

Evaluation of the EU Occupational Safety and Health Directives

COUNTRY SUMMARY REPORT FOR HUNGARY

VC/2013/0049



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IOM 

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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

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ABBREVIATIONS USED

ÁNTSZ	National Public Health and Medical Office Service (former) (<i>Állami Népegészségügyi és Tisztiorvosi Szolgálat</i>)
AOR	Artificial Optical Radiation
ATEX	<i>Appareils destinés à être utilisés en ATmosphères EXplosibles</i>
DSE	Display Screen Equipment
EMF	Electromagnetic Fields
EüM	Ministry of Health (former) (<i>Egészségügyi Minisztérium</i>)
FMM	Ministry of Employment and Labour (<i>Foglalkoztatáspolitikai és Munkügyi Minisztérium</i>)
GM	Ministry of Economy (former) (<i>Gazdasági Minisztérium</i>)
Met.	Act LXXV of 1996 on Labour Inspection
MHL	Manual Handling of Loads
MüM	Ministry of Labour (former) (<i>Munkügyi Minisztérium</i>)
NGTT	National Economic and Social Council of Hungary (<i>Nemzeti Gazdasági és Társadalmi Tanács</i>)
NIHD	National Institute for Health Development (<i>Országos Egészségfejlesztési Intézet - OEFI</i>)
NMH	National Labour Office (<i>Nemzeti Munkügyi Hivatal</i>)
OCMO	Office of the Chief Medical Officer
OMMF	Hungarian Labour Inspectorate (former) (<i>Országos Munkavédelmi és Munkügyi Főfelügyelőség</i>)
OSH	Occupational Safety and Health
PFROS	Public Foundation for Research in Occupational Safety
PPE	Personal Protective Equipment
SME	Small and Medium Enterprise
SzCsM	Ministry of Social and Family Issues (former) (<i>Szociális és Családügyi Minisztérium</i>)
SzMM	Ministry of Social and Employment Issues (former) (<i>Szociális és Munkügyi Minisztérium</i>)
VKF	Standing Consultative Forum for the Private Sector and the Government (<i>Versenyszféra és a Kormány Állandó Konzultációs Fórum</i>)
WE	Work Equipment

INTRODUCTION

General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in Hungary. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Summary Reports prepared for each of the other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report are the following:

Mapping question

MQ1: “Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?”

MQ2: “What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?”

MQ3: “What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?”

MQ4: “What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?”

MQ5: “What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?”

MQ6: “What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?”

MQ7: “What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?”

The template is structured according to these mapping questions.

1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

1.1 GENERAL LEGAL FRAMEWORK

During 2007-2012, Hungary has introduced a range of amendments to its OSH legislation, together with the repealing of some acts as part of the deregulation reform. In particular, the sanctioning rules have been amended and fines are now the only administrative sanctions available.

The structure of the legislation on OSH in Hungary is very similar to the structure of the EU one. The main legislation on OSH, which transposes all requirements of Directive 89/391/EEC (Framework Directive), is the Act XCIII of 1993 on Occupational Safety ("OSH Law"). The OSH Law is the basic OSH legal act in Hungary covering a whole range of OSH-related issues. It lays down the structure of national OSH management through the Labour Inspectorate and also defines the State's obligation to cooperate with international bodies and national stakeholders. The Hungarian legislation in the area of health and safety covers all types and sectors, without distinction, including the public sector and SME. It should be noted that it does not cover the self-employed. The OSH Law is further implemented by Regulation 5/1993 and Decree 33/1998. This latter ministerial Decree No. 33 of the Minister of Welfare of 1998 on fitness-for-job, professional and personal hygienic medical examinations focuses specifically on improving the health and safety of vulnerable workers.

Individual directives are transposed through specific ministerial decrees or joint decrees. The only exceptions relate to Directive 98/24/EC (chemical agents at work) as the Act XXV on Chemical Safety applies along with a specific ministerial Decree on the Protection from Chemical Agents at Work and to Directive 92/85/EEC (pregnant/breastfeeding workers), which has been transposed through the Labour Code, a specific Act CCXI on the Protection of Families and ministerial Decree 33/1998. Although Directive 92/29/EEC (medical treatment on board vessels) has been transposed in Hungarian legislation, is it not implemented as there are no maritime vessels sailing under the Hungarian flag or registered under Hungarian jurisdiction. Directive 2004/40/EC (electromagnetic fields) has not been transposed.

Only one infringement proceeding was initiated against Hungary in relation to Directive 2006/25/EC (artificial optical radiation) for non-communication. The case has been closed.

The following table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

Table 1- 1 General Legal Framework¹

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)	○		<p>Act XCIII of 1993 on Occupational Safety (1993. évi XCIII. törvény a munkavédelemről), entry into force on 01/01/1994 (OSH Law)²</p> <p><i>Important implementing legislation:</i></p> <ul style="list-style-type: none"> • 5/1993. (Dec. 26.) Regulation of the Minister of Labour on the implementation of certain provisions of Act XCIII of 1993 on Occupational Safety (5/1993. (XII. 26.) MÜM rendelet a munkavédelemről szóló 1993. évi XCIII. törvény egyes rendelkezéseinek végrehajtásáról) (OSH Law Implementation) • 33/1998. (June. 24) Decree of the Ministry of Social Welfare on the medical examination of and opinion on fitness for a job or a profession and personal hygiene aptitude (3/1998. (VI. 24.) NM rendelet a munkaköri, szakmai, illetve személyi higiénés alkalmasság orvosi vizsgálatáról és véleményezéséről) (Fitness Decree) 	Y	
Council Directive 89/654/EEC (workplace)	○		<p>3/2002. (Feb. 8.) Joint Decree of the Ministry of Social and Family Affairs and the Ministry of Health on the minimum safety requirements for the workplace (3/2002. (II. 8.) SzCsm-EÜM együttes rendelet a munkahelyek munkavédelmi követelményeinek minimális szintjéről), entry into force on 16/05/2008. (Workplace Decree)</p>	Y	
Directive 2009/104/EC (work equipment)	○		<p>14/2004. (Apr. 19.) Decree of the Ministry of Employment Policy and Labour on the minimum safety and health requirements for the use of work equipment by workers at work (14/2004. (IV. 19.) FMM rendelet a munkaeszközök és használatuk biztonsági és egészségügyi követelményeinek minimális szintjéről), entry into force on 16/05/2008. (WE Decree)</p>	Y	
Council Directive 89/656/EEC (PPE)	○		<p>65/1999 (Dec.22.) Decree of the Minister of Health on the minimum health and safety requirements of the use by workers of personal protective equipment at work (65/1999. (XII. 22.) EÜM rendelet a munkavállalók munkahelyen történő egyéni védőeszköz használatának minimális biztonsági és egészségvédelmi</p>	Y	

¹ Based on the National Implementation Report 2014, Part A, Section II, (EN) p. 90-93.

² The legal background is also based on the Fundamental Law of Hungary, Article XVII and Article XX.

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			követelményeiről), entry into force on 1/08/2000. (PPE Decree) <i>Other relevant applicable legislation:</i> <ul style="list-style-type: none"> 18/2008. (Dec. 3.) Decree of the Ministry of Social and Labour Affairs on the requirements for personal protective equipment and their conformity certificates (18/2008. (XII. 3.) SZMM rendelet az egyéni védőeszközök követelményeiről és megfelelőségének tanúsításáról), entry into force on 19/12/2008. (PPE Requirements Decree) 		
Council Directive 92/58/EEC (OSH signs)	○		2/1998. (Jan. 16.) Decree of the Ministry of Labour on the safety and health signs at work (2/1998. (I. 16.) MÜM rendelet a munkahelyen alkalmazandó biztonsági és egészségvédelmi jelzésekről), entry into force on 16/01/1998. (OSH Signs Decree)	Y	
Directive 1999/92/EC (ATEX)	○		3/2003. (Mar. 11.) Joint Decree of the Ministry of Health and Family Affairs and the Ministry of Employment and Labour on the minimum requirements for improving the safety of workers potentially at risk from explosive atmosphere (3/2003. (III.11.) FMM-EszCsM együttes rendelet a potenciálisan robbanásveszélyes környezetben levő munkahelyek minimális munkavédelmi követelményeiről), entry into force on 01/05/2004. (ATEX Decree)	Y	
Council Directive 90/269/EEC (manual handling of loads)	○		25/1998. (Dec. 27.) Decree of the Ministry of Health on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (25/1998. (XII. 27.) EÜM rendelet az elsősorban hátsérülések kockázatával járó kézi tehermozgatás minimális egészségügyi és biztonsági követelményeiről), entry into force on 25/02/1998. (MHL Decree)	Y	
Council Directive 90/270/EEC (display screen equipment)	○		50/1999. (Nov. 3.) Decree of the Ministry of Health on the minimum safety and health requirements for work with display screen equipment (50/1999. (XI. 3.) EÜM rendelet a képernyő előtti munkavégzés minimális egészségügyi és biztonsági követelményeiről), entry into force on 02/01/2000. (DSE Decree)	N	
Directive 2002/44/EC (vibration)	○		22/2005. (Jun. 24.) Decree of the Ministry of Health on the minimum health and safety requirements regarding the exposure of workers to vibration (22/2005. (VI. 24.) EÜM rendelet a rezgésexpoziciónak kitett munkavállalókra vonatkozó minimális	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			egészségi és munkabiztonsági követelményekről), entry into force on 01/07/2005. (Vibration Decree)		
Directive 2003/10/EC (noise)	O		66/2005. (Dec. 22.) Decree of the Ministry of Health on the minimum health and safety requirements regarding the exposure of workers to noise (66/2005. (XII. 22.) EÜM rendelet a munkavállalókat érő zajexpozícióra vonatkozó minimális egészségi és biztonsági követelményekről), entry into force on 15/02/2006. (Noise Decree)	N	
Directive 2004/40/EC (electromagnetic fields)			<i>This Directive has not been transposed.</i> However, in accordance with Council Recommendation 1999/519/EC, the limit values of exposure of (only) the general public to electric, magnetic and electromagnetic fields in the frequency range 0 Hz to 300 GHz are set out in Decree No 63 of 26 July 2004 of the Minister of Health and Family Affairs (63/2004 (VII.26.) ESzCsM rendelet a 0 Hz-300 GHz közötti frekvenciatartományú elektromos, mágneses és elektromágneses terek lakosságra vonatkozó egészségügyi határértékeiről).		
Directive 2006/25/EC (artificial optical radiation)	O		22/2010. (May 7.) Decree of the Ministry of Health on the minimum health and safety requirements regarding the exposure of the workers to artificial optical radiation (22/2010. (V. 7.) EÜM rendelet a munkavállalókat érő mesterséges optikai sugárzás expozícióra vonatkozó minimális egészségi és biztonsági követelményekről), entry into force on 05/08/2010. (AOR Decree)	N	Infringement case 2010/0346 on non-communication - case closed.
Directive 2004/37/EC (carcinogens or mutagens)	O		26/2000. (Sept. 30.) Decree of the Ministry of Health on the protection and prevention of workers from the risks related to exposure to carcinogens (26/2000. (IX. 30.) EÜM rendelet a foglalkozási eredetű rákkeltő anyagok elleni védekezésről és az általuk okozott egészségkárosodások megelőzéséről), entry into force on 01/01/2001. (Carcinogens Decree)	N	
Council Directive 98/24/EC (chemical agents at work)		S	25/2000. (Sept. 31.) Joint Decree of the Ministry of Health and Ministry of Social and Family Affairs on the protection from chemical agents at work (25/2000. (IX. 31.) EÜM-SZCSM együttes rendelet a munkahelyek kémiai biztonságáról), entry into force on 01/01/2001. (Chemical Agents Decree)	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			Act XXV of 2000 on chemical safety (2000. évi XXV. törvény a kémiai biztonságról), entry into force on 01/01/200. (Chemical Safety Act)		
Directive 2009/148/EC (asbestos)	○		12/2006. (Mar. 23.) Decree of the Ministry of Health on the protection of workers from the risks related to exposure to asbestos at work (12/2006. (III. 23.) EÜM rendelet az azbeszttel kapcsolatos kockázatoknak kitett munkavállalók védelméről), entry into force on 15/04/2006. (Asbestos Decree)	Y	
Directive 2000/54/EC (biological agents)	○		61/1999. (Dec. 1.) Decree of the Ministry of Health on the protection of workers from risks related to exposure to biological agents at work (61/1999. (XII. 1.) EÜM rendelet a biológiai tényezők hatásának kitett munkavállalók egészségének védelméről), entry into force on 01/04/2011. (Biological Agents Decree)	N	
Council Directive 92/57/EEC (temporary or mobile construction sites)	○		4/2002. (Feb. 20.) Joint Decree of the Ministry of Health and the Ministry of Social and Family Affairs on the implementation of minimum safety and health requirements at temporary or mobile construction sites (4/2002. (II.20.) SzCsM-EÜM együttes rendelet az építési munkahelyeken és az építési folyamatok során megvalósítandó minimális munkavédelmi követelményekről), entry into force on 20/02/2002. (Construction Sites Decree)	Y	
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	○		4/2001. (Feb. 23.) Decree of Ministry of Economy on the minimum requirements of safety and health protection of workers in mineral-extracting industries (4/2001. (II. 23.) GM rendelet a bányüzemekben megvalósítandó biztonsági és egészségvédelmi követelmények minimális szintjéről), entry into force on 25/03/2001. (Mineral-Extracting Industries Decree)	Y	
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	○		Mineral-Extracting Industries Decree	N	
Council Directive 92/29/EEC (medical treatment on	○		6/2000 (March.17.) Decree of the Ministry of Transport, Communication and Water Management on medical service aboard vessels (6/2000. (III. 17.) KHVM rendelet az úszólétesítmények gyógyszereszkreennyel	N	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
board vessels)			<p>való felszereléséről és egyes úszólétesítményeken az orvosi szolgálat rendszeresítéséről), entry into force on 01/07/2000. (Vessels Decree)</p> <p>The Vessels Decree is, however, not really implemented in Hungary as there are no maritime vessels sailing under the Hungarian flag or registered under Hungarian jurisdiction.³</p> <p>Other relevant legislation:</p> <ul style="list-style-type: none"> Act CIII of 2005 of the 62nd ILC session adopting the ILO Convention (No. 147) concerning Minimum Standards in Merchant Ships (2005. évi CIII. törvény a Nemzetközi Munkaügyi Szervezet Általános Konferenciája 62. ülészakán elfogadott, a kereskedelmi hajók minimális követelményeiről szóló 147. számú Egyezmény), entry into force on 30/03/2006. 		
Council Directive 93/103/EC (work on board fishing vessels)	O		<p>4/2001. (Sept. 26.) Joint Decree of the Ministry of Health and Ministry of Social and Family Affairs on the minimum safety requirements for work on board fishing vessels (4/2001. (IX. 26.) SzCsM-EÜM együttes rendelet a tengeri halászhajók fedélzetén dolgozók munkavédelmi követelményeinek minimális szintjéről), entry into force on 01/05/2004. (Fishing Vessels Decree)</p>	N	
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		S	<p>OSH Law</p> <p>Act I. of 2012 on the Labour Code (2012. évi I. törvény a munka törvénykönyvéről), entry into force on 01/07/2012. (Labour Code) (former Act XXII of 1992 on the Labour Code)</p> <p>Act CCXI of 2011 on the Protection of Families (2011. évi CCXI. Törvény a családok védelméről), entry into force on 01/01/2012.</p> <p>Fitness Decree</p>	Y	
Council Directive 91/383/EEC (temporary workers)	O		<p>Labour Code</p> <p>OSH Law</p>	Y	
Council Directive 94/33/EC (young people)	O		<p>OSH Law</p> <p>Fitness Decree</p>	Y	

³ National Implementation Report 2013, Part A, Section II, (EN) p.54.

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
at work)					

1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

Hungary has adopted a National Programme of Occupational Safety and Health 2001-2013. It has also issued, in addition to health-related programmes, the *National Reform Programme (2013)*, which identifies occupational health and safety as a priority sector for reform.

The main competent authority is the National Labour Office under the Minister for National Economy. The NMH has a professional autonomous branch called the "Occupational Safety and Health and Labour Inspections Directorate" (NMH-MMI). Since 2012, the former National Labour Inspectorate is integrated into the organisation of the National Labour Office. Similarly, its former territorial offices were integrated into the newly established territorial Government Offices (based in the capital Budapest and each of the 19 counties of Hungary) as professional autonomous Labour Inspection Units.

Furthermore, in relation to health issues, the National Public Health and Medical Officers Service is composed of the Office of the Chief Medical Officer, under the responsibility of the Minister responsible for public health, and various national institutes under the direction of the Office. The Office is mainly responsible for supporting the development of the national public health programmes and their implementation.

In terms of coordination, the Occupational Health and Safety Committee operates as a specialised standing body under the main Act on Occupational Safety and Health. It consists of the representatives of the Government, the employers and the employees and it is the highest forum for reconciliation in the field of OSH. Among other activities, the Committee evaluates, supervises and participates in the creation of legal acts, reports, annual executive plans and policies and programmes that are part of the national OHS policy.

In addition, an independent consultative body, the National Economic and Social Council, has been set up in 2011. It holds consultations, delivers opinions, makes proposals, and discusses national strategies and comprehensive matters affecting the economic and social development. In 2012, a new tripartite body, the Standing Consultative Forum for the Private Sector and the Government was also set up to discuss employment issues of the private sector.

1.2.1 Key Policy Documents

- The **National Programme of Occupational Safety and Health** - Resolution No. 20/2001 of the Parliament on the National Programme of Occupational Safety and Health (*MOP – A Munkavédelem Országos Programja*). This Programme provided the content and the state of play of OSH in Hungary, the strategic principles and the main directions of strategies. It set

out an objective of addressing current occupational safety and health problems and preventing new and emerging risks. It was in force from 30 March 2001 to 10 June 2013.

- The **National Programme of the Decade of Health** (formerly called “Johan Béla”), adopted in 2003, focuses on public health and the corresponding requirements in Hungary. It also emphasises the most important sicknesses, medical risks and prevention measures. Its subtitle is “health promotion in everyday life”, which covers health promotion at the workplace.
- The **National Reform Programme (2013)**: The reform of the regulation of occupational safety and health is one of the aims of this Programme according to the consultation of the social partners. The Programme further aims to facilitate access to the labour market for young people and to increase occupational safety of the people engaged in a permanent employment relationship.
- According to the **New Hungary Development Plan (National Strategic Reference Framework of Hungary from 2007 to 2013)**, OSH should be improved according to the growth of competitiveness and efficiency of the labour market.
- The **Public Health Programme for the Healthy Nation (2001-2010)** includes the main aims and methods to promote public health. Health must be a main priority in legislation.

1.2.2 Main authorities and stakeholders

The institutional competences in Hungary related to health and safety at work are shared at governmental level between the Ministry of National Economy (and more specifically the National Labour Office within the Ministry) and the Ministry of Human Resources. In Hungary, employment legislation and legislation on health and safety at work fall under the competence of the Parliament, which establishes the most important laws on these topics. But also decrees can be developed at ministerial level, principally by the **Ministry for Human Resources** (*Emberi Erőforrások Minisztériuma*) and the **Ministry for National Economy** (*Nemzetgazdasági Minisztérium*). The Ministry of Human Resources is the ministry competent for pensions and health, social affairs and education. Social Services and benefits fall within its area of activity. The Ministry for National Economy is responsible for the labour market and competent for the relevant employment and vocational education policies. The Ministry's mandate includes fields such as job creation, taxes, competitiveness, budget preparation, reducing the national debt and stimulating economic growth.

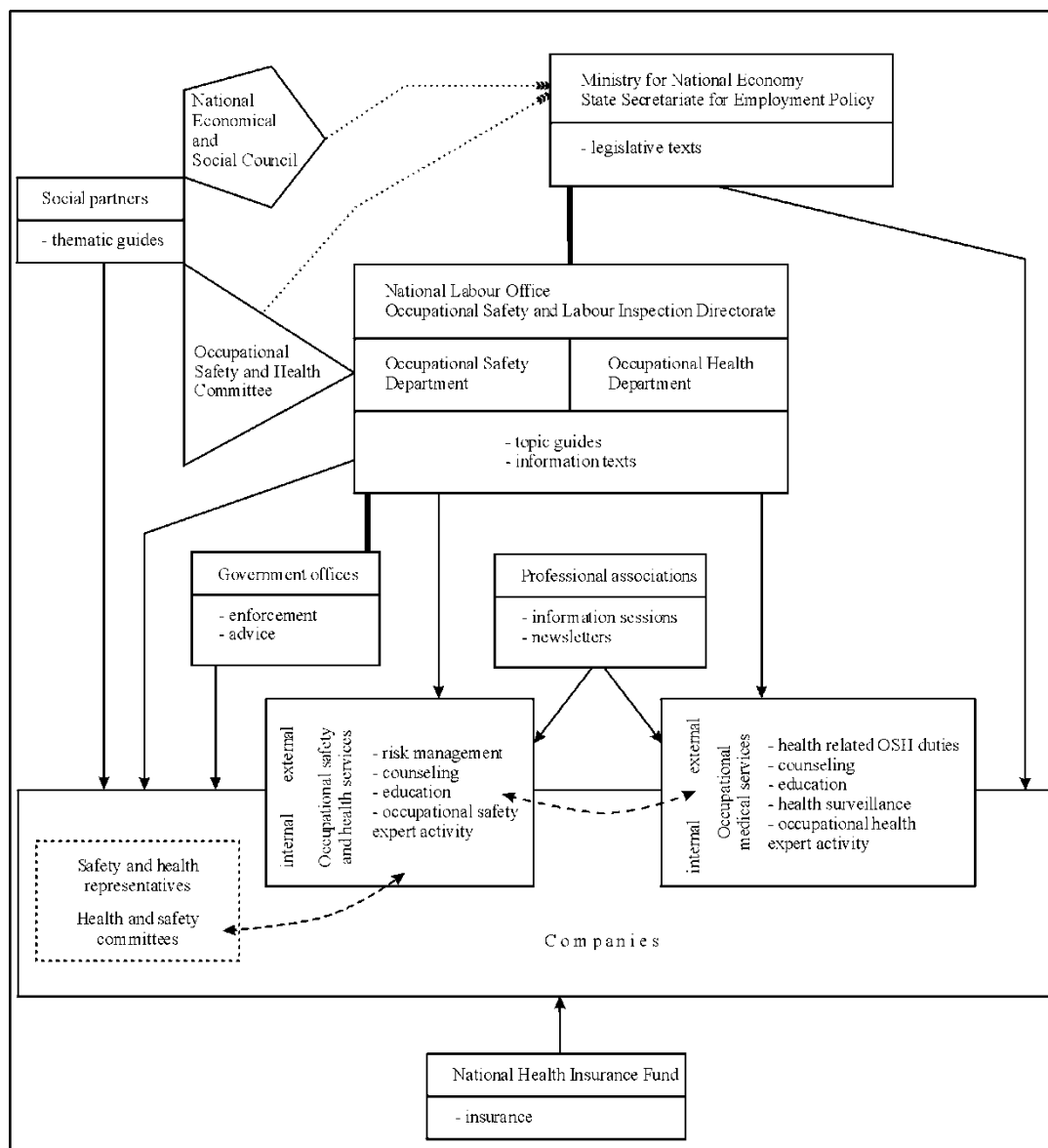


Figure. The OSH infrastructure in Hungary on an implementation level⁴

The **National Labour Office** (*Nemzeti Munkaügyi Hivatal – NMH*), which is the Hungarian Labour Inspectorate, is a central office controlled by the State Secretariat for Employment Policy of the Ministry of National Economy. The governing rules and specific competences are laid down in Government Decree 323/2011 (XII. 28) on the National Labour Office Directorate of Occupational Safety, Health and Labour Affairs.⁵ Their activities include applying employment policy; ensuring occupational safety and health; carrying out labour inspections, as well as vocational education tasks⁶. The NMH and the Labour Inspection Units of the Government Offices have responsibility to perform general inspections on compliance with labour law regulations, occupational safety and health and other related labour issues. The scope of labour inspectors' authority also includes the examination of compliance with provisions of collective agreements on wages, working hours, rest periods, overtime and paid leave. Moreover, labour inspectors monitor compliance with occupational safety and health regulations and labour laws. Over and above inspections, inspectors are responsible for labour law compliance with respect to the organization of trade unions, the protection of elected trade union officials, members of workers' councils, civil servants' councils and safety representatives, and also for checking the rules regarding their allowance for working hours. The Labour Office has various departments e.g. the Hungarian Institute of Occupational Health. As of 1st January 2012:

- The Occupational Safety and Labour Inspection Directorate (NMH-MMI) is a separate organisational unit under the National Labour Office with its own remit and competence. The Government has assigned the Directorate, as the agency responsible for occupational health and hygiene services, and the occupational safety and labour affairs units of the city and county-level government offices, to perform tasks related to OSH and labour administration. The Directorate has exclusive power to perform inspections, through its regional supervision authorities in a total of seven regions. Its competences include monitoring labour relations and OSH across all the Hungarian national economy, with the exception of mining activities. Its tasks include: detection of new and emerging occupational risks, elaboration of a national OSH program, support to the enforcement of OSH provisions, etc. Priority areas for labour inspection in 2007 included groups of workers in need of special protection, such as ageing workers. Since then, ageing workers have not been included as a specific priority area of the labour inspectorate. The NMH-MMI provides data on workers employed without work contracts and non-registered workers, at monthly intervals, which enables the National Employment Agency to verify eligibility for job seekers' allowances and working age benefits.
- The Hungarian Institute of Occupational Health (HIOH)⁷ participates in the preparation of government decisions and strategies related to occupational hygiene and occupational health activities, in carrying out scientific research, analysis, education, training, further education, information, organization and service tasks related to the improvement of the health of workers and the prevention of diseases, as well as helps the Labour Inspectorate in carrying out its official tasks. It has undertaken a role in the processes related to the functioning as a Member State in the European Union, in the Community legal harmonization, as well as in the decision making processes of the European Union in the area of occupational hygiene and

⁴ Source: EU-OSHA, OSH WIKI "OSH system at national level – Hungary". http://oshwiki.eu/wiki/OSH_system_at_national_level_-_Hungary

⁵ On 31 December 2011, the former National Labour Inspectorate (OMMF) was integrated into the organisation of the National Labour Office (NMH). Also, on 31 December 2011, the former territorial offices of the OMMF were integrated into the newly established territorial Government Offices (based in the capital Budapest and each of the 19 counties of Hungary) as professional autonomous Labour Inspection Units. The legal status, duties and scope of authority of the OMMF are defined by:

- Act XCIII of 1993 on Work Safety, as amended.
- Act LXXV of 1996 on Labour Inspection, as amended.
- Government Decree No. 295/2006 (XII.23.) on the Hungarian Labour Inspectorate.
- Government Decree No. 288 of 2010 on Government Offices.

⁶ EU-OSHA – European Agency for Health and Safety at Work, OSH WIKI, "OSH system at national level – Hungary". Available at: http://oshwiki.eu/wiki/OSH_system_at_national_level_-_Hungary#National_strategy_and_programmes.

⁷ Hungarian Institute of Occupational Health homepage: <http://www.omfi.hu/index.php>

occupational health.⁸ The Institute carries out tasks related to the professional methodological management, preparation of regulations, professional training and continuing education in the area of occupational health (occupational hygiene and occupational health), liaises with national and international sister institutions. Its main tasks are the examination, treatment of referred out- and inpatients, as well as recognition of occupational diseases reported in the country.

In addition, the **National Public Health and Medical Officers Service** (*Állami Népegészségügyi és Tisztifőorvosi Szolgálat, ÁNTSZ (NPHMOS)*) is composed of the Office of the Chief Medical Officer (OCMO) and the national institutes under the direction of the OCMO. The OCMO, among others, participates in elaborating the national public health programmes and manages, organises and coordinates the execution of the regional and local tasks of the programmes. The Office is under the responsibility of the Minister responsible for public health. It is, however, functionally and financially independent. It is the professional management organ for the national institutes. The national institutes under the direction of the OCMO provide professional-methodological, scientific research, training, specialised training, registrations, coordination, and have professional and expert functions. The national institutes are financially independent. The national institutes are the following:

- National Institute of Environmental Health
- “Frederic Joliot-Curie” National Research Institute for Radiobiology and Radiohygiene
- National Institute of Chemical Safety
- National Centre for Epidemiology
- National Institute for Health Development
- National Institute for Food and Nutrition Science
- National Institute of Primary Care
- National Institute of Child Health

Further, the **National Institute for Health Development (NIHD)** (*Országos Egészségfejlesztési Intézet*) is a government based agency that plans, coordinates, monitors and evaluates public health and health promotion at national level. The NIHD works with partial independence under the direct supervision of the National Medical Officer and it cooperates closely with the county organisations of the National Public Health and Medical Officers Service. In accordance with the aims of the National Public Health Programme, the global objectives of the NIHD in the Hungarian health system are to improve the health of the Hungarian population, to develop disease prevention and to promote healthy lifestyles. The NIHD performs its tasks of technical development, methodology, research of health development, with special emphasis on tackling inequalities in health. For the successful realisation of its mission, the NIHD supports the work of other governmental and non-governmental institutions working in health promotion through technical guidelines for education, quality assurance, background studies and impact assessments.

The **Public Foundation for Research in Occupational Safety (PFROS)** is an independent non-profit organization.⁹ The main tasks are: identification of harmful effects in the work environment (also in macro-environment); their tests, estimation; methods required; also developing the required methods for prevention; collecting, regulating, processing and distribution of working safety information. As new activities, tasks are completed - partly in connection with the above described activities - with risk assessment at the work-place, safety analysis of machines, equipment and complete technologies. The PFROS is the National Centre of ILO in Hungary. In this capacity, Public Foundation has a permanent contact with the Geneva Centre, sends and receives international information regularly on the newest results of occupational safety and research of the same.

The **National Labour Council (OMT)** is a tripartite forum on conciliation of interests. It consists of the representatives of ministries and organizations of employers and of employees.

⁸ See <http://www.omfi.hu/index.php>

⁹ See <https://osha.europa.eu/fop/hungary/en/systems/>

Social dialogue

There are six national trade union confederations in Hungary: MSZOSZ, ASZSZ, SZEF and ÉSZT, LIGA and MOSZ, representing different sectors of the economy. There are also a large number of independent unions. Trade union density¹⁰ has strongly decreased in Hungary from 49.1% of employees in 1993 to 10.6% of employees in 2012 (compared 17.1% as an OECD average in 2012).¹¹ The 2009 ESENER survey confirmed that recognised workplace trade union representatives are scarce in small enterprises (10–16%) but more frequent among medium-sized enterprises (41.5%) and common in enterprises with 500 or more employees (82%) . Despite efforts by the unions and the previous governments to strengthen bargaining at industry level, the main level of bargaining is at company/organisation level.

There are nine important employers' federations in Hungary, all of which are members of the National Economic and Social Council (NGTT). They are organised on a sectoral basis, such as agriculture, manufacturing) consumers' cooperatives, craftsmen's corporations, retail trade, industrialists, private entrepreneurs and national economy industries. By being a member of the NGTT, they can take part in discussing national strategies and economic progress, reconciliation and proposal-making for policymaking in economic and social issues. However, as NGTT is only an advisory body, their power is quite limited.

1.2.3 Coordination

Because of the high degree of centralisation of the institutional framework within the Ministry of Employment, there is no specific need for a separate coordination structure or mechanisms. Coordination is ensured within the Ministry, namely the Government Offices in the counties.

The Government of Hungary adopted the Declaration of National Cooperation in 2010 as part of the Program of National Cooperation in order to acknowledge the inception of a new social contract. In order to enforce the new social contract the Government of Hungary established the System of National Cooperation which is open to all Hungarians. The Government of Hungary offers cooperation to every member of society, to NGOs and advocacy organizations, and to economic players to find solutions to issues of national interest.

The Act of 2011 on the **National Economic and Social Council of Hungary** (NGTT - *Nemzeti Gazdasági és Társadalmi Tanács*) established the development of an independent consultative body. This body has consultative rights that are linked to legislative employment issues (including OSH topics). According to the Act on NGTT, the main social partners represented in the Council are the following:

1. Representatives of the Economy: advocacy groups and organisations of employers, national business chambers
2. Employees: advocacy groups and organizations of employees
3. NGOs: NGOs active in the field of national policy
4. Representatives of Sciences: Hungarian representatives of academia
5. Churches

The NGTT is a consultative, proposal-making and advisory body independent from the Parliament and the Government. The NGTT has 32 members, representing the Hungarian civil society. The rotating President of the Council is elected from the representatives of the five groups. The rotating Presidency

¹⁰ Trade union density corresponds to the ratio of wage and salary earners that are trade union members, divided by the total number of wage and salary earners (OECD Labour Force Statistics). Density is calculated using survey data, wherever possible, and administrative data adjusted for non-active and self-employed members otherwise (OECD).

¹¹ OECD (Online OECD Employment database: <http://www.oecd.org/els/emp/onlineoecdemploymentdatabase.htm#union>)

is based on the rotation of these groups. The mandate of NGTT members is valid for four years. The Ministers or executive officers appointed by them shall attend the Council's plenary sessions as permanent guests with a consultative right. The President or Vice President of the Hungarian Competition Authority and the Central Statistical Office shall attend the Council's plenary sessions as guests with a consultative right.

The NGTT, the widest-ranging forum of representatives of Hungarian society holds consultations, delivers opinions, makes proposals, and discusses national strategies and comprehensive matters affecting the development of the economy and society. The topics discussed through the initiation of NGTT members over the first nine months included:

1. Consultation on determining the required national minimum wage rates
2. Consultation on consolidation and restructuring of the healthcare sector
3. Report on the Hungarian National Development Plan
4. Report on situation of adult education
5. Consultation on social and economic impact of flat-rate taxation
6. Report on sustainable development from the perspective of the Rio +20 Earth Summit
7. Report on higher education
8. Consultation on the reform of the Hungarian pension system
9. Report on the planning principles of Hungary's 2013 budget and their social and economic impact
10. Report on the situation of the construction industry

In 2012, a new tripartite body, the **Standing Consultative Forum for the Private Sector and the Government** (*Versenyszféra és a Kormány Állandó Konzultációs Fórum, VKF*) was also set up to discuss employment issues of the private sector. While this body is tripartite, only three employers' federations (MGYOSZ, VOSZ, KISOSZ) and three trade union confederations (LIGA, MOSZ, MSZOSZ) have been allowed to join. The aim of the VKF is to ensure the constant consultation between government, workers and employers.¹²

The **Occupational Health and Safety Committee** (*Munkavédelmi Bizottság*) operates as a specialised standing body under Article 78 and 79 of Act 93 of 1993 on Occupational Safety and Health). It consists of the representatives of the Government, the employers and the employees and it is the highest forum for reconciliation in the field of OSH. Among other activities, the Committee evaluates, supervises and participates in the creation of legal acts, reports, annual executive plans and policies and programmes that are part of the national OHS policy. The secretarial and administrative duties related to the Committee are the tasks of the NMH.

According to NIR 2013, "Ongoing cooperation between the social partners (the government, employers' and workers' interest representation bodies) is indispensable for modern health and safety at work. The Health and Safety Committee, consisting of negotiating groups specified by Act XCIII of 1993 carries out the national reconciliation of interests on health and safety matters (facilitating negotiations, expressing opinions, issuing statements, recommendations and health and safety information systems, setting out the curriculum of health and safety education etc.) according to its rules of procedure, where the administrative and secretarial duties are carried out by the health and safety authority. As part of the consultation with the social partners, the health and safety authority provides information to health and safety experts (and other interested parties) on the activity of the inspectorate and current priority issues (such as occupational diseases and the importance of increased exposures, the trends in accidents at work, the experiences of audits etc.) at campaign events, 'open days' held at the inspectorates and at the commemoration held on 28 April each year, on Workers' Memorial Day."¹³

¹² Webpage on VKF on the website of the trade union Munkastanácsok: <http://munkastanacsok.hu/orszagos-szint-vkf/#>

¹³ National Implementation Report, Part A, Section I, (EN) p.11.

1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES

1.3.1 Observed discrepancies, more stringent and more detailed measures

The following tables describe observed discrepancies between the Directive's requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive's ones. There is one table per directive.

Observed discrepancies between the Directive's requirements and the transposing legislation cover instances where the text of the national transposing legislation is different from the transposed Directive's provisions. This difference could lead to the non-application or partial application of the relevant CPM due to contradiction between the national provision and the corresponding one in the Directive. They are considered for each CPM, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

For Hungary, observed discrepancies were identified in relation to Hungarian legislation transposing Directive 2004/37/EC (carcinogens or mutagens), Directive 98/24/EC (chemical agents at work) and Directives 92/104/EEC (surface and underground mineral-extracting industries) and 92/91/EEC (mineral-extracting industries through drilling). In particular, the following observed discrepancies were noted:

- With regard to Directive 2004/37/EC (carcinogens or mutagens), the Hungarian legislation does not include limit values for Benzene and hardwood dusts.
- With regard to Directive 98/24/EC (chemical agents at work), the concepts defined in Art.2 of the Directive have not been transposed in Hungarian legislation. Also Art. 10 on health surveillance has not been transposed.
- With regard to Directives 92/104/EEC (surface and underground mineral-extracting industries) and 92/91/EEC (mineral-extracting industries through drilling), the provisions on health surveillance have not been transposed in Hungarian legislation. In addition, the provisions on information for workers have been less detailed and only include the following: "for the sake of their protection and security the employees must get the necessary orders, information, education and further training."

The Hungarian transposing legislation further sets more detailed or additional requirements, often related to the key requirements.

With regard to the Framework Directive scope, the Hungarian legislation includes a broader definition of 'employer', as an employer providing employment to a hired-out employee through a placement agency, as well as a person providing hands-on vocational training or any private entrepreneur who does not employ others but performs his work solely by himself, shall also be construed as an employer with regard to the provisions on the protection of persons inside the proximity of the area where the work is performed. Provisions relating to risk assessment are more detailed. In particular, employers shall evaluate the qualitative and quantitative aspects of risks jeopardizing the health and safety of employees, in particular with regard to the applied work equipment, the hazardous materials and preparations, the potential strain on the employees and the arrangement of the workplace. Risk is hereby defined as the combined effect of the probability and gravity of physical or health injury in an

emergency situation. A more specific methodology for risk assessment, to be carried out by the employer, is also provided in the Hungarian legislation. Similarly, Hungary has set more detailed requirements in relation to information for and training of workers. The employer shall designate or employ persons with specialized labour safety qualifications and provide all necessary labour safety-related information and material conditions. As part of vocational training, students shall be educated regarding the health and safety requirements pertaining to the profession of their training.

With regard to Directive 89/654/EEC (workplace), the Hungarian transposing legislation includes more detailed requirements on information for workers and consultation of workers. The employee and their representatives must be informed, not only about the present measures but also about the proposed measures. Workers must be involved in the drafting period in order to consult with the employer. Further, the employer is obliged to provide the possibility of a consultation between the employer and the employees and their representatives for occupational safety, in preparation of any decisions that need to be taken concerning the employees' health and safety. The Hungarian legislation also lays down more detailed rules with regard to the key requirements.

Numerous additional measures are incorporated in the legislation transposing Directive 2009/104/EC (work equipment). The scope of the definitions is also broader in Hungary.

In relation to Directive 89/656/EEC (PPE), PPE used by emergency and rescue services is covered by Hungarian transposing legislation. Other key requirements on the use of PPE have been detailed in national legislation.

The Annexes to the Decree transposing Directive 92/58/EEC (OSH signs) lay down more specific provisions concerning the minimum admissible dimensions of safety signs and the punctuation marks on the supplementary signboard and the specific dimensions data of safety signs.

Detailed rules on the medical fitness check in relation to Directive 90/269/EEC (manual handling of loads) have been incorporated in Hungarian legislation.

With regard to Directive 90/270/EEC (display screen equipment), the Hungarian legislation sets more detailed requirements on health surveillance and other key requirements. In particular, an eye and eye sight test is required for employees using at least four hours a day a device with a monitor. This test is to be repeated every two years.

The additional or more detailed requirements set for Directive 2002/44/EC (vibration) relate to additional definitions, consultation of workers and limit values. With regard to the latter, the national legislation opts for the daily exposure limit value standardised to an eight-hour reference with regard to the exposure to whole-body vibrations.

Additional definitions are also taken up in the Hungarian legislation transposing Directive 2003/10/EC (noise). The persons in charge of the measurement of noise are also detailed. In addition, the employer must provide a hearing examination for the employee if the noise exposition affecting the employee exceeds the upper interfering limit.

With regard to Directive 2006/25/EC (artificial optical radiation), a more specific methodology for risk assessment is provided in the national legislation. The periodicity of health surveillance shall depend on several circumstances, including the age of the worker.

Directive 2004/37/EC (carcinogens or mutagens) has been further detailed for risk assessment requirements (specific methodology and persons in charge), information for workers (by keeping a record about those who conduct carcinogenic activities in their work), training of workers (by providing specific information), the periodicity of health surveillance, and consultation of workers.

The Carcinogens Decree is also more stringent with regard to submitting information to the competent authorities.

With regard to Directive 98/24/EC (chemical agents at work), the sources of the information for the risk assessment are more detailed in the Hungarian transposing legislation. National legislation also includes more stringent rules on the key requirements.

In relation to Directive 2009/148/EC (asbestos), Hungary has set several more detailed or additional requirements. The Asbestos Decree includes additional definitions. The content and methodology of the risk assessment is also more specified. Further, additional information requirements, requirements on the regularity of training and additional worker consultation requirements are incorporated in Hungarian legislation.

The more specific requirements set for Directive 2000/54/EC (biological agents) relate to the persons in charge of and the periodicity of the risk assessment and the scope of training.

The Hungarian legislation is in several instances more stringent than Directive 92/57/EEC (temporary or mobile construction sites), especially because contractors are required to employ a health and safety coordinator at all construction sites.

More specific technological safety regulations were drawn up in relation to Directives 92/104/EEC (surface and underground mineral-extracting industries) and 92/91/EEC (mineral-extracting industries through drilling).

No additional or more detailed requirements were identified for the Fishing Vessels Directive, nor for the group of Directives related to vulnerable workers.

Table 1- 2 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions (Art.2 and 3)	<p>Art.2 1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.). 2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> • Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants; • Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment; 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p>	<ul style="list-style-type: none"> • Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive? N. • Does the legislation include domestic servants in its scope? N. The legislation excludes domestic servants • Is the definition of employer broader than the Directive's? Y. Employer shall mean the entity who hires employees for organized employment. An employer providing employment to a hired-out employee through a placement agency, as well as a person providing hands-on vocational training or any private entrepreneur who does not employ others but performs his work solely by himself, shall also be construed as an employer with regard to the provisions on the protection of persons inside the proximity of the area where the work is performed.¹⁴ • Other additional or more detailed requirements N.
Conducting a risk assessment Art. 6(3), 9(1)(a)	<p>Art.6</p> <ul style="list-style-type: none"> • The employer shall, taking into account the nature of the activities of the enterprise and/ or establishment evaluate the risks to the safety and health of workers, inter alia 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? Y. Employers shall evaluate the qualitative and quantitative aspects of risks jeopardizing

¹⁴ Chapter VIII. Interpretative Provisions - Section 87 OSH Law.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places.</p> <p>Art.9</p> <ul style="list-style-type: none"> The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks. 		<p>the health and safety of employees, in particular with regard to the applied work equipment, the hazardous materials and preparations, the potential strain on the employees and the arrangement of the workplace.¹⁵</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? Y. 'Risk' shall mean the combined effect of the probability and gravity of physical or health injury in an emergency situation.¹⁶ Is a more specific methodology for risk assessment provided in the legislation? Y. In the interest of occupational safety and health, employers shall observe the following general requirements: a uniform and comprehensive prevention strategy shall be developed for the work process, technological process, organization of operations, work conditions, social relations and the impact of work environment factors.¹⁷ Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? Y. The employer is in charge of carrying out the risk assessment. Other additional or more detailed

¹⁵ Section 54 OSH Law

¹⁶ Section 87 OSH Law

¹⁷ Section 54 OSH Law

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements
			N.
Ensuring preventive and protective services Art.7(1)	<ul style="list-style-type: none"> • The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment. • Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks and shall be allowed adequate time to enable them to fulfil their obligations. • If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons. • He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. • In all cases (internal/external services), they must have the necessary capabilities/ aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and determine the sufficient number. • The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment. The worker(s) and/ or 	No observed discrepancy has been identified in relation to the preventive and protective services.	<ul style="list-style-type: none"> • Does the legislation define in more specific terms who shall be designated? N. • Are the conditions for resorting to external services more specifically defined in the legislation? N. • Are the competences required from workers or external services defined in the legislation? N. • Are criteria to define the resources (number of persons designated) provided in the legislation? N. • Other additional or more detailed requirements An appropriate number of employees with adequate qualifications shall be provided for the performance of the work in accordance with occupational safety and health considerations.¹⁸

¹⁸ Section 51 OSH Law.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>agency(ies) must work together whenever necessary.</p> <ul style="list-style-type: none"> MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility. 		
Information for workers Art.10	<ul style="list-style-type: none"> The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of the establishment and each type of workstation. The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health. 	<p>There are no observed discrepancies between the Directive and the implementing legislation in relation to information for workers.</p>	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? Y. According to the employer's duties related to occupational safety and occupational health, the employer shall designate or employ persons with specialized labour safety qualifications for the period, and provide all necessary labour safety-related information and material conditions. These should all be subject to the qualification requirements decreed by the Minister of Employment and Labour, and consistent with the category of hazard and the number of employees defined in the decree.¹⁹ Are there more detailed requirements relating specifically to one of the individual directives? N. Other additional or more detailed requirements

¹⁹ Section 57 OSH Law

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Training of workers Art.12	<ul style="list-style-type: none"> The employer shall ensure that each worker receives adequate safety and health training during working hours, in particular in the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary. The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment. 	There are no observed discrepancies between the Directive and the implementing legislation in relation to training of workers and of the employees of subcontractors working at the workplace.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? Y. As part of vocational training, students shall be educated regarding the health and safety requirements pertaining to the profession of their training.²⁰ Are there specific requirements as to the competence of trainers provided in the legislation? N. Are there more detailed requirements relating specifically to one of the individual directives? N. Other additional or more detailed requirements Employees may not be assigned to independent positions until the acquisition of the knowledge prescribed.²¹
Health surveillance Art.14	<ul style="list-style-type: none"> The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work. These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals. Health surveillance may be provided as part of a national health system. 	There are no observed discrepancies between the Directive and the implementing legislation in relation to the health surveillance of workers.	<ul style="list-style-type: none"> Are there more detailed requirements relating specifically to one of the individual directives? N. Other additional or more detailed requirements N.
Consultation of workers Art.11,	<ul style="list-style-type: none"> Employers shall consult workers and/ or their representatives and allow them to take part 	There are no observed discrepancies between the Directive and the	<ul style="list-style-type: none"> Is balanced²² participation reflected in the national legislation? Are specific

²⁰ Section 52 OSH Law

²¹ Section 55 OSH Law

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
6(3)(c)	<p>in discussions on all questions relating to safety and health at work.</p> <ul style="list-style-type: none"> Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger. They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions. Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority. 	implementing legislation.	<p>criteria put in place?</p> <p>N.</p> <ul style="list-style-type: none"> Are there more detailed requirements relating specifically to one of the individual directives? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	E.g. List and reports regarding occupational accidents, emergency measures, adequate controls and supervision, other protective and preventive measures	No observed discrepancies have been identified in relation to the other key requirements of the Directive, such as the requirements relating to emergency measures or the list and reports on occupational accidents.	According to NIR 2013, "The 'appropriate qualification' of the person in charge of the implementation of protective and preventive measures has been defined, i.e. according to Act XCIII of 1993, certain duties may be classified as special occupational safety activities or special occupational health activities by legislation. For the duties classified as special occupational safety activities, employers must employ a person

²² This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>with a special health and safety qualification (or, in the field of mining, a mining qualification) specified in separate legislation, whereas the duties classified as special occupational health activities must be carried out by a person with an occupational health [occupational health, occupational hygiene, public hygiene, epidemiology, preventive medicine and public health] qualification. In specific cases, the rules require the involvement of an expert holding the appropriate qualification.</p> <p>Similarly, Act XCIII of 1993 provides that employers shall not work independently until they have acquired the health and safety skills to be acquired at the health and safety training. The legislation concerning the representation of health and safety interests at work requires employers to provide further training to health and safety representatives. Act XCIII of 1993 provides for a strict reporting, investigation and registration system concerning occupational diseases and increased exposures.</p> <p>Additional measures also include the introduction of health and safety rules (detailed above) at police bodies and in the national defence sector.</p> <p>With a view to enforcing the requirement under Article 4 of the Framework Directive, as an additional measure, Hungary adopted Government Decree No 373 of 31 December 2011 on the appointment of certain bodies carrying out the duties of the health and</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			safety authority with regard to ensuring surveillance and control by the authority." ²³

Table 1- 3 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2	<ul style="list-style-type: none"> The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings. 'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. 	No observed discrepancy has been identified in relation to the scope and definitions of the workplace directive.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes²⁴? N. The transposing legislation literally reflects Article 1 of the workplace directive. Is the definition of 'workplace' in national law broader than the required by the Directive? N. There is no exact definition in Hungarian law for "workplace". Other additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	<ul style="list-style-type: none"> Workers and/ or their representatives shall be informed of all measures to be taken 	No observed discrepancy has been identified regarding the information to be	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments)

²³ National Implementation Report, Part A, Section II, (EN) p.31.

²⁴ Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 7	<p>concerning safety and health at the workplace</p> <ul style="list-style-type: none"> • Framework Directive applies. 	provided to workers and their representatives.	<p>in relation to workers information?</p> <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>Y. The decree states that the employee and their representatives must be informed, not only about the present measures but also about the proposed measures. Workers must be involved in the drafting period in order to consult with the employer.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>Y. The employer is obliged to provide the possibility of a consultation between the employer and the employees and their representatives for occupational safety, in preparation of any decisions that need to be taken concerning the employees' health and safety.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Others		No observed discrepancy has been identified.	According to NIR 2013, "In certain cases, the Joint Decree No 3/2002 lays down more detailed rules (additional measures) than the Directive:

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> - During the installation of ventilation systems, measurements must be carried out in order to ensure the availability of sufficient quantity and quality of air. The employer shall retain the related measurement documents. - Room temperatures are more specifically regulated: in indoor workplaces, appropriate temperature must be ensured at a height of 1 m for stand-up work and 0.5 m for sedentary work, depending on the nature of the work and on the season and taking the work energy exchange characterising the hardness of the work into account. Employers are also required to measure and assess climatic parameters (air temperature, wet-bulb temperature, globe temperature, air speed, effective temperature, adjusted effective temperature and work energy exchange). - Employers are required to ensure that workers should not be exposed to significant heat radiation during work; in that context, work organisation measures (rest period, adaptation period) must be introduced and protective drink must be provided where specific climatic indices are met. - The minimum spaces employers must provide for each worker within the work area and its immediate neighbourhood have been specified. - The minimum floor area of the rest area, the possibility of workers to wash hands with cold and hot water and to dry hands before meals and, in the case of activities belonging to cleanliness classes A, D and E, the fact that the appropriate opportunity for meals, in accordance with the number of workers and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in compliance with the requirements provided for in the Decree have also been specified.</p> <ul style="list-style-type: none"> - The dimensions of changing rooms at the workplace, the cleanliness class of the work process and, in the case of activities belonging to classes A (particularly clean), D (very contaminated) and E (contagious, toxic), the criteria of double black/white changing rooms are provided for more specifically. - A national standard provides for the quantity and quality characteristics of the natural and artificial lighting of the rooms. The adequacy of the lighting technology characteristics of indoors artificial lighting must be continuously monitored by employers. The required nominal lighting intensity values of outdoor workplaces and transport roads and the lighting intensity values to be applied for outdoor installation works are also provided for. - The Joint Decree provides for waste management and drinking water supply at work as public health requirements to be complied with at the workplace. - It addresses the issue of noise and vibration protection at work and provides for the limit values of the equivalent A-weighted sound pressure level workers are exposed to during work requiring increased attention. <p>Detailed rules were considered necessary in order to achieve a consistent enforcement practice.²⁵</p>

²⁵ National Implementation Report 2013, Part A, Section II, (EN) p.32-33.

Table 1- 4 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2(a)	<ul style="list-style-type: none"> The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, apparatus, tool or installation used at work. 	No observed discrepancy has been identified in relation to the scope and definitions of the PPE directive.	<ul style="list-style-type: none"> Any additional or more detailed requirements Y. The scope of definitions in the joint ministerial decree is broader (for example: controlling supervision, employers exposed to risks).²⁶
Conducting a risk assessment Art. 3 #	<ul style="list-style-type: none"> The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health. In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question. 	No observed discrepancy has been identified in relation to the adoption of appropriate measures, the risk assessment and risks minimisation.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements The employer shall provide during the selection of the applied working equipment and the setting of the operations that during the use of the working tool <ul style="list-style-type: none"> a) the employer's bearing should be appropriate according to the

²⁶ WE Decree 2.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>requirements of workplace health and safety;</p> <p>b) the working equipment should satisfy the requirements of radiation protection, electric security and ergonomics and should not lead to devaluation of etiological facts (for example noise, vibration, local warmth, cold effect;</p> <p>c) should secure the protection of people residing in the scope of work.</p> <p>The employer shall take into consideration the features of work, the possible risks, the conditions of work and the risks of using the equipment during the selection of work equipment for the employee.</p> <p>If it is not possible to provide the circumstances of workplace health and safety totally for the employees during the use of equipment, the employer shall minimize the risks by applying security installations, individual protective equipment and organizing conducts.²⁷</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. • Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal 	No observed discrepancy has been identified in relation to information and instructions to the workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Other additional or more detailed

²⁷ WE Decree 14.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment.		<p>requirements</p> <p>9. § (1) During the selection of the work equipment the employer informs the employees in connection with the use of the equipment about at least</p> <p>a) the circumstances and conditions of the healthy and safe use of the equipment;</p> <p>b) it's dangerous and not dangerous possible failures during its proper use and the required activities in case of failure</p> <p>c) the possible wrong handling and its circumstances;</p> <p>d) the change of circumstances even if the change occurs directly in an employee's environment who doesn't use the actual equipment;</p> <p>e) conclusions drawn from the experiences gathered during the use of the work equipment.</p>
Training of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies. • Workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail. • Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training. 	No observed discrepancy has been identified in relation to information and training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements <p>10. § The employer informs the employee about the use of the work equipment at the start of work and in case of modification of equipment or installation of new equipment within the frames of occupational safety education.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 10	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is balanced²⁸ participation reflected in the national legislation? Are specific criteria put in place? N. Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	<p>According to NIR 2013, "Decree No 14/2004 provides for numerous additional measures. The most important of these are as follows:</p> <ul style="list-style-type: none"> - providing for special inspections for electric shock protection, - more detailed rules of information and training, - specific rules due to the danger of electric shock and explosion, - setting out rules concerning mobile work equipment, - setting out rules concerning the hoisting of loads, - the scope of electric shock protection inspections (in 2006). <p>Such additional measures were based on the expectations of employers and workers. A number of new concepts were introduced by Decree No 14/2004 (inspection, periodic inspection, person in charge, temporary work at high workplaces) in connection with non-hazardous work equipment as well as for electric shock protection (inspection by the mechanic, conformity inspection).</p>

²⁸ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Decree No 14/2004 also provides for the emergency switch and information to the periodic inspection:</p> <p>“The control units of the emergency switch shall be located in a way that it should be easily accessible and safely operated by the operator(s) and other persons detecting the danger.”</p> <p>“Where the work equipment is used off the premises, visible information (e.g. a clearly visible sign on the work equipment) shall be provided by the employer on the latest periodic inspection.”</p> <p>On the basis of practical experience, such additional measures had to be taken in order to increase the safety of workers.</p> <p>Additions also apply to work equipment used for the hoisting of loads:</p> <p>“Where the work equipment is not intended for the hoisting of persons and its purpose can be mistaken, its scope of application shall be indicated by easily identifiable and clear markings.”</p> <p>“Mobile or dismountable elevating machines shall be installed and used in a manner that its stability during operation should be ensured, taking into consideration all foreseeable hazards and the nature of the soil and there should be no risk of overturning or skidding.”</p> <p>“Where the risk under paragraph (1)(a) above cannot be eliminated, the requirement can be satisfied by the daily checking of the condition of the rope applied taking the increased safety factor into account.”</p> <p>According to the provision added to the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			requirements concerning the use of scaffolds: "The person under paragraph (1) and the workers concerned shall have received the building and demolition plans of the scaffolding and the required instructions." ²⁹

*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

Table 1- 5 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined 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 agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover PPE used by emergency and rescue services? Y. Protection against drowning in water, special protective and life-saver equipment for passengers of ships and crafts.³⁰ Does the transposing legislation cover any of the other exclusions in the Directive? N. Other additional or more detailed requirements The decree's scope of definitions is broader.³¹
Conducting a risk assessment Art. 5*	<ul style="list-style-type: none"> Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies certain requirements. This assessment shall involve (a) an analysis 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Any additional or more detailed requirements Risk assessment is not defined as the employer's obligation.

²⁹ National Implementation Report 2013, Part A, Section II, (EN) p.36-37.

³⁰ PPE Requirements Decree, *A védőeszközök alapvető egészségvédelmi és biztonsági követelményei* 2., 3. §

³¹ PPE Requirements Decree 3.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>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 such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available.</p> <ul style="list-style-type: none"> • The assessment shall be reviewed if any changes are made to any of its elements 		
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • 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. 	No observed discrepancy has been identified in relation to information and instructions to the workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements <p>N.</p>
Training of workers Art. 4(8) and 4(9)	<ul style="list-style-type: none"> • The employer shall arrange for training and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment. • Personal protective equipment [...] must be used in accordance with instructions. Such instructions must be understandable to the workers. 	There are no observed discrepancies related to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training on PPE provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there detailed requirements on demonstrations to be organized in the wearing of PPE? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance #	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	<p>Under Act XCIII of 1993, "the internal rules on providing personal protective equipment shall be set out by the employer in writing. Carrying out that task is considered a special occupational safety and occupational health activity." That requirement constitutes a unique rule, which is absent from the Directive, included in the law in order to ensure the professional quality of dealing with personal protective equipment.</p> <p>The Decree of the Minister of Health, which transposes the Directive, includes another additional provision: "Employers shall cooperate with the health and safety representative and the occupational health service on setting out the rules on the provision of protective equipment. The health and safety representative and the occupational health service shall be entitled to put forth proposals for the selection of the protective equipment."</p> <p>In addition, and according to NIR 2013, "The requirements of the rules of the use of protective equipment, stated at the level of general principles in the Directive, are provided for in detail in the national legislation: taking into account the statutory criteria, employers must specify in writing the provision, selection and application of the protective equipment, the handling of documentation and the training of workers).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			The national legislation also provides that "protective equipment having lost its protective capacity shall no longer be used", sets out workers' obligations with regard to the use of protective equipment and the rules of documenting the training of workers." ³²

* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.
Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

Table 1- 6 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. <ul style="list-style-type: none"> Other additional or more detailed requirements The employer must provide that the

³² National Implementation Report 2013, Part A, Section II, (EN) p.42-43.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			employee learns and knows the meaning of OSH signs and the employee's obligations related to them during the whole period of employment. ³³
Training of workers Art. 7(2)	<ul style="list-style-type: none"> • Framework Directive applies. • Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted. 	There are no observed discrepancies related to the training of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	According to NIR 2013, "Dimensions data are not provided for by the Directive. The Annexes to the national Decree lay down more specific provisions concerning the minimum admissible dimensions of safety signs and the punctuation marks on the supplementary signboard and the specific dimensions data of safety signs. More 'prohibition signs' were added: 'Pacemaker wearer do not enter'; 'No loading to this place'; 'No passengers allowed in this lift'; 'Do not spray water'; 'No mobile phones allowed'. Added 'warning signs' include 'Danger Explosive Atmosphere'; 'Gas

³³ OSH Signs Decree 3. §

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			container'; and 'Slippery floor'. The 'Physician' sign was added to 'Emergency escape or first-aid signs'. The above signs were necessary due to the former lack of 'unambiguous signs' and were included in the Decree with a view to providing more accurate information to workers.' ³⁴

Table 1- 7 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified. The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation include³⁵ : <ul style="list-style-type: none"> areas used directly for and during the medical treatment of patients? the manufacture, handling, use, storage and transport of explosives or chemically unstable substances? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Conducting a risk assessment	<ul style="list-style-type: none"> The employer shall assess the specific risks arising from explosive atmospheres, taking 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur

³⁴ National Implementation Report 2013, Part A, Section II, (EN) p.58.

³⁵ Please note that points (b), (d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 4(1)	<p>account at least of:</p> <ul style="list-style-type: none"> — the likelihood that explosive atmospheres will occur and their persistence, — the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective, — the installations, substances used, processes, and their possible interactions, — the scale of the anticipated effects. <ul style="list-style-type: none"> • Explosion risks shall be assessed overall. 		<p>in the conditions of the type of work involved? N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	N/A	N/A	N/A
Training of workers Annex II, 1.1	<ul style="list-style-type: none"> • The employer must provide those working in places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection. 	There are no observed discrepancies related to training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	N.

Table 1- 8 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Conducting a risk assessment Art. 4(a)	<ul style="list-style-type: none"> Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors provided for in Annex I to the Directive. 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>detailed?</p> <p>N.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health. Employers must ensure that workers and/or their representatives receive general indications and, where possible, precise information on: <ul style="list-style-type: none"> the weight of a load, the centre of gravity of the heaviest side when a package is eccentrically loaded. 	No observed discrepancy has been identified in relation to information for workers.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Training workers of Art. 6	<ul style="list-style-type: none"> • Framework Directive applies • Employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive. 	There are no observed discrepancies related to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors? N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 7	Framework Directive applies	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	Among the individual risk factors, the national decree stipulates in detail that the physician of the occupational health service must pay due attention to the physical faculties and spinal deformations involving the risk of injuries of the back, waist and the lumbar region (spondylosis, Sheuermann disease and discopathia) during the medical fitness test and in expressing an opinion. ³⁶
Annex I	<p>Reference Factors:</p> <ul style="list-style-type: none"> • The manual handling of a load may present a risk particularly of back injury if it is too heavy or too large; unwieldy or difficult to grasp; unstable or has contents likely to shift; positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision. • A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to 		

³⁶ National Implementation Report 2013, Part A, Section II, (EN) p.46.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> result in a sudden movement of the load; made with the body in an unstable posture. The characteristics of the work environment may increase a risk particularly of back injury if there is not enough room, in particular vertically, to carry out the activity; the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear; the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker; there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels; the floor or foot rest is unstable; the temperature, humidity or ventilation is unsuitable. The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker. 		
Annex II	Individual Risk Factors The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other personal effects; does not have adequate or appropriate knowledge or training.		

Table 1- 9 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed. The Directive does not apply to: <ul style="list-style-type: none"> (a) drivers' cabs or control cabs for vehicles or machinery; (b) (computer systems on board a means of transport; (c) computer systems mainly intended for public use; (d) 'portable' systems not in prolonged use at a workstation; (e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; (f) typewriters of traditional design, of the type known as 'typewriter with window' 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes? N. Is the definition of 'display screen equipment' in national law broader than required by the Directive? N. Other additional or more detailed requirements N.
Conducting a	<ul style="list-style-type: none"> Employers must perform an analysis of 	No observed discrepancy has been	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
risk assessment Art.3	<p>workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress.</p> <ul style="list-style-type: none"> Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the risks so found. 	identified related to the risk assessment.	<p>and in any event when any changes occur in the conditions of the type of work involved? N.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to 	There are no observed discrepancies regarding the information of workers.	<ul style="list-style-type: none"> Is the content or form of information to workers further specified? N. Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight).		requirements N.
Training of workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies. • Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified. 	There are no observed discrepancies regarding the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Is the notion of 'substantially modified' further specified? N. • Other additional or more detailed requirements N.
Health surveillance Art. 9*	<ul style="list-style-type: none"> • Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: <ul style="list-style-type: none"> — before commencing display screen work, at regular intervals thereafter, and — if they experience visual difficulties which may be due to display screen work. • Workers shall be entitled to an ophthalmological examination if the results such test show that this is necessary. • If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned. • In no circumstances these measure may involve workers in additional financial cost. • Protection of workers' eyes and eyesight 	There are no observed discrepancies regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Are the conditions in which eye and eye sight test is required more specifically described in the legislation? Y. For employees employed within the frames of organized work and for the employees using at least for four hours in her/his daily working time a device with monitor.³⁷ • Is the periodicity of eye and eye sight test provided in national law? Y. The employer is obliged to ensure a medical examination for the employee (eye and sight) before the start of work that requires the employee to work with a device with a monitor, as well as to arrange a medical examination every two years after the commencement of the work.³⁸ • Other additional or more detailed

³⁷ DSE Decree 1.§

³⁸ DSE Decree 5.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	may be provided as part of a national health system.		requirements N.
Consultation of workers Art. 8	Framework Directive applies.	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	The Hungarian legislation specifies more details: the national legislation sets a maximum of 6 hours for work with display screen equipment and 10-minute interruptions per hour if workers work with display screen equipment on an ongoing basis. It provides for sight-testing every two years, sets out that equipment ensuring sharp-sightedness in front of the display screen equipment must be provided and the deviations of the visual system causing the most frequent complaints during work with display screen equipment. The statutory hourly interruption of work, which must not be combined, the prohibition of other activities during the 'rest period' and of overtime, the restriction of the equipment to ensure sharp-sightedness to spectacles and the tax-exempt provision as 'personal protective equipment', and the minimised cost of such equipment due to tax legislation have been controversial issues between workers and employers for years. ³⁹

* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

³⁹ National Implementation Report 2013, Part A, Section II, (EN) p. 46-47.

Table 1- 10 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1(2) and Art 2	<ul style="list-style-type: none"> • This Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work. • 'hand-arm vibration': the mechanical vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders; • 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The decree states two additional definitions: 1. Definition of measurement of vibration (mechanical vibration, which affects arm or leg and means health and safety risks for the employee's human arm-leg system if transported, especially mutation in bones, muscles, joints or the nerve system) 2. Examination of vibration (measuring, which is carried out to measure the employee's vibration exposition).⁴⁰</p>
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage. • The employer shall give particular attention to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks; - the exposure limit values and the exposure action values - any effects concerning the health and safety of workers at particularly sensitive risk - any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or 	No observed discrepancy has been identified related to the risk assessments.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more

⁴⁰ Vibration Decree 2.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>other work equipment</p> <ul style="list-style-type: none"> - information provided by the manufacturers of work equipment - the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration - the extension of exposure to whole-body vibration beyond normal - working hours under the employer's responsibility - specific working conditions such as low temperatures - appropriate information obtained from health surveillance, including published information, as far as possible <ul style="list-style-type: none"> • The employer must be in possession of the risk assessment • The risk assessment shall be recorded on a suitable medium; it 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. • The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes. 		<p>detailed than described in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. Evaluation of risks must be planned and fulfilled by the employer according to Art. 54. § paragraph (3) of the OSH Law.⁴¹</p> <p>According to the OSH Law, employers shall carry out a risk evaluation and shall implement the required precautionary measures specified in Subsection (2) within one year from the date of commencement of employment and any time after that when and where necessary, and shall review said evaluation annually. Any substantial change in the risks involved (i.e. in the working conditions, technological process, dangerous substances and preparations, tools and equipment, or in the nature of work) shall be deemed to justify the evaluation, as well as when any new technology, dangerous substance or preparation, tools or equipment, or new work arrangements are introduced. Risk evaluation shall be</p>

⁴¹ Vibration Decree 4.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			performed instantly if any substantial change in the risks involved also entail or suggest the danger of industrial accidents, increased exposure or occupational disease.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular: <ul style="list-style-type: none"> - measures taken to eliminate or reduce to a minimum the risks from mechanical vibration; - the exposure limit values and the exposure action values - the results of the assessment and measurement and the potential injury arising from the work equipment in use; - why and how to detect and report signs of injury; - circumstances in which workers are entitled to health surveillance - safe working practices to minimise exposure. 	There are no observed discrepancies regarding the information of workers.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 6	Same as above	There are no observed discrepancies regarding the information of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Health surveillance Art. 8	<ul style="list-style-type: none"> • Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health. • Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where: <ul style="list-style-type: none"> - workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health, - it is probable that the illness or the effects occur in a worker's particular working conditions, and - there are tested techniques for the detection of the illness or the harmful effects on health. • Workers exposed to mechanical vibration in excess of the values shall be entitled to appropriate health surveillance. • Individual health records are required and kept up-to-date. • Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality. • Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> - The worker shall be informed of the result which relates to him personally and, in particular, information and advice 	<p>There are no observed discrepancies regarding health surveillance.</p>	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to vibration? N. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. • Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work, to review the risk assessment and the measure to eliminate or reduce risk? N. • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements
	<p>regarding any health surveillance which he should undergo following the end of exposure;</p> <ul style="list-style-type: none"> - The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality. - Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination. 		<p>requirements</p> <p>Vibration Decree 7. § (1) The aim of the medical examination of the employees – regulated in other laws – in case of employees working in exposition vibration is to prevent all diseases in connection with work and early diagnostics of them.</p> <p>(2) The employee must be sent to employment medical examination out of turn in case of impact with exceeding the preventive limit.</p> <p>(3) The service of employment health must conduct the medical documentation on these employees according to other laws. Copy of the medical documentation must be handed to the competent labour inspectorate. The possibility for learning the relevant medical documentation must be provided for the employee.</p> <p>(4) If the medical examination states that such illness or health injury can be stated, which – according to the statement of the doctor of the employment health service –, which is the consequence of the mechanical vibration exposition:</p> <ul style="list-style-type: none"> a) the doctor must inform the employee about her/his result, especially about the medical examinations, which must be carried out after the termination of exposition; b) the employer must be informed about all important and needed results – which are not personal data – of the medical examination in connection with securing occupational safety and health. <p>(5) In case of obtaining knowledge of illness or health injury stated in paragraph (4) the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>employer is obliged to:</p> <p>a) observe the evaluation of risks according to article 4. §,</p> <p>b) check the provisions set up for abolition or decreasing of risks according to article 5. §,</p> <p>c) taking into consideration the proposition of the person doing the evaluation of risks, the doctor of employment health and the competent body during the execution of provisions stated in article 5.§,</p> <p>d) employing the employee in such scope of duties in which danger of further exposition does not exist and</p> <p>e) to provide the medical examination out of turn,</p> <p>f) to ensure the measuring of the state of health of employees who were lied under vibration exposition to a similar extent.</p>
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? Y. The concerned employees have the right to information and consultation in relation to all questions they might have about this kind of risk. The employer is obliged to provide the possibility for these employees to participate in training and consultation processes.⁴² • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure 	No observed discrepancy has been identified related to setting of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N.

⁴² Vibration Decree 6.§

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>levels.</p> <ul style="list-style-type: none"> • Hand-arm vibration: <ul style="list-style-type: none"> - Daily exposure limit value standardised to an eight-hour reference period: 5 m/s²; - Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s². • For whole-body vibration: <ul style="list-style-type: none"> - Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s² or, at the MS's choice, a vibration dose value of 21 m/s^{1,75}; - Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s² or, at the MS's choice, a vibration dose value of 9,1 m/s^{1,75}. 		<ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. Concerning the exposure to whole-body vibrations, the national legislation opts for the daily exposure limit value standardised to an eight-hour reference.</p>
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 11 Directive 2003/10/EC (noise) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> • Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. - daily noise exposure level (L_{EX,8h}) (dB(A) re. 20 µPa): time weighted average of the noise exposure levels for a nominal; - weekly noise exposure level (L_{EX,8h}): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2). 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The decree uses an additional definition, namely the definition of highest level of noise pressure (the highest value of present noise pressure measured by C weight filter) and noise weight (the equivalent A-noise pressure level (L) of the noise arising at the workplace defined by the annex's point 4.6.2.).</p>
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular 	No observed discrepancy has been identified with regard to the risk assessment.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>attention, to:</p> <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to impulsive noise; - the exposure limit values and the exposure action values; - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations; - any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents; - information on noise emission provided by manufacturers of work equipment in accordance with relevant EU directives; - the existence of alternative work equipment designed to reduce the noise emission; - the extension of exposure to noise beyond normal working hours under the employer's responsibility; - appropriate information from health surveillance, including published information, as far as possible; - the availability of hearing protectors with adequate attenuation characteristics. <ul style="list-style-type: none"> • The employer shall be in possession of the risk assessment. • The risk assessment shall be recorded on a suitable medium, according to national law and practice. • The risk assessment shall be kept up to date 		<p>automatically?</p> <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>N.</p> <ul style="list-style-type: none"> • Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>Y. Measuring of noise can be performed by:</p> <ul style="list-style-type: none"> a) a professional who has the permission according to the decree of the minister in charge for noise injury; b) organisation accredited by the National Body of Accreditation (<i>Nemzeti Akkreditáló Testület által e tevékenységre akkreditált szervezet (laboratórium)</i>). <ul style="list-style-type: none"> • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary.</p>		<p>requirements</p> <p>Measuring of noise must be performed:</p> <p>a) in case of establishing new workplace or putting in operation new work equipment (for example machine, installation);</p> <p>b) reconstruction of already existing workplace, work equipment or putting into a new location and in case of shift of technology or products, if the shift or change can modify the measure of noise exposition;</p> <p>c) shaping the scope of duties;</p> <p>d) setting the measure of noise exposition affecting the employee.</p> <p>(4) In case of evaluation of risks measuring of noise can be put aside, if according to the employer's statement the following can be stated unambiguously: weight of noise does not exceed the lower interfering limit stated in article 3. § paragraph (1) c).</p>
Ensuring preventive and protective services Art 4(4)	<ul style="list-style-type: none"> The assessment and measurement shall be planned and carried out by competent services at suitable intervals 	There is no observed discrepancy related to ensuring preventive and protective services.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>
Information for workers Art. 8	<ul style="list-style-type: none"> Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure concerning, in particular: <ul style="list-style-type: none"> - the nature of such risks; - the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, - the exposure limit values and the exposure 	There is no observed discrepancy related to the information that must be provided to workers with regards to noise related risks.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>action values</p> <ul style="list-style-type: none"> - the results of the assessment and measurement together with an explanation of their significance and potential risks - the correct use of hearing protectors - why and how to detect and report signs of hearing damage - the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance - safe working practices to minimise exposure to noise 		<p>requirements</p> <p>N.</p>
Training of workers <i>Art. 8</i>	Same as above	There are no observed discrepancies regarding the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p>
Health surveillance <i>Art. 10</i>	<ul style="list-style-type: none"> • Health surveillance of workers where the results of the assessment/measurement show a risk to their health. • A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, • Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the risk assessment indicates a risk to health. • The objectives of these checks are to provide early diagnosis of any hearing loss and preserve hearing function. • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance carried out. • They shall be kept in a suitable form to 	There are no observed discrepancies regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to noise? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? <p>Y. The employer must provide a hearing examination for the employee, if the noise exposition affecting the employee exceeds the upper interfering limit.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>permit consultation, taking into account any confidentiality.</p> <ul style="list-style-type: none"> • Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her. • Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> - the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally; <p>The employer shall:</p> <ul style="list-style-type: none"> - review the risk assessment - review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to eliminate or reduce risk and, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and - arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. 		<ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements <p>Paragraph (1) The occupational health service regularly checks the employee's state of health who works at a workplace involving the risk of hearing loss as it is declared in a special legal regulation. The aim of the examination is the early detection of hearing loss as a consequence of the noise and keeping audition.</p> <p>Paragraph (2) The employer is obliged to provide hearing test if the noise exposition is over the upper action limit value. In such cases the employee is obliged to take part in hearing test.</p> <p>Paragraph (3) The employer also provides the hearing test for such employees whose noise exposition is over the lowest action value limit.</p> <p>Paragraph(4) According to the special legal rule the occupational health service maintains health documentation of the employee who suffers from noise exposition. The copy of the health documentation should be made available for the health authority if requested. The employee must be ensured the opportunity to learn the health documentation referring to her/him.</p> <p>Paragraph (5) If the hearing test declares such hearing loss of the employee which – according to the standpoint of the doctor of the occupational health service – is the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>consequence of the noise exposition at the work-place, the employee must be informed about the result referring to her/him by the doctor.</p> <p>Paragraph (6) According to paragraph (5) in case of learning the hearing loss the employer is obliged</p> <p>a) to review the risk assessment according to article 4. §,</p> <p>b) to check measures introduced according to article 8. § in order to terminate or decrease the risks,</p> <p>c) to take into consideration the occupational health service doctor's suggestion or the suggestion of the competent authority during implementation of measures as article 8. §,</p> <p>d) to employ the employee in such job – on the basis of the opinion of the doctor of the employment health service – where there is no risk of exposition, and</p> <p>e) to provide the employees in danger of noise exposition at similar measure to be checked her/his state of health.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies 	There are no observed discrepancies regarding the consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at: (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively; 	No observed discrepancy has been identified in terms of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(b) upper exposure action values: $L_{EX,8h}$ 85 dB(A) and $p_{peak} = 140$ Pa (2) respectively;</p> <p>(c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively.</p> <ul style="list-style-type: none"> When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. The exposure action values shall not take account of the effect of any such protectors. 		N.
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 12 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> Directive lays down minimum requirements for the protection of workers from risks from exposure to electromagnetic fields (0 Hz to 300 GHz) during their work. It refers to the risk to the health and safety of workers due to known short-term adverse effects in the human body caused by the circulation of induced currents and by energy absorption as well as by contact currents. It does not address suggested long-term effects, nor the risks resulting from contact with live conductors. electromagnetic fields': static magnetic and time-varying electric, magnetic and electromagnetic fields with frequencies up to 300 GHz; 	<i>This Directive has not been transposed</i>	<ul style="list-style-type: none"> Does the national legislation cover suggested long-term effects? Does the national legislation address the risks resulting from contact with live conductors? Other additional or more detailed requirements
Conducting a	<ul style="list-style-type: none"> The employer shall assess and, if necessary, 		<ul style="list-style-type: none"> Does the national legislation require

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p><i>risk assessment</i> <i>Art.4</i></p>	<p>measure and/or calculate the levels of electromagnetic fields to which workers are exposed.</p> <ul style="list-style-type: none"> • On the basis of this assessment, if the action values are exceeded, s/he shall assess and, if necessary, calculate whether the exposure limit values are exceeded. • Assessment, measurement and/or calculations need not be carried out in workplaces open to the public provided that an evaluation has already been undertaken in accordance with Council Recommendation 1999/519/EC. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage • The employer shall give particular attention, when carrying out the risk assessment, to: <ul style="list-style-type: none"> - level, frequency spectrum, duration and type of exposure; - the exposure limit values and action values; - any effects concerning workers at particular risk; - any indirect effects. • The employer shall be in possession of a risk assessment. • The risk assessment shall be recorded on a suitable medium. It may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary. • The risk assessment shall be updated on a regular basis, particularly if there have been significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		<p>employers to submit risk assessment to national authorities whether on request or automatically?</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? • Is the content of the risk assessment more detailed than described in the Directive? • Is a more specific methodology for risk assessment provided in the legislation? • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Ensuring preventive and protective services Art 4(4)	Assessment, measurement and/or calculations shall be planned and carried out by competent services or persons at suitable intervals,		<ul style="list-style-type: none"> • Any additional or more detailed requirements • Other additional or more detailed requirements
Information for workers Art. 6	The employer shall ensure that exposed workers and/or their representatives receive any necessary information/training relating to the outcome of the risk assessment, in particular on: <ul style="list-style-type: none"> - measures taken to implement this Directive; - values and concepts of the exposure limit values and action values and the associated potential risks - the results of the assessment, measurement /calculations of the levels of exposure to electromagnetic fields - how to detect adverse health effects and to report them; - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure 		<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? • Is the content or form of information to workers further specified?
Training of workers Art. 6	Same as above		<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? • Other additional or more detailed requirements
Health surveillance Art. 8	<ul style="list-style-type: none"> • Framework Directive applies • In any event, where exposure above the limit values is detected, a medical examination shall be made available to the worker(s) concerned. • If health damage resulting from exposure is detected, the employer must carry out a reassessment of the risks • The employer shall take appropriate 		<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to electromagnetic fields? • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to electromagnetic fields? • Are the arrangements for health surveillance records specified in the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>measures to ensure that the doctor and/or the medical authority responsible for the health surveillance has access to the results of the risk assessment</p> <ul style="list-style-type: none"> The results of health surveillance shall be preserved in a suitable form to permit consultation at later date, taking account of confidentiality requirements. Individual workers shall, at their request, have access to their own personal health records 		<p>legislation?</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? Is the periodicity of health surveillance provided in national law? Other additional or more detailed requirements
Consultation of workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies 		<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Other additional or more detailed requirements
Limit values Art.3	<p>Exposure limit values are as set out in the Annex, Table 1. Action values are as set out in the Annex, Table 2.</p>		<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? Other additional or more detailed requirements
Other issues identified			

Table 1- 13 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation during their work. It refers to the risk to the health and safety of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin. optical radiation: any electromagnetic radiation in the wavelength range between 100 nm and 1 mm. The spectrum of optical 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>Y. The AOR Decree also defines the concept of estimation, exposition and measurement of exposition. (Art.2)</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>radiation is divided into ultraviolet radiation, visible radiation and infrared radiation:</p> <p>(i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm);</p> <p>(ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm;</p> <p>(iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm);</p>		
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed • The data obtained shall be preserved in a suitable form to permit their consultation at a later stage. • The employer shall give particular attention, when carrying out the risk assessment, to the following: <ul style="list-style-type: none"> - the level, wavelength range and duration of exposure; - the exposure limit values - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - any possible effects resulting from workplace interactions between optical radiation and photosensitising chemical substances; - any indirect effects e.g. temporary blinding, explosion or fire; 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? Y. Article 5. § paragraph (2) AOR Decree. The employer can fulfil the obligation of defining the measure of exposition by estimation if it can be estimated for sure that the exposition that exposes the employee is below the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation; - appropriate information obtained from health surveillance, including published information, as far as possible; - multiple sources of exposure; - a classification applied to a laser as defined in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification; 		<p>permissible limit on the basis of the information received from the producer of the device, equipment emitting artificial optical radiation, the number of the equipment, the length of the employee's exposition, and the other circumstances of the working activity.</p> <p>Paragraph (3) On the basis of paragraph (2) and in case the measure of the exposition cannot be stated by estimation for sure, calculation should be applied. During calculation the data given by the producer of the equipment must be taken into consideration.</p> <p>Paragraph (4) In case the measure of exposition cannot be stated for sure on the basis of paragraph (2) and (3) neither by estimation nor calculation, justifying measures must be made.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. Article 6. § paragraph (1) AOR Decree. The risk assessment – including the data on which it is based – must also be available in printed hardcopies and must be stored for 5 more years after the use of the equipment emitting artificial radiation has finished.</p>
Ensuring preventive and protective	<ul style="list-style-type: none"> • The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent 	There are no observed discrepancies regarding the involvement of preventive and protective services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
services Art 4(2)	services or persons at suitable intervals		
Information for workers Art. 6	<ul style="list-style-type: none"> The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular: <ul style="list-style-type: none"> - measures taken to implement this Directive; - the exposure limit values and the associated potential risks; - the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks; - how to detect adverse health effects of exposure and how to report them - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure; - proper use of appropriate personal protective equipment 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 6	Same as above	There are no observed discrepancies regarding the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> Health surveillance is carried out by a doctor, an occupational health professional or a medical authority 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the national legislation require health surveillance prior to exposure to artificial optical radiation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>responsible for health surveillance</p> <ul style="list-style-type: none"> • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality. • Doctor, the occupational health professional or the medical authority responsible for the health surveillance, has access to the results of the risk assessment where such results may be relevant to the health surveillance. • Individual workers shall, at their request, have access to their own personal health records • When exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned. • In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> - the worker shall be informed of the result which relates to him personally and receive information and advice regarding any health surveillance which he should undergo following the end of exposure; - the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality; 		<p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? <p>N.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y, in the Fitness Decree. For workers under 18 and for aging workers yearly, for workers defined in annexes 4 and 5 the period described in the annexes for the different groups of workers, for workers defined in annex 5 and 6 yearly, for workers, who are not defined in the latter and have age benefit yearly, for workers, who work abroad (and the examination is not secured) at the most yearly, for workers defined in annex 1 and workers, who are affected biological circumstances yearly.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the employer shall: <ul style="list-style-type: none"> o review the risk assessment o review the measures taken to eliminate or reduce risks o take into account the health professional advice in implementing such measures o arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination. 		
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. The OSH Law (Article 70/A, 70/B, 71, 72, 73, 74, 75, 76, 77, 78, 79) contains, inter alia, the rules of election of representatives for occupational safety. • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I. • Exposure limit values for laser radiation are set out in Annex II. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. • Other additional or more detailed requirements N.
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 14 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions Art 3(1) read in conjunction with Art 2</p>	<ul style="list-style-type: none"> • This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work • Carcinogens Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC • Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> • Does the transposing legislation also cover reprotoxic substances (1A and 1B)? N. • Other additional or more detailed requirements The national legislation applies the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008.
<p>Conducting a risk assessment Art. 3</p>	<ul style="list-style-type: none"> • nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken. • The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens. • The employer shall supply the authorities at their request with the information used for making the assessment. • When assessing the risk, account shall be taken of all other routes of exposure, such as absorption into and/or through the skin. 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> • Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directives? N. • Is the content of the risk assessment more detailed than described in the Directives? N. • Is a more specific methodology for risk assessment provided in the legislation? Y. Article 4. § paragraph (2) Carcinogens Decree. For the sake of implementation of the professional and the correct risk assessment, the employer should: <ol style="list-style-type: none"> a) identify the carcinogenic material, b) measure the concentration of the carcinogenic material in the respiratory zone (personal, full time sampling)

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>c) define by estimation the quantity of the carcinogenic material absorbed into the employee's skin or into her/his organism through her/his skin,</p> <p>d) define, in case of materials, in special legal regulations on completion of biological monitoring (estimation of the quantity of the carcinogenic material absorbed into the human organism, and the estimation of the employee's loading by chemical materials),</p> <p>e) propose the doctor for the employment health service upon completion cytogenetic examination,</p> <p>f) during the actual working activity according to the working hours defined in article 5. § paragraph (8),</p> <p>g) about the minimal number of employees necessary for the actual working activity.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives? <p>Y. The Ministry of Defence and the administrations of the MH (Hungarian Defence Force) are entitled to be in charge of risk assessments, in the case of military organizations.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The directive prescribes it to be compulsory to carry out the regular risk assessment and the EÜM regulation orders bi-annually.</p>
Ensuring preventive and protective	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>services</i>			
Information for workers Art.12	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> • Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> ○ the consequences for workers' safety and health of the selection, wearing and use of protective clothing and equipment, without prejudice to the employer's responsibility for determining the effectiveness of protective clothing and equipment; ○ the measures in case of foreseeable exposure • Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation • The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available their exposure • Doctors and/or competent authorities have access to this list. • Each worker has access to the information about him • Workers and/or workers representatives have access to anonymous collective information 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> ○ relevant activities and industrial processes, including reasons why carcinogens mutagens and reprotoxins are used; ○ quantities of substances and preparations manufactured or used that contain CMR ○ numbers of workers exposed ○ replacement by another product ○ negative impacts on fertility <p>N.</p> <ul style="list-style-type: none"> • Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. Article 15. § paragraph (1) Carcinogens Decree. The employer continuously maintains a record about those who conduct carcinogenetic activities through their work. The register contains</p> <ol style="list-style-type: none"> a) the employee's name, b) the employee's date and place of birth c) the name of the carcinogenetic caused exposition, d) the employee's daily, weekly, yearly time of exposure,

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			e) the measured data of the expositional concentration per material.
Training of workers Art.11	<ul style="list-style-type: none"> • Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> ○ Potential risks to health including the additional risks due to tobacco consumption ○ Precautions to be taken to prevent exposure 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>Y. To provide information about the risk-increasing effect of not only the smoking but also the alcohol and way of life is compulsory.</p> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> • Other additional or more detailed requirements <p>Y. The education shall take place during working hours.</p>
Health surveillance Art.14 and ANNEX II	<ul style="list-style-type: none"> • Health surveillance prior exposure and at regular intervals thereafter • If a workers suffer from an abnormality suspected to be the result of exposure the doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out. • Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker. • Advice must be given to workers on health surveillance after the end of exposure • Workers have access to the result of health surveillance that concern them • Workers/employers may request a review of the results of the health surveillance 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation set health surveillance requirements after the end of exposure? <p>N.</p> • Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> • Is the periodicity of health surveillance provided in national law? <p>Y. Article 16. § paragraph (1) Carcinogens Decree. Before employment in carcinogenic</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>exposition the employee is obliged to take part in a medical examination and the employee who works with carcinogenic materials is obliged to take part in a periodic medical examination organized by the employment health service in each year.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. On the basis of Annex II the medical review also contains a personal discussion, the EÜM regulation does not contain this.</p>
Consultation of workers Art.13	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>Y. The election of the OSH representative, her/his responsibilities and the scope of his tasks, the regulation of the OSH committee.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Limit values Art 16 and Annex III	<ul style="list-style-type: none"> • Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	A observed discrepancy has been identified: the Hungarian legislation does not include limit values Benzene and hardwood dusts.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? <p>N.</p> <ul style="list-style-type: none"> • Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres and its compound)? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Other issues identified		No observed discrepancies have been identified.	The Directive provides that employers shall submit appropriate information to the competent authorities at request. The

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			Carcinogens Decree is more stringent than that as it provides that employers shall, by 10 January each year, report specific data concerning its activities with carcinogens to the health and safety authority. The documents must be retained for a period of 50 years (as opposed to 40 years specified in the Directive). There is a separate Annex on the vinyl chloride monomer and there are more detailed provisions on risk assessment (risk analysis) and the medical fitness test. ⁴³

Table 1- 15 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community. Chemical agent is defined as any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market. Hazardous chemical agent is defined as <ul style="list-style-type: none"> any chemical agent which meets the criteria for classification as a dangerous 	An observed discrepancy has been identified. The concepts defined in Art.2 of the Directive have not been transposed in Hungarian legislation.	<ul style="list-style-type: none"> Is the scope broader than the directive's for: <ul style="list-style-type: none"> Chemical agent? Hazardous chemical agent? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>

⁴³ National Implementation Report 2013, Part A, Section II, (EN) p.50.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>substance according to the criteria in Annex VI to Directive 67/548/EEC, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment;</p> <ul style="list-style-type: none"> o any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment; o any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive. 		
<p>Conducting a risk assessment Art. 4(1), (2) and (4)</p>	<ul style="list-style-type: none"> • The Directive requires a risk assessment to be carried out by employers which must determine whether any hazardous chemical agents are present at the workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit values; effect of preventive measures taken 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>or to be taken; conclusions to be drawn from any health surveillance.</p> <ul style="list-style-type: none"> • In case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination. • The risk assessment must be documented. The employer must be in possession of the risk assessment. 		<ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? Y. Article 5. § paragraph (2) Chemical Agents Decree states the following: the employer must get the complementary information from the producer (importer), distributor, and the supplier (hereinafter together: supplier) which are necessary for the risk assessment. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> • The employer must ensure that workers are provided with: <ul style="list-style-type: none"> ◦ Data obtained from the risk assessments ◦ Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit values) ◦ Training and information on appropriate precautions and actions to be taken ◦ Safety data sheet 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the transposing legislation set any additional information requirements? N. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> Training and information on appropriate precautions and actions to be taken 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N.
Health surveillance Art.10	<ul style="list-style-type: none"> The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health. Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the individual. Copies must be supplied on request to the authorities 	An observed discrepancy has been identified. Art. 10 (1) to (3) of the Directive have not been transposed in Hungarian legislation.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? Y. Chemical Agents Decree 12. § (2) In case the results of the medical check by the doctor of the employment health service identifies a disease or show that there have adverse health effect or exceeding of biological value limits a direct result of exposition of working with dangerous material, the employer is obliged to arrange a health examination for the other employees. Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N. Are the arrangements for health

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>surveillance records specified in the legislation?</p> <p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>Y. The election of the OSH representative, her/his tasks, the regulation of the OSH committee.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values Art 3 and 6(4) and (5)	<ul style="list-style-type: none"> Exposure limit values and biological limit values 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>The limit values are legally binding at national level.</p>
Other issues identified		No observed discrepancy has been identified.	According to NIR 2013, "The national legislation complies with the Directive and the REACH Regulation. Joint Decree No 25/2000 provides for a more stringent rule as "records of the types of substances that can be identified with the Safety Data Sheet under separate legislation shall be kept by employers concerning the hazardous

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			substances used at work; such records shall be made available to workers and their representatives". The measurement data according to the measurement protocol and the time and date of the measurements must be recorded in workers' exposure records." ⁴⁴

Table 1- 16 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art.1 and 2	<p>The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates:</p> <ul style="list-style-type: none"> - asbestos actinolite, CAS No 77536-66-4 (1); - asbestos grunerite (amosite), CAS No 12172-73-5 (1); - asbestos anthophyllite, CAS No 77536-67-5 (1) - chrysotile, CAS No 12001-29-5 (1); - crocidolite, CAS No 12001-28-4 (1); - asbestos tremolite, CAS No 77536-68-6 (1). 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The Asbestos Decree defines, besides the concept of asbestos, the concept of asbestos material (fibrous structured silicates defined in the decree⁴⁵) and the concept of air measurement of quality (a measurement, which is carried out to measure the value of fibres at the workplace or in the scope of the working activity in the air in case of working with asbestos or goods containing asbestos).</p>
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> • In the case of activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and degree of the workers' exposure. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? Y. Article 54. § paragraph (5) of the OSH Law: as the result of the risk assessment it is the employer's responsibility to document at

⁴⁴ National Implementation Report 2013, Part A, Section II, (EN) p.72.

⁴⁵ CAS numbers: 77536-66-4, 12172-73-5, 77536-67-5, 12001-29-5, 12001-28-4, 77536-68-6.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>least the following:</p> <p>a) the date, place, object of the risk assessment, identification data of the person who carried out the risk assessment;</p> <p>b) identification of the dangers;</p> <p>c) identification of the endangered persons, the number of people involved;</p> <p>d) factors aggravating the risk;</p> <p>e) evaluation of the quantity and quality of the risks, comparing it to the present situation, whether the circumstances correspond with the relevant OSH rules, whether the risks are maintained at the necessary low level;</p> <p>f) necessary prevention measures, defining the deadline and persons in charge;</p> <p>g) the next planned date of the preparation of the risk assessment;</p> <p>h) the previous date of the risk assessment.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>Y. OSH Law article 54. § paragraph (3): “Employers shall carry out a risk evaluation and shall implement the required precautionary measures specified in Subsection (2) within one year from the date of commencement of employment and any time after that when and where necessary, and shall review said evaluation annually. Any substantial change in the risks involved (i.e. in the working conditions, technological process, dangerous substances and preparations, tools and equipment, or in the nature of work) shall be deemed to justify the evaluation, as well as when any new technology, dangerous substance or preparation, tools or equipment, or new work</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>arrangements are introduced. Risk evaluation shall be performed instantly if any substantial change in the risks involved also entail or suggest the danger of industrial accidents, increased exposure or occupational disease."</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements N.
Ensuring preventive and protective services Art.7(4)	<ul style="list-style-type: none"> Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in laboratories equipped for fibre counting. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements Y. It must be accomplished regularly, but at least in each third month (Asbestos Decree 6. §).
Information for workers Art.4(4) Art.17	<ul style="list-style-type: none"> Art.4(4): Workers must have access to the documents used in the documentation system Art.17: Workers must receive adequate information on: <ul style="list-style-type: none"> - potential risks to health from exposure to dust arising from asbestos or materials containing asbestos; - existence of statutory limit values and the need for the atmosphere to be monitored; - hygiene requirements, including the need to refrain from smoking; - precautions to be taken as regards the wearing and use of protective equipment and clothing; - special precautions designed to minimise exposure to asbestos. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? Y. In case of asbestos removal the employer's notification also contains the activities carried out simultaneously at the work-place and in its direct environment; and the organization that controlled the measure of the asbestos-contamination according to article 6.§ paragraph (3). Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. If the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it and the workers are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken. 		<p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Y. The employer must notify in writing the activity 15 days before the start of the work to the labour inspectorate of the capital and county Government Offices which are representing the place of work (hereinafter: labour inspectorate) with the aim of registering the work connected with asbestos. The notification must be presented in 3 copies (Asbestos Decree article 4. § paragraph (1) and (4)).</p>
<p>Training of workers Art.14</p>	<ul style="list-style-type: none"> Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: <ul style="list-style-type: none"> properties of asbestos and its effects on health; types of products or materials likely to contain asbestos; operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; safe work practices, controls and protective equipment; appropriate role, choice, selection, limitations and proper use of respiratory equipment; 	<p>No observed discrepancies have been identified.</p> <p>However, the Asbestos Decree does not specify that education must be free.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>N.</p> Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> Are there more detailed requirements on the content of training than in the Directive? <p>N.</p> Are there more detailed requirements on the regularity of training than in the Directive? <p>Y. Training must be provided at the start of work, every once a year, and in case of significant change in working circumstances (Asbestos Decree article 13. § paragraph (1)).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 		<ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance and Art.18 ANNEX I	<ul style="list-style-type: none"> • Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work. It must include a specific examination of the chest. • A new assessment must be available at least once every 3 years for as long as exposure continues. • Individual health record to be established for each worker • The doctor or responsible authority shall advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos. • Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure. • The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health • The worker concerned or the employer may request a review of the assessments • These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)) 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? <p>N.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y. The Asbestos Decree states the necessity of annual medical examinations of the chest.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Consultation of workers Art.3(5) and 7(3) and 12</p>	<ul style="list-style-type: none"> • Art.3(5): risk assessment is subject to worker consultation • Art.7(3): sampling is carried out after worker consultation • Art.12: workers must be consulted on measures to be taken in case of activities such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start. 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> • Does the national legislation set additional worker consultation requirements? Y. Article 8. § paragraph (4) of the Asbestos Decree states the following: when wearing respiratory protective equipment, work can be done continuously. The length of the rest period must be defined taking into consideration the attributes of the place of work (physical and climatic circumstances), the difficulty of the work conducted and any additional burden caused by wearing the protective device after consultation between the employees and OSH representatives. Article 15. § paragraph (2): the employer ensures that the employees and the OSH representatives a) are aware of the measurements of asbestos-level in the air and receive appropriate information about the importance of these results; b) in case the asbestos-concentration exceeds the limit value they should get information about the cause of exceedance as soon as possible, and they should consult the measure to be taken for its abolition. In urgent cases they should be informed about the arrangements that were made as a result. • Are more specific criteria put in place? N. • Other additional or more detailed requirements N.
<p>Limit values Art.8</p>	<ul style="list-style-type: none"> • Employers shall ensure that no worker is exposed to an airborne concentration of 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	asbestos in excess of 0,1 fibres per cm ³ as an 8-hour time-weighted average (TWA).		N. • Other additional or more detailed requirements
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 17 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive covers risks, arising or likely to arise from exposure to biological agents at work. 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity; 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? Y. Biological Agents Decree also defines the concept of exposition (exposure to the disease circumstances existing at the workplace, which can affect the worker). Other additional or more detailed requirements
Conducting a risk assessment Art. 3, 7(1)	<ul style="list-style-type: none"> The nature, degree and duration of workers' exposure must be determined. In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present. The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure The employer must supply the CAs, at their request, with the information used for making the assessment. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities automatically? N. Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • The assessment is conducted on the basis of all available information: <ul style="list-style-type: none"> - classification of biological agents which are or may be a hazard to human health - recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a biological agent as a result of their work - information on diseases which may be contracted as a result of the work of the workers - potential allergenic or toxigenic effects as a result of the work of the workers; - knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work • Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> - the results of the assessment; - the activities in which workers have been exposed or may have been exposed; - the number of workers exposed; - the name and capabilities of the person responsible for OSH, - the protective and preventive measures taken; - an emergency plan for the protection of workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment. 		<p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>Y. The competent authority stated in the directive according to Biological Agents Decree article 3. § paragraph (4) b) is the labour inspectorate of the OSH and labour specialized administration body of the capital and county Government Offices.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. A risk assessment must be conducted each year (or when the change in circumstances may affect the employee's exposition of biological factors) (Biological Agents Decree article 3. § paragraph (3)).</p>
Ensuring preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers Art.10	<ul style="list-style-type: none"> • Employers shall provide written instructions and, if appropriate, display notices which shall, include the procedure to follow in the case of: <ul style="list-style-type: none"> - a serious accident or incident involving the handling of a biological agent; - handling a group 4 biological agent. • Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness. • Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken. • Each worker shall have access to the information on the list of exposed workers which relates to him personally. • Workers or their representatives shall have access to anonymous collective information. • Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7) 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the information to be provided to the CAs need to be available to the workers independently of their request? N. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.9	<ul style="list-style-type: none"> • Workers receive training concerning: <ul style="list-style-type: none"> - potential risks to health; - precautions to be taken to prevent exposure; - hygiene requirements; - wearing and use of protective equipment and clothing; - steps to be taken in case of incidents and to prevent them. • Training shall be: <ul style="list-style-type: none"> - given at the beginning of work involving contact with biological agents, 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? Y. The employee must also be informed that the employee is obliged to report to the coordinator or to the person responsible for health and safety immediately any accident or disturbance, which is linked to the treatment of the biological factor. The employee is obliged to inform the employer about his/her obligations stated in 10. § (2) and rights stated in 10. § (2) (Biological Agents Decree article 9. § paragraph (1) f).

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	- adapted to new or changed risks, and repeated periodically if necessary		<ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements Y. The fact of the education must be documented in written form (article 9. § paragraph (3)).
Health surveillance Art.14 and ANNEX IV	<ul style="list-style-type: none"> • Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals • When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed. • A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out • In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure. • In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years following the last known exposure. • The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years)? N. • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> Information and advice must be given to workers on health surveillance they may undergo after the end of exposure. Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results. All cases of diseases or death identified from occupational exposure to biological agents shall be notified to the CA 		
Consultation of workers Art.12	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified.	N.

Table 1- 18 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1, 2 and 10(1) and (2)	<ul style="list-style-type: none"> The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*. 	<p>No observed discrepancies have been identified.</p> <p>However, Construction Sites Decree did not transpose the Directive's concept for customer, construction manager and self-employer.</p>	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives must 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments)

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.11	<p>be informed of all the measures to be taken concerning their safety and health on the construction site.</p> <ul style="list-style-type: none"> The information must be comprehensible to the workers concerned. 		<p>in relation to workers information?</p> <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Y. According to the urgency, the employees should be informed in writing (Construction Sites Decree article 12. § paragraph (1))</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 12	<ul style="list-style-type: none"> Framework Directive applies. The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	According to NIR 2013, "The Hungarian legislation is more stringent than the Directive as contractors are required to employ a health and safety coordinator (a natural person hired through an employment or service contract) at all construction sites. Joint Decree No 4/2002 includes several provisions not specified by the Directive (including specifying a detailed numerical value for specific types of construction work with a view to preventing serious accidents, such as falls from high workplaces, landslides,

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			work performed in the vicinity of high tension etc. or work at high or underground workplaces, safety distances of excavating machinery from overhead lines, works carried out on top of roofs of different angles of inclination, the erection of scaffolds along walls, the spacing of protective nets and the width of boardwalks). Similarly, the Decree provides for other additional measures (such as the material and personal conditions of first aid at work; requirements of temperature and work in narrow spaces; requirements to be met during masonry and special installation works; it also contains provisions on the use of the various types of scaffoldings, machinery and excavating machines; and the detailed rules of earthworks, demolition works and works on the roof structure as well as concrete and reinforced concrete works), which are either not mentioned at all or are only provided for as a simple list in the Directive." ⁴⁶

* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

Table 1- 19 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? No.
Conducting a risk assessment	The employer shall ensure that a document concerning safety and health and covering	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to

⁴⁶ National Implementation Report 2013, Part A, Section II, (EN) p.57.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 3.2	the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been determined and assessed.		<p>national authorities whether on request or automatically? N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? N. • Other additional or more detailed requirements N.
Ensuring internal and/or external preventive and	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
protective services			
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). • The information must be comprehensible to the workers concerned. 	<p>A observed discrepancy has been identified. The Annex of Mineral-Extracting Industries Decree does not refer to the general obligation, fire and explosion protection, devices of escape and rescue, furthermore the communicational, warning and alarm systems which are highlighted in the directive. Only the following is stated: "for the sake of their protection and security the employees must get the necessary orders, information, education and further training."</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art. 10 (Annex, Part 1.5 and 1.6)	<ul style="list-style-type: none"> • Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety. • The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	<p>No observed discrepancy has been identified.</p> <p>However, the Mineral-Extracting Industries Decree does not mention separately the education to be given to employees. Nevertheless, part 5 of the Annex includes education besides giving information.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> • To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. • The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at 	<p>An observed discrepancy has been identified. The Directive's provisions on health surveillance have not been transposed in Hungarian legislation.</p>	<ul style="list-style-type: none"> • Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. • Are the arrangements for health surveillance records specified in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>regular intervals.</p> <ul style="list-style-type: none"> Health surveillance may be provided as part of a national health system. 		<p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N. The OSH Law contains the rules of election of representatives for occupational safety, their scope of authority etc.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified.	Since the Directive lays down framework rules only, a more specific technological safety regulation was drawn up and Decrees No 43/2011 and No 61/2012 were adopted at the initiative of the National Office of Mining and Geology (MBFH) following negotiations with the European Union. ⁴⁷

⁴⁷ National Implementation Report 2013, Part A, Section II, (EN) p.64.

Table 1- 20 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through drilling by boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted. 	<p>No observed discrepancies have been identified.</p> <p>However, Mineral-Extracting Industries Decree implements but does not define the concept of industry dealing with extraction mineral raw material through borehole separately.</p>	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N.
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed. 	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Does the national legislation include more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). • The information must be comprehensible to the workers concerned. 	<p>An observed discrepancy has been identified. The Annex of Mineral-Extracting Industries Decree does not refer to the general obligation, fire and explosion protection, devices of escape and rescue, furthermore the communicational, warning and alarm systems which are highlighted in the directive. Only the following is stated: "for the sake of their protection and security the employees must get the necessary orders, information, education and further training."</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 10 (Annex Part A 2.5))	<ul style="list-style-type: none"> • Workers must be given the necessary information, instructions, training and retraining to ensure their health and safety. • The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	<p>No observed discrepancy has been identified.</p> <p>However, the Mineral-Extracting Industries Decree does not mention separately the education to be given to employees. Nevertheless, part 5 of the Annex includes education besides giving information.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. Health surveillance may be provided as part of a national health system 	An observed discrepancy has been identified. The Directive's provisions on health surveillance have not been transposed in Hungarian legislation.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. Are the arrangements for health surveillance records specified in the legislation? N. Are the conditions in which health surveillance is required more specifically described in the legislation? N. Is the periodicity of health surveillance provided in national law? N. Other additional or more detailed requirements N.
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. The OSH Law contains the rules of election of representatives for occupational safety, their scope of authority etc. Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified.	Since the Directive lays down framework rules only, a more specific technical and safety

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			regulation and a Decree of the Minister of Transport, Communication and Energy were drawn up at the initiative of the National Office of Mining and Geology ('MBFH'); both had been previously negotiated with the European Union. ⁴⁸

Table 1- 21 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)	<ul style="list-style-type: none"> The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas. It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside. Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in voyage of more than three days are required to have a sick bay. Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board. 	<i>This Directive has been transposed but not implemented.</i>	<ul style="list-style-type: none"> Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive? Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive? Other additional or more detailed requirements
Conducting a risk assessment	N/A	N/A	N/A

⁴⁸ National Implementation Report 2013, Part A, Section II, (EN) p.62.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 5	Each Member State shall take the measures necessary to ensure that: 1. medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III; 2. all persons receiving professional maritime training and intending to work on board ship have been given basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency; 3. the captain and any worker or workers to whom he delegates the use of the medical supplies pursuant to Article 4 (1) (b) have received special training updated periodically, at least every five years, taking into account the specific risks and needs connected with the different categories of vessel and in accordance with the general guidelines set out in Annex V'		<ul style="list-style-type: none"> • Does the national legislation set additional information requirements? • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? • Is the content or form of information to workers further specified? • Other additional or more detailed requirements
Training of workers Art. 5	Same as above.		<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? • Are there specific requirements as to the competence of trainers provided in the legislation? • Other additional or more detailed requirements
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified			

Table 1- 22 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(b) and(c)	<ul style="list-style-type: none"> The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters or over (which on or after 23 November 1995 furthermore satisfied the conditions specified therein) or with a length of 18 metres or over respectively. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive? N. Other additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The framework Directive applies. The information must be comprehensible to the workers concerned. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the national legislation set additional information requirements? N. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Training of workers <i>Art.9 Art.10</i>	Art.9 <ul style="list-style-type: none"> Workers shall be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals Such training shall be subject to the necessary updating where this is required by changes in the activities on board Art.10 <ul style="list-style-type: none"> Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> the prevention of occupational illness and accidents on board and the steps to be taken in event of accident; stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; radio navigation and communication, including procedures. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel? N. <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers <i>Art.11</i>	<ul style="list-style-type: none"> The framework Directive applies 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. <ul style="list-style-type: none"> Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 23 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<p>The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding.</p> <ul style="list-style-type: none"> • <i>pregnant worker</i> shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice; • <i>worker who has recently given birth</i> shall mean a worker who has recently given birth within the meaning of national legislation and/ or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice; • <i>worker who is breastfeeding</i> shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art. 4	For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of agent listed in Annex I without carrying out a risk assessment? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation require

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers - decide what measures should be taken 		<p>employers to submit risk assessment to national authorities whether on request or automatically?</p> <p>N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.4(2)	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be taken concerning health and safety at work.	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			workers further specified? N. • Other additional or more detailed requirements N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values Art. 6	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 24 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> • This Directive shall apply to: <ul style="list-style-type: none"> ○ employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the occurrence of a specific event; ○ temporary employment relationships between a temporary employment business which is the employer and the worker, where the latter is assigned to work for and under the control of an 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	undertaking and/or establishment making use of his services.		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services Art. 6	<ul style="list-style-type: none"> Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the legislation define in more specific terms information to be provided to such services? N.
Information for workers Art.3 (and 7)	<ul style="list-style-type: none"> In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art.4	<ul style="list-style-type: none"> In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Other additional or more detailed requirements N.
Health surveillance Art.5(2)	<ul style="list-style-type: none"> Workers who are used for particularly dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the transposing legislation require medical surveillance for all types of temporary workers? N. Are the arrangements for health surveillance records specified in the legislation? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	N.

Table 1- 25 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 2(1) in conjunction with Art. 3 Art. 2(2)	<ul style="list-style-type: none"> • The Directive applies to any person under 18 years of age (defined as a 'young person') having an employment contract or an employment relationship. • It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the transposing legislation cover occasional or short-term work in domestic service in a private household or work not considered to be harmful, damaging or dangerous to young people in a family undertaking? N. • Other additional or more detailed requirements N.
Conducting a risk assessment Art. 6(2)	<ul style="list-style-type: none"> • The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major changed in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>in connection with their work.</p> <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p> <p>(d) the arrangement of work processes and operations and the way in which these are combined (organization of work);</p> <p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> • Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC. • The free health assessment and monitoring may form part of a national health system. 		<p>working conditions?</p> <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services Art. 6(4)	<ul style="list-style-type: none"> • The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>young people? N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Information for workers Art. 6(3)	<ul style="list-style-type: none"> • The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Is the content or form of information to young workers/legal representatives of children further specified? N. • Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 6(2)	<ul style="list-style-type: none"> • The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people. *</p>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Does the transposing legislation provide for mandatory training of young workers (according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)? N. • Is more specific information on the scope of training provided in the legislation in relation to young workers? N. • Other additional or more detailed requirements <p>N.</p>
Health surveillance Art. 6(2) and 9(3)	Where the assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to	No observed discrepancy has been identified.	<ul style="list-style-type: none"> • Besides night work and cases where an assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>Directive 89/391/EEC.</p> <p>The free health assessment and monitoring may form part of a national health system.</p> <ul style="list-style-type: none"> • Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. 		<p>legislation provide for a free health assessment of young workers in other circumstances? N.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? N. • Are the conditions in which health surveillance is required more specifically described in the legislation? N. • Is the periodicity of health surveillance provided in national law? N. • Other additional or more detailed requirements N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancy has been identified.	According to NIR 2013, "Act LXXXVIII of 2005 provides that "persons under 18 years of age and major persons who are partially incapacitated may engage in volunteer activities for the public good that are suitable for such persons' age and bodily, intellectual and moral development and abilities and do not jeopardise their health, development and compulsory education." On the basis of the Directive, the law authorises exemptions for cultural, artistic, sports or advertising activities, where child labour may be used;

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			however, by drawing up the list of the types of receiving institutions, it narrows down the scope of activities where child labour is permissible." ⁴⁹

* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

⁴⁹ National Implementation Report 2013, Part A, Section II, (EN) p. 69.

1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

Hungary has not made use of any of the options considered.

Table 1- 26 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	N	-
Directive 91/383/EEC on temporary workers - Art. 5(1)	N	-
Directive 91/383/EEC on temporary workers - Art. 5(3)	N	-
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	N	-

1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

In Hungary, overall for each of the key common processes and mechanisms, the OSH Law contains the general requirements e.g. on risk assessment. When relevant, these are completed by specific ministerial decrees with regard to the relevant individual Directives' requirements, sometimes including cross-references to the OSH Law. Health surveillance has especially been implemented by the implementing Decree No 33/1998 (Fitness Decree).

The results of the analysis are presented in table 1-27 below.

Table 1- 27 Interactions between CPMs across OSH Directives

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 89/391/EEC (Framework Directive)	Art. 54, OSH Law	Annex 2, OSH Law Implementation	Art. 59, OSH Law	Art. 55, OSH Law	Art. 58, OSH Law Fitness Decree	Art. 70, OSH Law
Council Directive 89/654/EEC (workplace)	/	/	Art. 2 (6) d), Workplace Decree	/	/	Art. 2 (6) e), Workplace Decree
Directive 2009/104/EC (work equipment)	Art. 13, 14, 16 (1), WE Decree (cross-reference to OSH Law)	Art. 14 (protection devices), WE Decree	Art. 9, 10, WE Decree	Art. 10, 57 (2)-(3), 59 f) WE Decree	/	Art. 11, WE Decree (cross-reference to OSH Law)
Council Directive 89/656/EEC (PPE)	Annex 3, PPE Requirements Decree	/	/	/	/	/
Council Directive 92/58/EEC (OSH signs)	/	/	/	/	/	/
Directive 1999/92/EC (ATEX)	Art. 6, ATEX Decree (cross-reference to OSH Law)	/	Art. 7 (3), ATEX Decree	Art. 3 (1), ATEX Decree	-	Art. 7 (3), ATEX Decree
Council Directive 90/269/EEC (manual handling of loads)	Annex 1, 2, MHL Decree	/	Art. 4, MHL Decree (cross-reference to OSH Law)	Art. 4 (2), MHL Decree (cross-reference to OSH Law)	/	Art. 4 (2), MHL Decree (cross-reference to OSH Law)
Council Directive 90/270/EEC (display screen equipment)	Art. 3, DSE Decree (cross-reference to OSH Law)	/	Art. 8 (1), DSE Decree	Art. 8 (1), DSE Decree	Art. 5, DSE Decree	Art. 8 (1), DSE Decree
Directive 2002/44/EC (vibration)	Art. 4, Vibration Decree	Art. 5, Vibration Decree	Art. 6, Vibration Decree	Art. 6, Vibration Decree	Art. 7, Vibration Decree	Art. 6 (2), Vibration Decree

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 2003/10/EC (noise)	Art. 4, 7, Annex, Noise Decree (cross-reference to OSH Law)	Art. 8-9, Noise Decree	Art. 11, Noise Decree	Art. 11, Noise Decree	Art. 13, Noise Decree	Art. 12, Noise Decree (cross-reference to OSH Law)
Directive 2004/40/EC (electromagnetic fields)	N/A ⁵⁰	N/A	N/A	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	Art. 5-6, AOR Decree (cross-reference to OSH Law)	Art. 7-8, AOR Decree	Art. 9, AOR Decree	Cross-reference to OSH Law	Art. 10, AOR Decree	Art. 9, AOR Decree
Directive 2004/37/EC (carcinogens or mutagens)	Art. 4-5, Carcinogens Decree	Art. 7, Carcinogens Decree	Art. 12-13, Carcinogens Decree	Art. 12-13, Carcinogens Decree	Art. 16, Carcinogens Decree	Art. 14, Carcinogens Decree
Council Directive 98/24/EC (chemical agents at work)	Art. 5-6, Chemical Agents Decree Art. 19, Chemical Safety Act (cross-references to OSH Law)	Art. 7, Chemical Agents Decree	Art. 9-10, Chemical Agents Decree (cross-reference to OSH Law)	Art. 9-10, Chemical Agents Decree (cross-reference to OSH Law)	Art. 12-13, Chemical Agents Decree	/
Directive 2009/148/EC (asbestos)	Art. 3, Asbestos Decree (cross-reference to OSH Law)	Art. 8-10, Asbestos Decree	Art. 15, Asbestos Decree	Art. 13, Asbestos Decree (cross-reference to OSH Law)	Art. 16, 18, Asbestos Decree	Art. 3 (3), 6 (2), 10 (2), 15, Asbestos Decree
Directive 2000/54/EC (biological agents)	Art. 3-4, Biological Agents Decree	Art. 5-6, Biological Agents Decree	Art. 9-10, Biological Agents Decree	Art. 9, Biological Agents Decree	Art. 13-14, Biological Agents Decree	/
Council Directive 92/57/EEC (temporary or mobile)	Construction Sites Decree (cross-	/	Art. 12, Construction Sites	Annex 4, Part III, 6.17.6. special	/	Art. 13, Construction Sites

⁵⁰ N/A refers to “not applicable because the Directive has not been transposed in national legislation”. The acronym of N/A will be used consistently throughout the remainder of the tables.

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
construction sites)	reference to OSH Law)		Decree	requirements, Construction Sites Decree		Decree
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	Art. 3, Mineral-Extracting Industries Decree	/	Annex, Part I, 1.5, Mineral-Extracting Industries Decree	Annex, Part I, 1.5, Mineral-Extracting Industries Decree	/	/
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	Art. 3, Mineral-Extracting Industries Decree	/	Annex, Part I, 1.5, Mineral-Extracting Industries Decree	Annex, Part I, 1.5, Mineral-Extracting Industries Decree	/	/
Council Directive 92/29/EEC (medical treatment on board vessels)	N/A	N/A	N/A	N/A	N/A	N/A
Council Directive 93/103/EC (work on board fishing vessels)	/	/	Art. 6, Fishing Vessels Decree (cross-reference to OSH Law)	Art. 7, Fishing Vessels Decree (cross-reference to OSH Law)	/	Art. 9, Fishing Vessels Decree (cross-reference to OSH Law)
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	/	/	/	/	/	/
Council Directive 91/383/EEC (temporary workers)	/	/	/	/	/	/
Council Directive 94/33/EC (young people at work)	/	/	/	/	/	/
Conclusions on interactions between Directives	The basic rules of risk assessment are stated in the OSH Law. The decrees, which implement the relevant directives, directly refer to the OSH	The basic rules are stated in the OSH Law. The decrees, which implement the relevant directives, directly refer to the OSH Law and define	The basic rules are stated in the OSH Law. The decrees, which implement the relevant directives, directly refer to the OSH Law and define	The basic rules are stated in the OSH Law. The decrees, which implement the relevant directives, directly refer to the OSH Law and define	The basic rules are stated in the Fitness Decree. Other ministerial decrees refer to it in most cases.	The basic rules are stated in the OSH Law. The decrees, which implement the relevant directives, directly refer to the OSH Law and define

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
	Law and define special requirements beyond the OSH Law.	special requirements beyond the OSH Law.	special requirements beyond the OSH Law.	special requirements beyond the OSH Law.		special requirements beyond the OSH Law.

2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

2.1 TRANSITIONAL PERIODS

Transitional periods: these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in eight Directives as listed below. Hungary has not made use of any of the transitional periods. This is mainly due to the fact that Hungary accessed the European Union only in 2004. A significant condition of integration was that the current and future OSH legislation in Hungary must be in line with the EU legislation. The occupational health and safety harmonization process had the positive outcome in Hungary that transitional periods were not requested.

Table 2- 1 Transitional Periods

Directive	Transitional periods applied	Transitional period respected	Date of end of application of the transitional period
Directive 92/91/EC (mineral-extracting industries through drilling)	No	-	-
Directive 92/104/EC (surface and underground mineral-extracting industries)	No	-	-
Directive 93/103/EEC (work on board fishing vessels)	No	-	-
Directive 2002/44/EC (vibration)	No	-	-
Directive 2003/10/EC (noise)	No	-	-
Directive 2009/104/EC (work equipment)	No	-	-
Directive 90/270/EEC (display screen equipment)	No	-	-
Directive 1999/92/EEC (ATEX)	No	-	-

2.2 DEROGATIONS

Derogations: these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

In Hungary, transposing legislation reflects very few of the derogations and almost never the conditions attached to them. With regard to Directive 94/33/EC (young workers), Hungary exercised the option to derogate from the prohibition of work involving hazards (toxic, carcinogenic or

having any adverse health effects), where such derogations are indispensable for the vocational training of young workers. Hungary did not exercise its option to introduce more derogations from this Directive. In fact, actual prohibitions were introduced in certain cases. On the basis of the Labour Code: “Young workers shall not be instructed to work at night or extraordinary work hours.” Further, Hungary introduced the derogations laid down in Directive 2002/44/EC (vibration) and Directive 2003/10/EC (noise). However, these derogations have never been actually applied.

Table 2- 2 Derogations

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 89/656/EEC on personal protective equipment	Art.4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	Hungary has not made use of this derogation.	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	N	Hungary has not made use of this derogation.
Directive 92/57/EEC on temporary or mobile construction sites	Art. 3.2	Derogation from the obligation to draw up a health and safety plan	N	Hungary has not made use of this derogation.	The derogation does not cover work involving particular risks as listed in Annex II.	N	Hungary has not made use of this derogation.
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	Hungary has not made use of this derogation.
Directive 92/58/EEC on safety and/or health signs at work	Art. 6.2.	Derogation from the application of Annex VIII, section 2	N	Hungary has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down.	N	Hungary has not made use of this derogation.
		Derogation from the application of Annex IX, section 3	N	Hungary has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down	N	Hungary has not made use of this derogation.
Directive 92/85/EEC on breastfeeding workers	Art.11.4	Member States may make entitlement to benefits conditional	N	Hungary has not made use of this derogation.	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	N	Hungary has not made use of this derogation.
					These conditions may under no circumstances provide for periods of previous employment in excess of 12 months immediately prior to the presumed date of	N	Hungary has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 94/33/EC on the protection of young people at work	Art.5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	N	Hungary has not made use of this derogation.	confinement. In the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	N	Hungary has not made use of this derogation.
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	Y	The Directive allows derogations from the prohibition of work involving hazards (toxic, carcinogenic or having any adverse health effects), where such derogations are indispensable for the vocational training of young workers. Hungary exercised that option when Decree No 33/1998 (Fitness Decree) provides that: "The employment of apprentices, required in order to obtain the necessary experience, under working conditions involving adverse health effects, shall not exceed the duration that is necessary in order to obtain the necessary	Derogations indispensable for their vocational training	Y	"...and for the time and to the degree required for vocational training".
					Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC	N	
					Protection afforded by Framework Directive is guaranteed	N	

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
				experience." Decree No 26/2000 (Carcinogens Decree) is based on the same principle: "... minors shall not be exposed to carcinogens unless when personal protective equipment is used and for the time and to the degree required for vocational training." ⁵¹			
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Hungary has not made use of this derogation.	Derogation is justified by way of exception	N	Hungary has not made use of this derogation.
					Or Derogation is used because objective grounds are provided	N	Hungary has not made use of this derogation.
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such derogations.	N	Hungary has not made use of this derogation.
	Art.9.2	Article 9 (2) a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).	N	Hungary has not made use of this derogation.	Work by adolescents in specific areas of activity	N	Hungary has not made use of this derogation.
					Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection.	N	Hungary has not made use of this derogation.
					Work shall continue to be prohibited between midnight and 4 a.m.	N	Hungary has not made use of this derogation.
		Article 9 (2) b	N	Hungary has not made	Objective grounds for so	N	Hungary has not made use of

⁵¹ National Implementation Report 2014, Part A, Section II, (EN) p. 68.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		<i>second indent</i> Derogation from prohibition of night work for adolescents for: — work performed in the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments; — cultural, artistic, sports or advertising activities.		use of this derogation.	doing		this derogation.
					and provided that adolescents are allowed suitable compensatory rest time	N	Hungary has not made use of this derogation.
					and that the objectives set out in Article 1 are not called into question:	N	Hungary has not made use of this derogation.
	Art.10.3	Derogation from the minimum rest periods for interruption in the case of activities involving periods of work that are split up over the day or are of short duration.	N	Hungary has not made use of this derogation.			
	Art. 10.4	Derogations from rest periods in respect of adolescents for (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police;	N	Hungary has not made use of this derogation.	Objective grounds are provided and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question	N	Hungary has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		(c) work performed in hospitals or similar establishments; (d) work performed in agriculture; (e) work performed in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over the day.					
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure	N	Hungary has not made use of this derogation.	Work is of a temporary nature and must be performed immediately	N	Hungary has not made use of this derogation.
					Adult workers are not available	N	Hungary has not made use of this derogation.
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	N	Hungary has not made use of this derogation.
Directive 98/24/EC on chemical agents at work	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis, - for activities intended to eliminate	N	Hungary has not made use of this derogation.	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system.	N	Hungary has not made use of this derogation.
					Member States may provide for systems of individual authorisations.	N	Hungary has not made use of this derogation.
					The competent authority	N	Hungary has not made use of

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		chemical agents that are present in the form of by-products or waste products, - for the production of the chemical agents referred to in paragraph 1 for use as intermediates, and for such use.			shall request the employer to submit the information listed in Article 9.3.		this derogation.
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport,	Y	Under Decree No 22/2005 (Vibration Decree), the following derogation is authorised on the basis of Hungarian legislation: "For whole-body vibrations, the health and safety and labour directorate of the Hungarian Labour Inspectorate may, at request, grant exemptions from the limit values specified in this legislation on the basis of a special authorisation in maritime navigation and air transport, once compliance with the occupational health requirements is established." We are not aware of any applications for a derogation. ⁵²	In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.	N	
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	N	

⁵² National Implementation Report 2014, Part A, Section II, (EN) p. 75

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
	Art. 10.2	Derogation from the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value	N	Hungary has not made use of this derogation.	The exposure value averaged over 40 hours must be less than the exposure limit value and	N	Hungary has not made use of this derogation.
					There must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value	N	Hungary has not made use of this derogation.
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	N	Hungary has not made use of this derogation.
Directive 2003/10/EC on noise	Art.11.1 and 11.2	Derogations from the provisions of Articles 6 (1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such	Y	Exemptions may also be granted under Hungarian legislation: "In situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors, the Health and Safety and Labour Directorate of the Hungarian Labour	Guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.	N	
					Review every four years and withdrawn as soon as the justifying circumstances no longer obtain.	N	

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		protectors		Inspectorate may, at the request of the health and safety representative and the occupational health service and after compliance with the occupational health requirements have been established, authorise derogation from the rules on the provision and wearing of individual hearing protectors." To our knowledge, the NMH MMI (formerly: OMMF) has not authorised any such derogations. ⁵³			
Directive 2004/40/EC on electromagnetic fields	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.	N/A	N/A			

⁵³ National Implementation Report 2014, Part A, Section II, (EN) p. 79

3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) across all 24 OSH Directives. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the level of individual Directives.

As regards key requirements which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance:

- (5) very high degree of compliance: indicators above 80%
- (4) high degree of compliance: indicators 60-79%
- (3) medium degree of compliance: indicators 40-59%
- (2) low degree of compliance: indicators 20-39%
- (1) very low degree of compliance: indicators below 20%.

The percentages are intended as approximate guides, not exact values.

For Hungary, it is not possible to assess the degree of compliance with the common processes and mechanisms, due to a lack of data (both from the desk study and the interviews). The data needed are not published by the competent labour inspectorates. We have asked the inspectorate informally and the answer was that these data are not published at all. Then we forwarded an official written request for these data, but we never received an answer. Therefore, the only available data comes from the ESENER Survey. However, there is a severe critique on ESENER's methodology, with an often impossibly poor response rate (thus severe bias) and questions about the formulation of the survey have arisen.⁵⁴

Indeed, with regard to the ESENER data reported upon in the below table, it should be noted that ESENER data are based on a relatively small sample size (interviews were carried out in only 28,649 establishments in 31 European countries) and composition (enterprises up to 10 employers were not involved). Moreover, this information is based on managers' responses and the ESENER average response rate is around a third as only some 20 per cent answered in five out of the EU's six largest countries (Germany, Spain, Italy, Poland and the UK).⁵⁵ The post-test of the ESENER survey noted that "it is important to mention that companies participating in the survey are likely to be the

⁵⁴ See, for example, D. Lucy and A. Sinclair, "Ex-post evaluation of the European Survey of Enterprises on New and Emerging Risks", ies, available at: <https://osha.europa.eu/en/esener-enterprise-survey/ex-post-evaluation-of-esener.pdf>

⁵⁵ EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

organisations with high standards or good procedures in place and therefore represent a self-selected sample of 'good examples'.⁵⁶

⁵⁶ EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013

Table 3- 1 Degree of compliance: Common processes and mechanisms (across Directives)

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ⁵⁷ risk assessment % of establishments that carry out risk management activities resulting from the risk assessment	5 According to ESENER1 data: 94.04% of workplaces are regularly checked for health and safety as part of RA	The ESENER1 survey suggests that most of the workplaces (94.04%) are regularly checked for health and safety as part of a risk assessment or similar measure.	The ESENER survey ⁵⁸ shows the following differences according to enterprise size and sectors: Company Size Yes No 10 to 19 employees 91.62% 6.99 % 20 to 49 employees 97.34% 2.45 % 50 to 249 employees 96.65 % 2.44 % 250 to 499 employees 100 % 500 or more employees 100 % Sector Type Yes No Production sector 96.89 % 2.42 % Private Services 91.08 % 8.47% Public Services 95.28 % 2.61%
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	According to ESENER1: 8.39% – 96.54%	ESENER1 2009 asks about different forms of service ⁵⁹ . Occupational Health Physician, 96.54%; Safety specialist, 63.96%; Psychologist 11.68%; Ergonomist, 8.39%;	Data based on company size showed a general trend of equal usage of each speciality except for the specialties of a

⁵⁷ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

⁵⁸ ESENER1, question MM161

⁵⁹ <https://osha.europa.eu/sub/esener/en/front-page/106/005> (MM150).

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			Health & Safety Consultant, 80.1%.	psychologist and an ergonomics expert. In these two specialties, companies with 500 or more employees showed noticeably higher usage percentages than any other company size. For sectors, there was a general decreasing pattern of the use of each specialty- Production, Private Services and Public Services, respectively. However, exceptions to this trend were seen in the psychologist specialty where there was actually an increasing pattern of usage among the sectors- Production, Private services and Public services, respectively. Also, when it came to a safety expert, the production and private services sectors were nearly equal.
Information for workers	% of establishment which provide information to workers	No data available		
Training of workers	% of establishments which provide training to workers	No data available		

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Making available health surveillance	% of establishments which provide health surveillance to workers	5 According to ESENER1 data: health of workers is monitored in 96.14% of the workplaces	The ESENER1 survey suggests that the health of workers is monitored in most of the workplaces (96.14%).	The ESENER survey ⁶⁰ shows the following differences according to enterprise size and sectors: Company Size Yes No 10 to 19 employees 95.56 % 4.44 % 20 to 49 employees 96.55 % 2.43 % 50 to 249 employees 97.71% 2.29 % 250 to 499 employees 99.64 % 500 or more employees 99.35 % 0.65% Sector Type Yes No Production sector 98.19 % 0.83 % Private Services 94.22 % 5.78 % Public Services 96.69 % 3.31 %
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment	According to ESENER1 data: 10.3% -45.44% ⁶¹ have some form of representation/consultation	ESENER1 2009 asked separately about different forms of consultation. ⁶² Companies were least likely to have a health and safety committee and most likely to have a health and safety representative. The categories are not mutually exclusive.	The data showed an increasing trend for all questions with company size. Overall, the public sector was more likely to have each of the forms of

⁶⁰ ESENER1, question MM154

⁶¹ Values as reported by ESENER MM 351-355-358.

⁶² https://osha.europa.eu/sub/esener/en/front-page/219/005?group_by=sec3

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	% of establishments which consult workers on measures		<ul style="list-style-type: none"> - Trade union representative – 16.04% (production sector: 13.52%; private services: 11.53%; public services: 26.93%) - Health and safety representative: 45.44% (production sector: 51.21%; private services: 38.3%; public services: 49.85%) - Health and safety committee: 10.3% (production sector: 11.67%; private services: 3.13%; public services: 20.52%) 	consultation/representation, except with the health and safety representative which had production and public services sectors nearly equal.

Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ⁶³ risk assessment % of establishments that carry out risk management activities resulting from the risk assessment	No data available			
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	No data available			
Information for workers	% of establishment which	No data			

⁶³ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	provide information to workers	available			
Training of workers	% of establishment which provide training to workers	No data available			
Making available health surveillance	% of establishments which provide health surveillance to workers	No data available			
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	No data available			

Table 3- 3 Degree of compliance: Key requirements

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			No data available	

3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

Hungary does not distinguish between the size of establishment and sectors. Compliance differs depending on the size of the companies. The situation is worse in SMEs, due to the lack of resources and worker representation. The Labour Inspectorate has a yearly prioritisation system, whereby priorities are set based on different criteria such as type of risks, vulnerable workers, type of contractual employment, SMEs, specific requirements (risk assessment, medical examination) and sectors. In addition to its traditional enforcement role, the Labour Inspectorate has taken various initiatives to support compliance, through advice or guidance. Of particular interest, the resources from fines are used to develop guidance and movies on OSH.

Workplace representation in Hungary is provided by both local trade unions and elected works councils. In establishments employing fifty or more workers, a health and safety representative is to be elected. As a result, health and safety representatives are typically present in medium-sized and large enterprises rather than small and micro businesses.

Table 3- 4 Approaches to compliance

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
<p>What approach has been adopted? Is it systematic?</p>	<p>“The health and safety duties of the State include ensuring the juridical, organisational and institutional conditions of health and safety at work and facilitating their implementation. The system of the rules of health and safety at work are constituted, at three levels, by the laws, government decrees, industry-specific decrees and other/separate legislation. Compliance with the rules of working conditions not jeopardising safety or health is facilitated and monitored by the State through its supervisory bodies established for that purpose. As part of its administrative activities, the State facilitates and monitors the implementation of health and safety rules. In the course of its practical implementation, the audits of the health and safety authority are carried out, at times in the framework of targeted inspections and action audits, in compliance with the applicable legislation with a view to enforcing the legislative provisions applicable to employers. Since the performance of health and safety duties is relegated by the State into the non-transferable (objective) responsibility of employers, employers and business entities are central actors of the implementation of health and safety duties.”⁶⁴</p> <p>The scope of labour inspectors' authority is regulated by paragraph 3 of Act LXXV of 1996 on Labour Inspection according to which labour inspection also includes the examination of compliance with provisions of collective agreements on wages, working hours, rest periods, overtime and paid leave. Moreover, labour inspectors monitor compliance with occupational safety and health regulations and labour laws. Over and above inspections, inspectors are responsible for labour law compliance with respect to the</p>	<p>Several stakeholders noted that the level of compliance is more limited in SMEs due to the lack of financial resources and the fact that their specificities are not sufficiently taken into account in legal requirements. One interviewee noted as an example the fact that the approach to psychological risk is not differentiated on the basis of the size of the enterprise. Compliance in SMEs is also hampered by the fact that they often do not have the support of OSH professionals.</p> <p>Larger establishments seem to have higher level of compliance with legal requirements and also requirements stemming from collective agreements.</p> <p>Finally, it is noted that when trade unions or works councils operate in the establishment, more attention is paid to the health and safety laws.</p> <p>In the framework of the free Occupational Safety and Health Advisory Service run by the Labour Inspectorate, advices are given mainly to micro, small and medium enterprises and freshly started businesses.</p>

⁶⁴ National Implementation Report, Part A, Section I, (EN) p.12.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>organisation of trade unions, the protection of elected trade union officials, members of workers' councils, civil servants' councils and safety representatives, and also for checking the rules regarding their allowance for working hours.⁶⁵</p> <p>In addition to its traditional enforcement role, the Labour Inspectorate has taken various initiatives to support compliance (see also Section 4 on accompanying actions). In particular, it has a programme called partnership for occupational safety, which aims to enhance trust and respect among the actors of the labour market by letting these actors sign a partnership statement in which they state their will to keep the basic occupational safety and health requirements⁶⁶. The Inspectorate has initiated another interesting initiative, whereby employers, social partners and civil society organisations can apply to use the OSH fines for i.e. disseminating good practice, providing information on accident prevention, 2011. The Inspectorate published the studies and guidance documents on its website. The Hungarian Labour Inspectorate used OSH fines to start a project with employees and social partners, where these actors could make movies on occupational health and safety, i.e. basic information; occupation, accident and healthcare in 21st century etc. The aim of producing these movies and uploading them on the Inspectorate's website is to help employers and employees understand and learn occupational safety requirements easily.</p> <p>The Hungarian Labour Inspectorate has also established a free Occupational Safety and Health Advisory Service (<i>Munkavédelmi Információs Szolgálat</i>) that employers, employees and social partners can use. The aim of the Service is to spread knowledge on occupational safety and health requirements, by giving information on how to prevent</p>	

⁶⁵ http://www.ilo.org/labadmin/info/WCM_041820/lang--en/index.htm

⁶⁶ http://www.ommf.gov.hu/index.html?akt_menu=225

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	occupational accidents by reviewing the legal rules and good practice. Those who are interested in the service can ask for advice in person, in letter/e-mail or by telephone and thus keep their anonymity. The service is free ⁶⁷ .	
What are the key characteristics of the approach?	<p>The organisation of inspections is based on⁶⁸:</p> <p>a) A nationwide Inspection Directive. This Directive is prepared by the head of the labour authority (typically the deputy director of NMH-MMI) and published in the official gazette of the Ministry of National Economy every year. In this Directive, the head of the NMH-MMI determines the main features, goals and characteristics of the occupational safety and health and labour inspections to be carried out by the Labour Inspection Units of the Government Offices without any further specification or individualization.</p> <p>b) A targeted annual inspection plan This plan is prepared by the head of the NMH-MMI and further specifies the inspection requirements and targets according to the labour market characteristics of the counties and the capital. The plan includes quantitative targets, which are set alternatively by county or by number of inspectors depending of the years.</p> <p>c) Casual Inspection Orders. Casual inspections may be ordered by the head of the labour authority in cases deemed to need a national or regional labour inspection response. Such inspections might target specific employers, sectors or labour law topics. These inspections are carried out to prevent potential violations in hazardous situations and to keep violations down when there is a fear that they might proliferate.</p> <p>The goals and means of the nationwide Inspection Directive,</p>	No data available

⁶⁷ http://www.ommf.gov.hu/index.html?akt_menu=307

⁶⁸ Idem

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>the targeted annual inspection plan and the Casual Inspection Orders are set by NMH-MMI experts and mainly based on experiences and observations gained from recent years' inspection results, the labour registry database and other relevant feedbacks from the social and economic fields.</p> <p>d) Inspection Plans of the Labour Inspection Units. The Directors of the Labour Inspection Units are authorised to develop inspection plans for their own jurisdiction. In these plans (typically one or two weeks) the Directors may target inspections of specific employers, areas or sectors, etc. They may also assign specific tasks to labour inspectors. These plans are subsidiary to those mentioned in paragraphs a, b and c above.</p> <p>e) Complaints. Complaints from employees, citizens or anonymous denunciations may also serve as a basis for planning labour inspections activities (Sections 141-143 of the Act XXIX of 2004).</p> <p>f) Information from other authorities. Other authorities (e.g. National Tax and Customs Administration, Police, Hungarian Authority for Consumer Protection) also provide important data on employers, sectors or geographic regions where violations of labour provisions and other infringements occur or have a higher frequency.</p>	
<p>What are the criteria upon which priorities for compliance measures are set?</p>	<p>The priority areas identified by the Labour Inspectorate through the year focuses on type of risks, vulnerable workers, type of contractual employment, SMEs, specific requirements (risk assessment, medical examination), sectors.</p> <p>Highly considered areas of 2007:</p> <ul style="list-style-type: none"> Workers' group needing special protection (women, pregnant women, young workers, disabled workers, ageing workers who are likely to appear on the labour market in increasing number) Those sectors and activities where, 	<p>In Hungary, SMEs are over-represented in terms of fatal accidents (90%), these accounting for 71% of the total employed.</p>

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>according to the risk assessment and other experiences, risks and hazards are more frequent or more serious are:</p> <ul style="list-style-type: none"> • those forms of employment where infringements are more likely to happen (contractual and sub-contractual relationships, seasonal works, casual works, workers hiring out, employment of foreigners); • Small and medium enterprises⁶⁹ <p>Prior tasks for 2009:</p> <ul style="list-style-type: none"> • to step up uncovering violations of law on occupational health, enhance integration of the OSH activities; • to uncover severe infringements; • to put risk assessments into the forefront of inspections; • to investigate employment conditions of certain worker-groups that need special protection (women, pregnant and young workers, people with disabilities and the elderly workers whose appearance on the labour market is expected to grow); • to increase visits to employers in sectors and areas where workers are frequently exposed to risks and dangers to their safety and health (e.g. construction, agriculture, machine and manufacturing industries, health care, quarry). • to focus on employment forms with a potential hazard of infringement (contractual and subcontract relations, seasonal work, casual work, temporary agency work, employment of foreign citizens, SMEs); • to pay special attention to the inspection aspects, the different OSH risks and tasks ensuing from the various economic conditions of the regions. <p>Main priorities of 2010:</p> <ul style="list-style-type: none"> •Existence of medical examination; risk assessment, system of providing PPEs, safety devices of equipment and machines, existence of protection against the risk of fall down from heights or fall in 	

⁶⁹ Based on Hungary's Annual Report of the Labour Inspectorate, 2007, p.6.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<ul style="list-style-type: none"> •Existence of medical examination; risk assessment, system of providing PPEs, inspection of general work hygiene status •Inspection of existence of biological monitoring •Organisation and governance of maintenance activities, personal conditions, risk assessment, certain and relevant preventive measures under the risk assessment, safety of the workplaces, providing PPEs •Requirements on using of dangerous materials at work⁷⁰ <p>Targeted inspections for 2011:</p> <ul style="list-style-type: none"> • Targeted inspections with partner authorities of entertainment venues ordered in the wake of a disco accident that happened in early 2011. • A special nation-wide OSH raid entitled "Inspection of Health and Social Care Institutions". • Inspection raid "Preventing an Unfavourable Climatic Environment" during Level 1 and Level 2 heat alerts in August 2011 in order to avoid the unfavourable effects of the climate on employees and preventing related health damage. • Targeted inspection of compliance with safe maintenance standards as part of the 2010-2011 campaign of the European Agency for Safety and Health at Work. • Repeated occupational safety and health inspections of workplaces in the mining sector in cooperation with the Hungarian Office for Mining and Geology (October 15 to November 18, 2011)⁷¹. <p>Most important inspectorial aspects for 2012:</p> <ul style="list-style-type: none"> • Existence of medical examination; risk assessment, system of providing PPEs, safety devices of equipment and machines, existence of protection against the risk of fall down from heights or fall in • Existence of medical examination; risk assessment, system of 	

⁷⁰ Based on Hungary's Annual Report of the Labour Inspectorate for 2010 p. 6-7.

⁷¹ Based on Hungary's Annual Report of the OSH and Labour Inspectorate for 2011 p. 7.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<p>providing PPEs, inspection of general work hygiene status</p> <ul style="list-style-type: none"> • Inspection of existence of biological monitoring Organisation and governance of maintenance activities, personal conditions, risk assessment, certain and relevant preventive measures under the risk assessment, safety of the workplaces, providing PPEs Requirements on using of dangerous materials at work⁷² 	
<p>Are stakeholders (employees and their representatives) involved in the forming of the compliance approach and its further development?</p>	<p>“Workplace representation in Hungary is provided by both local trade unions and elected works councils with the balance between the two varying over time. Under the new labour code, unions have negotiating rights but have lost their monitoring powers and their right to be consulted. Works councils have information and consultation rights but in practice often find it difficult to influence company decisions.”⁷³</p> <p>“In 2013 the National Confederation of Hungarian Trade Unions (MSZOSZ), the Confederation of Hungarian Employers and Industrialist (MGYOSZ) and the Norwegian Confederation of Trade Unions (LONorway) launched their two-year project to foster social dialogue in OSH. Their aim is to reinforce the practice of tripartite social dialogue:</p> <ul style="list-style-type: none"> • on a regional (county and local) level, reaching and involving SMEs; • on a sectoral level by fostering sectoral agreements in OSH and • by involving professional co-operating partners, local employers' bodies, chambers and local authorities.”⁷⁴ 	<p>According to the NIR 2013, “Under Hungarian legislation, a health and safety representative shall be elected at each employer employing fifty or more workers under the scope of the Labour Code [...] since the option to elect a health and safety representative depends on the number of workers, they are typically elected at medium-sized and large enterprises rather than small and micro businesses.”⁷⁵</p>

⁷² Based on Hungary's Annual Report of the OSH and Labour Inspectorate for 2012.

⁷³ L. Fulton (2013) Worker representation in Europe. Labour Research Department and ETUI. Produced with the assistance of the SEEurope Network, online publication available at <http://www.worker-participation.eu/National-Industrial-Relations>, <http://www.worker-participation.eu/National-Industrial-Relations/Countries/Hungary/Workplace-Representation>

⁷⁴ EU-OSHA ‘OSHWiki’, http://oshwiki.eu/wiki/Worker_participation_-_Hungary

⁷⁵ National Implementation Report, Part A, Section I, (EN) p.20-21

4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

A number of accompanying actions have been identified. There are all issued by the authorities, some together with the social partners. The accompanying actions are of various nature. In particular, the Labour Inspectorate provides an online platform grouping OSH related guidance and documents, and the NAPO movies. Several campaigns have taken place. Of particular interest, the Labour Inspectorate has set a programme whereby employers and social partners can apply to use revenues from OSH fines to disseminate information/guidance or produce videos on OSH related issues. Many of the actions undertaken relate to Directive 89/391/EEC (Framework Directive) and Directive 89/654/EEC (workplace).

Stakeholders highlighted that further accompanying actions should be developed for informing and raising awareness on EU new guidelines and policies, as well as on other Member States' initiatives.

4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above.

The following documents have been identified:

Directive 89/391/EEC (Framework Directive)

- Hungarian Labour Inspectorate: the authority has an online platform gathering and making available all information related to OSH in Hungary. The platform contains links to legislation, guidance documents, annual reports from the various departments dealing with OSH. http://www.ommf.gov.hu/index.php?akt_menu=1&set_lang=1
- Partnership for occupational safety. Hungarian Labour Inspectorate's programme to improve occupational safety with no authority tools. The aim is to enhance trust and respect among the actors of the labour market by letting these actors sign a partnership statement in which they state their will to keep the basic occupational safety and health requirements. http://www.ommf.gov.hu/index.html?akt_menu=225
- Hungarian Labour Inspectorate's programme: employers, social partners and civil society organisations can apply to use the OSH fines for i.e. disseminating good practice, providing information on accident prevention, 2011. The Inspectorate published the studies and guidance documents on its website (Every document referred to below as 'Published by Hungarian Labour Inspectorate' was written with the help of using OSH fines). <http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium/foglalkoztataspolitikaert-elelos->

allamtitkarsag/hirek/az-orszagos-munkavedelmi-es-munkaugyi-fofelugyeloseg-palyazati-felhivasa-a-munkavedelmi-jellegu-birsagok-felhasznalasara

- Hungarian Labour Inspectorate used OSH fines to start a project with employees and social partners, where these actors could make movies on occupational health and safety, i.e. basic information; occupation, accident and healthcare in 21st century etc. The aim of producing these movies and uploading them on the Inspectorate's website is to help employers and employees understand and learn occupational safety requirements easily. http://www.ommf.gov.hu/index.php?akt_menu=300
- Hungarian Labour Inspectorate's website collected all the NAPO movies, and even redirects to the official website of NAPO if needed. http://www.ommf.gov.hu/index.html?akt_menu=331
- Hungarian Labour Inspectorate made its own cartoons on some issues, such as constructions, showing the correct and incorrect ways in fulfilling occupational safety and health requirements. http://www.ommf.gov.hu/index.php?akt_menu=325
- Hungarian Labour Inspectorate established a free Occupational Safety and Health Advisory Service (*Munkavédelmi Információs Szolgálat*) that employers, employees and social partners can use. The aim of the Service is to spread knowledge on occupational safety and health requirements. Advices are given mainly to micro, small and medium enterprises and freshly started businesses by giving information on how to prevent occupational accidents by reviewing the legal rules and good practice. Those who are interested in the service can ask for advice in person, in letter/e-mail or by telephone and thus keep their anonymity. The service is free. http://www.ommf.gov.hu/index.html?akt_menu=307
- *Emléknap a munkabalesetben elhunyt, illetve megrokkant munkavállalók tiszteletére* (Remembrance Day of workers died or disabled in occupational accidents), 2012: The Hungarian government is keen on improving occupational health and safety, therefore it tries to draw the attention of employers and employees to this goal by proclaiming 28th April the remembrance day of workers died or disabled in occupational accidents. The government believes that the remembrance day will help to decrease the numbers of occupational accidents. <http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium/hirek/emleknap-a-munkabalesetben-elhunyt-illetve-megrokkant-munkavallalok-tiszteletere>
- *Nemzeti Munkavédelmi Fókuszpont* (Hungarian Focal Point for Safety and Health at Work): This website contains information on safety and health at work in Hungary and links to organisations that deal with safety and health matters. The Hungarian Focal Point and its website are maintained by the Hungarian Labour Inspectorate and are part of the network managed by the European Agency for Safety and Health at Work. The key task of this website is to be a portal to help users to find information in Hungary and also across the borders. <https://osha.europa.eu/fop/hungary/hu/index.stm>
- Occupational Health and Safety Scientific Journal managed by National Institute of Occupational Health, 2009-2013. <http://www.omfi.hu/index.php>
- Occupational Health and Safety Technology Journal – Journal of the National Institute of Occupational Health, 2009-2013. <http://www.omfi.hu/index.php>
- *Szakmai kommunikáció és módszertan a munkavédelemben* (Communication and methodology in OSH), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Módszertani kézikönyv a munkavédelemről szóló 1993. évi XCIII. törvény által egyes kiemelt és meghatározott feladatokról* (Reference book on tasks stated in Act XCIII of 1993 on OSH), 2012. Reference book on the different tasks, obligations and responsibilities the OSH Act states for employers, employees and professionals. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Ipari alpinechnika: zuhanás veszélyével járó tevékenységek során alkalmazandó egyéni védelmi rendszerek technikája* (High scaler's technique: the technique of using personal protective equipment during tasks with the risks of falling), 2012. Guidance document.

Published by Hungarian Labour Inspectorate.
<http://www.ommf.gov.hu/nyomtatvanyok/MV.kiadv.alpintechnika.pdf>

- Campaign for the Prevention of Work Accidents due to Slips and Trips 2014. Hungary takes part in the EU campaign through Hungarian Labour Inspectorate. The inspectors will check whether employers take adequate actions in order to prevent slip and trip accidents and will fine them if needed. The aim of the campaign is to decrease the number of occupational accidents. Increased inspection in Hungary will take half a year from April 2014. http://www.ommf.gov.hu/index.html?akt_menu=172&hir_reszlet=399
- „Együtt a kockázatok megelőzéséért” kampány 2012-2013 záró konferenciája (‘Working together for risk prevention’ campaign 2012-2013 final conference), 2013. Hungary took part in the campaign co-ordinated by the European Agency for Safety and Health at Work and a conference was set up to show the results of the campaign in Hungary and to discuss the actual questions of occupational safety and health in Hungary. https://osha.europa.eu/fop/hungary/hu/news/news_board/konferencia-budapest/?searchterm=egy%C3%BCtt%20a%20kock%C3%A1zatok
- TÁMOP 2.4.8-12 „A munkahelyi egészség és biztonság fejlesztése, a munkaügyi ellenőrzés fejlesztése” c. projekt az Új Széchenyi Terv keretében (TÁMOP 2.4.8-12 project on ‘Promoting occupational health and safety, improving workplace inspections and investigations’ within the framework of New Széchenyi Plan): Hungarian Labour Inspectorate has new tools and instruments in order to enhance the efficiency of inspections regarding occupational health and safety, supported by the Hungarian government 2012. http://palyazat.gov.hu/kiemelt_program_a_munkahelyi_egeszseg_es_biztonsag_fejlesztese_er_dekeben
- Módszertani levél a 22/2010. (V.7.) EüM rendeletben előírt munkáltatói kötelezettségek teljesítésének ellenőrzéséhez munkahelyeken - Országos “Frédéric Joliot-Curie” Sugárbiológiai és Sugáregészségügyi Kutató Intézet, Állami Népegészségügyi és Tisztiorvosi Szolgálat. Methodology paper on the inspection of liabilities prescribed by the 22/2010. (V.7.) Decree of the Ministry of Health, "Frédéric Joliot-Curie" National Research Institute for Radiobiology and Radiohygiene, National Public Health and Medical Officer Service. http://www.mvkepviselelo.hu/archiv/2012/optikai_modszertani_lev.pdf
- ED_13-1-2013-0001 „Konceptió a mikor- és kisvállalkozások adminisztratív terheinek csökkentésére a munkavédelmi kockázatértékelés esetében” projekt (‘Concept on easing the heavy administration tasks of micro and small enterprises regarding occupational health risk assessment’ project): the EU established Online Interactive Risk Assessment (OiRA), an online platform to create free and easy-to-use sectoral risk assessment tools for small and micro-companies. For these enterprises in Hungary to use OiRA, their knowledge on occupational health and safety must be improved and they must be motivated as well. To accomplish that, research was done on the tools of the Member States to improve occupational health and safety and risk assessment. http://www.afsz.hu/engine.aspx?page=full_ktia
- A munkavédelmi felügyelet együttes útmutatása a munkahelyi kockázatértékelés végrehajtásához (Munkaügyi Közlöny 2006/ 4. szám.). Labour inspectorates joint guidance on the implementation of occupational risk assessment (Labour Gazette 2006:4). www.ommf.gov.hu/letoltes.php?d_id=547
- Information for employees on the prevention of the sun’s harmful rays during work, 2010. National Institute of Occupational Health. http://www.omfi.hu/letolt/lap/20100614_napsugarzas_lap_hu.pdf
- Munkavédelmi ismeretek és módszertan a közoktatásban (Occupational safety and health requirements and methods in education), 2012. Guidance on the OSH requirements that educational institutes have to fulfil. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- Munkavédelem a növénytermesztésben és a kapcsolódó ágazatokban (OSH in agriculture and the connected fields), 2012: Guidance for education of OSH on the field of agriculture.

Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

- *Segédlet a külfejtések és célkitermelő-helyek kockázatértékelésének végrehajtásához* (Guideline for the risk assessment of strip mines), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Munkavédelem a szakképzésben* (OSH in vocational training), 2012. Guidance document. Published by Hungarian Labour Inspectorate. <http://www.ommf.gov.hu/nyomtatvanyok/MV.kiadv.munkavedelem.szakkepzesben.pdf>
- *Munkavédelem a mezőgazdaságban* (OSH in agriculture), 2012: A series of guidelines on OSH issues regarding agriculture, such as the obligations and rights of employers and employees, the personal requirements of work etc. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Általános munkavédelmi ismeretek* (Basic knowledge of OSH), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Forgácsolási technológia fogalma, forgácsolási eljárások* (The definition and methods of cutting), 2012. Guidance document on how to use the different tools and methods of cutting. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Hegesztés* (Welding), 2012. Guidance document on the definition and methods of welding, and personal and collective protective equipments. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Gépesített erdészeti technológiák veszélyei* (The risks of mechanized forestry technologies), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Kereskedelem és vendéglátóipar munkavédelmi követelményei* (OSH requirements of commerce and tourism), 2012. Reference book on OSH issues in commerce and tourism, i.e. manual handling of loads. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *A munkabalesetek okai az EU-ban* (The causes of occupational accidents in the EU), 2012. Study on the possible causes of occupational accidents. Published by Hungarian Labour Inspectorate. <http://www.ommf.gov.hu/nyomtatvanyok/MV.kiadv.amunkabalesetek.okai.pdf>
- *Módszertani útmutató a munkavédelmi megbízottak feladatairól az egészségügyben* (Methodology guidance on the tasks of OSH professionals in the health care industry), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Módszertani útmutató biztonsági és egészségvédelmi koordinátorok részére* (Methodology guidance for safety and medical coordinators), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- Information for employees on the prevention of contact dermatitis, 2010. National Institute of Occupational Health. http://www.omfi.hu/letolt/lap/20100521_cont_dermatitis_lap_lekt_hu.pdf
- National Institute of Occupational Health's guideline on contact dermatitis 2010. http://www.omfi.hu/letolt/20100805_Kont_dermatitisek.pdf

Council Directive 89/654EEC (workplace)

- *A munkajogi szabályozás szerepe a munkahelyi stressz megelőzésében* (The role of labour regulations in the prevention of occupational stress), 2012. Study on the connection between stress prevention and labour rules. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Stressz, konfliktus, munkahely, megküzdés* (Stress, conflict, workplace, fight), 2012: Study on the causes and management of stress and conflicts. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

- *Útmutató a munkahelyi stressz kezelésére foglalkozás-egészségügyi szakemberek részére* (Guidance for OSH professionals on managing occupational stress), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Útmutató a munkahelyi stressz kezeléséhez a munkáltatók, felelős vezetők részére* (Guidance for employers, managers on managing occupational stress), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Útmutató a munkavállalóknak a munkahelyi stressz kezelésére* (Guidance for employees on managing occupational stress), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Útmutató a munkahelyi stressz kezeléséhez munkahelyi érdekképviselői szervek részére* (Guidance for social partners on managing occupational stress), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Útmutató a munkahelyi stressz kezeléséhez HR-szakemberek részére* (Guidance for HR managers on managing occupational stress), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Elméleti és gyakorlati kézikönyv a munkahelyi stresszkezelés helyes gyakorlatának kialakításához* (Reference book for establishing good practice in occupational stress management), 2011. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Guideline on psychosocial risks at the workplace*, 2014. Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=172&hir_reszlet=389
- *Pszichoszociális kockázatértékelés* (Psychosocial risk assessment), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Pszichoszociális kockázatok, azonosításuk, kezelésük* (Identifying and managing psychosocial risks), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Council Directive 2009/104/EC (work equipment)

- *Nemzeti Munkavédelmi Fókuszpont „Konferencia a biztonságos karbantartásról” c. konferenciája* (Hungarian Focal Point for Safety and Health at Work's 'Conference on Safe Maintenance'), 2011: The Hungarian Focal Point for Safety and Health at Work held a conference on safe maintenance within the framework of the EU's Safe Maintenance Campaign where the health risks of maintenance and good practice regarding safe maintenance were introduced by enterprises, social partners and the Hungarian Labour Inspectorate. https://osha.europa.eu/fop/hungary/hu/news/news_board/konferencia-a-biztonsagos-karbantartasrol
- *Karbantartás és munkavédelem* (Maintenance and OSH), 2012. Guidance on the requirements of safe maintenance. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Biztonságos karbantartás a gyakorlatban* (Safe maintenance in practice), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Council Directive 89/656/EEC (PPE)

- *Az egyéni védőeszköz munkáltatói juttatási rendje kialakításának helyes gyakorlatához* (Guideline for the good practice of ensuring personal protective equipment by the employer). With this guideline Hungarian Labour Inspectorate gives information to employers on the methods of giving employees personal protective equipment by stating best practice. http://www.ommf.gov.hu/index.html?akt_menu=505

Council Directive 92/58/EEC (OSH signs)

-

Directive 1999/92/EC (ATEX)

- *Ismertefelújító, aktualizáló előadás sorozat a robbanásvédelem területén* (Knowledge refreshing lectures on explosion protection), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Council Directive 90/269/EEC (manual handling of loads)

- *A gépkészítés biztonságáért: "kisokos" a gépkészítési munka biztonságának javításáért* (For the safety of operating machines: reference book on how to improve the safety of operating machines), 2013. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Council Directive 90/270/EEC (display screen equipment)

- *Amit a számítógépes munkahelyekről tudni kell! Középpontban az egészségmegőrzés – Számítógépes munkahelyek egészségmegőrző kialakítási gyakorlata, módszerek, megoldások a XXI. században* (What is needed to know about workplaces with computer screens! Health care in focus: Practices, methods and solutions regarding health care in workplaces with computer screens in 21st century), 2012. Guidance document on the requirements a workplace needs to fulfil in case employees work in front of computer screens. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Directive 2002/44/EC (vibration)

- *Munkaegészségügy – munkahigiéne – kockázatbecslés – expozíciómérés, avagy amit a mennyiségi kockázatbecslésről tudni kell* (Occupational health – risk assessment – examining exposure: everything that is needed to know about quantitative risk assessment), 2012: Guidance on risk assessment regarding occupational health for OSH professionals, i.e. on noise exposure. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Directive 2003/10/EC (noise)

- *Munkaegészségügy – munkahigiéne – kockázatbecslés – expozíciómérés, avagy amit a mennyiségi kockázatbecslésről tudni kell* (Occupational health – risk assessment – examining exposure: everything that is needed to know about quantitative risk assessment), 2012: Guidance on risk assessment regarding occupational health for OSH professionals, i.e. on noise exposure. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Directive 2004/40/EC (electromagnetic fields)

-

Directive 2006/25/EC (artificial optical radiation)

-

Directive 2004/37/EC (carcinogens or mutagens)

-

Council Directive 98/24/EC (chemical agents at work)

- Information for employees on how to use solvents safely, 2010. National Institute of Occupational Health. http://www.omfi.hu/letolt/lap/20100521_olddoszer_lap_hu.pdf
- Information for employees on lead exposure, 2010. National Institute of Occupational Health. http://www.omfi.hu/letolt/lap/20100608_olom_lap_hu.pdf

- National Institute of Occupational Health's guideline on lead exposure 2010. http://www.omfi.hu/letolt/20100805_Fogl_olomexp.pdf
- Information for employees on carbon-dioxide at the workplace, 2010. National Institute of Occupational Health. http://www.omfi.hu/letolt/lap/20100616_szen-monoxid_lap_hu.pdf
- Chemical Safety Day conference 2012. The National Institute of Chemical Safety held a conference on different topics connected to chemical safety, i.e. on occupational chemical safety. <http://www.okbi.hu/index.php/hu/kemiaibiztnap2012>
- *Helyes munkavédelmi gyakorlat a veszélyes anyagok és keverékek használatához* (Good practice on the usage of dangerous chemicals and mixtures), 2012. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Directive 2009/148/EC (asbestos)

-

Directive 2000/54/EC (biological agents)

-

Council Directive 92/57/EEC (temporary or mobile construction sites)

- *Praktikumok az építőipari munkavédelemhez* (Practical information in OSH at constructions), 2012.: Reference book for those who coordinate the work at constructions. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507
- *Építési munkahelyek és építési folyamatok legfontosabb munkavédelmi követelményei* (The most important OSH requirements of construction sites and processes), 2012. Reference book. Guidance document. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Council Directive 92/85/EEC (pregnant/breastfeeding workers)

- *Biztonságos várandósság, biztonságos munkahely* (Safe pregnancy, safe workplace), 2011. Study on the requirements of a safe workplace in connection with pregnancy. Published by Hungarian Labour Inspectorate. http://www.ommf.gov.hu/index.html?akt_menu=507

Council Directive 91/383/EEC (temporary workers)

-

Council Directive 94/33/EC (young people at work)

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For each identified document/action, the table indicates:

- The name of the action
- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (IT) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

Table 4- 1 Accompanying Actions

Name	Type	Initiated by (and date)	Target groups
Directive 89/391/EEC (Framework Directive)			
Hungarian Labour Inspectorate's online platform	IT	A	Public, in particular employers, workers, prevention advisors, OSH

Name	Type	Initiated by (and date)	Target groups
			professionals
Partnership for occupational safety.	AR	A and SP (ongoing)	Employers
Hungarian Labour Inspectorate's programme use OSH fines	FI	A (annually)	Employers, civil society organisations, public
Hungarian Labour Inspectorate used OSH fines to make movies with social partners	FI	A (2012)	Employers, civil society organisations, public
NAPO movies on the Hungarian Labour Inspectorate's website	G, ET	A	Public, employers, workers, prevention advisors, OSH professionals
Hungarian Labour Inspectorate's own cartoons regarding OSH	G, ET	A	Public, employers, workers, prevention advisors, OSH professionals
Occupational Safety and Health Advisory Service	G	A (ongoing)	Public, employers, workers, prevention advisors, OSH professionals
Remembrance Day of workers died or disabled in occupational accidents	AR	A	Employers, employees, public
Hungarian Focal Point for Safety and Health at Work's online platform	IT	A	Public, in particular employers, workers, prevention advisors, OSH professionals
Occupational Health and Safety Scientific Journal	G	A (2009-2013)	Public, employers, workers, prevention advisors, OSH professionals
Occupational Health and Safety Technology Journal	G	A (2009-2013)	Public, employers, workers, prevention advisors, OSH professionals
Communication and methodology in OSH	G	A and SP (2012)	Employers, workers, OSH professionals
Reference book on tasks stated in Act XCIII of 1993 on OSH)	G	A and SP (2012)	Employers, workers, OSH professionals
High scaler's technique: the technique of using personal protective equipment during tasks with the risks of falling	G, ET	A and SP (2012)	Employers, workers, OSH professionals
Campaign for the Prevention of Work Accidents due to Slips and Trips	AR	A (2014)	Employers, workers, OSH professionals
'Working together for risk prevention' campaign final conference	AR	A (2012-2013)	Employers, workers, OSH professionals
Promoting occupational health and safety, improving workplace inspections and investigations	AR	A (2012)	Employers, workers, OSH professionals, labour inspectors
Methodology paper on the inspection of liabilities prescribed by the 22/2010. (V.7.) Decree of the Ministry of Health	G	A (2010)	Employers, workers, OSH professionals, labour inspectors
Concept on easing the heavy administration tasks of micro and small enterprises regarding occupational health risk assessment	G	A (2013)	Employers
Labour inspectorates joint guidance on the implementation of occupational risk assessment	G	A (2006)	Employers, professionals, OSH labour inspectors
Information for employees on the prevention of the sun's harmful rays during work	G	A (2010)	Workers
Occupational safety and health requirements and methods in	G	A (2012)	Educational institutes, workers, students

Name	Type	Initiated by (and date)	Target groups
education			
OSH in agriculture and the connected fields	G	A and SP (2012)	Employers and workers in agriculture
Guideline for the risk assessment of strip mines	G	A and SP (2012)	Employers, workers, OSH professionals
OSH in vocational training	G	A and SP (2012)	Educational institutes, workers, students, employers
OSH in agriculture	G	A and SP (2012)	Employers and workers in agriculture
Basic knowledge of OSH	G	A and SP (2012)	Employers, workers, OSH professionals
The definition and methods of cutting	G	A and SP (2012)	Employers, workers, OSH professionals
Welding	G	A and SP (2012)	Employers, workers, OSH professionals
The risks of mechanized forestry technologies	G	A and SP (2011)	Employers, workers, OSH professionals
OSH requirements of commerce and tourism	G	A and SP (2012)	Employers, workers, OSH professionals in commerce and tourism
The causes of occupational accidents in the EU	G	A and SP (2012)	Employers, workers, OSH professionals
Methodology guidance on the tasks of OSH professionals in the health care industry	G	A and SP (2012)	Employers, workers, OSH professionals in the health care industry
Methodology guidance for safety and medical coordinators	G	A and SP (2012)	OSH professionals
Information for employees on the prevention of contact dermatitis	G, ET	A (2010)	Workers
Guideline on contact dermatitis	G, ET	A (2010)	Workers
Council Directive 89/654/EEC (workplace)			
The role of labour regulations in the prevention of occupational stress	G	A and SP (2012)	Employers, legislator, OSH professionals
Stress, conflict, workplace, fight	G	A and SP (2012)	Employers, workers, OSH professionals
Guidance for OSH professionals on managing occupational stress	G	A and SP (2011)	OSH professionals
Guidance for employers, managers on managing occupational stress	G	A and SP (2011)	Employers, managers
Guidance for employees on managing occupational stress	G	A and SP (2011)	Workers
Guidance for social partners on managing occupational stress	G	A and SP (2011)	Social partners
Guidance for HR managers on managing occupational stress	G	A and SP (2011)	HR managers
Reference book for establishing good practice in occupational stress management	G	A and SP (2011)	Employers, OSH professionals, labour inspectors
Guideline on psychosocial risks at the workplace	G	A and SP (2014)	Employers, workers, OSH professionals
Psychosocial risk assessment	G	A and SP (2012)	Employers, workers, OSH professionals
Identifying and managing psychosocial risks	G	A and SP (2012)	Employers, workers, OSH professionals
Directive 2009/104/EC (work equipment)			
Conference on Safe Maintenance	G, ET	A (2011)	Employers, workers, OSH professionals
Maintenance and OSH	G	A and SP (2012)	Employers, workers, OSH

Name	Type	Initiated by (and date)	Target groups
			professionals
Safe maintenance in practice	G, ET	A and SP (2012)	Employers, workers, OSH professionals
Council Directive 89/656/EEC (PPE)			
Guideline for the good practice of ensuring personal protective equipment by the employer	G, ET	A	Employers, workers, OSH professionals
Council Directive 92/58/EEC (OSH signs)			
No accompanying action identified			
Directive 1999/92/EC (ATEX)			
Knowledge refreshing lectures on explosion protection	G, ET	A and SP (2012)	Employers, workers, OSH professionals
Council Directive 90/269/EEC (manual handling of loads)			
For the safety of operating machines: reference book on how to improve the safety of operating machines	G, ET	A and SP (2012)	Employers, workers, OSH professionals
Council Directive 90/270/EEC (display screen equipment)			
What is needed to know about workplaces with computer screens! Health care in focus: Practices, methods and solutions regarding health care in workplaces with computer screens in 21 st century	G	A and SP (2012)	Employers, workers, OSH professionals
Directive 2002/44/EC (vibration)			
Occupational health – risk assessment – examining exposure: everything that is needed to know about quantitative risk assessment	G	A and SP (2012)	Employers, workers, OSH professionals
Directive 2003/10/EC (noise)			
Occupational health – risk assessment – examining exposure: everything that is needed to know about quantitative risk assessment	G	A and SP (2012)	Employers, workers, OSH professionals
Directive 2004/40/EC (electromagnetic fields)			
N/A			
Directive 2006/25/EC (artificial optical radiation)			
No accompanying action identified			
Directive 2004/37/EC (carcinogens or mutagens)			
No accompanying action identified			
Council Directive 98/24/EC (chemical agents at work)			
Information for employees on how to use solvents safely	G	A (2010)	Workers
Information for employees on lead exposure	G	A (2010)	Workers
Guideline on lead exposure	G	A (2010)	Workers, employees
Information for employees on carbon-dioxide at the workplace	G	A (2010)	Workers
Chemical Safety Day conference	AR, G	A (2012)	Employers, workers, OSH professionals
Good practice on the usage of dangerous chemicals and mixtures	G, ET	A and SP (2012)	Employers, workers, OSH professionals
Directive 2009/148/EC (asbestos)			
No accompanying action identified			
Directive 2000/54/EC (biological agents)			
No accompanying action identified			
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Practical information in OSH at constructions	G	A and SP (2012)	Employers, workers, OSH professionals
The most important OSH requirements	G	A and SP (2012)	Employers, workers, OSH professionals

Name	Type	Initiated by (and date)	Target groups
of construction sites and processes			professionals
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
No accompanying action identified			
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
No accompanying action identified			
Council Directive 92/29/EEC (medical treatment on board vessels)			
N/A			
Council Directive 93/103/EC (work on board fishing vessels)			
No accompanying action identified			
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
Safe pregnancy, safe workplace	G	A and SP (2011)	Employers, workers, OSH professionals
Council Directive 91/383/EEC (temporary workers)			
No accompanying action identified			
Council Directive 94/33/EC (young people at work)			
No accompanying action identified			

4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assess to what extent the accompanying actions are actually used by establishments to pursue the objective of protecting health and safety of workers.

Results from stakeholder interviews

According to the social partners and the national authorities, the existing accompanying actions are used to a certain extend but these actions often remain only at theoretical level. The possibilities for SMEs and large companies differ a lot so a unified concept can't be established. The ideas of OSH should also take into consideration other spheres of legal regulation and the needs of economic, competitiveness and the mechanisms of the labour market.

4.3 GAPS

This sub-section aims at determining whether there are any information needs that are not met.

Results from stakeholder interviews

According to the social partners and the national authorities, the available information is mostly sufficient but the new guidelines and policies of the EU should be communicated more frequently. In addition, they are asking for a system that would contain all the useful information that can be obtained in the field of OSH from other Member States.

5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of the 24 directives. It describes the structure in place for enforcement.

In Hungary, while previously enforcement responsibilities were shared between various bodies, namely the National Work Safety and Labour Chief Inspectorate (OMMF), the Hungarian Mining Authority and the National Public Health and Medical Office Service (ÁNTSZ)⁷⁶, under the direction of several ministries, there is now only one authority in charge of OSH legislation enforcement, namely the National Labour Office (NMH) under the Ministry of National Economy, with an autonomous branch specifically dedicated to OSH the ‘Occupational Safety and Health and Labour Inspections Directorate’.

From 2007 to 2012, the number of labour inspectors, number of inspections and their frequency has decreased overall, while the number of workers per labour inspector increased from 32448 to 38019.

The National Labour Office issues annual inspection directives which set the main targets, areas and expectations for the year. Priorities are set in terms of sectors and groups of vulnerable workers. It is based on the European and national strategy on OSH and the annual reports of the labour inspections.

The Hungarian legislation sets both criminal and administrative sanctions for non-compliance with OSH requirements. Criminal sanctions are pecuniary sanctions and imprisonment (up to 8 years if the infringement has caused a person’s death or a fatal mass catastrophe). The Hungarian legislation also provides for administrative fines, along with other coercive measures that the inspectors can apply such as prohibiting employees from suspending hazardous activities. These sanctions apply for infringement of all OSH-related legislation. It should, however, be noted that, with the entry into force of Act II of 2012 on offences, the offence procedure and the offence registration system, the competence of the health and safety authority concerning offences was abolished. The only fine it is now authorised to impose is a health and safety fine. Labour inspectorates now lack an appropriate administrative means in the case of the infraction of health and safety rules by workers.⁷⁷

The enforcement body competent for health and safety issues and the procedures in case of infringement in the public sector is the same as in the private sector.

Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

Table 5- 1 Enforcement authorities

Name	Type of authority
Directive 89/391/EEC (Framework Directive)	
NMH – National Labour Office (<i>Nemzeti Munkaügyi Hivatal Munkavédelmi és Munkaügyi Igazgatósága</i>)	The Hungarian Labour Inspectorate is a central agency under the control of the Minister for National Economy. Its legal status, duties, and competences are defined by the Government Decree No 323/2011 (XII.28).

⁷⁶ The National Public Health and Medical Officer Service is composed of the Office of the Chief Medical Officer (OCMO) and the national institutes under the direction of the OCMO. The Office is managed by the Minister responsible for public health. The occupational health-related functions of the ÁNTSZ were transferred to a new administrative authority, the National Health and Safety and Labour Chief Inspectorate (OMMF). See National Implementation Report 2014, Part A, Section I, (EN) p. 6.

⁷⁷ National Implementation Report 2014, Part A, Section I (EN) p.7.

Name	Type of authority
	On 31 December 2011, the former National Labour Inspectorate (OMMF) was integrated into the organization of the National Labour Office (NMH). The NMH has a professional autonomous branch called the "Occupational Safety and Health and Labour Inspections Directorate" (NMH-MMI).
Council Directive 89/654/EEC (workplace)	
NMH – National Labour Office	See Framework Directive
Directive 2009/104/EC (work equipment)	
NMH – National Labour Office	See Framework Directive
Council Directive 89/656/EEC (PPE)	
NMH – National Labour Office	See Framework Directive
Council Directive 92/58/EEC (OSH signs)	
NMH – National Labour Office	See Framework Directive
Directive 1999/92/EC (ATEX)	
NMH – National Labour Office	See Framework Directive
Council Directive 90/269/EEC (manual handling of loads)	
NMH – National Labour Office	See Framework Directive
Council Directive 90/270/EEC (display screen equipment)	
NMH – National Labour Office	See Framework Directive
Directive 2002/44/EC (vibration)	
NMH – National Labour Office	See Framework Directive
Directive 2003/10/EC (noise)	
NMH – National Labour Office	See Framework Directive
Directive 2004/40/EC (electromagnetic fields)	
N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	
NMH – National Labour Office	See Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)	
NMH – National Labour Office	See Framework Directive
Council Directive 98/24/EC (chemical agents at work)	
NMH – National Labour Office	See Framework Directive
Directive 2009/148/EC (asbestos)	
NMH – National Labour Office	See Framework Directive
Directive 2000/54/EC (biological agents)	
NMH – National Labour Office	See Framework Directive
Council Directive 92/57/EEC (temporary or mobile construction sites)	
NMH – National Labour Office	See Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
NMH – National Labour Office	See Framework Directive
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
NMH – National Labour Office	See Framework Directive
Council Directive 92/29/EEC (medical treatment on board vessels)	
N/A	N/A
Council Directive 93/103/EC (work on board fishing vessels)	
NMH – National Labour Office	See Framework Directive
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
NMH – National Labour Office	See Framework Directive
Council Directive 91/383/EEC (temporary workers)	
NMH – National Labour Office	See Framework Directive
Council Directive 94/33/EC (young people at work)	
NMH – National Labour Office	See Framework Directive

In addition, information is provided on any interactions between the enforcement bodies listed above.

The National Labour Office is headed by a Deputy Director and is the main body that monitors labour

issues. It is responsible for the management of the Labour Inspection Units of the Government Offices. The adjudication of appeals against administrative decisions falls within the competence of the Department in addition to the preparation of necessary enforcement measures.

The labour inspectorate keeps an official register with the names of all offenders. This is to make sure that the violations are rectified. The register is also important because violating employers may be excluded from state subsidies and public procurement biddings (see Paragraph 8(C) of Act LXXV of 1996 on Labour Inspection). The Government Offices of the Counties and the Capital have territorial competence for the county/capital where they are located. They are governed by the Ministry of Public Administration and Justice. The territorial competency of the Labour Inspection Units follows that of the Government Office where they reside. The Labour Inspection Units are controlled and supervised by the NMH-MMI, but administratively managed by the Government Office (Government Decrees No. 323 of 2011 and No. 288 of 2010). The heads of the Labour Inspection Units (Directors) are appointed by the head of the Government Office to which they belong. In total, there are 20 Labour Inspection Units throughout the country including the capital and the counties.

Inspections

Statistical Information

The table below provides information on the statistical data available in relation to inspections in order to gain an understanding of the level of enforcement activities in the Member State.

Table 5- 2 Inspections statistical data⁷⁸

	<i>Number of labour inspectors</i>	<i>Number of workers per labour inspector</i>	<i>Number of inspections per 100.000 workers</i>	<i>Frequency of inspections⁷⁹</i>	<i>Comments</i>
Data 2007	121	32448	652,3	2134/month	general scope of OSH activity
Data 2008	145	26754	648,8	2097/month	general scope of OSH activity
Data 2009	154	24558	572,7	1805/month	general scope of OSH
Data 2010	150	25208	586,3	1847/month	general scope of OSH activity
Data 2011	124	30741	523	1827/month	general scope of OSH activity
Data 2012	102	38019	432,2	1590/month	general scope of OSH activity

Strategies for inspection

The box below provides a short description of the strategic documents for enforcement.

Strategic documents for enforcement:

- annual inspection directive of the National Labour Office (in which the main targets, fields and principles and expectations are pointed) based on paragraph 2/a of the Act LXXV of 1996 on Labour Inspection,
- Act LXXV of 1996 on Labour Inspection
- National strategy of work safety

⁷⁸ National Implementation Report, Part A, Section I, (EN) p. 5.

⁷⁹ National Implementation Report, Part A, Section I, (EN) p. 3-5.

- Annual reports of labour inspections

The table below presents how priorities are set within strategic documents for inspections in relation to the different topics covered by the OSH Directives.

Table 5- 3 Data on enforcement strategy

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
in the annual inspection directive there is no distinction between the companies based on their size	the annual inspection directive lays down the scale of the inspections in different sectors	the inspection of the employment of the protected works (young workers, mothers, etc.) is a priority	<ul style="list-style-type: none"> • the annual inspection directive declares every year the main targets (e.g. unregistered workers, sectors, type of employment) ⁸⁰
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	of	others
✓	✓		<ul style="list-style-type: none"> • European Strategy for Health and Safety at Work 2007-2012 • National strategy of work safety • Annual reports of labour inspections

Sanctions

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directive covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided.

Table 5- 4 Result table – type and level of sanctions

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
Directive 89/391/EEC (Framework Directive)		
Any person who engages in misconduct in the course of engaging in his profession, thus causing imminent danger to the life, bodily integrity or health of another person or persons by his failure to act with reasonable	<u>Imprisonment</u> The penalty shall be: a) imprisonment for up to three years if the criminal offense results in permanent physical disability or a serious health impairment, or a mass	(1) Inspectors of the county (Budapest) occupational safety and labour boards shall be entitled to the following as authorities of the first instance: a) to compel employers, with regard to work places, to

⁸⁰ see also e.g.: Renato Bignami, Giuseppe Casale, Mario Fasani: Labour inspection and employment relationship, International Labour Organization – Geneva. p.71.

⁸¹ It should, however, be noted that, with the entry into force of Act II of 2012 on offences, the offence procedure and the offence registration system, the competence of the health and safety authority concerning offences was abolished. The only fine it is now authorised to impose is a health and safety fine. Labour inspectorates now lack an appropriate administrative means in the case of the infraction of health and safety rules by workers

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
<p>care, or causes bodily harm, is guilty of a misdemeanour punishable by imprisonment not exceeding one year. (Art. 165.§ of Criminal Code)</p>	<p>catastrophe; b) imprisonment between one to five years if the crime results in death; c) imprisonment between two to eight years if the criminal offense results in the death of two or more persons or in a fatal mass catastrophe. (3) Any person who is responsible for causing imminent danger wilfully is guilty of a felony punishable by imprisonment not exceeding three years in the case of Subsection (1), or by imprisonment between one to five years, between two to eight years, or between five to ten years in the case of Subsection (2), taking into account the distinction made therein. (4) For the purposes of this Section, rules of a profession shall also cover the rules relating to the use and handling of firearms, blasting agents and explosives</p> <p><u>Fine</u> (1) When imposing a fine, the amount shall be determined in view of the severity of the criminal offense and divided evenly among a specific number of days, each day representing the same amount of money, determined in accordance with the financial situation and income, and the everyday needs of the perpetrator. (2) The person who is sentenced to a fixed-term imprisonment for a criminal offense committed with the purpose of financial gain and has sufficient income or property shall also have a fine imposed. (3) The minimum and the maximum number of days representing a fine shall be between thirty and five hundred forty days, respectively. The amount of fine for one day shall be minimum one thousand and maximum five hundred thousand forints. (4) In its ruling the court may</p>	<p>provide information in writing concerning their compliance with specific occupational safety requirements; b) to hold inspections at all workplaces within their fields of competence, without a special permit; c) to investigate industrial accidents, with the exception of those related to public roads and air transport, without prejudice to the employers' responsibility; d) to instruct employers to satisfy the requirements of occupational safety and health; e) to oblige employers to eliminate any deficiencies which are determined, within the deadline specified; f) to prohibit employees from working under conditions which are in grave violation of the regulations pertaining to occupational safety and health; g) to order the suspension of hazardous activities, and/or the operation and use of divisions, sections and work equipment in the event of any imminent hazard directly threatening the health and physical integrity of employees, until such hazard is eliminated; h) to order the inspection referred to in Subsection (2) of Section 23; i) to order an investigation regarding the reporting or investigation of an industrial accident, if the reporting or investigation was neglected, or was not performed in accordance with the provision of legal regulations; j) to suspend the operation and use of work equipment and personal safety equipment if the document defined in Subsections (3) and (4) of Section 18 is not provided; k) to compel employers to report at certain intervals the average statistical number of employees working night shifts, their work schedule and other information - specified by resolution - concerning the conditions of</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
	<p>authorize the perpetrator - on account of his financial situation -to pay the fine in monthly instalments within a maximum period of two years</p>	<p>night work, as well as any changes in the data and information already reported.</p> <p>l) to act in accordance with other legal regulations pertaining to violations of regulations.</p> <p>(2) Inspectors shall investigate reported serious industrial accidents, without prejudice to the responsibility of employers.</p> <p>(3) Inspectors shall be authorized to order the immediate execution of their decisions as described in Paragraphs f), g) and j) of Subsection (1).</p> <p><u>Fine</u> <i>OSH Law - Section 82.</i></p> <p>(1) The supervisory agencies shall impose labour safety fines against the employers failing to fulfil the requirements of occupational safety and occupational health, and thereby seriously endangering the life, limb or health of workers.</p> <p>(2) The following shall be construed serious endangerment of the life, limb or health of workers:</p> <p>a) failure to comply with the requirements of commissioning under occupational safety standards as referred to in Section 21;</p> <p>b) failure to effect the periodic safety inspection prescribed in Subsection (1) of Section 23;</p> <p>c) failure to carry out the special inspection referred to in Subsection (2) of Section 23;</p> <p>d) failure to carry out the risk assessment prescribed under Subsection (2) of Section 54 for employers included in the highest hazard category as decreed by the Minister of Employment and Labour;</p> <p>e) the necessary protective equipment and personal safety equipment are inoperable or absent;</p> <p>f) lack of coordination based on the Subsection (2) of Section 40 ;</p> <p>g) lack of a certificate of medical examination or medical report required for workers working at dangerous work</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
		<p>places, operating dangerous work equipment or working in dangerous technological processes.</p> <p>h) violation of the employment prohibition based on further legal sources</p> <p>i) employment between conditions which are above the prescribed hazard category</p> <p>j) between carcinogenic conditions the lack of measurement of the hazardous factors based on further legal sources</p> <p>(3) Labour safety fines amounting to between 50,000 and 10,000,000 F may be imposed.</p> <p>(4) The supervisory agencies shall levy labour safety fines on each business location of an employer if according to the findings of the inspection the endangerment defined in Subsection (1) is imminent in several business locations of the employer in violation of the same legal regulation.</p> <p>(5) labour safety fines are imposed by the occupational safety authority according to the suggestion of the labour inspector revealing the serious endangerment. The Inspectorate imposes the fine and its measure is deliberated according to the following:</p> <ul style="list-style-type: none"> - measure of the endangerment, - number of endangered people, - length and repetition of endangerment, - number of infringed rules, - prospective consequences of endangerment, - measure of injury and deterioration of health, - measure of exceedance of employers and annual clear revenues or balance-sheet total by the employer or the person or organization defined in 40. § paragraph (2) who is responsible for co-ordination but omits

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
		her/his obligation for co-ordination, - measure of exceedance of limit value of pathogenic circumstances defined by limit value, - other personal and material circumstances leading to the endangerment leading to the fine.
Council Directive 89/654/EEC (workplace)		
Note: there are no special sanctions for the violation of each directive. The regulation has a complex approach, therefore the violation of the implemented EU legal sources follows the above cited sanctions	See Framework Directive	See Framework Directive
Directive 2009/104/EC (work equipment)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 89/656/EEC (PPE)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 92/58/EEC (OSH signs)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 1999/92/EC (ATEX)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 90/269/EEC (manual handling of loads)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 90/270/EEC (display screen equipment)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 2002/44/EC (vibration)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 2003/10/EC (noise)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 2004/40/EC (electromagnetic fields)		
N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 98/24/EC (chemical agents at work)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 2009/148/EC (asbestos)		
See Framework Directive	See Framework Directive	See Framework Directive
Directive 2000/54/EC (biological agents)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 92/57/EEC (temporary or mobile construction sites)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 92/29/EEC (medical treatment on board vessels)		
N/A	N/A	N/A
Council Directive 93/103/EC (work on board fishing vessels)		
See Framework Directive	See Framework Directive	See Framework Directive

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 91/383/EEC (temporary workers)		
See Framework Directive	See Framework Directive	See Framework Directive
Council Directive 94/33/EC (young people at work)		
<p>Forced labour</p> <p>Section 193 of Criminal Act</p> <p>(1) Any person who forces another person by taking advantage of his vulnerable situation, or by force or by threat of force, to perform work against his will, is guilty of a felony punishable by imprisonment between one to five years.</p> <p>(2) The penalty shall be imprisonment between two to eight years if the crime of forced labour is committed:</p> <p>a) by tormenting the victim;</p> <p>b) by causing a significant injury of interests; or</p> <p>c) against a person under the age of eighteen years</p>	<p><u>imprisonment</u> between one to five years or two to eight years</p> <p><u>Fine</u></p> <p>(1) When imposing a fine, the amount shall be determined in view of the severity of the criminal offense and divided evenly among a specific number of days, each day representing the same amount of money, determined in accordance with the financial situation and income, and the everyday needs of the perpetrator.</p> <p>(2) The person who is sentenced to a fixed-term imprisonment for a criminal offense committed with the purpose of financial gain and has sufficient income or property shall also have a fine imposed.</p> <p>(3) The minimum and the maximum number of days representing a fine shall be between thirty and five hundred forty days, respectively. The amount of fine for one day shall be minimum one thousand and maximum five hundred thousand forints.</p> <p>(4) In its ruling the court may authorize the perpetrator - on account of his financial situation -to pay the fine in monthly instalments within a maximum period of two years</p>	
<p>Child Labour</p> <p>Section 209 of Criminal Act</p> <p>Any person who:</p> <p>a) violates the statutory provisions on the employment of persons under the age of eighteen years; or</p> <p>b) employs a third-country national under the age of eighteen years without authorization to undertake gainful employment ;is guilty of a felony punishable by imprisonment not exceeding</p>	<p><u>Imprisonment</u> – 0-3 years</p> <p><u>Fine</u></p> <p>(1) When imposing a fine, the amount shall be determined in view of the severity of the criminal offense and divided evenly among a specific number of days, each day representing the same amount of money, determined in accordance with the financial situation and income, and the everyday needs of the perpetrator.</p>	

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties ⁸¹
three years.	<p>(2) The person who is sentenced to a fixed-term imprisonment for a criminal offense committed with the purpose of financial gain and has sufficient income or property shall also have a fine imposed.</p> <p>(3) The minimum and the maximum number of days representing a fine shall be between thirty and five hundred forty days, respectively. The amount of fine for one day shall be minimum one thousand and maximum five hundred thousand forints.</p> <p>(4) In its ruling the court may authorize the perpetrator - on account of his financial situation -to pay the fine in monthly instalments within a maximum period of two years</p>	

Enforcement actions

Table 5- 5 Number of infringements and court cases

Total number of infringement which resulted in legal action	2007: 15 000, 2008: 16 000, 2009: 17 000, 2010: 18 500, 2011: 16 534, 2012: 13 273. ⁸²
Other data on the number of court cases specific to OSH issues in the period 2007-2012	The estimated number of judgments of the Curia of Hungary between 2010 and 2013 related to OSH issues: 130.

⁸² These are estimated data based on the National Implementation Report, Part A, Section I, (EN) p. 5.

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups.

The question of vulnerable groups is primarily addressed through legislation rather than strategies and guidelines. Several groups are targeted including young workers, part-time workers, parents, ageing workers, women, and disabled workers. According to the NIR, “checking compliance with the requirements concerning the vulnerable group was added to the criteria of various campaigns and targeted inspections carried out by the authority during the period under review. As part of its information and awareness-raising activities, the authority paid special attention to juvenile workers”⁸³.

Table 6- 1 Tools addressing risk factors for all vulnerable groups

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Labour Code and OSH Law	Young workers	✓		✓	✓	✓	✓		✓	✓		✓			✓				
Labour Code and OSH Law	Women	✓		✓	✓	✓			✓	✓		✓			✓				
Labour Code, Act on Rights and Securing Equal Opportunities for Disabled Persons,	Disabled workers	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓			✓				

⁸³ See National Implementation Report, Part A, Section II, (EN) p.60.

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Law No. XXVI/1998 and OSH law																			
Labour Code	Part-time workers	✓				✓													
Labour Code	Agency Workers	✓																	
Labour Code	Male parents				✓	✓									✓				
OSH Law	Ageing Workers	✓					✓		✓	✓		✓							

7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. incentives. Other measures such as guidance are included in section 4.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of employees to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

There is no specific lighter regime for SMEs in Hungary with the notable exception of the new rules on fining whereby, pursuant to the SME Act, unless human life, safety or health is directly endangered, damage is done to the environment or the protection of minors is infringed, the health and safety authority warns the enterprise instead of imposing a fine for the first time an infringement by a SME is detected.

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the other OSH individual Directives.

Table 7- 1 Overview of measures targeting SMEs and micro-enterprises

	<i>Exemptions</i>	<i>Lighter regime</i>	<i>Incentives</i>
Directive 89/391/EEC (FW)	-	✓	-
Directive 89/654/EEC (workplace)	-	-	-
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-
Council Directive 92/58/EEC (OSH signs)	-	-	-
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-
Directive 2002/44/EC (vibration)	-	-	-
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)	-	-	-

	Exemptions	Lighter regime	Incentives
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	N/A	N/A	N/A
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-
Council Directive 98/24/EC (CAD)			
	-	-	-

Table 7- 2 Description of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)			
		<p>The Act XXXIV on supporting SMEs, and the 273/2011 (XII.20.) Decree of the Government on fines states that, at the first inspections – except some special situations – , the inspectors can only warn the SMEs and they cannot fine them.⁸⁴</p> <p>There aren't any further exact rules of the law but paragraph (5) of 82. § of the OSH Law states the following: labour safety fines are imposed by the occupational safety authority according to the suggestion of the labour inspector revealing the serious endangerment. The Inspectorate imposes the fine and its measure is deliberated according to the following:</p> <ul style="list-style-type: none"> - measure of the endangerment, - number of endangered people, 	

⁸⁴ See National Implementation Report, Part A, Section I, (EN) p. 29.

	Exemptions	Lighter regime	Incentives
		<ul style="list-style-type: none"> - length and repetition of endangerment, - number of infringed rules, - prospective consequences of endangerment, - measure of injury and deterioration of health, - measure of exceedance of employers and annual clear revenues or balance-sheet total by the employer or the person or organization defined in 40. § paragraph (2) who is responsible for co-ordination but omits her/his obligation for co-ordination, - measure of exceedance of limit value of pathogenic circumstances defined by limit value, - other personal and material circumstances leading to the endangerment leading to the fine. 	
Directive 89/654/EEC (workplace)			
	-	-	-
Directive 2009/104/EC (work equipment)			
	-	-	-
Council Directive 89/656/EEC (PPE)			
	-	-	-
Council Directive 92/58/EEC (OSH signs)			
	-	-	-
Directive 1999/92/EC (ATEX)			
	-	-	-
Council Directive 90/269/EEC (manual handling of loads)			
	-	-	-
Council Directive 90/270/EEC (display screen equipment)			
	-	-	-
Directive 2002/44/EC (vibration)			
	-	-	-
Directive 2003/10/EC (noise)			
	-	-	-
Directive 2004/40/EC (electromagnetic fields)			
	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			

	Exemptions	Lighter regime	Incentives
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	N/A	N/A	N/A
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-
Council Directive 98/24/EC (CAD)			
	-	-	-

According to NIR 2013, “On Hungary’s accession to the European Union, Act XXXIV of 2004 on small and medium-sized enterprises and the supporting of their development (‘Act XXXIV of 2004’) entered into force in accordance with the statutory legislation of the EU (Commission Recommendations 96/280/EC and 2003/361/EC). The law serves the purpose of supporting the development of SMEs with a view to their integration into the single European market. Businesses are classified on the basis of the number of employees and their net sales (or balance sheet total) (0-1 employee, 2-9 employees, 10-49 employees, 50-249 employees), which does not completely coincide with the standard EU classification (according to the number of employees: under 10 employees, 10-49 employees, 50--49 employees; according to financial thresholds: net sales/balance sheet total of EUR 50/43 million, EUR 10 million and EUR 2 million in 2003). Financial threshold values were defined with regard to aid and capital supply based on the realisation that SMEs are the drivers of European economy and, therefore, strengthening their competitiveness is of critical importance also for the fostering of employment. SME-related data are provided by the Hungarian Central Statistical Office (KSH) and the national tax authority (NAV) to the competent ministers; such data are only disclosed to the health and safety authority indirectly, during ad hoc proceedings (when fines are imposed).

The “Report from the Commission COM (2011) 803” revealed that, on average, annual regulatory expenses may amount to EUR 1 for large enterprises, EUR 4 for medium-sized enterprises and as much as EUR 10 for small and micro enterprises per worker.

Pleading the administrative burdens of regulation, including health and safety regulation, and the significant costs of health and safety (occupational safety, occupational health and occupational hygiene) services, most SMEs did not fully comply with their health and safety-related duties.

Since 2010, the rules concerning workers have been reviewed and the requirements have been simplified in this field on the basis of the government’s efforts in order to achieve the ‘simple State’ and the reduction of administrative burdens. Consequently, the SME Act was amended and Government Decree No 273 of 20 December 2011 entered into force. Since 1 January 2011, unless human life, safety or health is directly endangered, damage is done to the environment or the protection of minors is infringed, the health and safety authority warns the enterprise instead of imposing a fine for the first time an infringement by a micro, small or medium-sized enterprise is detected.

If a health and safety standard is infringed, the amount of the health and safety fine may be reduced by 20 % by an assessment and calculation on the basis of methodology guidance. Instead of a directly accessible database, however, the health and safety authority has access only to data based on the company registration and information disclosed by employers, on the basis of which it can assess the amount of the fine, which may render the administrative proceedings more difficult.

According to the January 2013 data of the KSH, SMEs have accounted for more than 99 % of registered Hungarian businesses for years. This is significantly different from the economic structure of the EU, partly as a result of the fact that there are a lot of businesses employing 1 or 2 family members out of necessity and people often have a micro partnership business registered in addition to their full-time job. It should be noted that nearly one-third of the enterprises in the registry of the KSH are staffed '0 - unknown'. At the same time, the major part of workers in organised jobs are employed by a few hundred large enterprises. In terms of compliance with European Union legal acts, the definition of SME specificities is irrelevant as only adequately stocked large and medium-sized enterprises and perhaps foreign-owned smaller companies can be held fully responsible for their failure to comply with such legal acts.

The discontinuance of certain reports (e.g. concerning the use of occupational health service) have resulted in the decrease of administrative burdens, the new regulation of the health and safety fine also represents a significant financial easement, while consulting by the health and safety authority represents professional support to SMEs. The amounts saved by SMEs with regard to the imposition of fines can be invested in the improvement of the health and safety conditions which, however, is not typical according to the knowledge of the health and safety authority. The measures are expected to produce results in the long term only.⁸⁵

⁸⁵ See National Implementation Report, Part A, Section I, 2.7, (EN) p.22-23.

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ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
HU	20	20	1	1	3	3	7	7	5	5	4	4

This table details all the interviews that were completed with Hungarian stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders.