the blood of an employee carried out in accordance with Article 4.70 or Article 4.71 that this content exceeds the limit value determined by ministerial order to this end, all suitable measures should immediately be taken to reduce the lead content to below this value.

2. The employee involved should again be given the opportunity within three months after this measurement meant in the first paragraph, to measure the lead content in his blood.

3. The measurement meant in the second paragraph should be carried out in accordance with the provisions set out in Article 4.70, fifth paragraph.
4. If it appears from the measurement meant in the second paragraph that the value meant in the first paragraph is still exceeded, the respective employee may only be exposed to lead during his work if this exposure takes place in another workplace where the exposure hazard is less than in his former workplace.
5. In addition, the employee involved should again be given the opportunity to submit to a work-related health examination as meant in Article 4.70, first paragraph, at shorter intervals than provided for in Article 4.70, third paragraph.
6. At the request of the employer or the employee involved the measurements of the lead content in the blood meant in this Article should be re-determined. This determination replaces the previous one.

Article 4.73. ALAU limit value

If under Article 4.70, second paragraph, the measurement of the lead content in the blood has been replaced by an ALAU measurement and this content exceeds the limit value laid down by ministerial order to this end, suitable measures should immediately be taken to reduce the ALAU to below this value.

Article 4.74. Carrying out the work-related health examination

1. In connection with carrying out the work-related health examination meant in Article 4.70, first paragraph, all information required for the assessment of the exposure of the employees to lead should be made available to the working conditions service, including the results of the measurements of the concentration of lead in the air.
2. The service should be given the opportunity to advise on the measures meant in Articles 4.68, fifth and eighth paragraph, 4.71, second paragraph, and 4.72, first and third paragraph.
3. Each time a work-related health examination or measurement of the lead content in the blood has been carried out under Articles 4.70, 4.71 and 4.72, the employee involved should be notified of the results as well as the significance of these results.
4. The results of the work-related health examination and the measurements of the lead content in the blood should be recorded in a suitable form and stored for each employee for at least ten years after the termination of his exposure to lead. The results of the measurements of the lead content in the blood and of the ALAU, meant in Articles 4.70, 4.71 and 4.72, and an explanation of them, should be brought to the notice of the works council or the staff representation or, if these are lacking, the interested employees in a statistical form which cannot be traced back to the individual.

Article 4.75. Eating and drinking

1. Areas should be fitted-out where employees are able to eat or drink without any danger of being contaminated by lead.
2. In very hot workplaces drinking water or other soft drinks should be made available to employees in a manner such that no contamination with lead is possible.

Article 4.76. Hygienic protection measures

1. Industrial clothing worn by the employees during their work should be made available to the employees. This clothing should comply with Part 1 of Chapter 8.
2. In addition to Article 3.22 the industrial clothing should be stored in separate place from other clothing.
3. The industrial clothing may only be taken outside the business or the establishment if this is necessary for cleaning in suitably equipped laundries.
4. In the cases as meant in the third paragraph, the industrial clothing should be transported in closed packaging.
5. If the work is carried out in a dusty atmosphere, in addition to Article 3.23 suitable washing facilities and shower rooms should be provided for the employees.

Article 4.77. Information

If it appears from the assessment meant in Article 4.64, first and second paragraph, that:-

- a) the concentration of lead in the air to which the employees are exposed in connection with their work exceeds the first action level concerning the concentration of lead in the air laid down by ministerial order, or
- b) the lead content in the blood of any employee being exposed exceeds the first action level with regard to the lead content in the blood laid down by ministerial order, suitable information should be given about:

1. the possible health hazards of exposure to lead including possible hazards for the foetus and for babies being breast-fed;
2. the necessity of supervision of the lead content in the air and the limit values applicable to it;
3. the necessity of measuring the lead content in the blood and of the ALAU and the limit value applicable to it;
4. the measures concerning the personal and work hygiene;
5. the measures to keep the exposure to lead as low as possible.

§ 2. White lead

Article 4.78. White lead prohibition

1. Contrary to § 1 of this Part, the use of white lead, lead sulphate or products having one of these substances as a component when painting the inside of buildings or vessels is prohibited.
2. The lead sulphate co-precipitated in the preparation of chrome yellow is not regarded as a substance within the sense of the first paragraph.

Article 4.79. Written information

In addition to Article 4.77, employees carrying out paintwork with lead-bearing materials or products not prohibited under Article 4.78 should be provided with written and adequate information material concerning the preventative measures to be taken into account with respect to these activities.

Article 4.80. Washing facilities and shower rooms

Contrary to Article 4.76, fifth paragraph, suitable washing facilities and shower rooms should be available for employees carrying out activities consisting of applying or removing lead-bearing materials or products.

Article 4.81. Exception

This § does not apply to paints the pigment of which in the dry substance contains not more than 2 weight percentages of lead.

Part 8. Phosphor matches

Article 4.82. Definition

The term phosphor match means: matches containing white phosphor (CAS Number 12185-10-3).

Article 4.83. Phosphor matches prohibition

1. The manufacture of phosphor matches is prohibited.
2. Keeping phosphor matches in stock other than for their transit is prohibited.

Part 9. Biological agents

§ 1. Definitions and applicability

Article 4.84. Biological agents, cell cultures and micro organisms

1. Parts 1 to 8 of this Chapter do not apply to biological agents.
2. In this Part the following terms have the following meaning:
 - a) biological agents: cell cultivations whether or not genetically modified, human andoparasites and micro organisms;
 - b) cell cultivation: artificial cultivation of cells of multi-cell organisms;
 - c) micro organism: a cellular or non-cellular micro-biological entity with the capacity to multiply or transmit genetic material;
 - d) Directive: Directive no. 90/679/EEC of the Council of the European Communities of 26 November 1990 concerning the protection of the employees against the risks of exposure to biological agents in the workplace (*Official Journal EC L 374*).
3. For the purposes of this Part biological agents are divided into the following categories:
 - a)

- b) category 1: an agent that it is improbable that it could cause a disease for humans;
- c) category 2: an agent which could cause a disease for humans and could result in a hazard for the health and safety of the employees but where it is improbable that it would spread amongst the population whilst there is an effective prevention of it or treatment for it;
- d) category 3: an agent which can cause serious diseases for humans and a major hazard to the health and safety of employees and that would probably spread amongst the population whilst there is effective prevention of it or treatment for it;
- e) category 4: an agent causing serious diseases for humans and resulting in a major hazard to the health and safety of the employees and that very probably would spread amongst the population while there is no effective prevention of it or treatment for it.

4. In this Part the classification of biological agents as laid down in Appendix III of the Directive is taken as a starting point.

§ 2. Assessment and evaluation and the consequences of classification

Article 4.85 Detailed provision on assessment and evaluation

If an employee has a reasonable chance of being exposed to one or more biological agents specifically occurring or expected to occur at his workplace, with respect to the risk assessment and evaluation within the scope of Section 5 of the Act, the nature, extent and duration of the exposure will be assessed in order to determine the hazard for the employee. This assessment will take place with due observance particularly of:-

- a) the category or categories in which the biological agents to which the employees might be exposed is/are classified;
- b) information on the diseases which employees might suffer or already are suffering from as a result of exposure to biological agents;
- c) possible allergenic or poisoning effects which the employees experience or might experience as a result of the exposure to biological agents;
- d) the results of the work-related health examinations meant in Article 4.91 as well as the diseases from which it is known that an employee is suffering and the medicines the employee is known to be using, all in a statistical form which cannot be traced back to the individual.

Article 4.86. Consequences of classification

1. If the work is aimed at working with biological agents falling into categories 2, 3 or 4, Articles 4.87 to 4.102 are applicable.
2. If it appears from the results of the assessment and evaluation meant in Article 4.85 that the employees when carrying out other work than that meant in the first paragraph, including the activities mentioned in Appendix I of the Directive, have a reasonable chance of being exposed to biological agents of categories 2, 3 or 4, Articles 4.87, 4.89, 4.91, 4.93, 4.95, 4.97, 4.98, 4.99, second paragraph, and 4.102 are applicable.
3. In all cases not mentioned in the first and second paragraph, the highest care, tidiness and hygiene possible should be observed when carrying out the work and the necessary hygienic provisions should be made.

§ 3. Exposure measures

Article 4.87. Avoiding or restricting exposure

1. Effective measures should be taken to prevent employees being exposed during their work to biological agents to such an extent that damage could be caused to their health and safety.
2. In compliance with the first paragraph, technical or organisational measures should be taken such that the danger of exposure to biological agents is avoided at source as much as possible, including also the application of agents whereby the employees - given the properties of these agents, the nature of the work, the work methods and operational circumstances - are exposed to health and safety hazards as little as possible.
3. Insofar as preventing exposure in a suitable manner by taking measures as meant in the second paragraph is not reasonably feasible, the hazards associated with this exposure should be restricted as much as is reasonably possible.
4. In implementation of the third paragraph the following measures should at least be taken:
 - a) the duration of the risk of exposure should be restricted as much as possible;
 - b) the number of employees running the risk of being exposed to one or more biological agents should not be greater than is strictly necessary for the carrying out of the work;
 - c) collective protection measures should be taken and when this does not give or gives insufficient protection, personal protection equipment should be made available;

- d) in the course of the work the highest degree of tidiness and cleanliness should be observed in order to prevent or restrict the chance that one or more biological agents might end up outside the workplace;
- e) biological agents should be stored and transported and waste materials should be collected, stored and removed in such a manner - if necessary after suitable treatment and being provided with proper markings - that the chance of being exposed is avoided as much as possible and they are also prevented from ending up in the hands of unauthorized persons;
- f) if necessary and if technically feasible, there should be research into the presence of biological agents in the workplace outside the first physical encasement;
- g) suitable written work instructions for the employees should be available at the workplace which at least contain the procedures to be observed whilst working including regulations for safely handling and transporting biological agents within the business or establishment as well as an effective contingency plan in case of accidents or incidents involving biological agents.

Article 4.88. Safety indications

The places where work is being carried out with biological agents should be clearly demarcated and indicated by a sign in compliance with or pursuant to the provisions in Part 2 of Chapter 8.

Article 4.89. Hygienic protection measures

1. In places where there is a danger of exposure to biological agents smoking or consuming food or drink is prohibited
2. Industrial clothing in compliance with Part 1 of Chapter 8 should be made available to the employees and should be worn during work.
3. In addition to Article 3.23 suitable sanitary facilities should be made available to the employees including showers, eye-baths and skin antiseptics.
4. If personal protection equipment is supplied to the employee these should be stored in a dedicated place and should be checked and cleaned after every use.
5. In addition to Article 3.22 the industrial clothing and other personal protection devices in or on which biological agents are or might be situated should be stored in a separate place from other clothing.
6. The industrial clothing and other personal protection devices meant in the fifth paragraph should only be taken outside the business or establishment if this takes place with the aim of having them cleaned, decontaminated or destroyed.
7. In cases as meant in the sixth paragraph, the industrial clothing and other personal protection devices should be transported in closed packaging suitable for this purpose.

Article 4.90. Registration

1. A register should be maintained which indicates the employees who are carrying out work with biological agents in categories 3 and 4.
2. This register should also contain the activities which each employee has carried out and – insofar as this can be determined – the biological agent(s) which they have been or might have been exposed as a result of these activities or as a result of an incident or accident.
3. The register meant in the first paragraph should be kept for at least ten years after the last exposure or possible exposure.
4. If an employee who is or might be exposed to a biological agent which could result in infections which:
 - a) are known to be possibly stubborn or latent;
 - b) might only be recognised many years later according to the expectations based on the latest technology;
 - c) have a long incubation period;
 - d) despite treatment always recur, or
 - e) have serious complication in the long term,
 the register meant in the first paragraph should be kept for a correspondingly longer time but not more than forty years after the last exposure;
5. Each employee is entitled to inspect the information on him in the register.
6. At its request, the working conditions service may inspect the register mentioned in the first paragraph.

§ 4. Work-related health examination

Article 4.91. Examination and vaccines

Any employee carrying out work with biological agents should when starting work and in addition to Section 18 of the Act, be given the opportunity to submit to a work-related health examination.

2. Each employee who sustains an infection or disease as a result of being exposed to a biological agent should in the interim – in addition to the first paragraph – be given the opportunity to submit to a work-related health examination.
3. Each employee who is being exposed to the same biological agent which has resulted in another employee sustaining an infection or disease should in the interim – in addition to the first paragraph – be given the opportunity to submit to a work-related health examination.
4. The work-related health examination should take place with due observance of the practical recommendations included in Appendix IV of the Directive.
5. If the result of the work-related health examination gives rise to it, effective measures should be taken in order to avoid damage to the health of the employee involved from being exposed to biological agents.
6. Where possible suitable vaccinations should be made available to each employee who is not yet immune to the biological agents to which he is or might be exposed. In this, Appendix VII of the Directive should be observed.
7. At the request of the employer or the respective employee, the examination meant in this Article should be re-taken. The result of the re-examination replaces the previous one.
8. Each employee is entitled to inspect his medical file.
9. The results of the work-related health examination meant in this Article should be recorded in a proper form and be kept for at least ten years after the last exposure or possible exposure. In cases as meant in Article 4.90, fourth paragraph, the results should be kept for a corresponding longer time but not longer than for forty years.
10. Each employee should be informed about the manner in which he is given the opportunity after termination of the exposure to submit to a work-related health examination.

§ 5. The works council

Article 4.92. Information in connection with an accident or incident

The works council or the staff representation or, if these are lacking, the interested employees should be informed of any accident or incident which occurs, nearly occurs or might possibly have occurred involving biological agents and which has resulted in the release, near release or possible release of an agent or agents of categories 2, 3 or 4. In doing so, the causes of the accident or incident should also be communicated and also the measures being taken or which will be taken in order to remedy the consequences and to avoid further accidents or incidents.

Article 4.93. Other information

1. When requested, the works council or the staff representation or, if these are lacking, the interested employees should be informed about the following:
 - a) the manner in which the assessment and evaluation meant in Article 4.85 was formed and the result of it;
 - b) the activities with respect to which the employees are or might be exposed to biological agents;
 - c) the number of employees which is or might be exposed to biological agents;
 - d) the name and job of the person who is responsible for health and safety in the workplace;
 - e) the preventative and protective measures taken including also the work instructions meant in Article 4.87, fourth paragraph, the work processes and operating methods applied.
2. The works council or the staff representation or, if these are lacking, the interested employees are entitled to inspect the information meant in this Article in a statistical form which cannot be traced back to the individual.

§ 6. Supervision

Article 4.94. Notice

1. At least 30 days before work is to be carried out with one or more biological agents of categories 2, 3 or 4 for the first time, a written notice of this should be sent to an official appointed to this end as meant in Section 24, sub-section one, of the Act.
2. This notice should contain at least the following information:
 - a) the name and address of the employer;
 - b) the name and job of the person responsible for health and safety in the workplace;
 - c) the results of the assessment and evaluation meant in Article 4.85;
 - d) the category or categories and type or types to which the biological agent or biological agents belongs or belong;
 - e) the intended protective and preventative measures.
3. With due observance of the first paragraph the work with each successive new biological agent of category 3 and each successive biological agent of category 4 should also be notified.
4. Contrary to the first and third paragraph, the official meant in the first paragraph – in cases where only diagnostic work is being carried out – should only be notified of this, if this work is being carried out for the first time.
5. The notice meant in this Article should be re-submitted if changes occur in the process or procedures which can have consequences for the health and safety of the employees, this will supersede previous notices.

Article 4.95. Accidents or incidents

An official appointed to this end as meant in Section 24, sub-section one, of the Act should be notified as soon as possible in writing of any accident or incident which has occurred and which has resulted or might have resulted in the release of one or more biological agents of categories 3 or 4.

Article 4.96. Transfer of data

In the event of the employer terminating the operations, the register meant in Article 4.90 and the results of the work-related health examination meant in Article 4.91 – if they are stored by the employer – should be transferred to an official appointed to this end as meant in Section 24, sub-section one, of the Act.

§ 7. Special provisions in connection with work other than diagnostic work in healthcare and in veterinary medicine

Article 4.97. Healthcare and veterinary medicine

1. In addition to Article 4.85, with respect to the assessment and evaluation of hazards associated with work other than diagnostic work in healthcare and in veterinary medicine, attention should be given to:
 - a) the uncertainty involved in the presence of biological agents and the hazards associated with patients or animals and with samples of material of patients or animals;
 - b) the hazards associated with the nature of the work.
2. Effective measures should be taken with respect to the work meant in the first paragraph for the protection of the health and safety of the employees involved. These measures in any event consist of:
 - a) formulating and announcing decontamination and disinfection procedures for the employees involved;
 - b) formulating and announcing procedures for the safe handling and removal of waste material contaminated with biological agents.

Article 4.98. Protective measures

In isolation departments for patients or animals infected or possibly infected with biological agents of categories 3 or 4, suitable protective measures should be taken as meant in Appendix V, column A, of the Directive.

§ 8. Special measures in laboratories, spaces for test animals and industrial processes

Article 4.99. Control levels in laboratories and spaces for test animals

1. In laboratories and in spaces where animals are situated which have been intentionally contaminated with biological agents of categories 2, 3 or 4 or animals which are or are possible carriers of biological agents of one of these categories, depending on the results of the assessment and evaluation as meant in Article 4.85, at least the control levels 2, 3 and 4 of Appendix V of the Directive should be observed.
2. If in the laboratories meant in the first paragraph work is being carried out with materials and it is uncertain whether they contain biological agents of categories 2, 3 or 4 and the work is not aimed at working with

biological agents, at least control level 2 of Appendix V of the Directive should be observed.

Article 4.100. Control levels for industrial processes

1. In the event of biological agents of categories 2, 3 or 4 being used in industrial processes, depending on the results of the assessment and evaluation as meant in Article 4.85, at least the control levels 2, 3 and 4 of Appendix VI of the Directive should be observed.
2. An industrial process meant in the first paragraph is present if there is an intention to work with biological agents of categories 2, 3 or 4 in reactor vessels of at least ten litres.

Article 4.101. Control levels for biological agents not mentioned in Appendix III of the Directive

If work as meant in this § is being carried out with biological agents not classified by virtue of Appendix III of the Directive into one of the categories meant in Article 4.48, third paragraph, but of which there are indications to expect that these agents should be classified into categories 3 or 4, at least control level 3 of Appendix V of VI of the Directive should be observed.

§ 9. Special provisions concerning information and instructions

Article 4.102 Information and instructions

Information and instructions should be given to employees carrying out work as meant in Article 4.86, first and second paragraph, which at least focus on:

- a) The possible health hazards associated with working with biological agents;
- b) The measures to be taken to avoid exposure;
- c) The action to be taken in cases of accidents with biological agents;
- d) The existing hygiene provisions;
- e) Wearing and using industrial clothing and personal protection equipment.

Part 10. Special sectors and special categories of employees

§ 1. Transport

Article 4.103. Exceptions to means of transport

1. Article 4.3 does not apply insofar as the Carriage of Dangerous Goods Act is applicable.
2. Article 4.7 does not apply to tankers situated outside the Netherlands.
3. Parts 2 and 3 of this Chapter do not apply to working with vinyl chloride monomer as meant in Article 4.25, carried out in or on an aircraft, a seagoing vessel or river vessel or a vehicle on a public road or rail- or tramway.
4. Parts 2 and 5 of this Chapter do not apply to work with asbestos or asbestos-bearing products and cricodolite or cricodolite-bearing products as meant in Article 4.37, carried out in or on a seagoing vessel situated outside the Netherlands, unless this can reasonably be required.

§ 2. Young employees

Article 4.104. Linking provision

In addition to the provisions in or pursuant to this Chapter, the provisions and prohibitions mentioned in this § also apply to young employees.

Article 4.105. Working prohibitions for hazardous substances and biological agents

1. Young employees are not allowed to carry out work with substances meeting the criteria laid down pursuant to Section 34, sub-section three, and 39 of the Chemical Substances Act for classification into one or more of the categories <very poisonous>, <poisonous>, <sensitising>, <carcinogenic>, <mutagenic> and <poisonous for procreation>, as well as substances meeting the criteria in or pursuant to this Act for attribution of one of the following R-sentences:

- a) Hazard of cumulative effects (R33)
- b) Hazard of serious damage to health during long-term exposure (R48)

2. Young employees are not allowed to carry out work with biological agents of categories 3 or 4, meant in Part 9 of this Chapter.

3. In addition, young employees are not allowed to carry out work to or with barrels, basins, pipes or reservoirs containing one or more of the substances or biological agents meant in the first or second paragraph.

Article 4.106. Expert supervision of work with hazardous substances

Article 1.37, paragraph two, applies accordingly to young employees who:-

- a) Carry out work with substances meeting the criteria determined pursuant to Sections 34, sub-section three, and 39 of the Chemical Substances Act for classification:
 1. into one or more of the categories <explosive>, <corrosive> and <irritating>;
 2. into the category <harmful> if these substances also meet the criteria laid down in or pursuant to the Chemical Substances Act for attribution of the R-sentence <irreparable effects cannot be excluded> (R40);
- b) Carry out work with compressed gases, gases made liquid under compression, gases made liquid by large temperature drop and dissolved gases;
- c) Carrying out work to or with barrels, basins, pipes or reservoirs containing one or more of the substances or gases meant under a or b;
- d) Manufacturing or handling Articles containing explosives.

§ 3. Pregnant and breast-feeding employees.

Article 4.107. Linking provision

In addition to the provisions set out in or pursuant to this Chapter the provisions mentioned in this § also apply to pregnant and breast-feeding employees.

Article 4.108. Lead

A pregnant employee and a breast feeding employee should not be obliged to carry out work with lead and white lead as meant in Part 7 of this Chapter.

Article 4.109. Some biological agents

A pregnant employee should not be obliged to carry out work with biological agents of the Toxoplasmosis and Rubella virus meant in Part 9 of this Chapter unless it has become evident that she has immunity against it.

§ 4. Home workers

Article 4.110. Hazardous substances

Working at home with hazardous substances is only allowed with one or more of the following substances:

- a) Substances meeting exclusively the criteria determined pursuant to Sections 34, sub-section three, and 39 of the Chemical Substances Act for classification in the categories of <harmful>, <irritating>, <flammable> and <environmentally harmful>, unless these substances meet the criteria laid down in or pursuant to this Act for attribution of one of the following R-sentences:
 1. explosive in a dry condition (R1);
 2. easily forms explosive compounds with metals (R4);
 3. explosive hazard by heating (R5);
 4. explosive hazard with and without air (R6);
 5. strong reaction with water;
 6. may form explosive peroxides (R19);

7. forms poisonous gas in contact with water (R29);
 8. may become highly flammable in use (R30);
 9. forms poisonous gases in contact with acids (R31);
 10. forms highly poisonous gases in contact with acids (R32);
 11. hazard of cumulative effects (R33);
 12. irreparable effects are not excluded (R40);
 13. explosive hazard when heated in confined conditions (R44);
 14. hazard of serious damage to health from long-term exposure (R48), and
 15. may be harmful via breast-feeding (R64);
- b) Substances not meeting any of the criteria for classification laid down in Sections 34, sub-section three, and 39 of the Chemical Substances Act, unless these substances carry the special hazard indications mentioned in Appendix II of Chapter 1, under B, section 2° or 6° of Directive No. 88/379/EEC of the Council of the European Communities of 7 June 1988 concerning the approximation of the statutory and administrative provisions of the Member States concerning the classification, packaging and marking of hazardous preparations (*Official Journal EC L 187*).

Article 4.111. Detailed provisions on assessment and evaluation

With respect to the substances mentioned in Article 4.110, under a, with the exception of substances exclusively meeting the criteria laid down in Sections 34, sub-section three, and 39 of the Chemical Substances Act for classification into the category <environmentally harmful>, within the scope of the assessment and evaluation meant in Section 5 of the Act, substances to which home workers are or can be exposed and the hazards associated with these substances should in any event be determined.

Article 4.112. Packaging and labelling

1. With respect to the packaging of a substance, which might cause a hazard to health and safety, and also with respect to the fastening of this packaging, Section 35, sub-sections one to three, of the Chemical Substances Act apply accordingly.
2. On the packaging of a substance meant in the first paragraph, the indications prescribed for this substance in or pursuant to the Chemical Substances Act for the delivery of this substance within the scope of meeting the criteria for classification in the categories mentioned in Article 4.110, sub a, should be stated in a striking and properly readable manner with the exception of indications relating to the category <environmentally harmful>.

Article 4.113. Work-related hygiene regime

Effective measures should be taken to avoid home workers being exposed to substances in the course of their work to the extent that damage could be inflicted to their health or that the home workers could be inconvenienced.

Article 4.114. Fire-fighting equipment

If work is being carried out with fire-hazardous substances, in addition to Part 4 of Chapter 2, proper and effective equipment for extinguishing or putting out a fire should be made available.

Article 4.115. Avoiding, restricting unintended events

1. If substances are present which might create a hazard to the health and safety of home workers, provisions should be made such that the hazard of an unintended event occurring in relation to these substances, should be avoided as much as possible.
2. When carrying out work with substances as meant in the first paragraph provisions should be made such that the hazard of an unintended event occurring with respect to this work, should be avoided as much as possible.
3. Moreover, in addition to Part 4 of Chapter 2 provisions should be made such that in the event of an unintended event occurring as meant in the first or second paragraph, the consequences of this are restricted as much as possible.

CHAPTER 5. PHYSICAL LOAD

Part 1. Physical load

Article 5.1. Definition of Directive

In this Part the directive means: Directive No. 90/269/EEC of the Council of the European Communities of 29 May 1990 concerning the minimum health and safety requirements for employees manually handling loads with a hazard of back injuries in particular (*Official Journal EC L 156*).

Article 5.2. Avoiding hazards

The work should be so organized, the workplace so fitted-out, a production and operating method so applied or such aids and personal protection devices should be used, that the physical load cannot cause any hazards to the health and safety of the employee.

Article 5.3. Restricting the hazards and assessment and evaluation

1. Insofar as the hazards meant in Article 5.2 cannot reasonably be avoided, the work should be so organized, the workplace should be so fitted-out, a production and operating method so applied or such aids and personal protection devices should be used that these hazards are restricted as much as possible.
2. When implementing the first paragraph, within the scope of the assessment and evaluation as meant in Section 5 of the Act, with due observance of Appendix I of the Directive, the health and safety aspects of the physical load should be assessed with particular focus on the characteristics of the load, the physical effort required, the characteristics of the work environment and the requirements of the task.

Article 5.4. Sitting facility

1. To employees who are carrying out work which can be performed in part or in whole whilst sitting down, a suitable sitting facility should be made available.
2. To employees who are carrying out work which has to be performed whilst standing, but whereby the working process allows them to sit down now and then, a suitable number of sitting facilities should be made available.

Article 5.5. Information

1. To employees carrying out work by manually handling loads, effective information and effective instructions should be given on:
 - a) The manner in which loads are to be handled;
 - b) The hazards to their health and safety associated with the manual handling of loads and the measures to be taken to restrict these hazards as much as possible.
2. Adequate information should be given to the employees involved about the weight of the load to be handled and – when the weight of the load is not evenly divided – about the centre of gravity or the heaviest side of this load.

Article 5.6. Appendices of the Directive

Appendices I and II of the Directive should be observed with respect to physical loads.

Part 2. VDU-activities

Article 5.7. Definitions

In this Part the following words have the following meaning:

- a) VDU's: an alpha-numerical or graphical screen regardless of the imaging process used;
- b) Workstation: the VDU and the whole of the VDU-equipment belonging to it used by an employee including the direct work surroundings.

Article 5.8. Applicability

1. This Part does not apply to:

- a) Operating stations on machines;
- b) Computer systems intended primarily for use by the public;
- c) So-called portable systems not continuously in use on a workstation;
- d) Calculating machines, cash tills and other equipment provided with a small display for information or quantities and required for the direct use of this equipment;
- e) Conventional typewriters with displays.

2. Neither does this Part apply to work whereby an employee usually uses a VDU less than two hours in every 24-hours.

Article 5.9. Assessment and evaluation

1. In the assessment and evaluation meant in Section 5 of the Act, specific attention should be given to the visual hazards and hazards of physical and psychological stress as a result of working with a VDU.

2. Based on the outcomes of the assessment and evaluation meant in the first paragraph, effective measures should be taken to overcome the respective hazards taking into account the consequences of these hazards and their mutual correlation.

Article 5.10. Timetable of the work

The work on a VDU should be organised in such a manner that this work is alternated with other work or by a break after not more than two consecutive hours to the extent that the load of performing the work on a VDU is lightened.

Article 5.11. Measures concerning the protection of the eyes and sight of the employees

1. Each employee entrusted for the first time with work on a VDU, should in addition to Section 18 of the Act be given the opportunity to submit to a work-related health examination before commencing this work. This examination should in any event concentrate on the eyes and sight.

2. The employee should be given the opportunity to submit again to an examination as meant in the first paragraph if he is suffering from visual disorders which might be the result of working with VDU's.

3. If necessary because of the results of the examination meant in the first and second paragraph, the employee involved should be given the opportunity to submit to an ophthalmological examination.

4. If necessary because of the results of the examination meant in the first to the third paragraph and where normal means of eye-correction cannot be used, the employee involved should be given special means of eye-correction in connection with the respective work.

Article 5.12. Provisions for the fitting-out of workstations

Detailed provisions will be laid down by ministerial order with respect to the workstation and the interaction between the software used and the employees.

Part 3. Special sectors and special categories of employees

§ 1. Transport

Article 5.13. Applicability

Part 2 of this Chapter does not apply to:

- a) Operating position on a vehicle on a public road or rail- or tramway;
- b) Computer systems in an aircraft, a seagoing vessel or river vessel or a vehicle on a public road or rail- or tramway.

§ 2. Home workers

Article 5.14. Applicability

Parts 1 and 2 of this Chapter apply accordingly to home work.

Article 5.15. Workstation provisions

1. The workplace of a home worker should be fitted-out so that the work can be carried out in an ergonomically-sound manner whilst sitting down. To this end an effective sitting facility and suitable worktop or a suitable worktable should be made available.
2. If the home worker already has the provisions meant in the first paragraph on his own account, they do not then have to be provided.

CHAPTER 6. PHYSICAL FACTORS

Part 1. Climate

Article 6.1. Indoor and outdoor climate

1. The climate in the workplace should not cause any damage to the health of the employees.
2. The climate in the workplace should be as comfortable and unchanging as is reasonably possible. In this respect the nature of the activities carried out by the employees and the physical load as a result of these activities should be taken into account.
3. Inconvenient draughts in the workplace should be avoided unless this cannot reasonably be required.
4. If because of the climate in the workplace damage can still be caused to the health of the employees, personal protection equipment should be made available. If the personal protection equipment made available cannot prevent the damage to health, the duration of the work should be restricted in its extent or the work be alternated frequently by a temporary stay in a place where there is a climate as meant in the first paragraph, so that no damage to health is caused.

Article 6.2. Ventilation

1. Sufficient non-polluted air should be present in the workplace.
2. Ventilation installations should always be ready for operation.
3. Ventilation installations should be supplied with a control system which detects faults in the installation insofar as this is necessary for the health of the employees.

Part 2. Lighting

Article 6.3. Daylight and artificial lighting

1. Workplaces and direct accesses to them should be sufficiently and effectively lit by daylight, by artificial lighting or by both.
2. Artificial lighting should be fitted in such a manner that the danger of accidents is avoided.
3. The colour used for artificial lighting should not change or affect the observation of the health or safety signs pursuant to or provided for in Part 2 of Chapter 8.

Article 6.4. Daylight

1. In an external partition of an enclosed space where during the daytime a person carries out work for more than two hours on average, transparent light apertures should be fitted so that daylight can come in. The joint surface area of the light apertures should amount to at least 1/20 of the floor area of this space.
2. The light apertures may also be situated in the internal partition of the enclosed space insofar as this construction does not form a partition from another enclosed space as meant in the first paragraph or with a space as meant in Chapter 3, Part 1, § 5.

3. The first or second paragraph does not apply if it cannot reasonably be complied with. In this case the required minimum surface of light apertures of 1/20 of the floor area should be as nearly approached as possible.

Article 6.5. Keeping out sunlight

In an enclosed space where people are working, direct sunlight which shines in may be kept out.

Part 3. Noise

§ 1. General

Article 6.6. Definitions

In this Part the following terms mean the following:

- a) Equivalent noise level in dB(A): the energetic average noise levels during a certain assessment period expressed in dB(A);
- b) Momentary sound-pressure level in Pa: the non-weighted sound-pressure measured with a sound level meter in the position <peak-hold>, expressed in Pa;
- c) Sound dose level in sB(A): the energetic average noise level during a representative working day expressed in dB(A).

§ 2. Noise control rules

Article 6.7. Detailed provisions on assessment and evaluation, assessment and measurement

1. In each workplace within the scope of the assessment and evaluation meant in Section 5 of the Act the noise levels should be assessed and – if necessary – measured in order to determine where and to what extent the employees can be exposed to the harmful noise levels determined in this Part.
2. The assessment and the measurements should be representative of the exposure to noise in the workplace during daily working hours. The assessment and measurement should in addition to Section 5 of the Act be periodically repeated in accordance with a time schedule laid down in writing and in any event be reviewed if circumstances have changed or if there are reasons to assume that the assessment or measurement carried out is incorrect.
3. The methods and equipment used during the measurement should be adjusted to the respective circumstances. In particular the focus should be on the characteristics of the noise to be measured and the circumstantial factors. The methods and devices used should be suitable in order to determine whether the harmful noise levels determined in this Part have or have not been exceeded.
4. The works council or the staff representation or, if these are lacking, the interested employees should be given the opportunity to express their opinion on the manner of assessment and measurement.
5. The results of the assessments and measurements carried out under this Article should be recorded in a suitable form and retained for at least ten years.
6. The results meant in the fifth paragraph together with an explanation should be brought to the notice of the works council or the staff representation or, if these are lacking, the interested employees.

Article 6.8. Avoiding or restricting harmful noise

1. Machines, equipment, devices, installations, carriage and transport means should be so constructed, fitted-out, installed or supported and so maintained that during operation in the workplace they do not produce a noise level higher than 85 dB(A) or a momentary sound-pressure level above 200 Pa unless this cannot reasonably be required.
2. The activities should be carried out in such a manner that no equivalent noise level higher than 85 dB(A), or momentary sound-pressure level of more than 200 Pa, is being produced in the workplace unless this cannot reasonably be required.
3. If the exception mentioned in the last sentence of the first or second paragraph applies, suitable measures should be taken to prevent as much as possible the noise levels mentioned in the first and second paragraph from prevailing in the workplace, unless this cannot be reasonably be required either.
4. The provisions meant in the third paragraph should be stated in the action plan meant in Section 5 of the Act.

5. In cases in which provisions made pursuant to the third paragraph offer insufficient protection for the employees against the noise levels mentioned in the first and second paragraph and in cases whereby making the provisions cannot reasonably be required, effective measures should be taken to restrict the duration of the exposure as well as the number of employees exposed to the respective noise levels as much as possible.
6. Paragraph four applies accordingly to the measures meant in paragraph five.
7. In cases whereby the employees might be exposed to equivalent noise levels in the workplace of at least 80 dB(A), personal protection equipment should be made available in sufficient quantities. The personal protection devices should offer sound-insulation up to an equivalent noise level of not more than 80 dB(A). If such sound insulation is technically not feasible, sound-insulation to at least below the equivalent noise level of 85 dB(A) should be offered by means of personal protection equipment.
8. The employees involved should be offered the opportunity to express their opinion on the choice of the type of personal protection equipment.
9. In the event of the equivalent noise level of 85 dB(A) or the momentary sound-pressure level of 200 Pa being exceeded, the employees should be using their personal protection equipment.
10. Effective measures should be taken to restrict the accident hazard resulting from the use of personal protection equipment.
11. Places where exceeding at least one of the noise levels mentioned in paragraph nine can be expected, should be clearly demarcated and marked by signs in compliance with the provisions laid down in or pursuant to Part 2 of Chapter 8.
12. Only employees who professionally or by virtue of their job have to enter the places meant in paragraph eleven should be allowed access.
13. The interested employees and, if present, the works council or the staff representation – if the exceptions meant in the last sentence of the first and second paragraph and the last sentence of the third paragraph are applied – should be notified of the reasons for this as well as the provisions made pursuant to paragraph three and the measures taken pursuant to paragraph five.
14. At a time to be determined by Royal Decree the noise levels of 85 dB(A) mentioned in paragraph one and two will be replaced by 80 dB(A).

Article 6.9. Weekly average

1. In cases whereby employees carrying out special duties in connection with the performance of these duties have to stay in a workplace where the daily noise levels fluctuate greatly and the provisions and measurements made or to be made meant in Article 6.8, third and fifth paragraph cannot reasonably be required, the average noise level calculated or measured over a period of one week should not exceed 85 dB(A) or a momentary sound-pressure level of 200 Pa, unless this cannot reasonably be required.
2. In addition, in the cases meant in the first paragraph, periodically but in any event each time there are changes relating to noise in the workplace or the work or circumstances under which this work is being carried out, it should be checked whether the first paragraph is still complied with.

Article 6.10. Audiometric examination

1. Employees being exposed to a noise dose level of 80 dB(A) should – in addition to Section 18 of the Act – be given the opportunity to submit to a work-related health examination in the form of an audiometric examination.
2. So long as the exposure to the noise level mentioned in paragraph continues, the employees involved should be given the opportunity every four years or at shorter intervals if required in the opinion of the working conditions service to submit once again to an audiometric examination.
3. The working conditions service will be able to inspect the register meant in Article 6.7., paragraph five.
4. The working conditions service should be given the opportunity to advise on the preventative or personal protection measures.
5. The results of the audiometric examination should be retained for at least ten years.
6. The employee involved should be notified of the results of any audiometric examination he has submitted pursuant to this Article.

Article 6.11. Information and instructions

Employees carrying out work whereby it is expected that the equivalent noise level of 80 dB(A) or the momentary noise-pressure level of 200 Pa may be exceeded, should be given effective information and effective instructions on:

- a)

- The possible hearing hazards as a result of exposure to noise;
- b) The existing regulations concerning noise and the measures to be taken pursuant to these regulations.
 - c) The circumstances in which personal protection equipment is being made available and the circumstances whereby and the manner in which the personal protection equipment should be used;
 - d) The contents and meaning of the audiometric examination to be periodically repeated and circumstances in which employees are offered the opportunity to submit to such an examination.

Part 4. Radiation

Article 6.12. Appliances

1. Appliances which may radiate harmful, non-ionising electromagnetic radiation should consist of sound materials, be properly constructed and be in a good condition.
2. The appliances meant in the first paragraph should be situated in such a space and are also fitted-out, installed or screened off in such a manner that their operation will avoid as much as possible any damage to health.
3. If during the operation of an appliance as meant in the second paragraph, the hazard of damage to health cannot be avoided completely despite compliance with the provisions meant in paragraph one and two, such organisational measures should be taken that the damage to health is avoided as much as possible.
4. If the measures meant in the third paragraph cannot or not sufficiently avoid damage to health, personal protection equipment should be made available.
5. The personal protection equipment should be used by the employees during their work.
6. Levels can be determined by ministerial order above which for the purposes of this Article this radiation is deemed to be harmful.

Part 5. Working under excess pressure

Article 6.13. Definitions and applicability

1. In the provisions of or pursuant to this Part the following terms have the following meaning:
 - a) Diving work: carrying out work in a liquid or a dry diving bell including the stay in this liquid or in this dry diving bell whereby a gas is used under a higher pressure than atmospheric pressure for the purposes of breathing;
 - b) Caisson work: carrying out work in a space under pressure of at least 10^4 Pa above atmospheric pressure fully or partially surrounded by liquid as well as the stay in and the transport to and from this space;
 - c) Other work under excess pressure: carrying out other work than diving or caisson work in a space under pressure of at least 10^4 Pa above atmospheric pressure including the stay in this space.
2. This Part also applies to the work in or on a seagoing vessel directly linked to the work to be carried out under excess pressure.
3. Exclusively Articles 6.14 and 6.15, paragraph one, under a and b and d apply to diving work with a Self-Contained Underwater Breathing Apparatus (SCUBA), consisting of the instructions for sport divers up to a diving depth of not more than 50 meters with a decompression time of not more than 20 minutes and with a partial oxygen pressure in the breathing gas of not more than $1.4 \cdot 10^5$ Pa.

Article 6.14. Suitability

Diving work, caisson work and other work under excess pressure should be carried out by persons in such physical and mental condition as to be able to be aware of the hazards associated with the work they are to carry out and to avoid or restrict them where possible.

Article 6.15. Safety measures

1. If the diving work, caisson work or other work under excess pressure is undertaken, the following should be adhered to with due observance of the latest technology and taking into account the specific work to be carried out:-
 - a) Proper written work instructions should be present close to the place where the work is being carried out which at least contain the safety provisions to be made by the employees as well as the emergency procedures;
 - b) Sound materials in good conditions and sufficient breathing gas of good quality should be made available to the employees;
 - c)

A person specifically trained for this purpose should be present close to the place where the work is being carried out and be able to give adequate medical guidance to the employees;

- d) Adequate first-aid equipment should be present close to the place where the work is being carried out.
2. The person meant in paragraph one under c should immediately be able to contact a physician skilled in the treatment of acute health consequences as a result of carrying out diving work, caisson work and other work under excess pressure.

Article 6.16. Diving work

1. Diving work should be carried out by one or more divers assisted by a reserve diver and a foreman.
2. The reserve diver should only carry out diving work consisting of giving support to and rescuing divers in trouble.
3. The foreman should – with a view to the diving work to be carried out - have sufficient knowledge and experience to supervise this work.
4. Contrary to the first paragraph, the foreman may also act as a reserve diver if the diving work is carried out in a liquid consisting mainly of water with a maximum attainable depth of 9 meter and a maximum current velocity of 0.5 meter per second and whereby there is no foreseeable chance that the divers would get into trouble in this liquid.
5. Anyone who has carried out diving work should record this in a personal diving logbook. Apart from the nature of the diving work at least the diving schedule followed should be recorded in this logbook including the decompression process followed as well as the duration of the stay in the liquid.
6. The divers and reserve diver should be in possession of a diving work certificate with respect to the type of work they are carrying out, issued by Our Minister or a certifying institution.
7. If diving work is being carried out, the person meant in Article 6.15, paragraph one under c, should be in the possession of a medical diving assistance certificate issued by our Minister or a certifying institution.
8. The diving work certificate and the medical diving assistance certificate meant in paragraph six or seven, or copies of it should be present at the workplace and should be shown to an official meant in Section 24 of the Act when requested to do so.
9. Paragraph six does not apply to a person who is carrying out diving work within the scope of a diving course, provided this takes place under the supervision of a person possessing a certificate as meant in that paragraph.
10. Detailed rules may be laid down in a ministerial order concerning the equivalence of diving work certificates or medical diving assistance certificates issued abroad with certificates meant in paragraph six or seven.

Article 6.17.

[Repealed]

Article 6.18. Diving work compression room

1. A suitable compression room supplied with an air lock for people should be present at the place where diving work is being carried out in water at a depth of more than 15 meters or in another liquid under a pressure of $1\frac{1}{2}$ times 10^5 Pa above atmospheric pressure. The compression room, the fitting-out of which is dependant on the number of divers and the nature of the activities, should offer at least space for two persons.
2. The compression room should be used in the proper manner.

Article 6.19. Caisson work

1. Caisson work should be carried out by at least two persons.
2. At least 30 days before the caisson work is commenced an official appointed to this end as meant in Section 24, sub-section one, of the Act should be notified in writing of this, submitting a proper work plan.
3. A caisson should be built, installed, adjusted or disassembled under supervision of a specially appointed person.
4. Caissons should be inspected regularly by a specially appointed person.

Article 6.20. Caisson work compression room.

1. A suitable compression room supplied with an air lock for persons should be present near the place where caisson work is being carried out under a pressure of more than $1\frac{1}{2}$ times 10^5 Pa above atmospheric pressure. The compression room the fitting-out of which is dependant on the number of persons carrying out the caisson work and the nature of the activities, should offer at least space for two persons.

2. The compression room should be used in the proper manner.

Part 6. Special Sectors and special categories of employees

§ 1. Transport

Article 6.21. Exception to noise

Part 3 of this Chapter does not apply to seagoing vessels and aircraft. Exclusively Articles 6.22 and 6.23 apply to seagoing vessels and aircraft.

Article 6.22. Definition

In this § equivalent noise level in dB(A) means: the energetic average noise level during a certain assessment period expressed in dB(A).

Article 6.23. Noise provisions for seagoing vessels and aircraft

1. Machines, equipment, devices, installations on board aircraft and seagoing vessels should be so constructed, fitted-out, installed or supported and maintained such that during operation in the workplace they do not produce a noise level higher than 85 dB(A) unless this cannot reasonably be required.
2. The carrying out of activities should take place in such a manner that no equivalent noise level is produced higher than 85 dB(A) in the workplace, unless this cannot reasonably be required.
3. If the exception mentioned in the last sentence of the first or second paragraph applies, suitable measures should be taken to prevent as much as possible the noise levels mentioned in the first and second paragraph from prevailing in the workplace, unless this cannot reasonably be required either.
4. The provisions meant in the third paragraph should be stated in the action plan meant in Section 5 of the Act.
5. In cases in which provisions made pursuant to the third paragraph offer insufficient protection of the employees against the noise levels mentioned in the first and second paragraph and in cases whereby making the provisions cannot reasonably be required, effective measures should be taken to restrict as much as possible the duration of the exposure as well as the number of employees exposed to the respective noise levels.
6. Paragraph four applies accordingly to the measures meant in paragraph five.
7. In cases whereby the employees might be exposed to equivalent noise levels of at least 80 dB(A), personal protection equipment should be made available in sufficient quantities. The personal protection equipment should offer sound-insulation up to an equivalent noise level of not more than 80 dB(A). If such a sound insulation is not technically feasible, The personal protection equipment should offer sound-insulation at least below the equivalent noise level of 85 dB(A).
8. In the event of the equivalent noise level of 85 dB(A) being exceeded, the employees should be using their personal protection equipment.
9. At a time to be determined by Royal Decree the noise levels of 85 dB(A) mentioned in paragraph one and two will be replaced by 80 dB(A).

Article 6.24. Other exceptions for means of transport

1. Articles 6.3, 6.4 and 6.5 do not apply to aircraft for which a Dutch or a comparable certificate of airworthiness has been issued before 1 January 1997 unless compliance with this may reasonably be required.
2. Articles 6.3 and 6.5 do not apply to seagoing vessels constructed before 1 January 1994 unless compliance with this may reasonably be required.
3. Article 6.4 does not apply to seagoing vessels.
4. Constructed seagoing vessels has the meaning given in Article 1 of the Ships Decree 1965 or – insofar as this involves seagoing fishing vessels – Article 2 of the Fishing Vessels Decree.
5. Article 6.3, 6.4 and 6.5 do not apply to vehicles on a public road or railway or tramway constructed before 1 January 1994 unless compliance with this may reasonably be required.

§ 2. Judicial institutions

Article 6.25. Climate, daylight and artificial lighting and ventilation

Articles 6.1, 6.2, 6.3 and 6.4 do not apply to workplaces in judicial institutions which were in operation as such before 1 September 1990, insofar as compliance with this cannot reasonably be required.

§ 3. Young persons

Article 6.26. Linking provision

In addition to the provisions under or pursuant to this Chapter the provisions and prohibitions mentioned in this § also apply to young employees.

Article 6.27. Work prohibitions for working under excess pressure and non-ionising radiation

1. Young employees are not allowed to carry out diving work, caisson work and other work under excess pressure as meant in Article 6.13.
2. Young employees are not allowed to carry out work with appliances which may radiate harmful, non-ionising electromagnetic radiation.
3. Young employees are not allowed to carry out work in a workplace where they are exposed to an equivalent noise level of at least 90 dB(A).
4. Young employees should not be exposed to harmful vibrations.

§ 4. Pregnant employees

Article 6.28. Linking provision

In addition to the provisions in or pursuant to this Chapter the provisions set out in this § also apply to pregnant employees.

Article 6.29. Working under excess pressure

A pregnant employee should not be obliged to carry out diving activities, caisson work and other work under excess pressure as meant in Article 6.13.

§ 5. Home workers

Article 6.30. Daylight and artificial lighting.

1. The necessary provisions for suitable artificial lighting should be present in the workplace.
2. If the home worker already has the provision at his disposal on his own account, the home employer does not then have to make this available.

CHAPTER 7. WORK EQUIPMENT AND SPECIFIC ACTIVITIES

Part 1. Applicability and definition

Article 7.1. Work equipment out of use

This Chapter does not apply to work equipment which is disassembled or dismantled such that it cannot be put back into use easily.

Article 7.2. Work equipment with a CE marking

1. Work equipment is presumed to comply with Articles 7.4, paragraph one, 7.7, 7.10, 7.13, 7.14, 7.15, 7.16, 7.17a, 7.17b, with the exception of paragraph four and 7.18b, paragraph one, under a, if in accordance with the EC Directive applicable to this end it is provided with an EC marking together with an EC declaration of conformity and the work equipment is being used in accordance with the appropriate user instructions.
2. If work equipment is only provided with a CE marking for one or more of its components together with an EC declaration of conformity, the work equipment is only presumed to comply with the Articles mentioned in the first paragraph with respect to the marked component(s).

Article 7.2a. Definition of test

In this Chapter the term test means: an inspection or trial.

Part 2. General provisions

Article 7.3. Suitability of work equipment

1. With respect to the choice of the work equipment which the employer is considering making available, the employer should take into account the specific characteristics of the work as shown in the assessment and evaluation carried out meant in Section 5 of the Act, the circumstances under which it is carried out, together with the hazards already existing in the workplace and the additional hazards which might result from the use of the respective work equipment.
2. In order to prevent the use of the work equipment creating a hazard to the health and safety of the employees, the work equipment being made available to the employees in the workplace should be used exclusively for the purpose, and in the manner and the place for which they have been fitted-out and intended.
3. In addition, the work equipment should be suitable for the work to be carried out or suitably adjusted to this end.
4. Insofar as it is reasonably not possible to avoid the hazards when using the work equipment, such measures should be taken that the hazards are restricted as much as possible.

Article 7.4. Soundness of work equipment and unintended events

1. Work equipment should consist of sound materials.
2. Work equipment should be constructed properly.
3. Work equipment should be placed or fitted-out in such a manner that the danger of shifting, falling or toppling over, overheating, fire, explosion, lightning strike and direct or indirect contact with electricity is avoided as much as possible.
4. Article 3.17 applies accordingly.

Article 7.4a. Tests

1. Any work equipment the safety of which depends on the manner of its installation, should be tested after installation and before it is put in operation for the first time to check whether it is properly installed and is functioning properly and safely.
2. In addition, work equipment as meant in paragraph one should be tested after any assembly at a new location or new place to check whether it is properly installed and is functioning properly and safely.
3. Work equipment subject to influences resulting in deterioration which could give rise to a hazardous situation should be tested as often as necessary to safeguard its good condition and be tried out if necessary.
4. Work equipment as meant in the third paragraph should also be tested and if necessary tried out every time that exceptional circumstances have occurred which might have had harmful consequences for the safety of the work equipment. Exceptional circumstances would in any event include: natural phenomena, changes to the work equipment, accidents with the work equipment and the work equipment being shut off for a long time.
5. Test should be carried out by an expert person, corporation or institution.
6. Written evidence of the tests carried out should be present in the workplace and should be shown to an official as meant in Section 24 of the Act when requested to do so.
7. This Article does not apply to amusement and gambling machines to which the Amusement and Gambling Machines Safety Decree applies.
8. The first to the fifth paragraphs do not apply to scaffolding to which Article 7.34 applies.
9. Paragraph one to three do not apply to:
 - a) cranes to which Article 7.19 applies;
 - b) hoisting and lifting machines and hoisting and lifting tools on board vessels to which Article 7.29 applies;

- c) lifts to which the Lifts Decree I, or the Decree concerning Lifts applies;
 - d) steam and vapour appliances to which the Vapour Decree applies.
10. The third paragraph does not apply to:
- a) hoisting and lifting tools to which Article 7.20 applies;
 - b) containers to which the Containers Decree applies.

Article 7.5. Assembly, disassembly, maintenance, repair and cleaning of work equipment

1. The necessary measures should be taken to ensure that over its full useful life the work equipment is sufficient maintained to remain in such a condition that a hazard for the health and safety of the employees is avoided as much as possible.
2. Maintenance, repair and cleaning activities to work equipment should only be carried out if the work equipment is switched off and has been de-pressurised or is dead. If this is not possible suitable measures should be taken in order to be able to carry out those activities safely.
3. The second paragraph applies accordingly to production and adjustment activities with or to work equipment.
4. Maintenance books belonging to work equipment should be kept properly up-to-date.
5. Assembly and disassembly of work equipment should take place in a safe manner with due observance of any instructions from the manufacturer.

Article 7.6. Expertise of employees

1. With respect to work equipment the use of which might create a specific hazard to the safety of the employees, their use should be reserved to employees who have been entrusted with this.
2. Employees entrusted with the conversion, maintenance, repair or cleaning of work equipment as meant in the first paragraph, should have specific expertise and experience to this end.

Article 7.7. Safety provisions in connection with moving parts of work equipment

1. If moving parts of work equipment create a hazard, they should be provided with screens or safety devices such that the hazard is avoided as much as possible.
2. The screens or safety devices should be of a solid construction.
3. The screens or safety devices should not create additional hazards.
4. It should not be possible to easily ignore or put the screens or safety devices out of operation.
5. The screens or safety devices should be fitted at a sufficient distance from the danger area of the work equipment.
6. The screens or safety devices should interfere as little as possible with the view of the work.
7. The screens or safety devices should be fitted in such a manner that the necessary maintenance and repair activities can be carried out safely. In doing so, dismantling the screens or safety devices should be avoided as much as possible.

Article 7.8. Lighting

In addition to Article 6.3 operating and maintenance points of work equipment should be sufficiently and effectively lit.

Article 7.9. High and low temperature

Employees should be prevented as much as possible from coming into the direct surroundings of work equipment or its parts which are at very high or very low temperatures. If this is not possible, suitable measures should be taken to prevent contact with this work equipment or its parts.

Article 7.10. Alarm signals

Alarm signals of work equipment should be easily and clearly observable and properly recognisable as such. They should comply with the provisions set out in or pursuant to Part 2 of Chapter 8.

Article 7.11. Disconnecting work equipment

1. Work equipment should have clearly recognisable provisions by which it can be disconnected from its power source.
2. Reconnecting the work equipment after it has been disconnected from its power source should not create any hazard for the employees.

Article 7.11a. Information

1. Operating instructions belonging to work equipment should be brought in an understandable form to the notice of the employees involved.
2. If the use or presence of work equipment in the direct work surroundings could create hazards for the employees, this will be pointed out to them even if the employees are not directly using this equipment.

Part 3. Work equipment with an operating system

Article 7.12. Linking provisions

Apart from the provisions in Part 1 and 2 of this Chapter, the provisions of this Part also apply to work equipment with an operating system.

Article 7.13. Operating systems

1. Operating systems of work equipment should be safe.
2. Operating systems should not create a hazard for the employees even when unintentional actions are taken.
3. When choosing operating systems, the faults, breakdowns and expected loads when using the operating system should be taken into account.
4. An operating system should be clearly visible and recognisable and - where necessary - should be provided with functional indications to this end in a suitable manner.
5. Operating systems should be situated outside the danger area of the work equipment as much as possible.
6. The location of the operating system should not create additional hazards for the employees.
7. If work equipment can be put into operation or stopped from a place which does not have a complete view of this work equipment, then in order to protect the respective employees a signal should be given in compliance with the provisions set out in or pursuant to Part 2 of Chapter 8 at all times before putting the work equipment into operation or shutting it off.

Article 7.14. Putting work equipment into operation

1. Operating systems should only be able to be put into operation by an intentional action with an operating system intended to this end.
2. The first paragraph applies accordingly to resuming operation after a pause regardless of its cause and also for bringing about an important change in the operation of the work equipment unless the resuming of the operation or the change cannot create any hazards for people.
3. The second paragraph does not apply if the putting into operation or change in the operation of work equipment belongs to the normal program of an automatic cycle.

Article 7.15. Shutting down work equipment

1. It should be possible to shut off work equipment in a safe manner with an operating system intended for this purpose. According to the hazard, operating systems should stop either the complete work equipment or parts of it, to the extent that the work equipment is in a safe condition.
2. When the work equipment or parts of it have been stopped, the energy supply should be interrupted to the work equipment or parts causing the hazard.
3. It should not be possible to cancel the instruction to stop the work equipment or part of it by an instruction to start up the work equipment or a part of it.

Article 7.16. Emergency stop provision

Work equipment should have an emergency stop provision if this is necessary with a view to the hazards of this work equipment and the normal time required to stop this work equipment.

Part 4. Additional provisions on specific work equipment and activities

§ 1. Adjustment

Article 7.17. Linking provision

Apart from the provisions of Parts 1 to 3 of this Chapter the provisions of this Part also apply to the specific work equipment and activities mentioned in this Part.

§ 2. Provisions for mobile work equipment

Article 7.17a. Fitting-out of mobile work equipment

1. Mobile work equipment on which one or more persons can be transported should be fitted-out in such a manner that the hazards for these persons during transport are restricted as much as possible.
2. Mobile work equipment able to transport one or more persons, with the exception of forklift trucks, should be fitted-out in such a manner that under actual circumstances of use the hazards which could result from the mobile work equipment falling or toppling over are restricted as much as possible by:
 - a) a protective construction preventing the mobile work equipment tilting more than a quarter turn;
 - b) a construction ensuring that there is sufficient free space around the persons to be transported when the mobile work equipment is able to move more than a quarter turn, or
 - c) other provisions with an equal level of safety.
3. The second paragraph does not apply if the mobile work equipment is stabilised during use or if the mobile work equipment is designed in such a manner that it cannot fall or topple over.
4. If there is a danger that when mobile work equipment topples or falls over that the persons to be transported could become trapped between the parts of it and the ground, a system should be installed by which they can be held back.
5. Forklift trucks able to transport one or more persons should be fitted-out in such a manner that the hazard of toppling over or the consequences of this are restricted as much as possible by:
 - a) a driver cabin
 - b) a device preventing the forklift truck from falling over;
 - c) a device making sure that if the forklift truck topples there is sufficient free space between the ground and certain parts of the forklift truck for the persons to be transported;
 - d) a device on each seat of the forklift truck by which the persons present on the truck are able to secure themselves on the seat, or
 - e) other provisions with an equal level of safety.
6. If a sudden jamming of parts for the energy transmission between the mobile work equipment and its auxiliary parts or trailers could create specific hazards, this work equipment should be fitted with a provision to prevent this jamming. If such jamming cannot be avoided, measures should be taken such that the hazards are restricted as much as possible.
7. Mobile work equipment should be provided with means of fastening parts of the energy transmission when these parts may become dirty or damaged because of being dragged over the ground.

Article 7.17b. Equipment of self-propelled mobile work equipment

1. In addition to Article 7.17a this Article applies to self-propelled mobile work equipment which when in motion could cause hazards for the employees.
2. Mobile work equipment should be equipped with:
 - a) provisions to prevent it being put into operation by unauthorised persons;
 - b) a device automatically preventing the mobile work equipment - if driven electrically - from suddenly starting to move when the driver leaves or has left the work equipment;
 - c) effective provisions to restrict the consequences of any collision, if various mobile work equipment on rails are being moved at the same time;
 - d) a brake and stop provision;
 - e) an emergency provision when required for safety reasons, which enables the mobile work equipment to be braked or brought to a standstill by easily accessible control units or by automatic systems in cases of a breakdown in the main braking system and stop provision;
 - f) effective aids to give the driver a sufficient view if his direct field of view is insufficient to safeguard the safety of persons, and
 - g)

proper provisions by which signals can be given in compliance with the provisions in or pursuant to Part 2 of Chapter 8.

3. If mobile work equipment is being used at night or in dark places, it should be provided with lighting equipment adjusted to the work to be carried out and offering sufficient safety to employees.
4. If mobile work equipment, their trailers or loads may create a fire hazard for people, they should be provided with effective fire fighting means, unless the workplace has been equipped with this within a suitably short distance from this work equipment, their trailers or loads.
5. If mobile work equipment is remote-operated, they should automatically come to a standstill when they leave the control area.
6. If mobile work equipment is remote-operated and is able to drive into or trap employees under normal user circumstances, they should be equipped with provisions offering protection against these hazards unless other suitable provisions are present to restrict the hazard of collisions.

Article 7.17c. Use of mobile work equipment

1. Self-propelled mobile work equipment should only be operated by employees having a specific expertise to this end.
2. Employees should only be allowed to ride on self-propelled mobile work equipment on safe places specifically fitted-out for this purpose.
3. If activities are carried out when the work equipment as meant in the second paragraph is moving, the speed of the work equipment should be adjusted if necessary.
4. Mobile work equipment must not be used to transport more persons or greater loads at one time than safe use allows.
5. If mobile work equipment is moving within a work area where employees might be situated, effective traffic rules should be determined.
6. Effective organizational measures should be taken in order to prevent employees being situated in the work area of self-propelled mobile work equipment.
7. If for the proper execution of the activities the presence of employees in a work area as meant in the sixth paragraph is necessary, suitable measures should be taken in order to avoid their becoming injured by the mobile work equipment.
8. Mobile work equipment with an I.C.-engine should not be used in the workplace unless sufficient clean air is ensured.
9. The driver of mobile work equipment should only leave it after he has secured it from suddenly starting to move.

Article 7.17d. Transporting persons over water

With respect to transport of employees over the water, effective measures should be taken to guarantee the safety of these employees.

§ 2a. Provisions for work equipment for hoisting and lifting loads or persons

Article 7.18. Hoisting and lifting machines

1. Hoisting or lifting machines should be supplied with a properly readable indication on or close to the operating position stating the permissible operating load for each usual configuration of this machine.
2. Hoisting or lifting machines should – except for testing - not be put under a heavier load than the permissible operating load or operating loads nor loads heavier than safe use allows.
3. Hoisting and lifting machines should be operated by persons having a specific expertise to this end.
4. Hoisting or lifting machines not intended or equipped for hoisting or lifting persons and where there is a chance of their being used wrongly, should be provided with properly legible warnings against transport of passengers.
5. Hoisting and lifting machines should be installed in such a manner as to restrict the hazard of the load hitting employees or falling freely or becoming unintentionally dislodged in a dangerous way.
6. Effective measures should be taken to ensure that employees do not stay under the suspended loads.
7. Suspended loads should not be moved above non-protected workplaces where employees are usually situated.
8. If when implementing paragraph six and seven the proper progress of the activities cannot be guaranteed, suitable procedures should be determined and applied in order to guarantee the safety of the employees involved.

Article 7.18a. Hoisting and lifting machines for non-guided loads

1. In addition to Article 7.18 this Article applies to the use of hoisting and lifting machines intended for hoisting or lifting non-guided loads.
2. When two or more hoisting or lifting machines are installed or assembled in the workplace in such a way that their work areas overlap, suitable measures should be taken to avoid collisions between the loads or parts of these machines.
3. When using a mobile hoisting or lifting machine, suitable measures should be taken to avoid the machine toppling over, starting to move or slipping away unintentionally.
4. There should be supervision to ensure that the measures meant in the third paragraph are carried out properly.
5. When the operator of a hoisting or lifting machine can neither directly nor by means of informative aids follow the complete path of the load, an employee should be appointed who is in communication with the operator to give him guidance.
6. In addition, further organisational measures should be taken to avoid unintentional collisions with the load of the hoisting or lifting machine.
7. When loads are manually fastened or loosened, the activity should be organised in such a manner that the employee is able to carry out these actions safely and keep direct or indirect control over it.
8. All actions for hoisting or lifting should be planned correctly in order to guarantee the safety of the employees.
9. The actions meant in the eighth paragraph should be carried out under effective supervision.
10. In particular if a load is hoisted or lifted simultaneously by two or more hoisting or lifting machines, a procedure should be determined and applied in order to guarantee a proper coordination of the actions of the operators.
11. If hoisting or lifting machines can no longer hold their loads because of a complete or partial breakdown in the energy supply, suitable measures should be taken in order to prevent employees being exposed to the associated hazards.
12. Loads as meant in the eleventh paragraph should be continuously supervised, unless the access to the danger area has been prevented and the loads are fastened and secured completely safely.
13. Hoisting and lifting machines used in the open air should be shut down as soon as the weather conditions deteriorate to such an extent that there is a danger to safe operation and employees are exposed to hazards. In this case suitable protective measures should be taken in particular to avoid the hoisting or lifting machine falling over.

Article 7.18b. Hoisting and lifting machines for persons

1. In addition to Articles 7.18 and 7.18a hoisting and lifting machines intended and equipped for hoisting or lifting persons should be equipped with such provisions that the following is avoided as much as possible:
 - a) the hoisting or lifting platform falling down,
 - b) persons falling from this platform,
 - c) a persons making use of the hoisting or lifting machine being crushed, trapped or struck particularly as a result of unintentional contact with an object.
2. A hoisting or lifting machine as meant in the first paragraph should also have provisions such that - whilst there is any fault on the machine - the persons situated on the hoisting or lifting platform have their safety guaranteed as much as possible and can be freed.
3. If for reasons in connection with the site conditions and the difference in height the hazard meant in the first paragraph under a cannot be avoided by means of a safety device, then a suitable cable, chain or other provision with an increased safety coefficient should be fitted in the suspension of the hoisting or lifting platform.
4. In the case meant in the third paragraph the proper condition of the cable, chain or other provision fitted in the suspension should be checked every working day.

Article 7.19. Cranes

1. A crane with an operating load equal to or higher than two metric tons and which - after being manufactured and being thoroughly repaired or adjusted - is put into use for the first time, should be examined as to its soundness of materials, construction, design and stability. During this examination the crane should be suitably tested.
2. The support of a crane as meant in the first paragraph should in the cases meant in that paragraph be examined as to its position and load bearing capacity, the soundness of materials and construction and the presence and soundness of the safety means.
3. The first paragraph does not apply to cranes which after being manufactured are put into use for the first time and which in accordance with the provisions of the Machines Decree are provided with a CE marking together with an EC declaration of conformity.

4. In cases where the crane has been unused or idle for a long time a crane with an operating load as mentioned in the first paragraph and the support of this crane should be examined before being put in use to check their good condition. In this examination the crane should be effectively tested.
5. In addition, a crane and the support of this crane should be examined before being put in use to check their good condition and be effectively tested at least once a year but as often as is reasonably necessary to guarantee safe use of the crane.
6. If the crane after being disassembled for erection elsewhere, has been installed immediately, the crane should be examined and tested to check its safe operation before being put into use.
7. Examinations and tests as meant in the first, second, fourth, fifth and sixth paragraph should be carried out by an expert person, corporation or institution.
8. A crane book should be close by a crane with an operating load as mentioned in the first paragraph. This book should in any event contain in an adequate manner the results of the examinations and tests carried out pursuant to paragraph one, two, four, five and six in.
9. Contrary to paragraph seven a ministerial order may determine which of the examinations and tests meant in the first, second, fourth, fifth and sixth paragraph should be carried out by a certifying institution with respect to all cranes or with respect to cranes belonging to a category described in this order.
10. An institution as meant in the ninth paragraph should issue a certificate of approval if it has established that a crane as meant in the ninth paragraph is compliant with the criteria determined in the ministerial order.
11. The crane book and certificate of approval or a copy of it meant in the eight or tenth paragraph should be present at the workplace and should be shown to an official as meant in Section 24 of the Act when requested to do so.

Article 7.20. Hoisting and lifting tools

1. Hoisting and lifting tools should be chosen according to the loads, strop points, hook provision and weather conditions taking into account the manner of slinging on the load and the hoisting or lifting machine to be used.
2. Hoisting or lifting tools, other than ropes or steel cables, should be supplied with a properly readable indication stating the operational load.
3. Composite hoisting and lifting tools should be clearly marked in order to enable the user to know their characteristics.
4. Hoisting or lifting tools should – except for testing - not be under a load heavier than the allowable operating load or than safe use allows.
5. Hoisting and lifting tools should be stored in such a way that they cannot be damaged or affected.
6. Hoisting and lifting tools should be examined at least once per year by an expert person, a corporation or institution as to their proper condition and should then be tested, if necessary. This person or institution should have the necessary equipment to this end at their disposal.
7. In addition to the sixth paragraph, chains – depending on the type of material – should be subjected to a heat treatment suitable for the respective material as often as this is necessary for safe use.
8. The heat treatment meant in the seventh paragraph should be carried out by an expert person, corporation or institution having at their disposal the necessary equipment to this end.
9. Documentary evidence of the examinations, tests and heat treatments meant in the sixth and seventh paragraph should be present at the workplace and should be shown to an official as meant in Section 24 of the Act when requested to do so.

Article 7.21. Activities in lift shafts

1. If two or more lifts are situated in a lift shaft, adequate technical measures should be taken in order to prevent persons working on one of the lifts in the shaft being hit by parts of an adjacent lift.
2. If taking the measures meant in the first paragraph is not feasible, the hazard meant in the first paragraph should be avoided by shutting off the adjacent lift.

Article 7.22. Transport of persons in a man-riding platform (a ‘cherry-picker’)

1. No persons are allowed to be transported instead of or together with goods in a hoisting or lifting machine which is exclusively intended and fitted-out for the transport of goods.
2. The first paragraph does not apply to transport of persons by means of a man-riding platform for carrying out incidental activities of short duration from this man-riding platform on places which are difficult to access if application of other more suitable means of reaching these places would involve

greater hazards than the transport of persons by means of a man-riding platform as meant above or the application of such means cannot reasonably be required.

3. In the event of the second paragraph being applied, the following provisions apply:

- a) the man-riding platform meant in the second paragraph should be manufactured, fitted-out, equipped, mounted, be in such a state of repair and used in such a manner that any hazard for the health or safety of employees is avoided or restricted as much as possible;
- b) the hoisting or lifting machine should be adequately equipped in order to being used in combination with a man-riding platform;
- c) the operating position of the hoisting or lifting machine should be permanently manned;
- d) the employees being hoisted or lifted should have effective means of communication at their disposal, and
- e) effective provisions should be made in order to evacuate the employees if a hazard occurs.

Article 7.23

[Repealed]

§ 3. Provisions for loading and unloading vessels

Article 7.24. Access to the vessel

1. In addition to Article 3.2 the access to a hold or deck of a vessel should only be allowed by means of a fixed staircase and if this is not feasible a fixed ladder or clamps or foot openings of suitable dimensions with sufficient strength and proper construction or other proper means of access.
2. The means of access mentioned in the first paragraph should be separated from the hatch openings if this is reasonably feasible.

Article 7.25. Hatches

1. Hatches being fitted or removed by means of hoisting or lifting machines should be fitted-out with properly accessible and suitable fixings for attaching the hoisting equipment.
2. If hatches are not mutually interchangeable, they should be clearly marked in order to indicate the hold openings and locations to which they belong.
3. Motor-driven or hydraulic hatches and other motor-driven or hydraulic ship's equipment should only be fitted or removed by a person authorized to this end.
4. The hatches and ship's equipment meant in the third paragraph should only be fitted or removed if this can take place safely.
5. Hatch openings not fitted with effective hatch coamings should be closed or otherwise secured as soon as the loading and unloading activities are concluded.
6. Hatches should not be fitted or removed if work is being carried out in the hold under the hatch opening.
7. Hatches not sufficiently secured against being moved should be removed before the loading or unloading activities are commenced.

Article 7.26. Handling goods or materials

1. Storing or transferring, loading or unloading, stowing or otherwise handling goods or materials on the quay, in sheds or in the ship should take place in a safe and tidy manner taking into account the nature of these goods or materials and their packaging.
2. Loads should not be raised or lowered unless they are hitched or otherwise attached to the hoisting or lifting machine.

Article 7.27. Rigging plans and tying or hoisting equipment

1. For safely rigging cargo booms and associated equipment, on board the ship, rigging plans and all related information should be present. The rigging plans should be shown to an official as meant in Article 24 of the Act when requested to do so.
2. Disposable tying or hoisting equipment should not be re-used.

Article 7.28. Containers

During loading and unloading containers proper equipment should be present to guarantee the safety of the employees when fitting or removing the lashings of the containers.

Article 7.29. Hoisting and lifting machines on board ships

1. Contrary to Articles 7.19 and 7.20, sixth, seventh, eighth and ninth paragraph the following provisions apply to hoisting and lifting machine as well as hoisting and lifting tools on board of ships being used for loading and unloading.
2. Hoisting and lifting machines including their associated accessories, parts, attachment points, anchorages and supports and hoisting and lifting tools should be suitable tested as to their good condition before they are put into use for the first time.
3. Machines and tools as meant in the second paragraph should be suitably tested and examined to check their good condition after any relevant change or repair which might affect safety.
4. Machines and tools as meant in the second paragraph should - depending on the load - be regularly and effectively tested to check their good condition but in any event at least once every five years.
5. Hoisting and lifting machines and hoisting and lifting tools should – depending on their actual load – be regularly tested to check their good condition but in any event at least once every year.
6. Hoisting and lifting tools should – depending on their use – be tested regularly to check their good condition.
7. Tests and checks as meant in the fifth to fourth paragraph should be carried out by Our Minister or a certifying institution.
8. Tests and checks as meant in the fifth and sixth paragraph should be carried out by an expert natural person, corporation or a certifying institution.
9. Certificates of the tests and checks meant in the second to the fourth paragraph should be issued by the certifying institution meant in the seventh paragraph in accordance with a model determined in a ministerial order.
10. On board any ship an up-to-date register of the hoisting and lifting machines and the hoisting and lifting tools should be kept in accordance with a model determined in a ministerial order in which the certificates meant in the ninth paragraph are included. The register should include the operational load or loads of the hoisting and lifting machines, the operating load of the hoisting and lifting tools as well as the times and results of the tests and examinations mentioned in the second to the fifth paragraph. The times and the results of the checks meant in the sixth paragraph should be stated if a fault was found during the respective checks. The register should be shown to an official as meant in Section 24 of the Act when requested to do so.

Article 7.30. Weight indication on heavy objects

1. Pieces or objects weighing at least 1000 kilograms gross and which are transported in a ship should be marked clearly and permanently on the outside with an indication of the weight of these pieces or objects.
2. When transporting pieces or objects as meant in the first paragraph, instead of the exact weight it is permitted to indicate the approximate weight as accurately as possible:-
 - a) if the nature, composition or dimension of the piece or object form an impediment to determining the precise weight;
 - b) if the weight as a result of climatic influences is subject to considerable changes.

Part 5. Additional provisions for building sites

§ 1. Adjustment

Article 7.31. Linking provision

Apart from the provisions of Parts 1 to 4 of this Chapter the provisions of this Part also apply to construction sites.

§ 2. Work equipment on the construction site

Article 7.32. Operating tower cranes, mobile cranes and foundation machines

1. Tower cranes, mobile cranes or foundation machines falling into a category described in a ministerial order can only be operated by a person who:
 - a) is in the possession of a certificate of professional skill issued by Our Minister or a certifying institution;
 - b) is in such physical and mental condition that he is able to be aware of and avoid the hazards associated with the respective work equipment.

2. The certificate of professional skill or a copy of it should be present in the workplace and should be shown to an official as meant in Section 24, sub-section one, of the Act when requested to do so.
3. The first paragraph does not apply to persons who operate a tower crane, mobile crane or foundation machine within the scope of a training course for machinists, provided this takes place under supervision of a person in the possession of a certificate of professional skill as meant in the first paragraph under a.
4. Detailed provisions can be laid down in a ministerial order with respect to equivalence of diplomas, certificates of skill or other proofs of expertise for the operation of tower cranes, mobile cranes or foundation machines with a certificate as meant in the first paragraph under a.

Article 7.33. Ladders and staircases

1. Ladders and staircases should be sufficiently solid and rigid.
2. Ladders and staircases should be placed in a stable manner and fastened if necessary and should be of sufficient length to offer a solid support for hand and feet in all positions in which they are used.

Article 7.34. Scaffolding

1. Erecting, changing and dismantling scaffolding should take place under supervision of a person expert in this field.
2. The safety of the construction of a scaffolding should be regularly checked by a person expert in this field but in any event before being put into use and additionally after any change in the construction of the scaffolding, after any period in which the scaffolding has not been used, after abnormal weather conditions and also after any other event by which the safety of the construction of the scaffolding might be affected.
3. Scaffoldings should not be overloaded. Loads should be spread as evenly as possible over the scaffolding.
4. Rolling scaffolding should be safeguarded against unintentional motion.

Article 7.35. Earth moving and material transfer machines

1. Drivers and operators of earth moving and material transfer machines should have a specific expertise to this end.
2. Effective measures should be taken to prevent earth moving and material transfer machines unintentionally ending up in excavations or in water.

Article 7.36

[Repealed.]

Part 6. Special sectors and special categories of employees

§ 1. Transport

Article 7.37. Exceptions for means of transport

1. Chapter 7 applies to launching equipment for life-saving devices on seagoing vessels insofar as the intended use of this equipment is not affected.
2. Article 7.4a, first to third paragraph, does not apply to seagoing vessels insofar as this involves launching equipment for life-saving devices and mechanical pilot ladders.
3. Article 7.22, second and third paragraph, does not apply to loading and unloading equipment on board seagoing vessels and river vessels.
4. Article 7.29 does not apply to fishing vessels as meant in Section 1 of the Ships Act.

§ 2. Young employees

Article 7.38. Linking provision

In addition to the provisions set out in or pursuant to this Chapter the provisions and prohibitions mentioned in this § also apply to young employees.

Article 7.39. Expert supervision

Article 1.37, second paragraph, applies accordingly to young employees who:-

- a) carry out work involving driving trucks and connecting or disconnecting trailers or equipment in direct connection with this;
- b)

- carry out work with wild, poisonous or other animals which can cause a hazard;
- c) industrially slaughter animals;
- d) are carrying out non-varied and repetitious activities of short duration on the basis of piece rates whereby the tempo is controlled in such a manner that the young employee himself is prevented from affecting the tempo of the work.

§ 3. Home workers

Article 7.40. Applicability

Parts 1, 2 and 3 of this Chapter apply accordingly to homework.

Article 7.41. Work equipment

1. Insofar as it creates hazards for people the equipment required for the work should be provided with effective safeguards.
2. Work equipment required for the work which has an operating system should be provided with a device as close as possible to the place where the person is operating the work equipment so that this work equipment can be shut off separately, safely and with certainty and can only be put back into operation intentionally.
3. The required work equipment should be maintained in the proper manner and repaired if necessary.

Article 7.42. Electrical equipment

- 1., Effective safety devices should be fitted to work equipment with an operating system required for work if hazards of an electrical nature are involved, the operation of which devices should be as independent as possible from the person operating this work equipment.
2. If in connection with the activities it is necessary that electrical equipment should be connected or cables or wires be installed otherwise, this should take place in the proper manner so that the home worker can use this safely.

CHAPTER 8. PERSONAL PROTECTION EQUIPMENT AND HEALTH AND SAFETY SIGNS

Part 1. Personal protection equipment

Article 8.1. General requirements of personal protection equipment

1. Personal protection equipment made available by the employer should be in accordance with the respective provisions concerning the health and safety design and construction meant in the Personal Protection Equipment Decree and the Consumer Goods Act Personal Protection Equipment Decree. The previous sentence only applies insofar the said personal protection equipment falls within the scope of the said Decrees.
2. In all cases personal protection equipment should:-
 - a) be suitable for the hazards to be avoided without being inherently more hazardous;
 - b) meet the existing circumstances in the workplace;
 - c) be geared to the ergonomic demands and health and safety requirements of the employees;
 - d) be suitable for the wearer after the necessary adjustments.
3. If wearing more than one piece of personal protection equipment is required simultaneously to counter different hazards, these separate pieces of personal protection equipment should be geared to each other and they should remain effective against the respective hazard or the respective hazards.
4. The choice of the personal protection equipment and the manner in which it should be used particularly concerning the time it should be worn should be determined depending on the seriousness of the hazard, the frequency of the exposure to the hazard and the characteristics of the workplace of each separate employee as well as the effectiveness of the piece of personal protection equipment.
5. In principle personal protection equipment is intended for use by one person. If the circumstances require that the same personal protection equipment is being used by more than one person,

effective measures should be taken to ensure that such use does not create health or hygiene problems for the various users.

6. Adequate information on each piece of personal protection equipment required for application of the first, second, third and fourth paragraph should be available in the business or establishment and should be passed on if necessary.

7. Personal protection equipment should only be used for the purpose for which it was intended.

8. Personal protection equipment should be used in accordance with the user instructions.

Article 8.2. Choice of personal protection equipment

Before choosing personal protection equipment, the employer should make an assessment within the scope of the assessment and evaluation meant in Section 5 of the Act, of the equipment he intends to make available in order to ascertain to what extent this complies with the conditions set out in Article 8.1, first, second and third paragraph. This assessment contains:

- a) an assessment and evaluation of the hazards which cannot be avoided by other equipment;
- b) a description of the characteristics which the personal protection equipment should have in order to overcome the hazards mentioned under a, taking into account any hazard sources which the personal protection equipment itself might create;
- c) an assessment and evaluation of the characteristics of the respective personal protection equipment which is available in comparison with the characteristics meant under b.

Article 8.3. Availability and use of personal protection equipment

1. If there is a hazard or the potential for a hazard to the safety or health of an employee in the workplace, sufficient quantities of personal protection equipment should be available to the employees who are exposed or possibly exposed to this hazard.

2. In the cases meant in the first paragraph it should be ensured that the employees use the personal protection equipment.

3. Personal protection equipment should be maintained, repaired and kept clean.

4. Personal protection equipment should be replaced when necessary so that it continues to function properly.

Part 2. Health and safety signs

Article 8.4. General requirements of health and safety signs

1. In order to avoid or restrict hazards to the health and safety of employees, the employer should make sure that if hazards in the workplace or the hazards of the work equipment give rise to it, effective health and safety signs are present.

2. With respect to the first paragraph detailed rules will be laid down in a ministerial order.

Part 3

Article 8.5

[Repealed.]

Article 8.6

[Repealed.]

Article 8.7

[Repealed.]

Article 8.8

[Repealed.]

Article 8.9

[Repealed.]

Article 8.10

[Repealed.]

Article 8.11

[Repealed.]

Article 8.12

[Repealed.]

Part 4. Special sectors and special categories of employees

§ 1

Article 8.13

[Repealed.]

§ 2. Transport

Article 8.14 Health and safety signs

1. Part 2 of this Chapter does not apply to the health and safety signs used on or in an aircraft, seagoing vessel or river vessel or a vehicle on the public road or rail- or tramway insofar as these signs are prescribed under any other statutory provision.
2. If there are reasons for this, the health or safety signs meant in Article 8.4 should be used in or on the means of transport mentioned in the first paragraph when they are situated on the premises of the business or establishment.

§ 3. Home workers

Article 8.15. Applicability to home workers

Part 1 of this Chapter applies accordingly to home workers.

CHAPTER 9. OBLIGATIONS, OFFENCES, OFFENCES LIABLE TO FINES, ADMINISTRATIVE PROVISIONS AND TRANSITIONAL AND FINAL PROVISIONS

Part 1. Obligations of the employer, home employer, employee, home worker, self-employed party, client, designing party, implementing party and lift owner or manager.

Article 9.1. Obligations of the employer

The employer is obliged to comply with the provisions and prohibitions laid down in or pursuant to this Decree, with the exception of Articles 1.25, 2.31, 2.32, 2.35, 2.36, 2.37, 2.39 and 7.21.

Article 9.2. Obligations of the home employer

The home employer is obliged to comply with the provisions and prohibitions included in the following Articles:

- a. of Chapter 1: Articles 1.44 and 1.45;
- b. of Chapter 2: Articles 2.14, first paragraph, and 2.16 to 2.22;

- c. of Chapter 4: Articles 4.110 to 4.115;
- d. of Chapter 5: Articles 5.1 to 5.12 and 5.15;
- e. of Chapter 6: Article 6.30;
- f. of Chapter 7: Articles 7.1 to 7.16, with the exception of 7.4a and 7.11a, 7.41 and 7.42;
- g. of Chapter 8: Articles 8.1 to 8.3.

Article 9.3. Obligations of the employee

1. If by virtue of the provisions in or pursuant to this Decree personal protection equipment or aids have been made available to the employee, the employee is obliged to use and keep clean this personal protection equipment and aids in accordance with the applicable provisions. The previous sentence does not apply to cases meant in Article 6.8, seventh paragraph, opening sentence.

2. In addition, the employee is obliged to comply with the provisions and prohibitions included in the following Articles:

- a. of Chapter 2: Article 2.22;
 - b. of Chapter 3: Article 3.5;
 - c. of Chapter 4: Articles 4.1, 4.4, seventh paragraph, 4.5, 4.6, first paragraph, 4.7, second, fourth and fifth paragraph, 4.8, second and third paragraph, 4.21, first and third paragraph, 4.38, 4.39, first and second paragraph, 4.41, first and second paragraph, 4.45, second paragraph, 4.46, fifth paragraph, 4.47, first paragraph, 4.51, 4.54, fourth and fifth paragraph, 4.56, third paragraph, 4.58, first paragraph, 4.59, first paragraph, 4.60, first paragraph, 4.61, second, third, fourth and fifth paragraph, 4.76, second and third paragraph, 4.78, 4.83, first paragraph, 4.86, third paragraph, 4.87, fourth paragraph, under d, and 4.89, first and fourth paragraph, and also with respect to work with asbestos or asbestos-bearing products and crocidolite and crocidolite-bearing products as meant in Article 4.37, Articles 4.19, opening words and under a, and 4.20, third paragraph;
 - d. of Chapter 6: Articles 6.8, second paragraph, 6.14, 6.15, first paragraph, under c, 6.16 and 6.19, first paragraph;
 - e. of Chapter 7: Articles 7.5, second and third paragraph, 7.13, seventh paragraph, 7.17c, second, third, fourth, eighth and ninth paragraph, 7.18, second, fifth to seventh paragraph, and eighth paragraph, with respect to the application of procedures laid down meant in this paragraph, 7.18a, second paragraph, third paragraph, tenth paragraph, with respect to the application of the procedure laid down, meant in this paragraph, and thirteenth paragraph, 7.20, fourth paragraph, 7.21, second paragraph, 7.22, first, second and third paragraph, under c, 7.24, first paragraph, 7.25, sixth paragraph, and 7.32, first and second paragraph.
3. The obligations of employees mentioned in this Article do not apply to pupils and students in educational institutions.

Article 9.4. Obligations of the home worker

The home worker is obliged to comply with the provisions and prohibitions included in the following Articles:

- a. of Chapter 1: Article 1.46;
- b. of Chapter 4: Article 4.110.

Article 9.5. Obligations of self-employed persons

Any person not being an employer nor an employee is obliged to comply with the provisions and prohibitions included in the following Articles:

- a. of Chapter 2: Article 2.39;
- b. of Chapter 3: Articles 3.4, 3.5, 3.16, 3.39 and 3.40;
- c. of Chapter 4: Articles 4.7, 4.8, 4.38, 4.39, 4.41, 4.45, first paragraph, 4.46, first paragraph, 4.54, 4.55, 4.56, first paragraph, under a, 4.58, 4.59, 4.60, 4.61, 4.62b and 9.15, under a, sub 1° to 4°, and under b;
- d. of Chapter 6: Articles 6.16, 6.18, 6.19, first paragraph, and 6.20;
- e. of Chapter 7: Article 7.4, first and second paragraph, insofar as this relates to agricultural trucks weighing at least 800 kg, and Article 7.32, second and third paragraph.

Article 9.6. Obligations of the client

The client is obliged to comply with the provisions included in Articles 2.31 and 2.35.

Article 9.7. Obligations of the designing party

The designing party is obliged to comply with the provisions included in Articles 2.32 and 2.36.

Article 9.8. Obligations of the implementing party

The implementing party is obliged to comply with the provisions included in Article 2.37.

Article 9.9. Obligations of the lift owner or manager

The owner or manager of a lift is obliged to comply with the provisions included in Article 7.21.

Part 2. Offences and offences liable to fines

§ 1. Offences

Article 9.9a. Minor offences

1. A minor offence is regarded an action or omission in contravention with the provisions and prohibitions included in the following Articles:

- a. of Chapter 2: Articles 2.2b, 2.2c, first paragraph, and 2.2d;
- b. of Chapter 4: Articles 4.5, first and second paragraph, 4.6, first and second paragraph, 4.36, first and third paragraph, 4.38, 4.39, 4.41, 4.58, 4.59, first and second paragraph, 4.60, first and fifth paragraph, 4.61, second paragraph, 4.78, first paragraph, 4.83, 4.105 and 4.110;
- c. of Chapter 6: Article 6.27;
- d. of the Working Conditions Regulations: Article 4.18, first paragraph.

2. Insofar as exemption subject to certain requirements has been granted from the Articles meant in the first paragraph, the action or omission in contravention with these requirements is also regarded as a minor offence.

§ 2. Offences liable to fines

Article 9.9b. First category

1. Actions or omissions in contravention with the provisions included in the following Articles are regarded as offences liable to fines with respect to which a fine of the first category might be imposed:

- a. of Chapter 1: Articles 1.36, 1.37, first paragraph, 1.38, 1.41, 1.42 and 1.44 to 1.46;
- b. of Chapter 2: Articles 2.17, 2.18, 2.19, first to fourth paragraph, 2.20, 2.21, first paragraph, 2.22, 2.26, 2.27, first and third paragraph, 2.28 to 2.30, 2.31, Parts b and c, 2.32, second paragraph, 2.33 to 2.35, 2.37, first paragraph, Part b, and second paragraph, 2.38, first and third paragraph, 2.41, 2.42, second to fifth paragraph, and 2.43, second paragraph;
- c. of Chapter 3: Articles 3.2, 3.4, third paragraph, 3.5, first and second paragraph, 3.7, third to sixth paragraph, 3.8, 3.9, 3.11 to 3.15, 3.18, second and third paragraph, 3.19 to 3.25, 3.27, 3.28, second paragraph, 3.29, first and fourth paragraph, 3.31, first paragraph, 3.33, 3.34, second paragraph, 3.35, third paragraph, 3.36, 3.37, 3.39, first paragraph, Parts a to c, second and third paragraph, 3.40, Parts a to d, and 3.48;
- d. of Chapter 4: Articles 4.1, 4.2, first to fifth paragraph, 4.3, second and third paragraph, 4.4, fifth, sixth and seventh paragraph, 4.5, third paragraph, 4.7, second, fourth and fifth paragraph, 4.8, first, second and third paragraph, 4.9, seventh paragraph, 4.13, 4.14, first to fourth paragraph, 4.15, 4.18, fifth paragraph, 4.19, Parts c, e and f, 4.20, 4.21, first and fourth paragraph, 4.22, first, second and fourth paragraph, 4.23, second paragraph, 4.24, fourth and fifth paragraph, 4.26, 4.27, 4.28, first paragraph, 4.29, 4.30, second paragraph, 4.31, first, third, fifth and seventh paragraph, 4.35, first paragraph, 4.46, third paragraph, 4.49, 4.50, first, second and fourth paragraph, and seventh to ninth paragraph, 4.51, 4.52, first, second and fifth paragraph, 4.53, first and second paragraph, 4.54, second to fifth paragraph, 4.57, 4.60, third and fourth paragraph, 4.64, first and second paragraph, 4.65, 4.67, first and second paragraph, 4.68, fourth and seventh paragraph, 4.69, first paragraph, 4.70, first, third and fourth paragraph, 4.71, first and third paragraph, 4.72, second, third and fifth paragraph, 4.74, first and second paragraph, 4.75 to 4.77, 4.79, 4.80, 4.85, 4.86, third paragraph, 4.88 to 4.90, 4.91, first to third paragraph, and tenth paragraph, 4.94, first, third and fifth paragraph, 4.95 to 4.97, 4.102, 4.111, 4.112, second paragraph, and 4.114;
- e. of Chapter 5: Articles 5.3, second paragraph, 5.4, 5.5, 5.9, 5.10, 5.11 and 5.15, first paragraph;
- f. of Chapter 6: Articles 6.1 to 6.3, 6.4, first paragraph, 6.5, 6.7, first to third paragraph, and fifth paragraph, 6.8, fourth paragraph, and eighth to twelfth paragraph, 6.9, second paragraph, 6.10, first to third paragraph, 6.11, 6.12, fifth paragraph, 6.14, 6.15, first paragraph, Parts a and c, and second paragraph, 6.16, second, third, and fifth to eighth paragraph, 6.19, second to fourth paragraph, 6.23, fourth, sixth and eighth paragraph, and 6.30, first paragraph;
- g. of Chapter 7: Articles 7.3, 7.4a, first to sixth paragraph, 7.5, fourth paragraph, 7.6, 7.8, 7.10, 7.11a, 7.13, 7.17a, seventh paragraph, 7.17b, second paragraph, Parts a, b and g, and third and fourth paragraph, 7.17c, first, fifth, sixth, seventh and ninth paragraph, 7.17d, 7.18, first, third, fourth and eighth paragraph, 7.18a,

fourth to tenth paragraph, and twelfth paragraph, 7.18b, fourth paragraph, 7.19, first and second paragraph, fourth to eighth paragraph, and eleventh paragraph, 7.20, second and third paragraph, and fifth to ninth paragraph, 7.24, 7.25, first to fifth paragraph, and seventh paragraph, 7.27, first paragraph, 7.28, 7.29, second to eighth paragraph, and tenth paragraph, 7.30, first paragraph, 7.32, first and second paragraph, 7.34, first and second paragraph, 7.35, 7.36 and 7.41, third paragraph;
h. of Chapter 8: Articles 8.1 to 8.3 and 8.4, first paragraph;
i. of Chapter 9: Article 9.36, first paragraph;
j. of the Working Conditions Regulations: Articles 4.4, fourth paragraph, 4.5, 4.9, third paragraph, 4.13, 4.19, second paragraph, 4.20, second paragraph, 4.22 to 4.26, 4.37, 4.38, third paragraph, 4.41, second paragraph, 5.1 to 5.3, 8.2, 8.3, 8.4, third paragraph, 8.5 to 8.11, 8.12, first and second paragraph, 8.13 to 8.29.

2. Insofar as an exemption subject to certain requirements has been granted from the Articles meant in the first paragraph, the action or omission in contravention with these requirements is also regarded as an offence liable to fines with respect to which a fine of the first category can be imposed.

Article 9.9c. Second category

1. Actions or omissions in contravention with the provisions included in the following Articles are regarded as offences liable to fines with respect to which a fine of the second category might be imposed:

a. of Chapter 1: Article 1.37, second paragraph;

b. [*Editorial: Erroneously the Bulletin of Acts Orders and Decrees 2000/211 Part a had been amended instead of Part b.*] of Chapter 3: Articles 3.3, 3.4, first and second paragraph, 3.5, third, fourth and seventh paragraph, 3.6, 3.7, first and second paragraph, 3.10, 3.16, first and third paragraph, 3.17, 3.18, first paragraph, 3.28, first paragraph, 3.29, second, third and fifth paragraph, 3.30, 3.31, second paragraph, 3.34, first paragraph, 3.35, first and second paragraph, and 3.46;

c. of Chapter 4: Articles 4.4, first to fourth paragraph, 4.6, third paragraph, 4.7, third paragraph, 4.9, first to sixth paragraph, ninth and tenth paragraph, 4.10, first paragraph, 4.16, second and third paragraph, 4.17, 4.18, first to fourth paragraph, 4.19, Parts a, b, d, g, h, i and j, 4.21, third paragraph, 4.30, first, third and fifth paragraph, 4.31, second and fourth paragraph, 4.36, second and third paragraph, 4.45, first paragraph, 4.46, first, second and fifth paragraph, 4.47, first paragraph, 4.52, seventh paragraph, 4.55, second paragraph, 4.56, second and third paragraph, 4.61, third to fifth paragraph, 4.62b, 4.68, first and second paragraph, fifth, eighth and tenth paragraph, 4.71, second paragraph, 4.72, first and fourth paragraph, 4.73, 4.87, first to third paragraph, 4.91, fifth and sixth paragraph, 4.98, 4.99, 4.100, first paragraph, 4.101, 4.106, 4.108, 4.109, 4.113 and 4.115;

d. of Chapter 5 : Articles 5.2 and 5.3, first paragraph;

e. of Chapter 6: Articles 6.8, first to third paragraph, fifth and seventh paragraph, 6.9, first paragraph, 6.12, first to fourth paragraph, 6.15, first paragraph, Parts b and d, 6.16, first paragraph, 6.18, 6.19, first paragraph, 6.20, 6.23, first to third paragraph, fifth and seventh paragraph, and 6.29;

f. of Chapter 7: Articles 7.4, 7.5, first to third paragraph, and fifth paragraph, 7.7, 7.9, 7.11, 7.14, first paragraph, 7.15, 7.16, 7.17a, first and second paragraph, and fourth to sixth paragraph, 7.17b, second paragraph, Parts c, d, e and f, fifth and sixth paragraph, 7.17c, second to fourth paragraph, and eighth paragraph, 7.18, second paragraph, and fifth to seventh paragraph, 7.18a, second, third, eleventh and thirteenth paragraph, 7.18b, first to third paragraph, 7.20, first and fourth paragraph, 7.21, 7.22, first paragraph, 7.25, sixth paragraph, 7.26, 7.27, second paragraph, 7.33, 7.34, third and fourth paragraph, 7.39, 7.41, first and second paragraph, and 7.42;

g. of the Working Conditions Regulations: Articles 4.3, 4.4, first to third paragraph, 4.6, first and second paragraph, 4.7, 4.9, first and second paragraph, 4.11, 4.12 and 4.30, sixth paragraph.

2. Insofar as an exemption subject to certain requirements has been granted from the Articles meant in the first paragraph, the action or omission in contravention with these requirements is also regarded as an offence liable to fines with respect to which a fine of the second category can be imposed..

Part 3. Administrative provisions

§ 1. Dispensation or exemption

Article 9.10

[Repealed.]

Article 9.11. Dispensation or exemption from asbestos prohibition

1. Dispensation or exemption from Article 4.41, second paragraph, can only be granted in cases in which it is not feasible to process other substances or products less harmful or harmless than asbestos or asbestos-bearing products.

2. Dispensation or exemption from Article 4.41, first and third paragraph, can only be granted in cases whereby exemption or dispensation of Article 4.41, second paragraph, is granted.

Article 9.12. Dispensation with asbestos prohibition

On activities for which the dispensation with Article 4.41 has been granted § 3, 4 and 7 of Part 5 of Chapter 4 are applicable with due observance of Article 4.37a.

Article 9.13. Exemption from asbestos prohibition

1. With respect to an application for exemption from Article 4.41, first and second paragraph, the following information should in any event be submitted to the official appointed to this end as meant in Section 24 of the Act:

a. the types of asbestos and asbestos-bearing products and also the quantities of each of these types of products to be processed and worked;

b. the activities to be carried out with asbestos or asbestos-bearing products as well as the operating methods.

2. If the application for an exemption relates to processing or working asbestos or asbestos-bearing products in order to manufacture certain products, the information as to the type of products to be manufactured should also be submitted together with the application.

3. § 3, 4, with the exception of Article 4.49, and 7 of Part 5 of Chapter 4 applies to the activities for which the exemption of Article 4.41 is granted, with due observance of Article 4.37a.

Article 9.14. Dispensation with or exemption from a specific substance prohibition

Dispensation or exemption of the prohibition contained in Article 4.59, first paragraph, can only be granted for:

a. the use of substances for research and tests including analyses;

b. activities aimed at the removal of the substances present in a mixture or solution in a concentration below 0.1 of weight percentage;

c. production processes whereby the substances are manufactured in a closed process installation and are converted into other substances in it without the substances in the meantime being taken out of the process installation other than insofar as this is required for checking the production process and the maintenance of the process installation.

Article 9.15. Dispensation with a specific substance prohibition

In cases whereby dispensation is granted with the prohibitions contained in Article 4.59 the following applies:

a. if there is the intention of manufacturing, using or keeping in stock the substance mentioned in the dispensation, the following information should be notified in writing to an official appointed to this end as meant in Section 24, sub-section one, of the Act:

1°. The identity of the substance to be manufactured or used or to be kept in stock;

2°. The quantity of the substance to be manufactured or used or kept in stock each year;

3°. The location at which the substance will be manufactured, used or kept in stock;

4°. The types of work to be carried out with the substance;

5°. The number of employees who might be exposed to the substance within the scope of their work;

6°. The manner in which and the extent to which the employees might be exposed to the substance during their work;

7°. The measures taken to prevent employees being exposed to the substance during their work;

b. if there is an intention to effect a major change in the circumstances underlying the information submitted under the provisions set out under a, the information meant in this paragraph should be notified in writing once again to an official appointed to this end as meant in Section 24, sub-section one, of the Act;

c. the information submitted under the provisions set out under a and b should be brought to the notice of the works council or the staff representation or, if these are lacking, the interested employees;

d. apart from the information notified under the provisions set out under c, all other information should also be provided which is necessary to effectively inform the works council or the staff representation or, if these are lacking, the interested employees about the health and safety hazards associated with the substance and the activities which are to be carried out with it as well as the measures to be taken in order to avoid these hazards.

Article 9.16. Exemption from a specific substance prohibition

1. With respect to an application for exemption from the prohibitions set out in Article 4.59, the information meant in Article 9.15, under a, should be submitted.

2. In cases whereby exemption from the prohibitions laid down in Article 4.59 is granted, the works council or the staff representation or, if these are lacking, the interested employees should be effectively informed in writing

about the health and safety hazards associated with the substance and the activities which are to be carried out with it as well as the measures to be taken in order to avoid those hazards.

Article 9.16a. Dispensation with or exemption of replacement obligation of volatile organic substances

1. Dispensation or exemption from Article 4.62b may only be granted in cases whereby it is technically not feasible to use substances which are harmless or less harmful than volatile organic substances or products containing these substances.
2. Contrary to Article 4.9, tenth paragraph, under d, Article 4.9 applies to activities for which the exemption from or dispensation with Article 4.62b is granted.

Article 9.17. Dispensation with or exemption from noise provisions

1. Dispensation or exemption from Article 6.8, seventh paragraph, third sentence, can only be granted in cases where it is not reasonably feasible to restrict the exposure of the employees to the equivalent noise level mentioned in Article 6.8, first and second paragraph, and it is not technically feasible that the personal protection equipment offers sound insulation to below the equivalent noise level mentioned in Article 6.8, ninth paragraph.
2. In any event the requirement that personal protection equipment should offer sound insulation to the lowest possible noise level should in any event be attached to a dispensation or exemption as meant in the first paragraph.
3. The dispensation with or exemption from Article 6.8, seventh paragraph, opening sentence, and ninth and tenth paragraph, can only be granted in cases where the employees are carrying out special duties and the use of personal protection devices would involve an aggravation of the overall hazard for the health and safety of the employees involved in connection with carrying out these duties and this hazard can not reasonably be restricted by effective measures.
4. Requirements may be attached to dispensations or exemptions, meant in this Article, to restrict the duration and extent of the exposure of the employees involved to harmful noise as much as possible.

Article 9.18. Dispensation or exemption with respect to loading and unloading vessels

1. Dispensation with or exemption from Articles 7.24 to 7.28 can only be granted:
 - a. with respect to places where the traffic is irregular;
 - b. with respect to river vessels with a length of less than 55 meters, seagoing vessels smaller than 500 GT or fishing vessels as meant in Section 1 of the Ships Act.
2. Dispensation or exemption from Article 7.29 can only be granted:
 - a. with respect to places where the traffic is irregular;
 - b. with respect to river vessels with a length of less than 55 meters or seagoing vessels smaller than 500 GT.

Article 9.19. Restriction to dispensation or exemption possibilities

No dispensation or exemption can be granted with regard to the provisions and prohibitions, meant in the following Articles and the provisions pursuant to them:

- a. of Chapter 1: Articles of Parts 8 and 9;
- b. of Chapter 2: Articles of Parts 5 and 6;
- c. of Chapter 3: Articles of Parts 2 and 3 and § 4 and 5 of Part 5;
- d. of Chapter 4: Articles 4.1, 4.4, 4.6, 4.9, Articles of Parts 2, 3 and 4, Articles 4.38, 4.39, 4.40, fourth paragraph, 4.42, fourth paragraph, Articles of § 3, 4, 6 and 7 of Part 5, Articles of Parts 7, 8 and 9 and Articles of § 2 and 3 of Part 10;
- e. of Chapter 5: Articles of Parts 1 and 2 and Article 5.14;
- f. of Chapter 6: Articles of Parts 1 and 2, Article 6.8, first to sixth paragraph, seventh paragraph, second sentence, eighth paragraph, and eleventh to fourteenth paragraph, and Articles of § 3 and 4 of Part 6;
- g. of Chapter 7: Articles of Parts 2, 3, 4, with the exception of Articles 7.17b, second paragraph, under b, 7.19, first to sixth paragraph, 7.20, sixth to eighth paragraph, and 7.21 and Articles of Part 5, with the exception of Article 7.32 and § 2 of Part 6;
- h. of Chapter 8: Articles of Parts 1 and 2;
- i. of Chapter 9: Articles 9.15 and 9.16.

Article 9.20. Duration of dispensation or exemption

Dispensations or exemptions are only granted for a limited duration and will in any event be withdrawn when the reasons for which they were granted have lapsed.

§ 2. Requirement of compliance

Article 9.21

[Repealed.]

Article 9.22. Requirement of compliance

1. Concerning the manner in which the provisions, set pursuant to Sections 6, first sub-section, and 16 of the Act should be complied with, a requirement may be set in accordance with Section 27, first sub-section, of the Act.
2. The first paragraph does not apply in cases meant in Article 1.33.
3. Moreover, the first paragraph does not apply to the following Articles either:
 - a. of Chapter 1: Articles 1.26 to 1.32 and 1.34;
 - b. of Chapter 2: Article 2.37, second paragraph;
 - c. of Chapter 4: Articles 4.5, first and second paragraph, 4.38 to 4.42, 4.58, 4.59, 4.60, first and seventh paragraph, 4.61, second paragraph, 4.78, 4.83, 4.105 and 4.110;
 - d. of Chapter 6: Article 6.27.
4. When a requirement has been imposed on the employer or employee to which Part 2 and also Part 4 or 6 of Chapter 1 applies, the provisions on this matter set out in Part 4 or 6 should be observed.
5. When a requirement has been imposed on an employer or employee to which Part 4 or 6 of Chapter 1 applies, the provisions on this matter set out in that Part should be observed.
6. If with respect to one or more provisions of this Decree a requirement of compliance has been imposed in accordance with Section 27, first sub-section, of the Act, in this situation it is no longer possible to grant an exemption from the respective requirement or the respective requirements.

Part 4. Transitional and final provisions

§ 1. Repealing regulations

Article 9.23. Repeal of decrees

1. The following decrees are repealed:
 - a. the Safety for Factories and Workplaces Decree 1938;
 - b. the Electro-technical Safety Decree 1938;
 - c. the White Lead Safety Decree;
 - d. the Electrified Fences Safety Decree;
 - e. the Agricultural Safety Decree;
 - f. the Stevedores Work Safety Decree;
 - g. the Sandstone Decree;
 - h. the Inland Shipping Safety Decree;
 - i. the Sand Blasting Decree;
 - j. the Tankers Safety Decree;
 - k. the Obligatory Work Safety Report Decree;
 - l. the Working Conditions Civilian Public Service Decree;
 - m. the Defence Working Conditions Decree;
 - n. the Lead Decree;
 - o. the Working Conditions Act Asbestos Decree;
 - p. the Judicial Government Institutions Working Conditions Decree;
 - q. the Obligatory Year Plan Decree;
 - r. the Residual Groups Safety Decree;
 - s. the Substances Specifically Harmful for Health Decree;
 - t. the Education Working Conditions Decree;
 - u. the Working Conditions Act Re-examination Decree;
 - v. the VDU-activities Decree;
 - w. the Physical Load Decree;
 - x. the Workplaces Decree;
 - y. the Working Equipment Decree;
 - z. the Personal Protection Equipment Working Conditions Decree;
 - aa. the Health and Safety Signs Decree;
 - ab. the Working Conditions Services Decree;
 - ac. the Working Conditions Act In-house Emergency and First-aid Service Decree;
 - ad. the Carcinogenic Substances and Processes Decree;
 - ae. the Pregnant Employees Decree;

- af. the Biological Agents Decree;
 - ag. the Working Conditions Act Construction Process Decree;
 - ah. the Opencast Mining Working Conditions Decree;
 - ai. the Home work Decree;
 - aj. the Work under Excess Pressure Decree.
2. The Transport Means Working Conditions Regulations is repealed.
 3. The Young Persons Working Decree is repealed.
 4. The Electrical Fencing Power Supply Decree is repealed.

§ 2. Amendments to regulations

Article 9.24. Trading Hours Dispensations Decree

[Amends the Trading Hours Dispensations Decree.]

Article 9.25

[Repealed.]

Article 9.26

[Repealed.]

Article 9.27. Nail Guns Decree

[Amends the Nail Guns Decree.]

Article 9.28. River Vessels Decree

[Amends the River Vessel Decree.]

Article 9.29. Agricultural Enterprises Environmental Management Decree

[Amends the Agricultural Enterprises Environmental Management Decree.]

Article 9.30. Environmental Management Wood Processing Enterprises Decree

[Amends the Environmental Management Wood Processing Enterprises Decree.]

Article 9.31. Continental Shelf Mining Regulations

[Amends the Continental Shelf Mining Regulations.]

Article 9.32. Mining Regulations 1964

[Amends the Mining Regulations 1964.]

Article 9.33. Working Hours Decree

[Amends the Working Hours Decree.]

§ 3. Transitional law

Article 9.34. Work Safety Reporting; existing installations

1. With respect to installations already put into use on 1 January 1994 with respect to which the obligation to have a work safety report has only become applicable as from 1 January 1998 onwards, the work safety report should be present at the latest two years after this time.
2. If the obligation meant in the first paragraph started to become applicable to more than one installation with respect to the same employer from 1 January 1998 onwards, the period of two years mentioned in that paragraph should each time be extended by three months with respect to any second and any subsequent installation.

Article 9.35. Work Safety Reporting; transport

Part 2 of Chapter 2 does not apply until 1 January 2002 to work carried out in or on an aircraft, a seagoing vessel or a river vessel or a vehicle on a public road or a rail- or tramway.

Article 9.36

1. If young employees are carrying out work consisting of driving trucks on the public road and of connecting or disconnecting trailers or equipment directly related to this, they should in addition to Article 7.39, under a, be in the possession of a certificate of professional skill issued by an institution appointed to this end by Our Minister.
2. This Article will be repealed on a date to be determined in a Royal Decree.

Article 9.36a . Work equipment

Articles 7.17a, 7.17b, with the exception of the second paragraph, under b and g, 7.18, fourth and fifth paragraph, and 7.18b are not applicable until 5 December 2002 to the work equipment meant in these provisions if these were already at the disposal of the employees on 5 December 1998 in the workplace.

Article 9.37

[Repealed.]

Article 9.37a

[Repealed.]

Article 9.37b

[Repealed.]

Article 9.37c

[Repealed.]

§ 4. Final provisions

Article 9.38. Evaluation

Within 5 years after this Decree has become effective Our Minister should send a report to the States General concerning the effectiveness and effects of this Decree in practice.

Article 9.39. Amendments to Appendices of EC Directives

An amendment of one of the Appendices of an EC Directive which is referred to in this Decree, for the purposes of this Decree and the provisions pursuant to it will become effective as from the date on which implementation of the respective amendment directive should have taken place, unless another date has been determined in a ministerial order published in the *Bulletin of Acts, Orders and Decrees*.

Article 9.40. Becoming effective

This Decree becomes effective on a date to be determined by Royal Decree which dates can be different for various Articles or parts thereof.

Article 9.41. Official title

This Decree is called: the Working Conditions Decree.