

THE GOVERNMENT OF ROMANIA

DECISION no.601/2007

amending some normative acts in the domain of safety and health at work

On the basis of Article 108 in the Romanian Constitution, republished, and Article 51 paragraph (2) of the Safety and Health at Work Law no.319/2006,

The Government of Romania has adopted this decision:

Article I. – *The Government Decision no.1875/2005 on the protection of workers from the risks related to exposure to asbestos at work*, published in the Romanian Official Monitor, Part I no.64 from 24th of January 2006, is amended as follows:

1. Article 8 is modified and will have the following content:

“Art.8 - In the case of any activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, the employer must command to perform a risk assessment and must monitor this risk in such a way as to determine the nature of the exposure - the mineralogical variety of the asbestos, the dimension of the fibre - and the degree of the workers’ exposure to dust arising from asbestos or materials containing asbestos.”

2. Article 9, the preliminary part of paragraph (1) is modified and will have the following content:

“Art.9 - (1) When it is clear from the results of the risk assessment referred to in Article 8 that the exposure limit for asbestos will not be exceeded in the air of the working area, provisions of Articles 11-15 and Articles 39-44 shall not apply, where working process involves.”

3. Paragraph (2) of Article 9 is repealed.

4. Paragraph (2) of Article 27 is modified and will have the following content:

“(2) In order to apply the provisions referred to in paragraph (1), the employers have to ask for information to the owners of the premises with goal of identifying presumed asbestos containing materials when necessary.”

5. Paragraph (4) of Article 31 is modified and will have the following content:

“(4) At the request of the territorial labour inspectorate and territorial or Bucharest municipality public health directorates, the employer must submit the plan referred to in paragraph (1), before the start of the projected work.”

6. Paragraphs (1), (2) and (6) of Article 36 are modified and will have the following content:

“Art.36 - (1) For all the activities referred to in Article 4, aside from those referred to in Article 9, the employer shall provide to workers appropriate working clothing and/or personal protective equipment.

(2) The employer shall ensure that in any event this working clothing and/or personal protective equipment, referred to in paragraph (1), could not be drawn outside the undertaking.

.....
(6) The employer has to ensure that personal protective equipment, referred to in paragraph (1), shall be placed in a well-defined place and shall be checked and cleaned after each use.”

7. Paragraph (2) of Article 43 is modified and will have the following content:
“(2) The occupational medicine physician responsible for medical surveillance shall have access to the register referred to in paragraph (1).”

8. Article 45 is modified and will have the following content:
“Art.45 – (1) The national operative register of occupational diseases recognized as consequence of asbestos exposure, including asbestosis and mesothelioma, is established at the level of the National Centre for Methodological Co-ordination and Information concerning Occupational Diseases from the Public Health Institute Bucharest.

(2) The report on occupational diseases referred to in paragraph (1) is made according to the annex no.22 of Government Decision no.425/2006 to approve the Methodological norms to implement the provisions of the Safety and Health at Work Law no.319/2006.”

9. Paragraph (1) of Article 46 is modified and will have the following content:
“Art.46 - (1) Infringement of the provisions in this decision leads to disciplinary, administrative, material, civil or criminal penalty, as the case, in accordance with the Safety and Health at Work Law no.319/2006.”

10. After paragraph (1) of Article 46 is introduced a new paragraph, paragraph (1¹), with the following content:

“(1¹) They are deemed as contraventions and they are sanctioned with summary offence fines from 5,000 lei to 10,000 lei the breach of the provisions of Article 12 or Article 36 paragraphs (2), (3), (4), (5), (6) or (7).”

Article II. - *The Government Decision no.1876/2005 on the minimum safety and health requirements regarding the exposure of workers to the risks arising from vibration*, published in The Romanian Official Monitor, Part I, no.81, from 30th of January 2006, is amended as follows:

1. Article 3 is modified and will have the following content:
“Art.3 - The provisions of the Safety and Health at Work Law no.319/2006 shall apply fully to the whole scope referred to in Article 2, without prejudice to more stringent and/or more specific provisions contained in this decision.”

2. Paragraph (1) of Article 6 is modified and will have the following content:
“Art. 6 – (1) For whole-body vibration:
a) the daily occupational exposure limit value standardised to an eight-hour reference period shall be 1,15 m/s²;
b) the daily exposure action value standardised to an eight-hour reference period shall be 0,5 m/s².”

3. Paragraph (1) of Article 7 is modified and will have the following content:
“Art. 7 – (1) In carrying out the obligations laid down in art.7, paragraph (4) and art.12, paragraph (1) of the Law no.319/2006, the employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed.”

4. Paragraph (1) of Article 9 is modified and will have the following content:
“Art. 9 - (1) The assessment and measurement referred to in Article 7 shall be planned and carried out by competent services at suitable intervals, taking particular account of the provisions of art.8 and art.9 of The Law no.319/2006, concerning the necessary competent services for protection and prevention or designated workers responsible with health an safety at work.”

5. Paragraphs (1) and (2) of Article 11 are modified and will have the following content:

“Art. 11 - (1) The employer shall be in possession of an assessment of the risk in accordance with the provisions of Article 12, paragraph (1) of the Law no.319/2006, and shall identify which measures must be taken in accordance with the provisions of art.12-17 of present Decision.

(2) The risk assessment shall be recorded on a suitable medium and may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary.”

6. Paragraph (2) of Article 12 is modified and will have the following content:

“(2) The reduction of the risks set out in paragraph (1) shall be based on the general principles of prevention set out in Article 7 paragraph (3) of the Law no.319/2006.”

7. Paragraph (1) of Article 16 is modified and will have the following content:

“Art. 16 - Pursuant to the provisions of Article 35 of the Law no.319/2006, the employer shall adapt the measures referred to in this section to the requirements of workers who are exposed at particular risk.”

8. Paragraph (1) of Article 17 is modified and will have the following content:

”Art.17 – (1) Without prejudice to the provisions of Articles 16, 17, 20 and 21 of the Law no.319/2006, the employer shall ensure that workers who are exposed to the risks from mechanical vibration at workplace and/or their representatives receive information relating to the outcome of the risk assessment provided for in Article 7 and an adequate training.”

9. Article 18 is modified and will have the following content:

”Art.18 - Consultation and participation of workers and/or their representatives shall take place in accordance with Article 18 of the Law no.319/2006, on the matters covered by this decision.”

10. Paragraph (1) of Article 19 is modified and will have the following content:

”Art.19 – (1) Without prejudice to the provisions of Articles 24 and 25 of the Law no.319/2006, the Ministry of Public Health shall adopt dispositions to ensure the appropriate health surveillance of workers with reference to the outcome of the risk assessment provided for in Article 7 where it indicates a risk to their health.”

11. Paragraph (2) of Article 20 is modified and will have the following content:

”Art.20 – (2) The results of the health surveillance made in accordance with Article 25 must be taken into account in the application of preventive measures at a specific workplace.”

12. Paragraph (1), lit.d) of Article 25 is modified and will have the following content:

“d) take into account the advice of the occupational medicine physician or the territorial and Bucharest municipality public health authorities in implementing any measures required to eliminate or reduce risk in accordance with section 2nd of chapter II, including the possibility of assigning the worker to another workstation where there is no risk of exposure;”

13. Paragraph (2) of Article 26 is modified and will have the following content:

“(2) With regard to equipment used in the agriculture and forestry sectors, by way of exception from the paragraph (1) these may be used until 1st July 2014.”

14. Articles 27, 28 and 29 are repealed.

Article III. – *The Government Decision no.300/2006 on the minimum safety and health requirements for temporary and mobile construction sites, published in the Romanian Official Monitor, Part I no.252 from 21st of March 2006, is amended as follows:*

1. Article 3 is modified and will have the following content:

“Art.3 - The provisions of the Safety and Health at Work Law no.319/2006 shall apply fully to the scope referred to in Article 1, without prejudice to more restrictive and/or specific provisions contained in this decision.”

2. The preliminary part of Article 51 is modified and will have the following content:

“Art.51 - The project manager, the designer, or where appropriate the client, have to consider the general principles of prevention concerning safety and health referred to in the Law no.319/2006, during all stages of works starting with the conception, study and project design, in particular as regards:”

3. The preliminary part of Article 56 is modified and will have the following content:

“Art.56 - During the whole period of work’s completion, the employers and self-employed persons have to observe the general obligations devolved on them according to Article 7 of the Law no.319/2006, in particular as regards:”

4. Article 62 is modified and will have the following content:

“Art.62 - The implementation of Articles 54, 58 and 60 shall not affect the principle of employers' responsibility as provided for in Law no. 319/2006.”

5. Article 65, letter a) is modified and will have the following content:

“a) to observe the general obligations of employers according to Article 7 paragraph (5) and Articles 22 and 23 of the Law no.319/2006;”

6. Article 68 is modified and will have the following content:

“Art.68 - The consultation and participation of workers and/or their representatives on matters covered by Articles 56, 58 and 63 shall take place in accordance with Article 18 of the Law no.319/2006.”

7. After the chapter IX a new chapter is introduced, chapter IX¹ entitled “Sanctions”, which comprehends the Article 70¹ with the following content:

“Art.70¹ – (1) They are deemed as contraventions and they are sanctioned with summary offence fines from 4,000 lei to 8,000 lei the breach of the provisions of Articles 6 or 7, Article 9 letter d), Articles 10, 42, 47, or 48.

(2) The provisions concerning contraventions laid down in paragraph (1), shall be fill out with the provisions of the Government Ordinance no.2/2001 regarding the juridical regime of contraventions, as amended and approved by Law no.180/2002, with subsequent amendments.

(3) The finding of contraventions and bringing into force the fines referred to in paragraph (1) are carried out by the labour inspectors.”

8. Annex no.2, points 3 and 7 are modified and will have the following content:

“3. Works with exposure at ionizing radiation for which the applicable provisions of the law require the demarcation of controlled or supervised areas.

.....
7. Works carried out by workers in caisson with a compressed-air atmosphere.”

9. Annex no.2, after the point 7 is introduced a new point, point 7¹, with the following content:

“7¹. Works carried out by persons having a system of air supply for respiratory protection; works carried out under immersion with respiratory protection.”

10. Annex no.4, points 3.4, 4.4 and 13.4 are modified and will have the following content:

“3.4. Emergency routes and exits must be indicated by signs in accordance with provisions of Government Decision no.971/2006 on the minimum requirements for the provision of safety and/or health signs at work.

The signboards must be sufficiently resistant and be placed at appropriate points.

.....
4.4. Such equipment must be indicated by signs in accordance with the provisions of Government Decision no.971/2006.

The signboards must be sufficiently resistant and be placed at appropriate points.

.....
13.4. These rooms must be signposted in accordance with the provisions of Government Decision no.971/2006.”

Article IV. – The Government Decision no.493/2006 on the minimum safety and health requirements regarding the exposure of workers to the risks arising from noise, published in the Romanian Official Monitor, Part I no.380 from 3rd of May 2006, is amended as follows:

1. Article 3 is modified and will have the following content:

“Art.3 - The provisions of the Safety and Health at Work Law no.319/2006 shall apply fully to activities referred to in Article 2, without prejudice to more restrictive and/or specific provisions contained in this decision.”

2. Article 8 is modified and will have the following content:

“Art.8 - (1) In carrying out the obligations laid down in Article 7 and Article 12 paragraph (1) of the Safety and Health at Work Law no.319/2006, the employer shall assess and, if necessary, measure the levels of noise to which workers are exposed.

(2) In order to assess the risk referred to in paragraph (1) it will be considered the maximal limit values admissible for noise at the workstations with raised or particular neuro-psychical and psycho-sensorial charge, laid down in the annex.”

3. Article 12 is modified and will have the following content:

“Art.12 - The assessment and measurement referred to in Article 8 shall be planned and carried out by competent services at suitable intervals, taking particular account of the provisions of Articles 8 and 9 of the Law no.319/2006 concerning the necessary prevention and protection services or competent persons.”

4. The preliminary part of Article 15 is modified and will have the following content:

“Art.15 - Pursuant to Article 7 par.(4) of Law no.319/2006, the employer shall give particular attention, when carrying out the risk assessment, to the following issues:”

5. The paragraph (1) of the Article 16 is modified and will have the following content:

“Art.16 – (1) The employer shall be in possession of an assessment of risks in accordance with Article 12 paragraph (1) letter a) of Law no.319/2006 and shall identify which measures must be taken in accordance with Articles 6 – 11 of the same Law concerning the safety and health of workers.”

6. The preliminary part of Article 18 is modified and will have the following content:

“Art.18 - The reduction of the risks arising from exposure to noise shall be based on the general principles of prevention set out in the national legislation transposing the Directive 89/391/EEC, taking particular account of the following:”

7. Article 22 is modified and will have the following content:

“Art.22 - Pursuant to Article 35 of Law no.319/2006, the employer shall adapt the measures referred to in this Section to the needs of workers belonging to particularly sensitive risk groups.”

8. The preliminary part of Article 23 is modified and will have the following content:

“Art.23 - Where risks arising from noise exposure cannot be prevented by other means, appropriate, properly fitting individual hearing protectors shall be made available to workers and be used by them in accordance with the provisions of Government Decision no.1048/2006 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace and Article 23 of Law no.319/2006 and under the following conditions:”

9. The preliminary part of Article 28 is modified and will have the following content:

“Art.28 - Without prejudice to the provisions of Articles 16, 17, 20 and 21 of Law no.319/2006, the employer shall ensure that workers who are exposed to noise at work at or above the lower exposure action values from which starts the action, and/or their representatives, receive information and training relating to risks resulting from exposure to noise concerning, in particular:”

10. The preliminary part of Article 29 is modified and will have the following content:

“Art.29 - Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 18 of Law no.319/2006 on the matters covered by this decision, and in particular shall refer to the following:”

11. The paragraph (1) of the Article 30 is modified and will have the following content:

“Art.30 - (1) Taking into account provisions laid down in Articles 24 and 25, where the results of the assessment and measurement provided for in Article 8 indicate a risk to the workers health, the Ministry of Public Health shall adopt regulations in order to ensure the appropriate surveillance of their health, in accordance with Law no.319/2006.”

12. The Government Decision no.493/2006 is completed with the annex “Maximal limit values admissible for noise at the workstations with raised or particular neuro-psychical and psycho-sensorial charge”, provided in the annex to this decision.

Article V. – The Government Decision no.1875/2005 on the protection of workers from the risks related to exposure to asbestos at work, published in the Romanian Official Monitor, Part I no.64 from 24th of January 2006, the Government Decision no.1876/2005 on the minimum safety and health requirements regarding the exposure of workers to the risks arising from vibration, published in the Romanian Official Monitor, Part I, no.81, from 30th of January 2006, the Government Decision no.300/2006 on the minimum safety and health requirements for temporary and mobile construction sites, published in the Romanian Official Monitor, Part I no.252 from 21st of March 2006, and The Government Decision no.493/2006 on the minimum safety and health requirements regarding the exposure of workers to the risks arising from noise, published in the Romanian Official Monitor, Part I no.380 from 3rd of May 2006, with the amendments brought by this decision, will be republished in the Romanian Official Monitor, Part I, and will be given new numbers to texts.

PRIME-MINISTER

CĂLIN POPESCU-TĂRICEANU

MAXIMAL LIMIT VALUES
admissible for noise at the workstations with raised or particular neuro-psychical and psycho-sensorial charge

(attention, responsibility, decision, temporal constraint)

Complexity of work	Workplace	admissible level of noise $L_{ech,z}$ [dB(A)]
Workstations with raised neuro-psychical and psycho-sensorial charge	<ul style="list-style-type: none"> ● testing laboratories or repair shops ● supervision booth for technological processes ● customs point 	75
Workstations with particular neuro-psychical and psycho-sensorial charge	<ul style="list-style-type: none"> ● RTV and cinematographic studios ● command and control booths (e.g.: reception desk in energy system, reception desk for roadstead or railroad or naval transportation) ● measurement and research and design ● offices or computer rooms ● treatment rooms ● counters for public relations or assets handling or postal mapping ● written and audio mass-media redaction rooms ● medical offices, study halls, classrooms, lecture rooms, library rooms 	60
	<ul style="list-style-type: none"> ● surgery and treatment rooms ● art studios ● information and control rooms for flight traffic 	50

* L_{ech} [dB(A)] – equivalent continuous noise level