

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

Article 1

Subject

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

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

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

Article 2

Definitions

For the purposes of this Directive:

- (a) ‘temporary or mobile construction sites’ (hereinafter referred to as ‘construction sites’) means any construction site at which building or civil engineering works are carried out; a non-exhaustive list of such works is given in Annex I;
- (b) ‘client’ means any natural or legal person for whom a project is carried out;
- (c) ‘project supervisor’ means any natural or legal person responsible for the design and/or execution and/or supervision of the execution of a project, acting on behalf of the client;
- (d) ‘self-employed person’ means any person other than those referred to in Article 3 (a) and (b) of Directive 89/391/EEC whose professional activity contributes to the completion of a project;
- (e) ‘coordinator for safety and health matters at the project preparations stage’ means any natural or legal person entrusted by the client and/or project supervisor, [^{X1}during the project preparation stage], with performing the duties referred to in Article 5;
- (f) ‘coordinator for safety and health matters at the project execution stage’ means any natural or legal person entrusted by the client and/or project supervisor, during execution of the project, with performing the duties referred to in Article 6.

Editorial Information

X1 Substituted by [Corrigendum to Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites \(eighth](#)

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individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (Official Journal of the European Communities No L 245 of 26 August 1992).

Article 3

Appointment of coordinators — Safety and health plan — Prior notice

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

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

[^{X2}The Member States may, after consulting both management and the workforce, allow derogations from the provisions of the first subparagraph, except where it is a question of:

- work involving particular risks as listed in Annex II, or
- work for which prior notice is required pursuant to paragraph 3 of this Article.]

3 In the case of constructions sites:

- on which work is scheduled to last longer than 30 working days and on which more than 20 workers are occupied simultaneously, or
- on which the volume of work is scheduled to exceed 500 person-days,

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

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

Editorial Information

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

Article 4

Project preparation stage: general principles

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

- when architectural, technical and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession,
- when estimating the period required for completing such work or work stages. Account shall also be taken, each time this appears necessary, of all safety and health

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plans and of files drawn up in accordance with Article 5 (b) or (c) or adjusted in accordance with Article 6 (c).

Article 5

Project preparation stage: duties of coordinators

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

- (a) coordinate implementation of the provisions of Article 4;
- (b) draw up, or cause to be draw up, a safety and health plan setting out the rules applicable to the construction site concerned, taking into account where necessary the industrial activities taking place on the site; this plan must also include specific measures concerning work which falls within one or more of the categories of Annex II;
- (c) prepare a file appropriate to the characteristics of the project containing relevant safety and health information to be taken into account during any subsequent works.

Article 6

Project execution stage: duties of coordinators

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

- (a) coordinate implementation of the general principles of prevention and safety:
 - when technical and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession,
 - when estimating the period required for completing such work or work stages;
- (b) coordinate implementation of the relevant provisions in order to ensure that employers and, if necessary for the protection of workers, self-employed persons:
 - apply the principles referred to in Article 8 in a consistent manner,
 - where required, follow the safety and health plan referred to in Article 5 (b);
- (c) make, or cause to be made, any adjustments required to the safety and health plan referred to in Article 5 (b) and the file referred to in Article 5 (c) to take account of the progress of the work and any changes which have occurred;
- (d) organize cooperation between employers, including successive employers on the same site, coordination of their activities with a view to protecting workers and preventing accidents and occupational health hazards and reciprocal information as provided for in Article 6 (4) of Directive 89/391/EEC, ensuring that self-employed persons are brought into this process where necessary;
- (e) coordinate arrangements to check that the working procedures are being implemented correctly;
- (f) take the steps necessary to ensure that only [^{X1}authorized persons are] allowed onto the construction site.

Editorial Information

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

*Article 7***Responsibilities of clients, project supervisors and employers**

- 1 Where a client or project supervisor has appointed a coordinator or coordinators to perform the duties referred to in Articles 5 and 6, this does not relieve the client or project supervisor of his responsibilities in that respect.
- 2 The implementation of Articles 5 and 6, and of paragraph 1 of this Article shall not affect the principle of employers' responsibility as provided for in Directive 89/391/EEC.

*Article 8***Implementation of Article 6 of Directive 89/391/EEC**

When the work is being carried out, the principles set out in Article 6 of Directive 89/391/EEC shall be applied, in particular as regards:

- (a) keeping the construction site in good order and in a satisfactory state of cleanliness;
- (b) choosing the location of workstations bearing in mind how access to these workplaces is obtained, and determining routes or areas for the passage and movement and equipment;
- (c) the conditions under which various materials are handled;
- (d) technical maintenance, pre-commissioning checks and regular checks on installations and equipment with a view to correcting any faults which might affect the safety and health of workers;
- (e) the demarcation and laying-out of areas for the storage of various materials, in particular where dangerous materials or substances are concerned;
- (f) the conditions under which the dangerous materials used are removed;
- (g) the storage and disposal or removal of waste and debris;
- (h) the adaptation, based on progress made with the site, of the actual period to be allocated for the various types of work or work stages;
- (i) cooperation between employers and self-employed persons;
- (j) interaction with industrial activities at the place within which or in the vicinity of which the construction site is located.

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Article 9

Obligations of employers

In order to preserve safety and health on the construction site, under the conditions set out in Article 6 and 7, employers shall:

- (a) in particular when implementing Article 8, take measures that are in line with the minimum requirements set out in Annex IV;
- (b) take into account directions from the coordinator(s) for safety and health matters.

Article 10

Obligations of other groups of persons

1 In order to preserve safety and health on the construction site, self-employed persons shall:

- a comply in particular with the following, *mutatis mutandis*:
 - (i) the requirements of Article 6 (4) and Article 13 of Directive 89/391/EEC and Article 8 and Annex IV of this Directive;
 - (ii) Article 4 of Directive 89/655/EEC and the relevant provisions of the Annex thereto;
 - (iii) Article 3, Article 4 (1) to (4) and (9) and Article 5 of Directive 89/656/EEC;
- b take into account directions from the coordinator(s) for safety and health matters.

2 In order to preserve safety and health on the site, where employers are personally engaged in work activity on the construction site, they shall:

- a comply in particular with the following, *mutatis mutandis*:
 - (i) Article 13 of Directive 89/391/EEC;
 - (ii) Article 4 of Directive 89/655/EEC and the relevant provisions of the Annex thereto;
 - (iii) Articles 3,4(1), (2), (3), (4), (9) and 5 of Directive 89/656/EEC;
- b take account of the comments of the coordinator(s) for safety and health.

Article 11

Information for workers

1 Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all the measures to be taken concerning their safety and health on the construction site.

2 The information must be comprehensible to the workers concerned.

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Article 12

Consultation and participation of workers

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on matters covered by Articles 6, 8 and 9 of this Directive, ensuring whenever necessary proper coordination between workers and/or workers' representatives in undertakings carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site.

[^{F1}Article 13

Amendments to Annex IV

The Commission is empowered to adopt delegated acts in accordance with Article 13a to make strictly technical amendments to Annex IV, in order to take account of technical harmonisation and standardisation regarding temporary or mobile construction sites, as well as technical progress, changes in international regulations or specifications and knowledge in the field of temporary or mobile construction sites.

Where, in duly justified and exceptional cases involving imminent, direct and serious risks to workers' and other persons' physical health and safety, imperative grounds of urgency require action in a very short timeframe, the procedure provided for in Article 13b shall apply to delegated acts adopted pursuant to this Article.]

Textual Amendments

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

[^{F2}Article 13a

Exercise of the delegation

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

2 The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of

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the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽²⁾.

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

6 A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Textual Amendments

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

Article 13b

Urgency procedure

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

2 Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 13a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.]

Textual Amendments

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

Article 14

Final Provisions

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1993 at the latest.

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They shall forthwith inform the Commission thereof.

2 When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3 Member States shall communicate to the Commission the texts of the provisions of national law which they have already adopted or adopt in the field governed by this Directive.

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Textual Amendments
F3 Deleted by [Directive 2007/30/EC](#) of the European Parliament and of the Council of 20 June 2007 amending [Council Directive 89/391/EEC](#), its individual Directives and [Council Directives 83/477/EEC](#), [91/383/EEC](#), [92/29/EEC](#) and [94/33/EC](#) with a view to simplifying and rationalising the reports on practical implementation (Text with EEA relevance).

Article 15

This Directive is addressed to the Member States.

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- (1) OJ No L 185, 9.7.1974, p. 18.
- (2) [^{F2}OJ L 123, 12.5.2016, p. 1.]

Textual Amendments

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