

Government Decision no. 1048 of 09/08/2006
on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace

CHAPTER I
GENERAL PROVISIONS

Art. 1. – This Decision lays down minimum requirements for personal protective equipment used by workers at work.

Art. 2. - The provisions of the Law of safety and health in work no. 319/2006 are fully applicable to the whole scope referred to in paragraph 1, without prejudice to more restrictive and/or specific provisions contained in this Decision.

Art. 3. - (1) For the purposes of this Decision, personal protective equipment shall mean all equipment designed to be worn or held by the worker to protect him against one or more hazards likely to endanger his safety and health at work, and any addition or accessory designed to meet this objective.

(2) The definition in paragraph 1 excludes:

- (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker;
- (b) equipment used by emergency and rescue services;
- (c) personal protective equipment worn or used by the military, the police and other public order institutions;
- (d) personal protective equipment for means of road transport;
- (e) sport equipment;
- (f) self-defence or deterrent equipment;
- (g) portable devices for detecting and signalling risks and nuisances.

Art. 4. - Personal protective equipment shall be used when the risks cannot be avoided or sufficiently limited by technical means of collective protection or by measures, methods or procedures of work organization.

CHAPTER II
EMPLOYERS' OBLIGATIONS

Section 1
General provisions

Art. 5. - (1) Personal protective equipment must comply with the provisions of the Government Decision no. 115/2004 regarding laying down of the essential safety requirements for personal protective equipment and their conditions for the putting on market, with all its amendments.

(2) All personal protective equipment must:

- (a) be appropriate for the risks involved, without itself leading to any increased risk;
- (b) correspond to existing conditions at the workplace;
- (c) take account of ergonomic requirements and the worker's state of health;
- (d) fit the wearer correctly after any necessary adjustment.

Art. 6. - Where the presence of more than one risk makes it necessary for a worker to wear simultaneously more than one item of personal protective equipment, such equipments must be compatible and continue to be effective against the risk or risks in question.

Art. 7. - The conditions of use of personal protective equipment, in particular the period for which it is worn, are determined on the basis of the seriousness of the risk, the frequency of exposure to the risk, the characteristics of the workstation of each worker and the performance of the personal protective equipment.

Art. 8. - (1) Personal protective equipment is, in principle, intended for personal use of one person only.

(2) If the circumstances require personal protective equipment to be worn by more than one person, appropriate measures are taken to ensure that such use does not create any health or hygiene problem for the different users.

Art. 9. - Within the undertaking and/or establishment, adequate information on each personal protective equipment must be provided and made available, required under Articles 5 and 6.

Art. 10. - (1) Personal protective equipment shall be provided free of charge by the employer, who shall ensure its good working order and satisfactory hygienic condition by means of the necessary maintenance, repair and replacements.

(2) Ministry of Labour, Social Solidarity and Family may provide provisions laying down that the worker be asked to contribute towards the cost of certain personal protective equipment in circumstances where use of the equipment is not exclusive to the workplace.

Art. 11. - The employer shall first inform the worker of the risks against which the wearing of the personal protective equipment protects him.

Art. 12. - The employer shall arrange for training and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment.

Art. 13. - (1) Personal protective equipment may be used only for the purposes specified and in accordance with instructions, except in specific and exceptional circumstances.

(2) Such instructions must be understandable to the workers.

SECOND SECTION

Assessment of personal protective equipment

Art. 14. - (1) Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies the requirements of Articles 5 and 6.

(2) This assessment shall involve:

- (a) the analysis and assessment of risks which cannot be avoided by other means;
- (b) the definition of the characteristics which personal protective equipment must have in order to be effective against the risks referred to in (a), taking into account any risks which this equipment itself may create;
- (c) the comparison of the characteristics of the personal protective equipment available with the characteristics referred to in (b).

Art. 15. - The assessment provided for in Article 14 is reviewed taking account any changes which are made to any of its elements.

Section 3

Rules for use

Art. 16. - (1) Without prejudice to Articles 4-15, Ministry of Labor, Social Solidarity and Family establish general rules for the use of personal protective equipment and/or rules covering cases and situations where the employer must provide the personal protective equipment, taking account of Romanian technical regulations transposing Community legislation on the free movement of such equipment.

(2) These rules indicate in particular the circumstances or the risk situations in which, without prejudice to the priority to be given to collective means of protection, the use of personal protective equipment is necessary.

(3) Annexes 1-3, which constitute a guide, contain useful information for establishing such rules. and are integral parts of this Decision.

Art. 17. - When Ministry of Labor, Social Solidarity and Family adapts the rules referred to in Article 16, it shall take account of any significant changes to the risk, collective means of protection and personal protective equipment brought about by technological developments.

Art. 18. - Ministry of Labor, Social Solidarity and Family shall consult the employers' and workers' organization on the rules referred to in Articles 16 and 17.

Section 4 **Information, consultation and participation of workers**

Art. 19. - Without prejudice to the provisions of Article 16 of Law of safety and health in work no. 319/2006, workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work.

Art. 20. - Consultation and participation of workers and/or of their representatives take place in accordance with the provisions of Article 18 of Law no. 319/2006 on the matters covered by this Decision, including the Annexes thereto.

CHAPTER III **FINAL PROVISIONS**

Art. 21.

Art. 22. - Ministry of Labor, Social Solidarity and Family shall report to the Commission every five years on the practical implementation of the provisions of this Decision, indicating the points of view of social partners.

Art. 23. - This Decision enters into force at 1 October 2006.

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This Decision transposes the Directive 89/656/EEC on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (89/656/EEC), published in Official Journal of European Communities (JOCE) no. L 393/1989.

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CĂLIN POPESCU-TĂRICEANU

București, 9 august 2006.
Nr. 1.048.

NON-EXHAUSTIVE GUIDE LIST OF ITEMS OF PERSONAL PROTECTIVE EQUIPMENT

HEAD PROTECTION

- Protective helmets for use in industry (mines, building sites, other industrial uses).
- Scalp protection (caps, bonnets, hairnets - with or without eye shade).
- Protective headgear (bonnets, caps, sou'westers, etc. in fabric, fabric with proofing, etc.).

HEARING PROTECTION

- Earplugs and similar devices.
- Full acoustic helmets.
- Earmuffs which can be fitted to industrial helmets.
- Ear defenders with receiver for LF induction loop.
- Ear protection with intercom equipment.

EYE AND FACE PROTECTION

- Spectacles.
- Goggles.
- X-ray goggles, laser-beam goggles, ultra-violet, infra-red, visible radiation goggles.
- Face shields.
- Arc-welding masks and helmets (hand masks, headband masks or masks which can be fitted to protective helmets).

RESPIRATORY PROTECTION

- Dust filters, gas filters and radioactive dust filters.
- Insulating appliances with an air supply.
- Respiratory devices including a removable welding mask.
- Diving equipment.
- Diving suits.

HAND AND ARM PROTECTION

- Gloves to provide protection:
 - from machinery (piercing, cuts, vibrations, etc.),
 - from chemicals,
 - for electricians and from heat.
- Mittens.
- Finger stalls.
- Oversleeves.
- Wrist protection for heavy work.
- Fingerless gloves.
- Protective gloves.

FOOT AND LEG PROTECTION

- Low shoes, ankle boots, calf-length boots, safety boots.
- Shoes which can be unlaced or unhooked rapidly.
- Shoes with additional protective toe-cap.
- Shoes and overshoes with heat-resistant soles.

- Heat-resistant shoes, boots and overboots.
- Thermal shoes, boots and overboots.
- Vibration-resistant shoes, boots and overboots.
- Anti-static shoes, boots and overboots.
- Insulating shoes, boots and overboots.
- Protective boots for chain saw operators.
- Clogs.
- Kneepads.
- Removable instep protectors.
- Gaiters.
- Removable soles (heat-proof, pierce-proof or sweat-proof).
- Removable spikes for ice, snow or slippery flooring.

SKIN PROTECTION

- Barrier creams/ointments.

TRUNK AND ABDOMEN PROTECTION

- Protective waistcoats, jackets and aprons to provide protection from machinery (piercing, cutting, molten metal splashes, etc.).
- Protective waistcoats, jackets and aprons to provide protection from chemicals.
- Heated waistcoats.
- Life jackets.
- Protective X-ray aprons.
- Body belts.

WHOLE BODY PROTECTION

- Equipment designed to prevent falls
- Fall-prevention equipment (full equipment with all necessary accessories).
- Braking equipment to absorb kinetic energy (full equipment with all necessary accessories).
- Body-holding devices (safety harness).
- Protective clothing
- 'Safety' working clothing (two-piece and overalls).
- Clothing to provide protection from machinery (piercing, cutting, etc.).
- Clothing to provide protection from chemicals.
- Clothing to provide protection from molten metal splashes and infra-red radiation.
- Heat-resistant clothing.
- Thermal clothing.
- Clothing to provide protection from radioactive contamination.
- Dust-proof clothing.
- Gas-proof clothing.
- Fluorescent signalling, retro-reflecting clothing and accessories (armbands, gloves, etc.).
- Protective coverings.

**NON-EXHAUSTIVE GUIDE LIST OF ACTIVITIES AND SECTORS OF ACTIVITY WHICH
MAY REQUIRE THE PROVISION OF PERSONAL PROTECTIVE EQUIPMENT**

1. HEAD PROTECTION (SKULL PROTECTION)

Protective helmets

- Building work, particularly work on, underneath or in the vicinity of scaffolding and elevated workplaces, erection and stripping of formwork, assembly and installation work, work on scaffolding and demolition work.
- Work on steel bridges, steel building construction, masts, towers, steel hydraulic structures, blast furnaces, steel works and rolling mills, large containers, large pipelines, boiler plants and power stations.
- Work in pits, trenches, shafts and tunnels.
- Earth and rock works.
- Work in underground workings, quarries, open diggings, coal stock removal.
- Work with bolt-driving tools.
- Blasting work.
- Work in the vicinity of lifts, lifting gear, cranes and conveyors.
- Work with blast furnaces, direct reduction plants, steelworks, rolling mills, metalworks, forging, drop forging and casting.
- Work with industrial furnaces, containers, machinery, silos, bunkers and pipelines.
- Shipbuilding.
- Railway shunting work.
- Slaughterhouses.

2. FOOT PROTECTION

Safety shoes with puncture-proof soles

- Carcase work, foundation work and roadworks.
- Scaffolding work.
- The demolition of carcase work.
- Work with concrete and prefabricated parts involving formwork erection and stripping.
- Work in contractors' yards and warehouses.
- Roof work.

Safety shoes without pierce-proof soles

- Work on steel bridges, steel building construction, masts, towers, lifts, steel hydraulic structures, blast furnaces, steelworks and rolling mills, large containers, large pipelines, cranes, boiler plants and power stations.
- Furnace construction, heating and ventilation installation and metal assembly work.
- Conversion and maintenance work.
- Work with blast furnaces, direct reduction plants, steelworks, rolling mills, metalworks, forging, drop forging, hot pressing and drawing plants.
- Work in quarries and open diggings, coal stock removal.
- Working and processing of rock.
- Flat glass products and container glassware manufacture, working and processing.
- Work with moulds in the ceramics industry.
- Lining of kilns in the ceramics industry.
- Moulding work in the ceramic ware and building materials industry.
- Transport and storage.
- Work with frozen meat blocks and preserved foods packaging.
- Shipbuilding.
- Railway shunting work.

Safety shoes with heels or wedges and pierce-proof soles

- Roof work.

Protective shoes with insulated soles

- Work with and on very hot or very cold materials.

Safety shoes which can easily be removed

- Where there is a risk of penetration by molten substances.

3. EYE OR FACE PROTECTION

Protective goggles, face shields or screens

- Welding, grinding and separating work.
- Caulking and chiselling.
- Rock working and processing.
- Work with bolt-driving tools.
- Work on stock removing machines for small chippings.
- Drop forging.
- The removal and breaking up of fragments.
- Spraying of abrasive substances.
- Work with acids and caustic solutions, disinfectants and corrosive cleaning products.
- Work with liquid sprays.
- Work with and in the vicinity of molten substances.
- Work with radiant heat.
- Work with lasers.

4. RESPIRATORY PROTECTION

Respirators/breathing apparatus

- Work in containers, restricted areas and gas-fired industrial furnaces where there may be gas or insufficient oxygen.
- Work in the vicinity of the blast furnace charge.
- Work in the vicinity of gas converters and blast furnace gas pipes.
- Work in the vicinity of blast furnace taps where there may be heavy metal fumes.
- Work on the lining of furnaces and ladles where there may be dust.
- Spray painting where dedusting is inadequate.
- Work in shafts, sewers and other underground areas connected with sewage.
- Work in refrigeration plants where there is a danger that the refrigerant may escape.

5. HEARING PROTECTION

Ear protectors

- Work with metal presses.
- Work with pneumatic drills.
- The work of ground staff at airports.
- Pile-driving work.
- Wood and textile working.

6. BODY, ARM AND HAND PROTECTION

Protective clothing

- Work with acids and caustic solutions, disinfectants and corrosive cleaning substances.
- Work with or in the vicinity of hot materials and where the effects of heat are felt.

- Work on flat glass products.
- Shot blasting.
- Work in deep-freeze rooms.

Fire-resistant protective clothing

- Welding in restricted areas.

Pierce-proof aprons

- Boning and cutting work.
- Work with hand knives involving drawing the knife towards the body.

Leather aprons

- Welding.
- Forging.
- Casting.

Forearm protection

- Boning and cutting.

Gloves

- Welding.
- Handling of sharp-edged objects, other than machines where there is a danger of the glove's being caught.
- Unprotected work with acids and caustic solutions.

Metal mesh gloves

- Boning and cutting.
- Regular cutting using a hand knife for production and slaughtering.
- Changing the knives of cutting machines.

7. WEATHERPROOF CLOTHING

- Work in the open air in rain and cold weather.

8. REFLECTIVE CLOTHING

- Work where the workers must be clearly visible.

9. SAFETY HARNESES

- Work on scaffolding.
- Assembly of prefabricated parts.
- Work on masts.

10. SAFETY ROPES

- Work in high crane cabs.
- Work in high cabs of warehouse stacking and retrieval equipment.
- Work in high sections of drilling towers.
- Work in shafts and sewers.

11. SKIN PROTECTION

- Processing of coating materials.
- Tanning.