

Working Conditions Regulations

Regulation containing provisions implementing rules established in and by virtue of the Working Conditions Act and other legislation

The State Secretary of Social Affairs and Employment

Having regard to Articles 7, paragraph four, under b, 9, paragraphs four and six, 10, paragraph five, 41, paragraph one, and 42, paragraph two, of the Working Conditions Act, Article 6 of the Disabled Workers Employment Act and Article 11 of the General EC Higher Education Qualifications Recognition Act; Furthermore, having regard to Articles 2.7, paragraphs two and three, 2.8, 2.15, paragraphs one and three, 2.24, paragraph one, 4.7, paragraphs one, three and five, 4.8, paragraphs two to five, 4.9, paragraph seven, 4.10, paragraphs two and three, 4.14, paragraph five, 4.16, paragraph one, 4.42, paragraph five, 4.50, paragraph two, 4.54, paragraphs three and five, 4.60, paragraphs four and five, 4.65, paragraph one, under a and b, 4.66, under a and b, 4.67, paragraphs one and five, 4.68, paragraph one, 4.7.0, paragraphs three and five, 4.71, paragraph one, 4.72, paragraph one, 4.73, 5.12, 6.17, paragraph three, 7.19, paragraphs eight, nine and eleven, 7.29, paragraphs six and seven, 7.32, paragraph two and paragraphs four to seven, 8.4, paragraph two, of the Working Conditions Decree; Having considered the advice of the Social and Economic Council of 28 July 1995, reference 95/35, and 28 March 1996, reference 96/31.

Decreases:

Chapter 1. General Provisions

Section 1.1 Definitions

Article 1.1. General definitions

The following definitions apply in this Regulation:

- a. Decree: the Working Conditions Decree;
- b. the minister: the Minister of Social Affairs and Employment.

Section 1.1a Certification

Article 1.1a. Annual report

Annual reports drawn up by certifying bodies as defined in Article 1.5b, paragraph one, of the Decree shall cover at least the following aspects:

- a. certificates that have been issued, withdrawn, suspended or refused by the body;
- b. changes to accreditations, rules and procedures affecting the body's area of activity;
- c. changes to the distribution of tasks affecting the body's area of activity;
- d. changes to the make-up of management;
- e. changes to the statutes or internal procedures;
- f. work contracted out to third parties;
- g. structural bottlenecks in the body's area of activity that have arisen in practice;
- h. consultation and cooperation with other certifying bodies that has taken place in the area of activity;

- i. complaints received by the body and how they have been dealt with;
- j. objections to and appeals against the body's decisions, and how they have been dealt with;
- k. a financial report on the activities for which the body has been designated.

Section 1.2 General provisions on training courses

Article 1.2. Generalities

Articles 1.3 to 1.8 apply to all rules established in this Regulation that relate to training courses.

Article 1.3. Material

Training shall be provided on the basis of clear written training material of sufficient didactic quality supplied to trainees.

Article 1.4. Tutors

Tutors shall demonstrably have broad theoretical, practical and didactic knowledge or expertise in the subjects which they address during training.

Article 1.5. Facilities

1. Training establishments shall have adequate training facilities.
2. Training establishments shall offer the training course at least twice a year and conduct it at least once a year.
3. Training establishments shall keep a written record of the responsibilities and powers of all individuals involved in training.
4. Training establishments shall take adequate steps to protect the safety of trainees to the greatest possible extent.

Article 1.6. Testing of final attainment levels

1. Final attainment levels shall be tested by means of an examination.
2. Training establishments shall administer examinations on the basis of a proper written set of examination procedures.

Article 1.7. Diploma

Training establishments shall issue trainees who have passed the examination with a written certificate bearing their name and signed by two members of the examining committee or the head of the training establishment.

Article 1.8. Records

Training establishments shall operate a proper records system recording at least the personal information of trainees and the dates on which the written certificates referred to in Article 1.7 were issued. The length of time during which examination scripts and their assessment are to be kept shall also be specified.

Section 1.3 [expired]

Article 1.9 [expired as of 01-11-1999]

Section 1.4. Notification of occupational diseases

Article 1.10 [expired as of 01-01-2007]

Article 1.11 Data on occupational diseases

1. For the purposes of this article, an occupational disease is understood to mean a disease or condition that arose as a result of excessive pressure at work or in the individual's working conditions.
2. Notification of an occupational disease, as referred to in Article 9, paragraph three, of the Act, shall contain at least the following information, presented in such a way that the identity of the individual concerned cannot be deduced:
 - a. the diagnosis;
 - b. the employee's gender and his or her year of birth;
 - c. the nature and extent of the pressure at work or in working conditions;
 - d. the nature of the work being done when the occupational disease arose;
 - e. the employee's profession at the time of exposure, and
 - f. the employer's economic activity at the time of exposure.
3. The information referred to in paragraph two shall be provided in accordance with the instructions of the body referred to in Article 9, paragraph three, of the Act.

Section 1.5 [expired as of 01-01-2007]

Article 1.12 [expired as of 01-01-2007]

Section 1.6 [expired as of 01-01-2005]

Article 1.16 [expired as of 01-01-2005]

Article 1.17 [expired as of 01-01-2005]

Article 1.18 [expired as of 01-01-2005]

Chapter 2. Additional provisions on risk assessment and evaluation, experts, and health and safety services

Section 2.1 Specific requirements on risk assessment and evaluation

Article 2.0. Safety management system

The safety management system referred to in Article 2.5a, paragraph two, of the Decree shall contain at least the elements referred to in annex I of this Regulation.

Article 2.0a. Risk assessment and evaluation procedures

1. The procedures for the systematic identification of undesirable events and assessment of the risks of major accidents, referred to in Article 2.5b, paragraph one, under a, of the Decree, relate to:
 - a. systematic investigation of the risks of a major accident affecting an establishment during its design, construction, use and maintenance, together with any alterations carried out;
 - b. the criteria used to determine the methods by which the investigation referred to under a is performed;
 - c. the method used to assess risks of major accidents.
2. The methods of investigation referred to in paragraph one, under b, shall be appropriate for the phases referred to in paragraph one, under a.
3. The method referred to in paragraph one, under c, is suitable to determine what measures need to be taken to prevent major accidents or to restrict their consequences.

Article 2.0b. Description of scenarios

1. The description of scenarios referred to in Article 2.5b, paragraph one, under b, of the Decree relates to parts of establishments that present the greatest risk of a major accident. These parts of establishments shall be identified on the basis of a documented method.
2. The description of scenarios referred to in paragraph one shall at least take account of which of the following incidents could trigger these scenarios: corrosion, erosion, external loading, impact, excess pressure, underpressure, low temperature, high temperature, vibration, human error during use, alteration or maintenance.
3. In the case of each scenario, a statement shall be made as to its probability, its effect, and the measures that have been taken to prevent the scenario occurring.
4. Furthermore, a summary shall be drawn up for each scenario, bearing in mind the measures already taken, showing:
 - a. the residual chance of a major accident occurring;
 - b. the severity of the consequences that the accident would cause if it were to occur;
 - c. what further measures are technically possible in order to further reduce the chance of a major accident to a specified level;
 - d. an indication of the costs that would be incurred if the measures referred to under c were taken.

Article 2.0c. Internal emergency plan

The internal emergency plan referred to in Article 2.5c of the Decree shall contain at least the information and descriptions referred to in annex II of this Regulation.

Section 2.2 Tasks of experts and health and safety services

Article 2.1. Risk assessment and evaluation

1. The following activities shall be carried out by the expert or the company doctor referred to in Article 2.14a, paragraph one, of the Decree or by the health and safety service in the execution of the tasks referred to in Article 14, paragraph one, under a, of the Act:
 - a. examining the risk assessment and evaluation referred to in Article 5 of the Act in order to ascertain whether it is complete and reliable;
 - b. ascertaining whether the latest views on working conditions are taken into account in the risk

- assessment and evaluation referred to under a;
- c. issuing advice to the employer on the basis of the risk assessment and evaluation referred to under a. This advice also applies to the proposals contained in the plan of action referred to in Article 5, paragraph three, of the Act as to how observed shortcomings can be resolved and the priorities and order in which measures are to be taken.
2. The following activities shall be carried out by the expert or the company doctor referred to in Article 2.14a, paragraph one, of the Decree or by the health and safety service in the execution of the tasks referred to in Article 2.14b, paragraph two, of the Decree:
- a. examining the model for setting up a risk assessment and evaluation referred to in Article 2.14b, paragraph two, under b of the Decree in order to ascertain whether it is complete and reliable;
- b. ascertaining whether the latest views on working conditions in the sector in question are taken into account in the model referred to under a;
- c. ascertaining whether the model referred to under a contains sufficient instructions to allow a plan of action as mentioned in Article 5, paragraph three, of the Act to be devised.

Article 2.2. Support for employees on sick leave

In carrying out the tasks referred to in Article 14, paragraph one, under b of the Act, the company doctor referred to in Article 2.14a, paragraph two, of the Decree, or the health and safety service, shall support the employer in providing adequate support for employees who are unable to work due to sickness with a view to ensuring that they resume work when it is safe for them to do so. Before carrying out this task, the company doctor or the health and safety service shall set down:

- a. how this task is to be carried out and what procedures are to be followed;
- b. how data on employee absence is to be handled;
- c. how individual privacy is to be respected.

Article 2.3. Occupational health medical examination

The company doctor referred to in Article 2.14a, paragraph two, of the Decree or the health and safety service shall, in the execution of the tasks referred to in Article 14, paragraph one, under c, under 1° of the Act, set down:

- a. how this task is to be carried out and what procedures are to be followed;
- b. how a decision is taken on the frequency and content of the occupational health medical examination;
- c. how agreements are to be made with businesses regarding how employees can exercise their right to an occupational health medical examination;
- d. under what circumstances group occupational health medical examinations can be performed;
- e. how the data arising from occupational health medical examinations is to be handled;
- f. how individual privacy is to be respected.

Article 2.4. Medical for new employees

The company doctor referred to in Article 2.14a, paragraph two, of the Decree or the health and safety service shall, in the execution of the tasks referred to in Article 14, paragraph one, under c, under 2° of the Act, set down:

- a. how the medical for new employees is to be carried out and what procedures are to be followed;

- b. how data obtained from the medical is to be handled;
- c. how individual privacy is to be respected.

Article 2.5 [expired as of 01-01-2007]

Article 2.6. Reporting data

1. Health and safety services shall immediately notify the minister, or the certifying body referred to in Article 2.7 if the minister has designated a certifying body, of any changes to their structure.
2. Any changes to the information referred to in Articles 2.12, paragraph one, under a or b, or 2.13, paragraph one, under a, shall be reported as soon as possible by the health and safety service or the employer to the minister, or the certifying body referred to in paragraph one if the minister has designated a certifying body.

Section 2.3 Certification

Article 2.7. Designation of certifying body

Bodies meeting the criteria laid down in the Health and Safety Services Certification Regulations of 17 February 1998 established by the Health and Safety Services Certification Management Foundation may be designated as certifying bodies as referred to in Article 2.14, paragraphs one and two, of the Decree.

Article 2.8 [expired as of 01-07-2005]

Article 2.9. Complaints procedure

Certifying bodies as referred to in Article 2.7 have a procedure for handling complaints on the work of health and safety services. This procedure specifies how this task is to be performed, what procedures are to be followed, and how any corrective and preventive measures necessary as a result of the complaints are to be introduced.

Article 2.10. Inspections

Certifying bodies as referred to in Article 2.7 shall conduct annual inspections of health and safety services to which they have issued certificates.

Article 2.11. Certification of health and safety services

1. Certificates as referred to in Article 2.14, paragraph one, of the Decree are issued by the minister, or by a certifying body if the minister has designated a certifying body as referred to in Article 2.7, to health and safety services that can adequately provide the assistance with the tasks referred to in Article 14, paragraph one, of the Act; that comply with Articles 13, paragraph six, 14, paragraph three, and 14a, paragraph four of the Act, Articles 2.7 and 2.9 to 2.12 of the Decree, Articles 2.1 to 2.4, 2.6 and 2.12, paragraph one; that operate a quality system in the execution of tasks that ensures that these statutory requirements are met; and that meet standards agreed by the interested parties.
2. Certificates as referred to in Article 2.14, paragraph two, of the Decree are issued by the minister, or by a certifying body if the minister has designated a certifying body as referred to in Article 2.7, to health and safety services that can adequately provide the assistance with the tasks referred to in Article 14, paragraph one, of the Act; that comply with Articles 13, paragraph six, 14, paragraph three, and 14a, paragraph four of the Act, Articles 2.7, 2.9, 2.11 and 2.12 of the Decree, Articles 2.1 to 2.4, 2.6 and 2.13, paragraph one; that operate a quality system in the execution of tasks that ensures that these statutory requirements are met; and that meet standards agreed by the interested parties.
3. Certificates as referred to in paragraphs one and two are issued for a maximum term of four years.

Article 2.12. Provision of information by external health and safety services applying for certification

1. External health and safety services shall, when applying for health and safety service certification as referred to in Article 2.11, paragraph one, provide the following data to the minister or to the certifying body if the minister has designated a certifying body as referred to in Article 2.7:
 - a. with regard to the experts working for the health and safety service:
 - 1°. a statement of the number of experts referred to in Article 2.7, paragraph one, of the Decree;
 - 2°. a statement of the number of company doctors referred to in article 14, paragraph one, introductory section of the Act and the number of experts attached to the health and safety service per specialism as referred to in Article 2.7, paragraph two, of the Decree, also specifying the number of posts and the nature of the attachment between the company doctors and the experts and the service;
 - 3°. for each of the company doctors, a copy of their inclusion in the register, referred to in article 14, paragraph one, introductory section, of the Act;
 - 4°. for each of the experts, a copy of the certificate of competence referred to in Article 2.7, paragraph two, of the Decree or an EC declaration as referred to in Article 2.8 of the Decree, and
 - 5°. the number of experts in other specialisms and the nature of their expertise;
 - b. with regard to the organisational requirements referred to in Article 2.10 of the Decree:
 - 1°. current evidence of membership of the Chamber of Commerce and the statutes of the health and safety service, and
 - 2°. a copy of the permanent contract of employment or public appointment of the company doctors and experts in permanent employment, describing the scope of their employment;
 - c. with regard to employers receiving assistance:
 - 1°. a list of businesses to which this service is provided, including the names, addresses and telephone numbers of the businesses and their branches, their principal economic activity and the number of employees per business or branch, and
 - 2°. a statement of the total number of employees for whom this service is provided.
2. If an external health and safety service is unable to provide the information referred to in paragraph one, under a to c, the application for a health and safety service certificate will not be considered.

Article 2.12a [expired as of 01-11-1999]

Article 2.12b [expired as of 01-11-1999]

Article 2.13. Provision of information by internal health and safety services applying for certification

1. Employers shall, when applying for health and safety service certification as referred to in Article 2.11, paragraph two, provide the following data to the minister or to the certifying body if the minister has designated a certifying body as referred to in Article 2.7:
 - a. with regard to the experts working for the health and safety service:
 - 1°. a statement of the number of experts referred to in Article 2.7, paragraph one, of the Decree;

- 2°. a statement of the number of company doctors, referred to in article 14, paragraph one, introductory section of the Act and the number of experts working in the health and safety service per specialism as referred to in Article 2.7, paragraph two, of the Decree;
 - 3°. a copy of the permanent contract of employment or public appointment of the company doctors and experts in permanent employment, describing the scope of their employment and stating the number of posts;
 - 4°. for each of the company doctors, a copy of their inclusion in the register, referred to in article 14, paragraph one, introductory section, of the Act;
 - 5°. for each of the experts, a copy of the certificate of competence referred to in Article 2.7, paragraph two, of the Decree or an EC declaration as referred to in Article 2.8 of the Decree, and
 - 6°. the number of experts in other specialisms and the nature of their expertise;
- b. with regard to the business or its branches:
- 1°. the name, address and telephone number of the business or branches, the principal economic activity and number of employees of the business or of each branch, and
 - 2°. a statement of the total number of employees for whom this service is provided.
2. If an employer is unable to provide the information referred to in paragraph one, under a and b, the application for a health and safety service certificate will not be considered.

Article 2.14 [expired as of 01-01-2007]

Article 2.15. Occupational hygiene competence certification

Certificates of competence in occupational hygiene as referred to in Article 2.7, paragraph two, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the requirements laid down in version 1 of the SAH (Occupational Hygiene Manager), SVK (Occupational Health and Safety) Regulations, ref. no. SKO/03034S, applicable to occupational hygiene specialists, drawn up by the SKO Certification and Accreditation Foundation for the Certification of Competence and dated 19 November 2003.

Article 2.16. Safety competence certification

Certificates of competence in safety as referred to in Article 2.7, paragraph two, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the requirements laid down in version 1 of the SAH (Occupational Hygiene Manager), SVK (Occupational Health and Safety) Regulations, ref. no. SKO/03034S, applicable to safety specialists, drawn up by the SKO Certification and Accreditation Foundation for the Certification of Competence and dated 19 November 2003.

Article 2.17. Occupational and organisational competence certification

Certificates of competence in occupational and organisational science as referred to in Article 2.7, paragraph two, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the certification requirements for occupational and organisational science experts referred to in version 3.0 of the Occupational and Organisational Science Experts Certification Scheme drawn up by the Foundation for the Registration of Occupational and Organisational Science Experts and dated 26 April 2005.

Article 2.18 [expired as of 03-12-2004]

Section 2.4 EC declaration

Article 2.19. Application

1. For the purposes of this section, 'member state' is understood to mean: a member state of the European Union or another state that is party to the European Economic Area Agreement.
2. On receipt of a written application, the minister shall issue an EC declaration as referred to in Article 2.8 of the Decree in the specialisms of safety, occupational hygiene or occupational and organisational science to applicants complying with Articles 2.20 to 2.22.

Article 2.20. Requirements

Written applications as referred to in Article 2.19, paragraph two, shall be accompanied by the following declarations or information:

- a. a certified copy of the diploma(s) referred to in Articles 2 or 3 of the General EC Higher Education Qualifications Recognition Act for which equivalence is being sought via an EC statement, along with a certified copy of the related results or assessments;
- b. a summary of relevant course data, comprising at least the total length of the course, the main subjects studied along with any other subjects, data on practical experience, reports and publications produced, and, where available, a full description of the content of the courses and the study time;
- c. a written statement by an authorised body in the member state in which the diploma was obtained or acknowledged indicating the powers that the applicant has in the member state on the basis of his or her diploma;
- d. if training took place mainly outside the member state, a document certified by the body with the relevant authority in the member state where the diploma was obtained or acknowledged stating that the holder has at least three years of practical experience;
- e. in the case of documents submitted in support of the application in a language other than Dutch or English, a translation of the documents into one of these languages, preferably by a sworn translator/interpreter.

Article 2.21. Issue

1. EC statements are issued if:
 - 1°. the subjects covered in the training which led to the award of the diploma held by the applicant as referred to in Articles 2 or 3 of the General EC Higher Education Qualifications Recognition Act are the same or very similar to the main subjects covered in Dutch training courses leading to the award of the diplomas that are required for the granting of a certificate of competence as referred to in Article 2.7, paragraph two, of the Decree, and
 - 2°. the length of the course taken is less than one year shorter than that of the Dutch courses referred to under 1°, or
 - 3°. the length of the course taken is one year or more shorter than the length of the course of the Dutch training referred to under 1°, if the applicant can show that he or she has at least two years of practical experience, or
 - 4°. the applicant has undergone part-time training or training that has, in the member state where the diploma was obtained or acknowledged, been declared equivalent to the training required in that member state.
2. EC statements are not issued until the applicant has undergone either a test of competence or a transition course, according to choice and with positive results, as referred to in Article 10 of the General EC Higher Education Qualifications Recognition Act if the subjects covered in the training which led to the applicant being awarded the diploma as referred to in Article 2 or 3 of the General EC Higher Education Qualifications Recognition Act differed in more than minor respects from the

main subjects covered in the Dutch training that is required to obtain a certificate of competence as referred to in Article 2.7, paragraph two, of the Decree.

Article 2.22. Test of competence and transition course

1. The procedure for testing competence is as follows:

- a. in the light of data submitted by the applicant, a list is drawn up of the subjects that, compared to the required Dutch training, differ in more than minor respects from the training that the applicant followed, and knowledge of which is an essential condition for obtaining a certificate of competence in the Netherlands as described in Article 2.7, paragraph two, of the Decree;
- b. the test of competence relates to the subjects referred to under a, and is carried out by a Dutch institution providing relevant training, to be indicated in the context of the application;
- c. in the context of the application, the examination fee payable by the applicant to the institution in question is determined on the basis of the extent of the testing required;
- d. the applicant is notified in writing of the subjects to be covered by the test, the body that will conduct the test, and the examination fee;
- e. the institution sends the applicant a list of the literature to be studied;
- f. the institution in question determines the criteria for assessing the test;
- g. the institution offers the applicant an opportunity to take the test within four months of the applicant stating his or her desire to undergo the test of competence and paying the examination fee;
- h. the test may be taken in Dutch or English as the applicant prefers;
- i. the institution in question notifies the applicant and the minister of the result of the test as quickly as possible.

2. Transition courses are conducted as follows:

- a. the applicant carries out activities in the field in question for a time to be specified (no more than three years) in the context of the application;
- b. the applicant carries out activities during this time under the responsibility and supervision of an expert holding a certificate of competence in the field in question as described in Article 2.7, paragraph two, of the Decree;
- c. following consultation between the applicant and his/her supervisor, the supervisor may decide that additional training is required following the transition course;
- d. the course is assessed in order to determine whether the applicant has sufficient mastery of the subjects referred to in Article 2.20, paragraph two, and
- e. the result of the assessment is communicated to the applicant and the minister as quickly as possible.

3. Applicants who fail the test of competence or are given a negative assessment after undergoing a transitional course are entitled to undergo either the test of competence or the transitional course (whichever they prefer) once more.

Section 2.5 [expired as of 01-07-2005]

Article 2.23 [expired as of 01-07-2005]

Article 2.24 [expired as of 01-07-2005]

Article 2.25 [expired as of 01-11-1999]

Article 2.26 [expired as of 01-11-1999]

Chapter 3. Construction process and extracting industry through drilling

Section 3.1 Construction process

Article 3.1. Notification model

The model attached to this Regulation in annex III is determined as the notification model referred to in Article 2.27, paragraph one, of the Decree.

Section 3.2 Extracting industry through drilling

Article 3.2. Definitions

The following definitions apply in this section:

- a. risk analysis: systematic investigation of risks to safety and health on the basis of which an assessment of these risks is produced as described in Article 5 of the Act;
- b. acceptance criteria: the limits within which risks are acceptable;
- c. performance benchmarks: clear and measurable parameters relating to those performances of a process installation or components thereof, of equipment and management systems, that make a direct contribution to meeting health and safety objectives;
- d. mine working: a working as defined in Article 1, under n, of the Mining Act;
- e. mine installation: an installation as defined in Article 1.1, paragraph three, under f, of the Decree;
- f. health and safety protection system: a system as defined in Article 2.42e of the Decree;
- g. health and safety document: a document as defined in Article 2.42f of the Decree;

Article 3.2a. Determination of risks and limits

1. A qualitative (and where possible quantitative) assessment of the risks associated with the risk analysis referred to in Article 3.2, under a, shall be carried out.
2. Where possible, a quantitative determination of the limits associated with the acceptance criteria referred to in Article 3.2, under a, shall be carried out. Where this is not possible, a qualitative determination of these limits shall be carried out.

Article 3.3. Health and safety protection system

The health and safety protection system shall be based on a process-focused internationally recognised standard for the management of safety, health, quality or environmental factors.

Article 3.4. Documentation of the health and safety protection system

1. The health and safety protection system shall be documented in writing.
2. The description of the health and safety protection system shall indicate the content of the separate parts of this system and how they fit together.

Article 3.5. Review of the health and safety protection system

1. The health and safety protection system shall be regularly reviewed on the basis of internationally recognised standards for the review of protection systems.
2. Reviews shall be designed such, and conducted at such intervals, as to allow the suitability of the health and safety protection system to be assessed every three years.

Article 3.6. Health and safety document

1. A health and safety document shall be produced for the following categories of mine workings:
 - a. every land-based mine working;
 - b. every permanent mine installation;
 - c. every mine installation that can be transported in its entirety, and
 - d. every other transportable installation used to drill mineshafts or to carry out activities in or on existing mineshafts;
2. The safety and health document referred to in paragraph one shall be present at the mine workings referred to in paragraph one.

Article 3.7. Safety and health document for activities

1. Unless this is already specified in the provisions when producing the safety and health document, referred to in Article 3.6, a safety and health document shall be produced for the following specific activities:
 - a. drilling a mineshaft;
 - b. carrying out activities in or on an existing mineshaft, and
 - c. the simultaneous performance of activities on a mine working or on or close to a mine installation, where the simultaneous performance of these activities forms a danger to safety and health.
2. The safety and health document referred to in paragraph one shall be present at the location where the activities in question are being carried out.

Article 3.8. Parts of the safety and health document for mine workings

1. The safety and health document referred to in Article 3.6, under a and b, shall comprise the following parts:
 - a. the pre-design report;
 - b. the detailed design, start-up and use report;
 - c. the addendum on use;
 - d. the addendum on major alterations, and
 - e. the addendum on closure and removal.
2. The safety and health document referred to in Article 3.6, under c and d, shall comprise the following parts:
 - a. the detailed design, start-up and use report;

- b. the addendum on use, and
- c. the addendum on major alterations.

Article 3.9. Content of the safety and health document for mine workings

The safety and health document referred to in Article 3.6 shall comprise:

- a. a clear and accurate description of the mine working and the activities carried out on the mine working, including information on provisions made in the design of the mine working to exclude or minimise risks;
- b. in addition to the information referred to under a, the information referred to in annex IV to this Regulation;
- c. the information referred to in annex V to this Regulation dealing with the fire-fighting plan;
- d. the information referred to under c shall be based on the statement referred to in Article 2.42f, paragraph one, under a, of the Decree;
- e. a statement of acceptance criteria;
- f. a list of all risks that have been identified and analysed, including a summary of the investigations that have been carried out in this context for the land-based mine or the permanent mine installation as referred to in annex VI to this Regulation, or for the mine installation that can be transported in its entirety or other transportable installation used to drill mineshafts or to carry out activities in or on existing mineshafts as referred to in annex VII to this Regulation;
- g. information on the sources used to identify, analyse and evaluate the risks, including a description of how these sources were found to be suitable and reliable;
- h. an assessment of how effective and suitable the health and safety protection system is for the mine working, including the results and any changes or additions found to be necessary to the system;
- i. a summary in lay terms of the investigation referred to in annexes VI and VII to this Regulation carried out in preparation of the health and safety document;
- j. a statement of the measures found necessary in order to minimise risks, including a summary of all the investigations carried out in this context;
- k. a statement of performance benchmarks;
- l. the limits within which the equipment and management systems used at the mine working can operate normally;
- m. a plan of action with a timetable for implementing the measures referred to under j;
- n. an examination of reported risks on the basis of the acceptance criteria;
- o. an examination of the performance of a process installation or components thereof, equipment and management systems on the basis of the performance benchmarks, and
- p. a written declaration that the risks at least fall within the acceptance criteria and performance benchmarks that have been established in advance.

Article 3.10. Content of the safety and health document for activities

- 1. The safety and health document referred to in Article 3.7 shall comprise:
 - a. a diagram showing the combinations referred to in paragraph two;

- b. a statement of acceptance criteria;
 - c. an assessment and evaluation of the dangers and associated risks that are specific to the location and activities covered by the safety and health document;
 - d. information on the sources used to identify, analyse and evaluate the risks, including a description of how these sources were found to be suitable and reliable;
 - e. an evaluation of all management systems that help minimise the risks;
 - f. a statement of the measures found necessary in order to minimise risks, including a summary of all the investigations carried out in this context;
 - g. a statement of performance benchmarks;
 - h. an examination of reported risks on the basis of the acceptance criteria, and
 - i. an examination of the performance of a process installation or components thereof, equipment and management systems on the basis of the performance benchmarks.
2. The measures needed to manage risks, as set out in the safety and health document referred to in paragraph one, shall be aligned to the safety and health document referred to in Article 3.6 if the activities are to be performed using a combination of:
- a. a permanent mine installation as referred to in Article 3.6, paragraph one, under b, and a mine installation that can be transported in its entirety as referred to in Article 3.6, paragraph one, under c;
 - b. another transportable installation used to drill mineshafts or to carry out activities in or on existing mineshafts as referred to in Article 3.6, paragraph one, under d, and a permanent mine installation as referred to in Article 3.6, paragraph one, under b;
 - c. a mine installation that can be transported in its entirety as referred to in Article 3.6, paragraph one, under c and another transportable installation used to drill mineshafts or to carry out activities in or on existing mineshafts as referred to in Article 3.6, paragraph one, under d, or;
 - d. a land-based mine as referred to in Article 3.6, paragraph one, under a and another transportable installation used to drill mineshafts or to carry out activities in or on existing mineshafts as referred to in Article 3.6, paragraph one, under d.

Article 3.11. Submission of data

1. The pre-design report referred to in Article 3.8, paragraph one, under a, shall be sent in duplicate to a designated supervisor prior to the application for a licence referred to in Articles 8.1 of the Environmental Management Act and 40 of the Mining Act.
2. The detailed design, start-up and use report referred to in Article 3.8, paragraphs one and two, shall be sent in duplicate to a designated supervisor eight weeks before a mine working starts operation.
3. The addendum on use referred to in Article 3.8, paragraphs one and two, shall be sent in duplicate to a designated supervisor. The first such addendum shall be sent five years after submission of the detailed design, start-up and use report and subsequent addenda shall be sent at five-year intervals.
4. The addendum on closure and removal referred to in Article 3.8, paragraph one, shall be sent in duplicate to a designated supervisor eight weeks before a mine working is closed or a permanent mine installation is removed.
5. The information referred to in Article 3.9, under c, shall be sent in duplicate to a designated supervisor on request.

Article 3.12. Submission of safety and health document for activities

1. The safety and health document for the particular activities referred to in Article 3.7, paragraph one, under a and b, shall be sent in duplicate to a designated supervisor four weeks prior to the start of the activities.
2. This safety and health document shall be accompanied by the schedule of work referred to in Article 74 of the Mining Decree if the following activities are planned:
 - a. drilling a mineshaft;
 - b. carrying out activities in an existing mineshaft.

Article 3.13. Compliance with the health and safety document

1. Employers with responsibility for mine workings referred to in Article 3.6, paragraph one, shall ascertain whether the health and safety document (with the exception of the pre-design report referred to in Article 3.8, paragraph one, under a) is being followed.
2. Employers with responsibility for mine workings referred to in Article 3.6, paragraph one, shall perform regular and systematic assessments of compliance with and the suitability of the health and safety document.
3. Employers with responsibility for the workplace shall revise the health and safety document if the results of the assessment referred to in paragraph two indicate that this is necessary. The revised parts of the health and safety document shall be sent in duplicate to a designated supervisor before the amended health and safety document is implemented.

Article 3.14. Emergency plan

1. The emergency plan referred to in Article 3.37v of the Decree shall always contain the information referred to in annex VIII to this Regulation.
2. The emergency plan shall be kept at the mine working referred to in Article 3.6, paragraph one.

Chapter 4. Safety of tankships and hazardous substances

Section 4.1 Safety by, on or in tankships

Article 4.1. Definitions

The following definitions apply with regard to this section:

- a. combustible fluids: fluids with a flash point not exceeding 100°C;
- b. K0, K1 and K2 fluids: combustible fluids with a flash point of less than or equal to 55°C, including combustible gases, whether or not in liquid form, if they are not included under KT fluids;
- c. K3 fluids: combustible fluids that are not KT fluids, with a flash point of over 55°C;
- d. KT fluids: combustible fluids, including combustible gases, whether or not in liquid form, that can present a danger of intoxication, stupefaction or choking;
- e. T fluids: non-combustible fluids, including gases, whether or not in liquid form, that can present a danger of intoxication, stupefaction or choking;
- f. K1 area: an area in a ship in which K0, K1 or K2 fluids and not KT fluids or residues thereof may be present other than in packaging;
- g. K3 area: an area in a ship in which no combustible fluids other than K3 fluids or residues thereof

- may be present other than in packaging;
- h. KT area: an area in a ship in which KT fluids or residues thereof may be present other than in packaging;
 - i. T area: an area in a ship in which T fluids and not KT fluids or residues thereof may be present other than in packaging;
 - j. K1 ship: a ship on which one or more of the cargo tanks is a K1 area or was a K1 area prior to being cleaned;
 - k. K3 ship: a ship in whose cargo tanks no combustible fuels other than K3 fluids, and no T fluids or residues thereof, may be present other than in packaging;
 - l. KT ship: a ship on which one or more of the cargo tanks is a KT area or was a KT area prior to being cleaned;
 - m. T ship: a ship other than a K1 or KT ship on which one or more of the cargo tanks is a T area or was a T area prior to being cleaned;
 - n. fire: fire, the formation of sparks, naked flames or any surface with a temperature that is equal to or higher than the minimum ignition temperature of the fluids or gases held in the cargo tanks or the residues thereof that may be present in those tanks;
 - o. working with fire: activities in which fire is used or may arise;
 - p. cold working: activities in which fire is not used or cannot arise;
 - q. cleaning: all activities aimed at or associated with the cleaning, degasification or drying of a K1, KT, K3 or T area;
 - r. loading zone: the cargo tanks and all tanks or other areas directly adjacent to these tanks which serve to separate the cargo tanks from other areas of the ship;
 - s. gas expert: an expert as defined in Article 3.5h, paragraph three, of the Decree who complies with the requirements of Article 4.14;
 - t. safety and health declaration: a declaration made by a gas expert following suitable investigation as defined in Article 3.5h, paragraph three, of the Decree in accordance with one of the models set out in annex IX to this Regulation.

Article 4.2. Scope

This section applies to the activities performed on K1, K3, KT or T ships referred to in Article 3.5h, paragraph one, of the Decree.

Article 4.3. Safety measures

If a concentration of dangerous gases is produced during or as a result of the activities referred to in Article 3.5h, paragraph one, of the Decree, and these cannot be dissipated or removed quickly enough due to insufficient air movement, measures shall be taken to limit these concentrations. If this is not satisfactory, the tank caps shall be closed and the activities in question stopped.

Article 4.4. Cleaning

1. Before employees enter an area that is to be cleaned, it is determined that this can be done without danger to safety and health.
2. Areas to be cleaned may not be entered so long as, as a result of activities in an adjacent area, the temperature of the bulkheads may be significantly higher than the ambient temperature.

3. In addition, areas that are to be cleaned may not be entered while an explosive substance is present in an adjacent area that is not sealed.
4. During the cleaning process, no activities other than those connected to the cleaning process may be carried out on deck or in the loading zone, unless these activities take place during an enclosed cleaning process and relate solely to loading or unloading. Cleaning and loading and unloading activities:
 - a. shall be carried out completely separately from one another;
 - b. shall not affect each other, and
 - c. shall be constantly monitored.

Article 4.5. Investigation

During the cleaning process, investigations shall be carried out as often as necessary to ascertain whether the release of fluids, gases or vapours is leading to a danger of fire, explosion, stupefaction, choking or intoxication.

Article 4.6. Prevention of hazards

1. The purpose of cleaning K1, K3 and KT areas is to keep the concentration of gases and vapours below the lowest explosion threshold or to safely bring it below that threshold. If a potentially explosive gaseous compound is created during the cleaning process, this condition must be kept as short as possible. If inert gas is used during the cleaning process, this shall be done in such a way that an explosive mixture cannot be created.
2. K1, K3, KT and T areas shall be cleaned in such a way that no danger of stupefaction, choking or intoxication can reasonably be expected inside or outside the areas in question. If inert gas is used during the cleaning process, this shall be done in such a way that an explosive mixture cannot be created.

Article 4.7. Safety requirements

1. K1, K3 and KT areas on board K1, K3 and KT ships may only be cleaned if no fire is present within 25 metres of the loading zone, and no fire can reasonably be expected to arise within that zone.
2. K1, K3 and KT areas on board K1, K3 and KT ships may only be cleaned if no danger of sparking or ignition as a result of electrostatic charge is present within 25 metres of the loading zone.
3. K1, K3 and KT areas on board K1, K3 and KT ships may only be cleaned if no smoking is permitted within 25 metres of the loading zone.
4. K1, K3 and KT areas on board K1, K3 and KT ships may only be cleaned if no unauthorised individuals are permitted within 25 metres of the loading zone.
5. The cargo tanks in the entire loading zone of K1, K3 and KT ships may not be opened until the requirements laid down in paragraphs one to four are met.
6. The cargo tanks in the entire loading zone of T ships may not be opened until the requirements laid down in paragraph four are met.

Article 4.8. Safety and health declaration

Articles 4.4, paragraph four, and 4.7, do not apply to K3 areas outside the loading zone on K1, KT and T ships if a safety and health declaration has been issued for these ships as defined in Article 4.1, under t.

Article 4.9. Maintenance, alteration, restoration and scrapping

1. K1, K3, KT and T ships may only undergo maintenance, alteration, restoration or scrapping after an investigation carried out in accordance with the rules laid down in Article 4.10 has taken place, and in connection with this investigation a full and correctly completed safety and health declaration has been handed to the employer who will carry out the maintenance, restoration, alteration or scrapping work.
2. Furthermore, maintenance, alteration, restoration and scrapping activities on K1, K3, KT and T ships may only take place if these activities and the areas where they are to be carried out are mentioned in the safety and health declaration referred to in paragraph one as being permitted.
3. A safety and health declaration as referred to in paragraph one shall be requested from a gas expert.
4. The request shall be accompanied by all information that is pertinent with a view to obtaining the safety and health declaration, and further relevant details shall be supplied on request.

Article 4.10. Gas expert's investigation

1. The gas expert shall begin the investigation referred to in Article 4.9 and record the outcome on the safety and health declaration that he or she is asked to produce.
2. The gas expert shall conduct this investigation in all areas which he or she thinks appropriate in view of the nature of the activities to be carried out. The gas expert shall occupy a well-equipped laboratory where necessary to conduct the investigation. He or she shall use suitable measuring devices and other equipment in good working order.
3. He or she shall ascertain whether the areas to be investigated:
 - a. are K1, KT, K3 or T areas;
 - b. are safe for people in the sense that:
 - 1°. employees can enter these areas without using personal protective equipment, and
 - 2°. there is no danger of stupefaction, choking, intoxication or injury, with the understanding that areas for which this is found not to be the case must be indicated as "not safe for people" on the safety and health declaration;
 - c. are safe in respect of fire in the sense that:
 - 1°. residues of combustible fluids have been removed from them so that there is no danger of fire;
 - 2°. any combustible gases or vapours that are still present never reach air concentrations above 20% of the lower explosion threshold;
 - 3°. adjacent areas either meet the requirements set out in 1° and 2°, or are completely filled with water on which no K0, K1, K2 or KT fluids are floating, or are protected against fire and explosion in some other way,with the understanding that areas for which this is found not to be the case must be indicated as "not safe in terms of fire" on the safety and health declaration.
4. The gas expert issues a safety and health declaration if he or she has ascertained that:
 - a. the areas in which cold working is carried out are safe for people;
 - b. the areas in which work with fire has to be carried out are both safe for people and safe in terms of fire;
 - c. the condition of areas other than those referred to under a and b, and the means by which they are sealed, are such that the activities referred to in the declaration can be carried out without risk to the safety and health of the employees.

5. He or she only issues a safety and health declaration for the conduct of work with fire in a part of the loading zone of K1 and KT ships if an appropriate examination carried out at least six hours after the investigation referred to in paragraph four has demonstrated to him or her that the areas referred to in that paragraph still meet the requirements laid down in it.
6. By way of deviation from paragraph four, he or she only issues a safety and health declaration for the conduct of work with fire in the loading zone of K1 and KT ships if he or she has ascertained that:
 - a. the entire loading zone is safe for people as described in paragraph three, under b, and safe in terms of fire as described in paragraph three, under c, and
 - b. the condition of areas other than those referred to under a, and the means by which they are sealed, are such that the activities referred to in the safety and health declaration can be carried out safely, and if an appropriate examination carried out at least six hours after that investigation has demonstrated to him or her that there has been no change to the condition referred to under a and b.
7. Safety and health declarations do not apply to piping inside or outside the tankship, and are valid only if they have been fully and accurately completed and the condition on the basis of which the declaration was issued has not changed.

Article 4.11. Working with fire without a safety and health declaration

Work with fire above or in a part of the loading zone of a K1 or KT ship that is not safe in terms of fire as described in Article 4.10, paragraph three, under c, and in respect of which, by way of deviation from Article 4.9, the required safety and health declaration has not been issued, is permitted only if:

- a. the nature of the activities, the location(s) where these activities are to be carried out, and the period of time over which they are to be carried out, are clearly specified by the mechanic;
- b. the locations where sparks or glowing metal parts may be produced by the activities are clearly specified by the mechanic;
- c. the locations where temperatures may rise sharply as a result of the activities are clearly specified by the mechanic;
- d. a declaration bearing the date is issued by a gas expert showing that residues of combustible fluids have been removed from the locations referred to under a to c so that there is no risk of fire;
- e. a gas expert has issued a fully and correctly completed safety and health declaration showing that areas in which work needs to be carried out, and adjacent areas, are safe for people or have been rendered inert as described in Article 4.10, paragraph three, under b.

Article 4.12. Working with fire without a safety and health declaration within 25 metres of the loading zone

1. The presence of fire within 25 metres of the loading zone of a K1 or KT ship that is not safe in terms of fire as described in Article 4.10, paragraph three, under c, and in respect of which, by way of deviation from Article 4.9, the required safety and health declaration has not been issued, is permitted only if a gas expert has issued a declaration before the start of the activities showing that the loading zone is safe for people as described in Article 4.10, paragraph three, under b.
2. The presence of fire referred to in paragraph one is permitted if the declaration referred to in that paragraph shows that:
 - a. the combustible gases in the atmosphere of the loading zone never exceeds a concentration of 20% of the lowest explosion threshold, or
 - b. the condition of the atmosphere present in the loading zone is such that when rarefied with air no combustible or explosive mixture is produced.

Article 4.13. Reporting activities

If the situations referred to in Articles 4.11 and 4.12 arise, a fully and accurately completed report form based on the model set out in annex X to this Regulation shall be sent to the designated supervisor before the start of the activities.

Article 4.14. Certification of specialist competence for gas experts

Certificates of competence as a gas expert as referred to in Article 3.5h, paragraph four, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the requirements laid down in version 1 of the SGT Regulations, ref. no. SKO/03035/S drawn up by the SKO Certification and Accreditation Foundation for the Certification of Competence and dated 19 November 2003.

Article 4.15 [expired as of 03-12-2004]

Section 4.2 Safety when working with explosives

Article 4.16. Certification of competence for explosives engineers

Certificates of competence as an explosives engineer as referred to in Article 4.8, paragraph two, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the requirements laid down in version 1 of the SPR Regulations, ref. no. SKO/03036/S drawn up by the SKO Certification and Accreditation Foundation for the Certification of Competence and dated 19 November 2003.

Article 4.17 [expired as of 03-12-2004]

Section 4.2a Safety when working with commercial fireworks

Article 4.17a. Definitions

The following definitions apply in this section:

- a. fireworks displays: commercial firework intended for use outdoors at an event or show;
 - b. pyrotechnic special effects: commercial firework intended for use during an event or show at close range, where the manufacturer or importer has stated that the firework is suitable for such use.
2. For the purposes of this section, fireworks for private use as defined in Article 1.1.1, paragraph one, of the Fireworks Decree, that are intended for use during an event or show or that are processed for use in an event or show are regarded as commercial fireworks.

Article 4.17b. Certification of competence in the handling of commercial fireworks

1. Certificates of competence as a handler of commercial fireworks as referred to in Article 4.9, paragraph two, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the requirements laid down in the Fireworks Expert Certification Requirements, version 1, drawn up by the certification organisation "Kiwa Certificatie en Keuringen N.V." and dated 14 February 2002.
2. Evidence of competence relating to safe handling of commercial fireworks that is required by a member state of the European Union other than the Netherlands, or another state that is party to the European Economic Area Agreement, or the Republic of Switzerland, and that in the opinion of the minister, or of the certifying body if the minister has designated a certifying body, is equivalent in terms of the required level of competence, is regarded as equivalent to the certificate of competence referred to in paragraph one.

3. The assessment of equivalence as referred to in paragraph two is performed on the basis of the Assessment Procedure for Foreign Training in the context of individual Fireworks Expert Certification produced by the certification body "Kiwa Certificatie en Keuringen N.V.", reference 02-41, dated 25 September 2002.

Article 4.17c [expired as of 03-12-2004]

Article 4.17d. Data on the commercial fireworks work schedule

The work schedule referred to in Article 4.9, paragraph one, of the Decree shall include at least the data referred to in annex IX to this Regulation.

Section 4.2b. Detection of conventional explosives

Article 4.17e. Process certification for the detection of conventional explosives

1. Process certificates for the detection of conventional explosives, as referred to in Article 4.10, paragraph two, of the Decree are issued by the minister, or by the certifying body if the minister has designated a certifying body, to applicants meeting the requirements laid down in annex XII to this Regulation.
2. Certificates relating to the detection of conventional explosives that are required by a member state of the European Union other than the Netherlands, or another state that is party to the European Economic Area Agreement, or the Republic of Switzerland, and that in the opinion of the minister, or of the certifying body if the minister has designated a certifying body, are equivalent in terms of the requirements relating to the detection process, the organisation and management of staff and resources, are regarded as equivalent to the process certificates referred to in paragraph one.

Section 4.3 [expired as of 01-01-2007]

Article 4.18 [expired as of 01-01-2007]

Section 4.4 Statutory limit values

Article 4.19. Dangerous substances

1. The values listed in annex XIII to this Regulation are limit values as referred to in Article 4.3, paragraph one, in conjunction with Article 4.1, paragraph two, under a, of the Decree.
2. The results of the assessment referred to in Article 4.2, paragraph one, of the Decree shall be tested against the limit value, where a limit value has been established in accordance with paragraph one and with Article 4.3, paragraph two, of the Decree. Testing is carried out according to a standardised method that is suitable for that purpose.

Article 4.19a. Biological limit values

The limit value for lead as referred to in Article 4.3, paragraph one, in conjunction with Article 4.1, paragraph two, under b, of the Decree is set at: 70µg/100 ml of blood.

Article 4.20. Carcinogenic and mutagenic substances

1. The values listed in annex XIII to this Regulation are limit values as referred to in Article 4.16, paragraph one, of the Decree.
2. The results of the assessment referred to in Article 4.2, paragraph one, of the Decree are tested against the limit value for every substance, where a limit value has been established in accordance with paragraph one and with Article 4.16, paragraph two, of the Decree. Testing is carried out

according to a standardised method that is suitable for that purpose.

Section 4.4a Further requirements relating to working with lead

Article 4.20a. Frequency of measurement and analysis of lead in the air

1. Air concentrations of lead are measured every three months in the context of the assessment referred to in Article 4.2 of the Decree. Annual measurements are sufficient if there have been no changes to working methods and the circumstances of exposure, and
 - a. no single employee has blood lead levels, measured in accordance with Article 4.10b of the Decree, exceeding 60 µg/100 ml of blood, or
 - b. two consecutive previous measurements have shown that air concentrations of lead are below 100 µg/m³ of air or that the circumstances of exposure do not fluctuate noticeably.
2. Air concentrations of lead as referred to in paragraph one are measured using atomic absorption spectrometry or another method of analysis that produces equivalent results.

Article 4.20b. Blood tests for lead

1. Employees shall be given the opportunity to have their blood tested for lead content at least twice a year in the context of the assessment referred to in Article 4.2 of the Decree.
2. Such tests may be carried out only once a year if no single employee has blood lead levels exceeding 50 µg/100 ml of blood and two consecutive previous measurements have shown that air concentrations of lead are below 100 µg/m³ of air.
3. Blood lead levels as referred to in Article 4.10b, paragraph two, of the Decree are measured using atomic absorption spectrometry or another equivalent method.
4. The results of the measurement referred to in paragraph one shall be tested against the limit value referred to in Article 4.19a. Testing is carried out according to a standardised method that is suitable for that purpose.
5. The occupational health medical examination referred to in Article 4.10b, paragraph one, of the Decree shall be offered to employees at least once a year.

Section 4.4b. Carcinogenic processes

Article 4.20c. Designation

Processes during which the following mixtures of substances are released are designated as carcinogenic processes as referred to in Article 4.11, under c, under 2°, of the Decree:

- a. diesel engine emissions;
- b. a mixture of N-[3-hydroxy-2-(2-methylacryloylaminomethoxy)-propoxymethyl]-2-methylacrylamide and N-[2,3-bis-(2-methylacryloylaminomethoxy)propoxymethyl]-2-methylacrylamide and methacrylamide and 2-methyl-N-(2-methylacryloylaminomethoxymethyl)acrylamide and N-(2,3-dihydroxypropoxymethyl)-2-methylacrylamide, or;
- c. C.I. Basic Violet 3 with 0.1% or more Michler's ketone.

Section 4.5 Measurement methods for asbestos

Article 4.21. Generalities

The measurements referred to in Article 4.47, paragraph three, of the Decree shall be carried out in accordance with Articles 4.22 to 4.26.

Article 4.22. Sampling

Samples are taken from employees' individual respiratory zones, i.e. a hemisphere with a radius of 300 mm forwards from the face and measured from the centre of a line connecting the ears.

Article 4.23. Equipment

The following equipment is used in sampling:

- a. membrane filters of mixed esters of cellulose or cellulose nitrate, with a pore size of 0.8 to 1.2 micrometres with printed squares and a diameter of 25 mm and an optimum load of 100/400 fibres per mm²;
- b. an open filter-holder with a cylindrical cap placed 33 to 44 mm in front of the filter, exposing a circular surface with a diameter of at least 20 mm. The cap faces down when the equipment is in use;
- c. a portable battery-powered pump that the employee carries while the sample is being taken. The pump regulates the airflow at 1 litre per minute \pm 5%; this air speed remains within \pm 10% of the original speed throughout the sampling period. A tolerance of 2% is permitted as regards the duration of the sampling period.

Article 4.24. Fibre count

1. The binocular microscope used to count the fibres has the following properties:
 - a. Koehler illumination;
 - b. a centring ring, an Abbe or achromatic phase contrast condenser are fitted below the specimen table so that the phase contrast can be adjusted independently of the condenser centring ring mechanism;
 - c. a positive par-focal achromatic phase contrast lens with a magnification of 40x and a digital aperture of 0.65 to 0.70 and a phase ring absorption of 65 to 85%;
 - d. a fully compensated eyepiece with a magnification of 12.5;
 - e. at least one eyepiece must be suitable for a graticule and must be capable of being focused;
 - f. a Walton-Beckett ring-shaped eyepiece graticule with a visible diameter in the specimen field of 100 micrometres, \pm 2 micrometres, when the specified lens and eyepiece are used, and verified with a micrometre on a specimen table.
2. The microscope is set up in accordance with the manufacturer's instructions at the start of the day on which it is to be used, and the detection threshold is checked using a phase contrast proof plate. The codes on the AIA test slides or the blocks on the HSE/NLP/Mark 2 test slide must be visible up to code 5 or block 5 when used in accordance with the manufacturer's instructions.

Article 4.25. Instructions for counting

Fibres on the filter referred to in Article 4.24 shall be counted as instructed below:

- a. only countable fibres are counted; a countable fibre is a fibre that meets the definition of a fibre set out in Article 4.37, paragraph one, under c, of the Decree, which has not touched a particle with a maximum diameter greater than 3 micrometres;
- b. countable fibres with both ends inside the graticule zone are counted as one fibre;
- c. countable fibres with one end inside the graticule zone are counted as half a fibre;
- d. fibre clusters that appear to be solid and not divided at some places along their length but appear

to diverge into separate fibres at other places are counted as one countable fibre if they meet the definition of a fibre laid down in Article 4.37, paragraph one, under c, of the Decree; the diameter is measured transversally through the undivided part rather than the divided part;

- e. in the case of fibre clusters that take the form of a bundle, with the individual fibres touching or crossing each other, these fibres are counted separately if they can be sufficiently distinguished from one another in order to ascertain whether they meet the definition of a fibre; if this is not the case, then the bundle is one countable fibre if the entire bundle meets the definition;
- f. the filter or part of the filter is placed on a specimen slide, rendered transparent by means of the acetone triacetone method, and covered with a covering slide.
- g. graticule zones where counts are to be performed are selected at random from throughout the exposed surface of the filter.
- h. if more than an eighth of a graticule zone is covered with a fibre cluster or particles, the graticule zone is discarded and a different zone is counted;
- i. 100 fibres are counted, with at least 20 graticule zones being inspected, or 100 graticule zones are inspected.

Article 4.26. Calculation

1. The average number of fibres per graticule zone is calculated by dividing the number of fibres counted by the number of graticule zones inspected. The contribution of spots on the filter and contamination to the count is kept below 3 fibres per 100 graticule zones and measured using blank filters.
2. The concentration of fibres in the air is (the average number of fibres per graticule zone x the total exposed zone of the filter)/(graticule zone x volume of air passing through).

Section 4.6. Provisions for the certification of work with asbestos

Article 4.27. Certification

Certificates are issued by the minister or, if the minister has designated a certifying body, by a certifying body, if:

- a. in the case of the certificate referred to in Article 4.54a, paragraph four, of the Decree, the applicant meets the requirements laid down in the SCA Certification Scheme SBC-BRL 5052, 'Asbestos inventory', 1998-06-01;
- b. in the case of the certificate referred to in Article 4.54d, paragraph one, of the Decree, the applicant meets the requirements laid down in the SCA Certification Scheme SBC-BRL 5050, 'Asbestos removal', 1999-06-01;
- c. in the case of the certificate referred to in Article 4.54d, paragraph five, of the Decree, the applicant meets the requirements laid down in the SCA Certification Scheme SC-510, 'Asbestos Removal Specialist Supervisor', July 2005.
- d. in the case of the certificate referred to in Article 4.54d, paragraph seven, of the Decree, the applicant meets the requirements laid down in the SCA Certification Scheme SC-520, 'Asbestos Removal Specialist Operative', August 2006.

Article 4.28 [expired as of 03-12-2004]

Section 4.7 [expired as of 01-03-2006]

Article 4.29 [expired as of 05-03-2005]

Article 4.30 [expired as of 01-03-2006]

Section 4.8 [expired as of 03-12-2004]

Article 4.31 [expired as of 03-12-2004]

Article 4.32 [expired as of 03-12-2004]

Section 4.8a Volatile organic substances

Article 4.32a. Adhesives and paints used indoors

1. The following definitions apply in this Article:
 - a. products: adhesives, paints, lacquers, stains, varnishes, fillers, oily or waxy products, impregnating agents and floor coatings that contain volatile organic substances as referred to in Article 4.62b of the Decree;
 - b. parts of residential or other buildings: all objects that are present in residential or other buildings and that cannot reasonably be removed from them because of their nature, shape, weight or dimensions. 'Parts of residential and other buildings' does not refer to objects undergoing manufacture, restoration or maintenance in the context of a production process, or repair or maintenance insofar as the manufacture, restoration or maintenance is carried out in a suitably equipped workshop.
2. The following activities carried out in residential or other buildings are regarded as activities as referred to in Article 4.62b of the Decree:
 - a. applying adhesive to coatings on floors, stairs, walls or ceilings of residential or other buildings, including preparation;
 - b. applying products in residential or other buildings or parts of residential or other buildings, including preparation.
3. Paragraph two, under b, does not apply to:
 - a. metal parts of buildings to which products may be applied under the circumstances described in annex XIV to this Regulation;
 - b. the preparation of walls and ceilings of residential or other buildings in places where these walls and ceilings are seriously contaminated by fire or smoke damage, or deposits caused by the smoking of tobacco products;
 - c. preparation in the sense of strengthening heavily porous or crumbling parts of residential or other buildings;
 - d. the use of paint or lacquer to repair damage to steel structures of new residential or other

buildings;

- e. repairing historic finishing or top layers using a technique that is identical or similar to the historic finishing technique, where the restoration work is aimed at restoring or maintaining architectural and historical coherence within a protected monument as defined in the 1988 Monuments Act;
 - f. applying traditional imitation paintwork, such as paintwork intended to resemble marble or wood grain, and applying gold paint for gilding. 'Applying' does not include preparation in this context;
 - g. applying a product to glass sealant in buildings constructed before 1 January 2001 in order to make the sealant suitable for taking water-based paint products.
4. Products used in the activities referred to in paragraph two, under a, may not contain more than 5 grams of volatile organic substance per kilogram of ready-to-use product.
 5. Products used in the activities referred to in paragraph two, under b, may not contain more than 60 grams of volatile organic substance per litre of ready-to-use product, where they are to be used in painting walls.
 6. Products used in the activities referred to in paragraph two, under b, may not contain more than 100 grams of volatile organic substance per litre of ready-to-use product, where they are to be used in activities other than painting walls.

Article 4.32b. Offset printing

1. The following activities are regarded as activities as referred to in Article 4.62b of the Decree:
 - a. printing using an offset press;
 - b. daily cleaning of machines or machine parts, tools or materials used in offset printing;
 - c. cleaning of machines or machine parts, tools or materials used in offset printing other than daily cleaning;
2. The damping water used in the activities referred to in paragraph one, under a, may not contain more than 8% by volume of isopropyl alcohol or other mono-alcohols (for automatic dosing systems) or 10% by volume (for manual dosing systems and rotation offset presses taken into use before 1 January 1985).
3. Products used in the activities referred to in paragraph one, under b, may not contain more than 0.1% by volume of halogenated carbohydrates or mono-aromates with a vapour pressure of over 0.1 millibars at 20°C and must have a flash point of at least 55°C.
4. Products used in the activities referred to in paragraph one, under c, may not contain more than 0.1% by volume of halogenated carbohydrates or mono-aromates with a vapour pressure of over 0.1 millibars at 20°C.

Article 4.32c. Silk-screen printing

1. The following activities are regarded as activities as referred to in Article 4.62b of the Decree:
 - a. cleaning of machines or machine parts, tools or materials used in silk-screen printing;
 - b. silk-screen printing of paper and cardboard intended for use indoors with a weight of over 135 grams per square metre.
2. Products used in the activities referred to in paragraph one, under a, may not contain more than 0.1% by volume of halogenated carbohydrates or mono-aromates with a vapour pressure of over 0.1 millibars at 20°C and must have a flash point of at least 21°C.
3. Products used in the activities referred to in paragraph one, under b, may not contain more than 150

grams of volatile organic substance per kilogram of ready-to-use product.

Article 4.32d. Engraving of illustrations

1. Cleaning floors in illustration engraving workshops is regarded as an activity as referred to in Article 4.62b of the Decree.
2. Products used in the activities referred to in paragraph one may not contain more than 0.1% by volume of halogenated carbohydrates or mono-aromates with a vapour pressure of over 0.1 millibars at 20°C and must have a flash point of at least 55°C.

Article 4.32e. Engraving of packaging and flexoprinting

1. The following definitions apply in this Article:

a. lacquering: applying a lacquer to a flexible material or applying an adhesive to a flexible material so that the material in question can subsequently be sealed;

b. laminating or applying cachets: joining two or more flexible materials to form a laminate.

2. The following activities are regarded as activities as referred to in Article 4.62b of the Decree:

a. printing, lacquering, laminating or applying cachets using a packaging engraving press, flexopress, lacquering, laminating or cachet machine not connected to a ventilation system;

b. cleaning machines or machine parts, tools or materials used in the activities referred to under a, unless these activities are carried out using an enclosed installation or an installation with a ventilation system;

c. laminating or applying cachets using a laminating or cachet machine not connected to an installation that recovers or destroys volatile organic substances;

d. printing or lacquering paper and cardboard using a flexopress or lacquering machine not connected to an installation that recovers or destroys volatile organic substances;

e. cleaning machines or machine parts, tools or materials used in the activities referred to under c and d, unless these activities are carried out using an enclosed installation or an installation with a ventilation system;

3. Products used in the activities referred to in paragraph two may not contain more than 50 grams of volatile organic substance per kilogram of ready-to-use product.

4. Paragraph three does not apply to products used in the activities referred to in paragraph two, under c, d and e, if specific requirements are imposed on the quality or durability of the manufactured product, provided that on an annual basis the weight of the volatile organic substances of the products used in the activities referred to in paragraph two, under c, d, and e, does not exceed 80% of the weight of the solid material applied.

Article 4.32f. Repairing damage to vehicles

1. 'Motor vehicle' is defined as follows for the purposes of this Article: a private car, delivery van, motorcycle, bus or camping-car as defined in Article 2, under b, c, d, e and g of the 1994 Motor Vehicle Tax Act, or a goods vehicle as defined in Article 1, paragraph one, under e, of the Road Haulage Act.

2. The following activities are regarded as activities as referred to in Article 4.62b of the Decree:

a. applying or using primer, surfacer, sealer or single- and double-layer coating systems or special or other products as referred to in annex XV of this Regulation in order to repair paint damage or

restore paint layers on parts of motor vehicles;

- b. cleaning tools used in the activities referred to under a or surfaces of parts of motor vehicles in the context of the repair or restoration activities referred to under a.
3. Paragraph two does not apply to activities aimed at repairing paint damage or restoring paint layers on parts of motor vehicles that were manufactured before 1970;
 4. Products that are used in the activities referred to in paragraph two may not contain levels of volatile organic substances in their ready-to-use or ready-to-spray form that exceed the levels laid down for these products in annex XV to this Regulation.

Article 4.32g. Coating woodwork indoors

1. 'Coating' is defined as follows for the purposes of this Article: a product that is applied to a surface in order to create a decorative, protective or other functional effect.
2. The following activities carried out indoors are regarded as activities as referred to in Article 4.62b of the Decree:
 - a. applying a coating to parts of newly manufactured external doors, casings, frames, inner leaves, gable-filling elements and other carpentry on gables, where they are made of wood or an equivalent or similar material, as part of the production process;
 - b. applying a coating to parts of newly manufactured internal stairs, where they are made of wood or an equivalent or similar material, as part of the production process;
3. Coatings used in the activities referred to in paragraph two, under a and b, may not contain more than 150 grams of volatile organic substance per litre of ready-to-use product.
4. Paragraph three does not apply to the application of a coating to parts of the products referred to in paragraph two where these products are made of types of wood which may trigger the release of ingredients as a result of applying a coating as referred to in paragraph three.

Article 4.32h. Equivalence of alternative products

Products that are legally manufactured and offered for sale in another member state of the European Union, or legally manufactured in a state which is not a member of the European Union but is party to the European Economic Area Agreement, and that meet requirements offering a level of protection at least equivalent to the level which the national requirements aim to offer, are regarded as equivalent to the products referred to in Articles 4.32a, paragraphs four to six, 4.32b, paragraphs two to four, 4.32c, paragraphs two and three, 4.32d, paragraph two, 4.32e, paragraph three, 4.32f, paragraph four, and 4.32g, paragraph three.

Section 4.9 [expired]

Article 4.33 [expired as of 19-04-2002]

Article 4.34 [expired as of 19-04-2002]

Article 4.35 [expired as of 19-04-2002]

Article 4.36 [expired as of 19-04-2002]

Article 4.37 [expired as of 19-04-2002]

Article 4.38 [expired as of 19-04-2002]

Article 4.39 [expired as of 19-04-2002]

Article 4.40 [expired as of 19-04-2002]

Article 4.41 [expired as of 19-04-2002]

Article 4.41a [expired as of 01-09-2000]

Article 4.41b [expired as of 01-09-2000]

Article 4.42 [expired as of 01-11-1999]

Article 4.43 [expired as of 01-11-1999]

Article 4.44 [expired as of 01-11-1999]

Article 4.45 [expired as of 01-11-1999]

Article 4.46 [expired as of 01-11-1999]

Article 4.47 [expired as of 01-11-1999]

Article 4.48 [expired as of 01-11-1999]

Article 4.49 [expired as of 01-11-1999]

Article 4.50 [expired as of 01-11-1999]

Chapter 5. Computer screen work

Article 5.1. Apparatus and furniture

Apparatus and furniture used by individuals working with computer screens must always meet the following requirements:

- a. the characters on the screen must be sufficiently sharp, clear in shape and sufficiently large, with a sufficient distance between the characters and the lines;

- b. the image on the screen must be stable;
- c. the brightness or contrast between the characters and the background must be easy for the user to adjust;
- d. the screen must be easy to move, adjust and tilt;
- e. the screen must be free from any shine and mirroring that would inconvenience the user;
- f. the keyboard must be capable of being tilted and must be separate from the screen;
- g. the user's arms and hands are not restricted when he or she is using the keyboard;
- h. the keyboard must have a matte surface;
- i. the layout of the keyboard and the shape of the keys must be designed to make the keyboard easy to use;
- j. the symbols on the keys must contrast sufficiently against the background and can be adequately read from a normal working position;
- k. the desk or workstation must allow the user to sit in a comfortable position, must have a low-reflection surface, must be sufficiently large and must allow the screen, keyboard, documents and accessories to be positioned flexibly;
- l. if the user needs a document-holder, it must be stable and adjustable and positioned so as to minimise uncomfortable movements of the head and eyes;
- m. the chair must be stable, height-adjustable, with a backrest. The user must be able to adjust the height and angle of the chair so as to achieve a comfortable working position with freedom of movement;
- n. users shall be given footrests on request.

Article 5.2. Computer screen workstation structure

The environment in which computer screen work is carried out, and the structure of the workstation, must always meet the following requirements:

- a. the lighting of the working area or computer screen workstation must provide sufficient light and a suitable contrast between the screen and the environment, taking account of the nature of the work and the user's visual requirements;
- b. any glare or annoying reflections on the screen or apparatus caused by artificial light sources must be avoided;
- c. windows and other apertures, walls and apparatus must not produce any direct glare or annoying reflections on the screen;
- d. windows must be fitted with suitable adjustable blinds to reduce the intensity of the light falling on the computer screen workstation;
- e. the noise produced by the apparatus does not interfere with concentration or speech;
- f. the apparatus does not produce any heat disturbing to employees;
- g. the humidity level is always sufficient.

Article 5.3. Software

Software used by individuals working with computer screens must always meet the following

requirements:

- a. it must be suitable for the task in question;
- b. it must be easy to use and to adapt to a particular user's level of skill and experience;
- c. it must not use any quantitative or qualitative control mechanisms without the user being aware of this fact;
- d. systems provide the user with information on their operation;
- e. systems display information in a manner and at a speed appropriate for the user;
- f. ergonomic principles are applied when users are processing information.

Chapter 6. Work under excess pressure

Section 6.1 Certification

Article 6.1 Designation criteria for certifying bodies

1. The following may be designated as certifying bodies as defined in Article 6.14a, paragraph three, of the Decree: training institutions providing training to individuals wishing to qualify as professionals able to perform occupational health medical examinations as defined in Article 6.14a, paragraphs one and two, of the Decree, or who will be called on to perform such examinations and who meet the requirements of Articles 1.3 to 1.8 and Articles 6.2, 6.3a, 6.4, 6.5, and 6.6.
2. The following institutions are designated as certifying bodies as referred to in Article 6.16, paragraphs three, six and seven, of the Decree:
 - a. institutions that, on the basis of a regulation established by the Minister for Internal Affairs and Kingdom Relations, conduct examinations relating to training for dive team leaders, divers and diving medical officers with the fire services;
 - b. institutions that, on the basis of a regulation established by the Minister for Defence, provide training for dive team leaders, divers and diving medical officers with the Ministry of Defence and conduct the relevant examinations.
3. Institutions that provide training to train individuals for the following professions (either individuals wishing to undergo such training or individuals who are already working in the field and wish to obtain formal qualifications) may also be designated as certifying bodies as referred to in paragraph two:
 - a. dive team leaders;
 - b. divers;
 - c. diving medical officers, where such individuals meet the requirements laid down in Articles 1.3 to 1.8 and Articles 6.2, 6.3, 6.4, 6.5 and 6.6

Article 6.2. Provision of information

Certifying bodies as referred to in Article 6.1, paragraphs one and three, shall on request provide the minister with all information related to the training they provide and shall notify him or her in good time of any proposed changes to the content of the training and the relevant examination.

Article 6.3. Certification as dive team leader, diver, or diving medical officer

1. Individuals are certified as dive team leaders, divers, or diving medical officers as defined in Article 6.16, paragraphs three, six and seven of the Decree by institutions as defined in Article 6.1, paragraphs two and three, on passing the examination related to the training referred to in those paragraphs. Certificates are regarded as written evidence as referred to in Article 1.7.

2. Dive team leader, diver and diving medical officer certificates as referred to in paragraph one that are required by a member state of the European Union other than the Netherlands, or another state that is party to the European Economic Area Agreement, or the Republic of Switzerland, and that in the opinion of the minister, or of the certifying body if the minister has designated a certifying body, are equivalent in terms of the required level of competence, are regarded as equivalent to the certificates referred to in paragraph one.
3. Certificates as referred to in paragraph one are issued for a maximum term of two years.
4. Certificates bear the following information:
 - a. the category (dive team leader, diver, or diving medical officer);
 - b. the period of validity;
 - c. the conditions of validity.

Article 6.3a. Certification as diving doctor

1. Certificates as referred to in Article 6.14a, paragraph three, of the Decree, are issued by the minister or, if the minister has designated a certifying body, by the certifying body, to applicants who:
 - a. are registered as diving doctors as referred to in article 14, paragraph one, introductory section of the Act;
 - b. have passed the examination relating to the training referred to in Article 6.1, paragraph one, and
 - c. have demonstrated sufficient relevant and current knowledge and professional experience.
2. Certificates as referred to in paragraph one are valid for a maximum period of two years; following that period they may be extended on request by up to two years at a time if the applicant can show that he/she has kept his/her knowledge up to date and has had the necessary experience as a diving doctor in the past period.
3. Applicants for certificates shall supply the minister, or the certifying body if the minister has designated a certifying body, with the relevant information regarding their training, qualifications, knowledge and practical experience as referred to in paragraph one.
4. The following information is shown on the certificates referred to in paragraph one:
 - a. the category (diving doctor);
 - b. the period of validity; and
 - c. the conditions of validity.
5. Diving doctor certificates or other documents indicating competence that are required by a member state of the European Union other than the Netherlands, or another state that is party to the European Economic Area Agreement, or the Republic of Switzerland, and that in the opinion of the minister, or of the certifying body if the minister has designated a certifying body, are at least equivalent in terms of the required level of competence, are regarded as equivalent to the certificates referred to in paragraph one.

Article 6.4. Fees

The maximum fee that can be charged for a certificate as referred to in Articles 6.3 and 6.3a is EUR 273; this does not include related costs, VAT, or training and examination costs.

Section 6.2 Training courses

Article 6.5. Categories of training courses

1. Training courses as referred to in Article 6.1, paragraph one, train participants in the performance of:
 - a. occupational health medical examinations as referred to in Article 6.14a, paragraph one, of the Decree;
 - b. occupational health medical examinations as referred to in Article 6.14a, paragraph two, of the Decree.
2. Training courses as referred to in Article 6.1, paragraphs two and three, comprise:
 - a. one or more of the following types of training as dive team leader:
 - 1° training as dive team leader;
 - 2° training as dive team leader with the fire service;
 - 3° training as dive team leader for diving work as referred to in part b, under 4°;
 - b. one or more of the following categories of diving work;
 - 1°. diving work with Self-contained Underwater Breathing Apparatus (SCUBA), with the exception of diving work as referred to under 4°;
 - 2°. diving work with Surface Supply Equipment;
 - 3°. diving work with a dry diving bell;
 - 4°. diving work with Self-contained Underwater Breathing Apparatus (SCUBA) in aquariums, swimming baths or similar situations as referred to in appendix XVI of this regulation, or
 - c. one or more of the following categories of diving medical officer support for individuals carrying out diving work:
 - 1°. diving medical officer support as referred to in Article 6.16, paragraph four, of the Decree;
 - 2°. diving medical officer support during diving work as referred to in Article 6.13, paragraph one, under a, of the Decree, with the exception of saturation diving as referred to under 3;
 - 3°. diving medical officer support for saturation diving.

Article 6.6. Final attainment levels

Training courses as referred to in Article 6.5 shall at least lead to the final attainment levels for the relevant category of activity as dive team leader, diver, diving medical officer or person qualified to conduct the examinations as referred to in Article 6.14a, paragraphs one and two, of the Decree, referred to in annex XVI to this Regulation.

Section 6.3 Occupational health medical examination for divers

Article 6.7. Content of the occupational health medical examination

The occupational health medical examination referred to in Article 6.14a, paragraphs one and two, of the Decree, is carried out taking account of the provisions laid down in annex XVII to this Regulation.

Section 6.4 Exemption

Article 6.8 Exemption from diving certification for trainees

A valid NOB** licence issued by the Dutch Underwater Sports Federation, or a licence regarded as equivalent by the minister, is accepted as a sports diving licence as referred to in Article 6.31, paragraph two, of the Decree.

Chapter 7. Equipment

Section 7.1 [expired as of 01-09-2003]

Article 7.1 [expired as of 01-09-2003]

Article 7.2 [expired as of 01-09-2003]

Article 7.3 [expired as of 01-09-2003]

Section 7.2 Hoisting and lifting machines and equipment on board ships

Article 7.4. Model test and examination certificates

The models of the certificates referred to in Article 25, paragraph three, of the Occupational Safety and Health (Dock Work) Convention 1979 are specified as models for the certificates referred to in Article 7.29, paragraph nine, of the Decree.

Article 7.5. Model register

The model register referred to in Article 25, paragraph two, of the Occupational Safety and Health (Dock Work) Convention 1979 is specified as the model for the register referred to in Article 7.29, paragraph ten, of the Decree.

Section 7.3 Certification of hoisting crane and foundation machinery operators

Article 7.6. Tower crane, mobile crane, and mobile pile-driver categories

Individuals operating a tower crane, mobile crane or mobile pile-driver as described under a to c must hold a certificate of competence as referred to in Article 7.32, paragraph one, under a, of the Decree:

a. tower crane: a lifting crane in the form of a tower with a maximum operating load moment of 10 tonnes-metre or more, or where the boom is attached at a height of 20 metres or more above the crane's support base;

b. mobile crane: a drivable lifting crane that is not track-bound and not a tower crane, with a maximum operating load moment of 10 tonnes-metre or more, with the exception of:

1°. a loading crane attached to a vehicle that is designed or used only for loading and unloading from the loading platform of the vehicle or a group of vehicles;

2°. an earth-moving machine that excavates earth and immediately thereafter lays pipelines in the uncovered earth, or places props for use in carrying out earth-moving activities;

c. mobile pile-driver: drivable or rollable machine used in the creation of foundations that is designed or intended to make, drive or remove piles or other elongated objects in or out of the ground, and to perform activities directly associated with such work, able to move loads with a maximum operating load moment of 10 tonnes-metre or more.

2. With regard to the certificates referred to in paragraph one, a distinction is drawn between

a. a certificate of competence for tower crane operators, divided into the following categories:

- 1°. mobile tower cranes;
- 2°. cranes with vertical boom travel;
- 3°. cranes with horizontal boom travel;
- b. a certificate of competence for mobile crane operators, divided into the following categories:
 - 1°. mobile cranes on caterpillar tracks;
 - 2°. car truck cranes/cranes for use on rough ground/cranes for use on roads;
 - 3°. earth-moving machines with a hoist function;
 - 4°. self-loading cranes;
 - 5°. long-reach cranes with a hoist function.
- c. a certificate of competence for mobile pile-driver operators, divided into the following categories:
 - 1°. mobile pile-drivers with guides;
 - 2°. mobile pile-drivers with crown posts and boards;
 - 3°. mobile pile-drivers with vibration blocks;
 - 4°. mobile pile-drivers with screw piling machines;

Article 7.7. Certification of competence

1. Certificates as referred to in Article 7.6 are awarded by the minister, or by the certifying body if the minister has designated a certifying body, to applicants who meet the requirements laid down in the certification scheme drawn up by the Foundation for the Supervision of Certification of Vertical Transport ("TCVT") in Bennekom referred to in paragraph two with regard to the operation of a crane or pile frame in a category as referred to in Article 7.6, paragraph two.
2. The following certification schemes apply to applicants for certificates as referred to in Article 7.6:
 - a. if it concerns applicants for certificates to operate mobile tower cranes in the category referred to in Article 7.6, paragraph two, under a, under 1, the 'Mobile Tower Crane Operator' certification scheme, identification code TCVT W4-06/02-2002 or the 'Tower Crane Operator' certification scheme, identification code TCVT W4-02/09-2000;
 - b. if it concerns applicants for certificates to operate tower cranes in the categories referred to in Article 7.6, paragraph two, under a, under 2 and 3, the 'Tower Crane Operator' certification scheme, identification code TCVT W4-02/09-2000;
 - c. if it concerns applicants for certificates to operate mobile cranes in the categories referred to in Article 7.6, paragraph two, under b, under 1 and 2, the 'Mobile Crane Operator' certification scheme, identification code TCVT W4-01/07-258;
 - d. if it concerns applicants for certificates to operate mobile cranes on caterpillar tracks in the category referred to in Article 7.6, paragraph two, under b, under 1, the 'Mobile Pile-driver Operator' certification scheme, identification code TCVT W4-03/09-2000 or the 'Mobile Crane Operator' certification scheme, identification code TCVT W4-01/07-258;
 - e. if it concerns applicants for certificates to operate mobile cranes which are earth-moving machines with a hoist function in the category referred to in Article 7.6, paragraph two, under b, under 3, the 'Earth-moving Machine with Hoist Function Operator' certification scheme, identification code TCVT W4-05/02-2002 or the 'Mobile Crane Operator' certification scheme, identification code TCVT W4-01/07-258;

- f. if it concerns applicants for certificates to operate mobile cranes which are self-loading cranes with a hoist function in the category referred to in Article 7.6, paragraph two, under b, under 4, the 'Self-loading Crane with Hoist Function Operator' certification scheme, identification code TCVT W4-04/02-2002 or the 'Mobile Crane Operator' certification scheme, identification code TCVT W4-01/07-258;
- g. if it concerns applicants for certificates to operate mobile cranes which are long-reach cranes with a hoist function in the category referred to in Article 7.6, paragraph two, under b, under 5, the 'Long-reach Crane with Hoist Function Operator' certification scheme, identification code TCVT W4-07/11-2002 or the 'Mobile Crane Operator' certification scheme, identification code TCVT W4-01/07-258;
- h. if it concerns applicants for certificates to operate mobile pile-drivers in the categories referred to in Article 7.6, paragraph two, under c, under 1, 2, 3 and 4, the 'Mobile Pile-driver Operator' certification scheme, identification code TCVT W4-03/09-2000;

Article 7.8 [expired as of 03-12-2004]

Article 7.9 [expired as of 01-11-1999]

Article 7.10 [expired as of 01-11-1999]

Article 7.11 [expired as of 01-11-1999]

Article 7.12 [expired as of 01-11-1999]

Article 7.13 [expired as of 01-11-1999]

Article 7.14 [expired as of 01-11-1999]

Article 7.15 [expired as of 01-11-1999]

Article 7.16 [expired as of 01-11-1999]

Article 7.17 [expired as of 01-11-1999]

Article 7.18 [expired as of 01-11-1999]

Article 7.19 [expired as of 01-11-1999]

Article 7.20 [expired as of 01-11-1999]

Chapter 8. Safety and Health Notices

Article 8.1. Requirements

Safety and health notices as referred to in Article 8.2 of the Decree shall comply with Articles 8.2 to 8.29.

Article 8.2. Permanent notices

1. Notices which relate to a prohibition, a warning or an order, and notices which relate to the location and identification of rescue or recovery material shall be permanent and take the form of boards.
2. Notices which locate and identify fire-fighting material shall be permanent and take the form of boards or a safety colour.
3. Notices on containers and piping shall comply with Articles 8.12 to 8.15.
4. Notices warning of the danger of people colliding with obstacles or falling shall be permanent and take the form of a safety colour or boards.
5. Traffic routes shall be permanently marked with a safety colour.

Article 8.3. Occasional notices

1. Notices warning of hazardous events, calling on individuals to take specific action, and urgent calls for the evacuation of people shall be given from time to time in the form of a light signal, an acoustic signal, or a verbal instruction.
2. Individuals performing activities involving a danger shall be directed from time to time by hand or arm signals or verbal instructions.

Article 8.4. Free choice of notices

1. A free choice is offered between the following notices, provided that they are equally effective:
 - a. light signals, acoustic signals and verbal instructions;
 - b. hand or arm signals and verbal instructions;
 - c. a safety colour or a board to warn people of the danger of tripping or falling as a result of a difference in height.
2. The following forms of notices can be used simultaneously:
 - a. light signals and acoustic signals;
 - b. light signals and verbal instructions;
 - c. hand or arm signals and verbal instructions.
3. The effectiveness of a notice may not be undermined by the presence of another notice or other factors that impede visibility or audibility, poor design, insufficient number, inappropriate location, poor condition or malfunction of the means used to give the notice.

Article 8.5. Use of colours

Where a notice is given in the form of a safety colour, the following conventions shall be followed:

- a. red indicates:
 - 1°. a prohibition;
 - 2°. danger or alarm;

- 3°. identification and location of fire-fighting material and equipment;
- b. yellow or amber indicates a warning;
- c. blue indicates an order;
- d. green indicates:
 - 1°. a rescue or first-aid notice;
 - 2°. a safe situation.

Article 8.6. Back-up power

Notices which need a source of energy shall be fitted with back-up power in the event that this source of energy fails, except if the danger of which it warns ceases to exist in the absence of that energy.

Article 8.7. Testing light and acoustic signals

1. Light and acoustic signals shall be tested to ensure that they are working properly before being taken into use. Such tests shall subsequently be repeated as often as necessary.
2. Light and acoustic signals indicate the start of an action when they are triggered and continue to operate as long as the action requires.
3. Light and acoustic signals shall be reset immediately after each use.

Article 8.8. Protecting particular employees

Adequate additional or alternative measures shall be taken in respect of employees with limited vision or hearing, either as a result of a medical condition or because they are wearing personal protective equipment.

Article 8.9. General requirements for safety boards

1. Pictograms on safety boards shall be as simple as possible and leave out superfluous details to help them be clearly understood.
2. Boards shall be made of the most robust and resistant material possible.
3. Boards shall be of suitable dimensions, colours and lighting so that they are highly visible and easy to understand.

Article 1.10. Types of boards

1. Prohibition boards shall be round in shape, bearing a black pictogram on a white background, a red edge and a line running at 45° to the horizontal line from left to right through the pictogram. The red colour must cover at least 35% of the surface of the board.
2. Warning boards shall be triangular in shape, bearing a black pictogram on a yellow background with a black edge. The yellow colour must cover at least 50% of the surface of the board.
3. Instruction boards shall be round in shape, bearing a white pictogram on a blue background. The blue colour must cover at least 50% of the surface of the board.
4. Rescue boards shall be square or rectangular in shape, bearing a white pictogram on a green background. The green colour must cover at least 50% of the surface of the board.
5. Boards relating to fire-fighting material shall be square or rectangular in shape, bearing a white

pictogram on a red background. The red colour must cover at least 50% of the surface of the board.

6. The boards referred to in annex XVIII to this Regulation are used in the situations described in that annex.
7. The pictograms used may be slightly different from or more detailed than the pictograms for the boards referred to in annex XVIII to this Regulation. The meaning shall however be the same and any differences or adjustments must not distort the meaning.

Article 8.11. Location of boards

1. Boards shall, taking account of any obstacles, be placed at a suitable height and in a suitable location in respect of the field of vision, either at the entrance to an area where a general risk exists or in the immediate vicinity of a specific risk or object to which attention needs to be drawn. They shall be placed in a well-lit, easily accessible, and visible location.
2. Fluorescent colours, reflective materials or artificial light may be used in poor natural light conditions.
3. Boards shall be removed as soon as the situation which justifies their presence no longer exists.

Article 8.12. Containers holding dangerous substances

1. Containers that are used in activities involving, or in the storage of,:
 - a. dangerous single substances as described in Council Directive no. 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 196), or
 - b. dangerous multiple substances as described in European Parliament and Council Directive no. 1999/45/EC of 31 May 1999 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200), and visible piping containing substances referred to under a or b or through which these substances are carried, must bear the hazard symbols required under the directives referred to under a or b.
2. The preceding paragraph does not apply to containers used in activities of short duration or of which the contents are frequently changed, providing that adequate alternative measures are taken, particularly with regard to information or training, that guarantee the same level of protection.
3. The hazard symbols referred to in paragraph one may:
 - a. be replaced by warning boards as indicated in Article 8.10 bearing the same pictogram or symbol;
 - b. show additional information such as the name or formula of the dangerous substance and with particular details of the hazards;
 - c. where containers are being transported to a worksite, bear additional or different boards that apply to the transport of dangerous substances by virtue of the Chemical Substances Act or the Carriage of Dangerous Goods Act.

Article 8.13. Fitting notices to containers

The notices referred to in Article 8.12 shall be fitted to the visible sides in the form of hard material, self-adhesive material or paint.

Article 8.14. Location on containers

1. Any hazard symbols or names of hazards as described in the directives referred to in Article 8.12, under a or b, that are fitted to containers and piping shall comply with Articles 8.9, paragraph two, and 8.11.

2. The hazard symbols and names of hazards used on piping shall be displayed visibly and with sufficient frequency in the vicinity of the most dangerous under, such as valves and tapping points.

Article 8.15. Notices relating to the storage of dangerous substances

1. Notices providing information about places, premises or enclosed rooms that are used to store significant quantities of dangerous substances shall take the form of suitable warning boards as referred to in Article 8.10 or hazard symbols and names of hazards as referred to in Article 8.12 unless, taking Article 8.9, paragraph three, into account, the hazard symbols and names of hazards on individual packages or containers would be sufficient with regard to dimensions.
2. The boards, hazard symbols or names of hazards referred to in paragraph one are placed next to the storage area or on the door giving access to the storage area.

Article 8.16. Use of light signals

The light emitted by a signal must produce a sufficient light contrast to the surrounding area that does not dazzle people but is sufficiently visible, taking the conditions of operation into account.

Article 8.17. Uniformity

1. The light surface emitted by a signal shall be uniform in colour or contain a pictogram on a specific background.
2. The uniform colour shall comply with Article 8.5.
3. Any pictograms that feature in signals shall comply with Article 8.10.

Article 8.18. Specific light signals

1. If a device is capable of emitting both a continuous signal and an intermittent signal, the intermittent signal shall be used to indicate that, as compared to situations in which a continuous signal would be emitted, the situation in this case presents a greater danger or that the desired or necessary intervention or action is more urgent.
2. Where an intermittent light signal is used instead of or to complete an acoustic signal, the code for the signal is identical.
3. Devices that emit light signals in situations of great danger must be monitored carefully to ensure that they are working properly, or must be fitted with a back-up lamp.
4. The duration and frequency of intermittent light signal flashes shall be such that:
 - a. the message sent by the signal is clearly understood, and
 - b. there can be no confusion between different light signals or between a continuous light signal and an intermittent light signal.

Article 8.19. Requirements of acoustic signals

1. Acoustic signals:
 - a. produce a level of sound that is clearly higher than the ambient noise level so that they are clearly audible without being excessively loud or painful to the ears;
 - b. are easily recognisable;
 - c. can easily be distinguished from other acoustic signals and other ambient sounds.
2. If a device is capable of emitting both a variable-frequency and a fixed-frequency acoustic signal, the

variable frequency shall be used to indicate that, as compared to situations in which a fixed frequency would be emitted, the situation in this case presents a greater danger or that the desired or necessary intervention or action is more urgent.

3. Acoustic evacuation signals are continuous.

Article 8.20. General requirements for verbal instructions

1. Verbal instructions are given from a speaker or transmitter to one or more listeners and take the form of short texts, phrases or separate words, possibly in code.
2. Verbal messages shall be as brief, unambiguous and clear as possible.
3. The linguistic competence of the speaker and the comprehension ability of the listener(s) shall be sufficient to ensure unambiguous communication.
4. Verbal instructions shall be given directly via the human voice or indirectly via the human voice or synthesised speech, broadcast by ad-hoc means.
5. If verbal instructions are being used instead of or as a complement to hand or arm signals and no codes are used, the following words shall in particular be used:
 - a. 'start', to indicate the start of an instruction;
 - b. 'stop', to interrupt or end a movement;
 - c. 'end', to stop the activity;
 - d. 'lift', to lift a load;
 - e. 'lower', to lower a load;
 - f. 'forwards, back, right, left', in combination with the appropriate hand or arm signals, to guide the movement in the right direction;
 - g. 'danger', to force the operator to stop in an emergency;
 - h. 'quick', to accelerate a movement.

Article 8.21. Language used

The individuals concerned have a sufficient command of the language used to express and understand the message correctly, and to behave in accordance with health and safety depending on the message.

Article 8.22. General requirements of hand and arm signals

1. Hand or arm signals shall be precise and simple, consisting of a broad gesture.
2. Where both arms are used at the same time, the gesture shall be symmetrical and transmit only one signal.

Article 8.23. Signallers

1. Signallers shall use hand and arm signals to give directions and instructions to the person receiving the signals.
2. Signallers shall concentrate exclusively on giving the directions and instructions and the safety of employees in the vicinity.
3. Signallers shall have a clear view of the entire guidance operation without being impeded by their

actions.

4. If the conditions specified in paragraph three cannot be met, one or more additional signallers shall be used.

Article 8.24. Recipients of signals

Individuals who are receiving signals shall stop carrying out any transport manoeuvre that they are carrying out in order to ask for fresh instructions if they are unable to perform the orders received with the necessary safety guarantees.

Article 8.25. Identification of signallers

Recipients of signals must be able to easily identify signallers.

Article 8.26. Avoiding unclear signals

The hand and arm signals shown in annex XIX to this Regulation are used in the situations described in that annex provided that they do not detract from the use of other applicable codes, particularly in certain sectors of industry, to describe the same actions.

Article 8.27. Notices of obstacles and hazardous places

1. Notices that warn individuals of the risk of colliding with obstacles, of falling objects or people, take the form of yellow and black or red and white strips marked inside the buildings of the business or facility to which employees have access in the course of their work.
2. The yellow and black or red and white stripes are displayed at an angle of approximately 45° and are of approximately the same dimensions.

Article 8.28. Size of notices as appropriate for the obstacle or hazardous place

The dimensions of the notice shall take account of the size of the obstacle or hazardous place of which it is warning.

Article 8.29. Requirements for the marking of roadways

1. Roadways on a worksite that are used by vehicles shall be clearly marked by solid lines of a clearly visible colour where this is necessary to protect employees.
2. These lines shall be marked taking account of the gap that needs to be left for safety between the vehicles that can use the roadways and any object that may be present in the vicinity between pedestrians and vehicles.

Chapter 8a. Offences liable to criminal prosecution and fines

Article 8.29a. Contraventions

Offences liable to criminal prosecution are actions that contravene the rules and prohibitions laid down in articles 2.0, 2.0a, 2.0b and 2.0c, or failure to act which is itself a contravention thereof.

Article 8.29b. Offences liable to fines: first category

Offences liable to fines that fall into the first category are actions that contravene the rules laid down in the articles specified below, or failure to act which is itself a contravention thereof: articles 3.4, 3.5, 3.11, 3.12, 3.13, 3.14, 4.4, paragraph four, 4.5, 4.9, paragraphs three and four, 4.13, 4.19, paragraph two, 4.20, paragraph two, 4.20a, 4.20b, paragraphs one, three, four and five, 4.22 to 4.26, 5.1 to 5.3, 8.2, 8.3, 8.4, paragraph three, 8.5 to 8.11, 8.12, paragraphs one and two, 8.13 to 8.29.

Article 8.29c. Offences liable to fines: second category

Offences liable to fines that fall into the second category are actions that contravene the rules laid down in the articles specified below, or failure to act which is itself a contravention thereof: articles 4.3, 4.4, paragraphs one to three, 4.6, 4.7, 4.9, paragraphs one and two, 4.11, 4.12 and 4.17d.

Chapter 9. Transitional and final provisions

Article 9.1. Fees

1. The maximum fees for examinations conducted with a view to certification as referred to in Article 2.11, 2.14 to 2.17, 4.14, 4.16 4.17b, 4.17e, 4.27, 7.7 and 7.29, paragraph nine, of the Decree, are EUR 182 per hour, excluding related costs and VAT.
2. In determining the rate to be charged for each certificate, the duration of the examinations referred to in paragraph one, the number and type of activities that are carried out as part of the examination process, and the nature and level of additional expenses shall be described as accurately as possible.

Article 9.2. Payment of additional certification costs, method of payment

1. Any additional costs incurred in processing an application for a certificate, as referred to in this Regulation, as a consequence of an applicant's request, action or failure to act, will be passed on to the applicant.
2. In the case of certificates awarded by the minister, the costs associated with this are payable on application by bank transfer to account number 19.23.21.366 (Rabobank), account name Ministerie van Sociale Zaken en Werkgelegenheid (Ministry of Social Affairs and Employment), PO Box 90801, 2509 LV, 's-Gravenhage. In the case of certificates issued by a certifying body that has been designated by the minister, the costs associated with this are payable on application in accordance with the certifying body's instructions.

Article 9.2a

Certificates of competence in occupational hygiene awarded by the SKO Certification and Accreditation Foundation for the Certification of Competence issued between 1 November 1999 and 3 November 2006 are regarded as certificates of competence in occupational hygiene as referred to in Article 2.15.

Article 9.2b [expired as of 01-07-2005]

Article 9.2c [expired as of 03-12-2004]

Article 9.2d [expired as of 01-01-2007]

Article 9.2e [expired as of 01-01-2007]

Article 9.2f. Transitional provisions for the certification of work with asbestos

1. Certificates issued under the Asbestos Removal Decree on the basis of the certification schemes referred to in Article 4.27, under a or b, are, for their period of validity as indicated on issue up to a maximum period of three years, regarded as certificates as referred to in Article 4.54a, paragraph four, or Article 4.54d, paragraph one, of the Decree.
2. If the period of validity of a certificate as referred to in paragraph one has expired, and the body which issued the certificate in question is designated as a certifying body on the basis of paragraph

three, then the period of validity may be extended by that body for up to one year.

3. Unless the designation referred to in Article 1.5a of the Decree is withdrawn, a certifying body is regarded as a certifying body as referred to in Article 4.54a, paragraph four, or Article 4.54d, paragraph one, of the Decree until 1 July 2007 if, at the time when Article 12 of the 2005 Asbestos Removal Decree,:
 - a. one of more certificates as referred to in paragraph one, issued by the body in question, is or are in force;
 - b. an agreement between the body and the Asbestos Certification Foundation in Bennekom relating to application of one or more schemes referred to in Article 4.27, under a or b, is in force;
 - c. the body complies with European standard EN 45011 with regard to application of the certification schemes referred to in paragraph one;
 - d. the body has notified the minister of its desire to be considered for application of this paragraph and has stated that it complies with under a to c.

Article 9.3 [expired as of 01-07-2005]

Article 9.4 [expired as of 01-11-1999]

Article 9.5. Official title

This Regulation is referred to as: the Working Conditions Regulation.

This Regulation will be published in the Government Gazette along with the explanatory notes and annexes.

's-Gravenhage, 12 March 1997

The aforementioned State Secretary,
signed F.H.G. de Grave