

Transposition Note

Directive 2001/45/EC of the European Parliament and of the Council (OJ No L 195, 19.7.02, p.46) amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Article or paragraph of Annex	Objectives	Implementation	Responsibility
Article			
1	Adds the text in the Annex to Annex II to Directive 89/391/EEC. Article 4.3 of that Directive requires the establishment of procedures whereby a level of safety may be obtained corresponding to the objectives indicated by the provisions of Annex II	The Work at Height Regulations 2005	The Secretary of State through new Regulations, save where otherwise stated below

Article or paragraph of Annex	Objectives	Implementation	Responsibility
2.1	<p>Member States to publish the laws, regulations and administrative provisions necessary to comply with the Directive not later than 19.7.04</p> <p>Member States to inform the European Commission thereof</p> <p>Member States can make use of a transitional period until 19.7.04</p>	<p>As above. Date not met</p> <p>Not needed</p>	<p>The Health and Safety Executive via UKREP</p> <p>No action required</p>
2.2	Measures to contain or be accompanied by a reference to the Directive	In the Explanatory Note to the Regulations	
2.3	Member States to notify the European Commission of the provisions of national law already adopted		The Health and Safety Executive
3	Date of entry into force of the Directive		No action required
4	The Directive is addressed to Member States		Action required as specified in this Table
Paragraph of Annex			
4.1.1	Requires the selection of the	regulations 6(3), (4)(b), (5)(a) and	

Article or paragraph of Annex	Objectives	Implementation	Responsibility
	<p>most suitable work equipment; that collective protective measures be given priority over personal protective measures; and that the work equipment have appropriate dimensions</p> <p>Requires the most appropriate means of access to be selected, according to specified factors</p>	<p>7</p> <p>regulation 2(1) definition of “work at height” sub-paragraph (b); regulation 7</p>	
4.1.2	Restriction on the use of ladders	Schedule 6 paragraph 1	
4.1.3	<p>Restriction on the use of rope access and positioning techniques</p> <p>Provision for a seat</p>	<p>regulation 2(1) definition of “personal fall protection system” sub-paragraph (b); Schedule 5 Part 1 paragraph 1</p> <p>Schedule 5 Part 3 paragraph 2</p>	
4.1.4	<p>Appropriate measures for minimising risks to be determined; provision for suitable safeguards to prevent falls</p> <p>Collective safeguards to be interrupted at points of ladder</p>	<p>Regulations 6(1), (3) and (4), 7(2), 8 and Schedules 3 to 5</p> <p>Schedule 2 paragraph 4(1)</p>	

Council Directive 89/654/EEC (OJ No L393, 30.12.89, p.1) concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Provision of Directive	Objectives	Implementation	Responsibility
Annex 1 paragraph 12.5	Devices to prevent unauthorised entry into danger areas	Regulation 11(a)	The Secretary of State
Annex 1 paragraph 12.5; Annex II paragraph 10	Danger areas to be clearly indicated	Regulation 11(b) (replacing regulation 13(4) of the Workplace (Health, Safety and Welfare) regulations 1992/3004, revoked by regulation 19 and Schedule 8)	

Council Directive 92/57/EEC (OJ No L245, 26.8.92, p.6) 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)

Provision of Directive	Objective	Implementation	responsibility
Annex IV Part B Section II: paragraph 4	Prevention of falling objects	regulation 10; in relation to collective measures, regulation 4 of and Schedule 1(h) to the Management of Health and Safety at Work Regulations 1999/3242	Secretary of State
paragraph 5.1	Prevention of falls by means of solid cradles from a height	regulations 6(2), 7(2) and 8(a) and (b), Schedule 2 and Schedule 3 Part 1	
paragraph 5.2	Use of appropriate equipment or collective devices or suitable access	regulation 2(1), definition of "work equipment", regulations 7 and 8 and Schedules 2 to 6	
paragraph 6.2	Proper design etc.of scaffolding	Schedule 3 Part 2	