

Evaluation of the EU Occupational Safety and Health Directives

COUNTRY SUMMARY REPORT FOR ROMANIA

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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

CNPP	National House of Public Pensions (“ <i>Casa Națională de Pensii Publice</i> ”)
CPMs	Common processes and mechanisms
Ex.	Example
FAQ	Frequently Asked Questions
GD	Governmental Decision
GEO	Governmental Emergency Ordinance
INCDPM	National Institute for Research and Development for Occupational Safety “Alexandru Darabont” (“ <i>Institutul Național de Cercetare-Dezvoltare pentru Protecția Mediului Alexandru Darabont</i> ”)
LSHW	Law on safety and health at work
MQs	Mapping questions
MMFPSPV	Ministry of Labour, Family, Social Protection and the Elderly (“ <i>Ministerul Muncii, Familiei și Protecției Sociale</i> ”)
MNSHW	Methodological norms for the implementation of Law on safety and health at work
NIR 2013	National Implementation Report for Romania regarding the application of Directive 89/391/EEC, its individual Directives and of Directives 2009/148/EC, 91/383/EEC, 92/29/EEC and 94/33/EC, 23 December 2013
OSH	Occupational Safety and Health
PPE	Personal Protective Equipment
SME	Small and Medium Enterprise

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 Romania. 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

In Romania, occupational safety and health is regulated through three major types of legislation: primary, secondary and tertiary legislation.¹ The main regulatory act in the field of occupational health and safety is Law 319/2006 of 14 July 2006 on safety and health at work (LSHW). The law establishes general principles for the prevention of occupational risks, protection of workers' safety and health, elimination of accident risk factors, information, consultation, balanced participation of workers, training of workers and their representatives, as well as the general directions for the implementation of those principles. The worker is defined in this legal framework as a person employed by an employer (including students, school pupils during their training practice, as well as interns and other participants in the work process), except for those who perform household activities. LSHW applies to every employer who employs at least one worker, to the workers and the workers' representatives i.e. to every person participating in the work process. It also applies to all the activity sectors, both from the private and public sector and transposes the framework Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work into the Romanian legislation.

LSHW is implemented through the Government Decision (GD) 1425/2006 "Approving Methodological Norms for the Implementation of Law 319/2006" (MNSHW). Particular aspects related to health surveillance, fire-fighting at work and emergency situations are regulated by separate laws, government decisions and methodological norms.

The individual OSH Directives have been transposed in the Romanian legal order through specific (activity and/or risk-related) Government Decisions. These legal acts – all dating from 2006-2007 – were elaborated through the consultation and the effective contribution of all the social partners implying the government, the institutions in the field, employers' organizations, the major trade-union organizations, and professional bodies in the OSH area. They were equally meant to make complete the Romanian legislative and institutional framework on OSH prior to and in the preparation of the adherence to the EU that took place in 2007. They have also defined the OSH legislative framework for the integration process of Romania into EU.

Directive 92/85/EEC (pregnant/breastfeeding workers) has been transposed through a Governmental Emergency Ordinance (GEO) and a GD, while Directive 91/383/EEC (temporary workers) has been transposed through two GDs and the Labour Code.

¹ http://oshwiki.eu/wiki/OSH_systems_at_national_level_-_Romania

Tertiary legislation on OSH in Romania relates to instructions drawn up by the companies and elaborated by the employers in the completion and/or implementation of the general OSH legislation within the activity sector. These specific regulations address only the issuing company and constitute the basis of the prevention plan of the company, risk assessment and control, worker OSH training, and the investigation of work accidents/incidents and the establishment of the due sanctions/penalties when required.

Only few infringement proceedings have been started against Romania. A case of non-communication relates to Directive 2006/25/EC (artificial optical radiation) and another one relates to Directive 2003/10/EC (noise). Both cases are now 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 Framework

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)		S	<p>Law of 14 July 2006 on safety and health at work no. 319 [Legea nr. 319 din 14 iulie 2006 a securității și sănătății în muncă] Of.J.No.646 /26.07.2006 (LSHW)</p> <p>Methodological Norms of 11 October 2006 for the implementation of Law on safety and health at work no 319/2006 approved by Governmental Decision No. 1425 [Hotărâre nr. 1425 din 11 octombrie 2006 pentru aprobarea Normelor metodologice de aplicare a prevederilor Legii securității și sănătății în munca nr. 319/2006] Of.J.No.882/30.10.2006 (MNSHW)</p> <p>Particular aspects related to health surveillance at work are regulated by:</p> <ul style="list-style-type: none"> Governmental Decision no. 355 of 11 April 2007 on the workers' health surveillance [Hotărâre nr. 355 din 11 aprilie 2007 privind supravegherea sănătății lucrătorilor] O.J.No.332/17.05.2007 (Health surveillance GD) <p>Particular aspects related to fire-fighting at work are included in:</p> <ul style="list-style-type: none"> Law no. 307 of 12 July 2006 regarding defence against fire [Legea nr. 307 din 12 iulie 2006 privind apararea împotriva incendiilor] O.J. No. 633/21.07.2006 Methodological Norms of 28 February 2007 for the implementation of Law no. 307 of 12 July 2006 regarding defence against fire approved by Ministerial 	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Order No. 163/2007 [ORDIN nr. 163 din 28 februarie 2007 pentru aprobarea Normelor generale de apărare împotriva incendiilor] O.J.No.216/29.03.2007</p> <p>Particular aspects related to emergency situations are included in:</p> <ul style="list-style-type: none"> • Law no. 481 of 4 November 2004 on civil protection, republished in 2008 [Legea nr. 481 din 8 noiembrie 2004 privind protecția civilă] O.J.No.554/22.08.2008. 		
Council Directive 89/654/EEC (workplace)	O		Governmental Decision No. 1091 of 16 August 2006 on the minimum health and safety requirements for the workplace [Hotărâre nr. 1091 din 16 august 2006 privind cerințele minime de securitate și sănătate pentru locul de muncă] O.J. 739/30.08.2006 (Workplace GD)	Y	
Directive 2009/104/EC (work equipment)	O		Governmental Decision No. 1146 of 30 August 2006 on the minimum health and safety requirements for the use of work equipment by workers at work [Hotărârea nr. 1146 din 30 august 2006 privind cerințele minime de securitate și sănătate pentru utilizarea în muncă de către lucrători a echipamentelor de muncă] O.J. 815/03.10.2006 (Work Equipment GD)	Y	
Council Directive 89/656/EEC (PPE)	O		Governmental Decision no. 1048 of 9 August 2006 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace [Hotărâre nr. 1048 din 9 august 2006 privind cerințele minime de securitate și sănătate pentru utilizarea de către lucrători a echipamentelor individuale de protecție la locul de muncă] O.J. 722/23.08.2006 (PPE GD)	Y	
Council Directive 92/58/EEC (OSH signs)	O		Governmental Decision No. 971 of 26 July 2006 on the minimum requirements for the provision of safety and / or health signs at work [Hotărârea nr. 971 din 26 iulie 2006 privind cerințele minime pentru semnalizarea de securitate și /sau sănătate la locul de muncă] O.J. 683/09.08.2006 (OSH Signs GD)	Y	
Directive 1999/92/EC (ATEX)		S	Governmental Decision No. 1058 of 9 August 2006 on the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres [Hotarare nr. 1058 din 9 august 2006 privind cerintele minime pentru imbunatatirea securitatii si protectia sanatatii lucratorilor care pot fi expusi unui potential risc datorat atmosferelor explozive] O.J. 737/29.08.2006	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>(ATEX GD)</p> <p>Governmental Decision No. 752 of 14 May 2004 for the establishment of the requirements for the placement on the market of equipment and protective systems intended for use in potentially explosive atmospheres (<i>Hotarare nr. 752 din 14 mai 2006 privind stabilirea condițiilor pentru introducerea pe piață a echipamentelor și sistemelor protectoare destinate utilizării în atmosfere potențial explosive</i>) O.J. 499/03.06.2004 (ATEX Equipment GD)</p> <p>Specific technical norms have also been adopted in this field:</p> <ul style="list-style-type: none"> • Ministerial Order no. 391 of 2 May 2007 for the approval of the Norms regarding the organization of the activity for intervention and rescue at industrial undertakings with potential danger of toxic gas emissions [<i>ORDIN nr. 391 din 2 mai 2007 pentru aprobarea Normativului privind organizarea activității de intervenție și salvare la unități industriale cu pericol potențial de emisii de gaze toxice și/sau explozive</i>] O.J.No.408/19.06.2007 • Ministerial Order no. 392 of 2 May 2007 for the approval of the Norms regarding the prevention of explosions for designing, assembling, activating, using, repairing and maintenance of technical installations functioning in explosive atmospheres [<i>ORDIN nr. 392 din 2 mai 2007 privind aprobarea reglementării tehnice "Normativ privind prevenirea exploziilor pentru proiectarea, montarea, punerea în funcțiune, utilizarea, repararea și întreținerea instalațiilor tehnice care funcționează în atmosfere potențial explozive", indicativ NEx 01-06</i>] O.J.No.411/19.06.2007 • Ministerial Order no. 392 of 2 May 2007 for the approval of the Norms regarding the organization of the activity for verifying the ventilating installations functioning within industrial undertakings with potential danger of explosive atmospheres and/or toxic ones [<i>ORDIN nr. 393 din 2 mai 2007 pentru aprobarea Reglementării tehnice "Normativ privind organizarea activității de verificare a instalațiilor de ventilare care funcționează la unități industriale cu</i> 		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<i>pericol potențial de formare a atmosferelor explozive și/sau toxice</i> ; indicativ NVIV - 01-06] O.J.No.408/19.06.2007		
Council Directive 90/269/EEC (manual handling of loads)	○		Governmental Decision No. 1051 of 9 August 2006 on the minimum safety and health requirements for the manual handling of loads where there is a risk particularly of back injury of workers [<i>Hotarare nr. 1051 din 9 august 2006 privind cerintele minime de securitate si sanatate pentru manipularea manuala a maselor care prezinta riscuri pentru lucratori, in special de afectiuni dorsolombare</i>] O.J. 713/21.08.2006 (MHL GD)	Y	
Council Directive 90/270/EEC (display screen equipment)	○		Governmental Decision No. 1028 of 9 August 2006 on the minimum safety and health requirements for work with display screen equipment [<i>Hotarare nr. 1028 din 9 august 2006 privind cerintele minime de sanatate si securitate in munca referitoare la utilizarea echipamentelor cu ecran de vizualizare</i>] O.J. 710/18.08.2006 (Display Screen Equipment GD)	N	
Directive 2002/44/EC (vibration)	○		Governmental Decision No. 1876 of 22 December 2005 on the minimum safety and health requirements related to the exposure of workers to risks generated by vibration [<i>Hotararea nr. 1876 din 22 decembrie 2005 privind cerintele minime de securitate si sanatate referitoare la expunerea lucratorilor la riscurile generate de vibratii</i>] O.J. No. 81/30.01.2006 (Vibration GD) Particular aspects related to health surveillance for workers exposed to vibration are regulated by: • Health surveillance GD	Y	
Directive 2003/10/EC (noise)	○		Governmental Decision No. 493 of 12 April 2006 on the minimum safety and health requirements regarding the exposure of workers to the risks arising from noise [<i>Hotarare nr. 493 din 12 aprilie 2006 privind cerintele minime de securitate si sanatate referitoare la expunerea lucratorilor la riscurile generate de zgomot</i>] O.J. 380/3.05.2006 (Noise GD) Particular aspects related to health surveillance for workers exposed to noise are regulated by: • Health surveillance GD	Y	Infringement No 07/607/RO: non-communication – closed case: national measures adopted and notified following letter of formal notice
Directive 2004/40/EC	○		Governmental Decision No. 1136 of 30 August 2006 on the minimum safety and	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
(electromagnetic fields)			<p>health requirements regarding the exposure of workers to the risks arising from electromagnetic fields [<i>Hotarare nr. 1136 din 30 august 2006 privind cerintele minime de securitate si sanatate referitoare la expunerea lucratorilor la riscurile generate de campuri electromagnetice</i>] O.J. 769/11.09.2006 (Electromagnetic fields GD)</p> <p>Particular aspects related to health surveillance for workers exposed to electromagnetic fields are regulated by:</p> <ul style="list-style-type: none"> • Health surveillance GD 		
Directive 2006/25/EC (artificial optical radiation)	O		<p>Government Decision No. 510/2010 of 2 June 2010 on minimum health and safety at work requirements regarding the exposure of workers to risks arising from artificial optical radiation [<i>Hotararea nr. 510 din 2 iunie 2010 privind cerintele minime de securitate si sanatate in munca referitoare la expunerea lucratorilor la riscurile generate de radiatiile optice artificiale</i>] O.J. 427/25.06.2010 (Artificial Optical Radiation GD)</p> <p>Particular aspects related to health surveillance for workers exposed to different types of radiation are regulated by:</p> <ul style="list-style-type: none"> • Health surveillance GD 	Y	Infringement No. 2010/0406 on non-communication – case closed
Directive 2004/37/EC (carcinogens or mutagens)		S	<p>Governmental Decision No. 1093 of 16 August 2006 on the minimum safety and health requirements for the protection of workers from the risks related to exposure to carcinogens or mutagens at work [<i>Hotararea nr. 1093 din 16 august 2006 privind stabilirea cerintelor minime de securitate si sanatate pentru protectia lucratorilor impotriva riscurilor legate de expunerea la agenti cancerigeni sau mutageni la locul de munca</i>] O.J.No.757/06.09.2006 (Carcinogens or mutagens GD)</p> <p>Governmental Decision no. 1218 of 6 September 2006 on the minimum requirements for safety and health at work to ensure the protection of workers against the risks related to chemical agents [<i>Hotararea nr. 1218 din 6 septembrie 2006 privind stabilirea cerintelor minime de securitate si sanatate in munca pentru asigurarea protectiei lucratorilor impotriva riscurilor legate de prezenta agentilor chimici</i>] O.J.No.845/13.10.2006 (Chemical agents GD)</p>	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			Particular aspects related to health surveillance for workers exposed to electromagnetic fields are regulated by: <ul style="list-style-type: none"> • Health surveillance GD 		
Council Directive 98/24/EC (chemical agents at work)	○		Governmental Decision no. 1218 of 6 September 2006 on the minimum requirements for safety and health at work to ensure the protection of workers against the risks related to chemical agents [<i>Hotararea nr. 1218 din 6 septembrie 2006 privind stabilirea cerintelor minime de securitate si sanatate in munca pentru asigurarea protectiei lucratorilor impotriva riscurilor legate de prezenta agentilor chimici</i>] O.J.No.845/13.10.2006 (Chemical agents GD) <p>Particular aspects related to health surveillance for workers exposed to chemical agents are regulated by: <ul style="list-style-type: none"> • Health surveillance GD </p>	Y	
Directive 2009/148/EC (asbestos)	○		Governmental Decision no. 1875 of 22 December 2005 on the protection of workers' health and safety from the risks related to exposure to asbestos [<i>Hotararea nr. 1875 din 22 decembrie 2005 privind protectia sanatatii si securitatii lucratorilor fata de riscurile datorate expunerii la azbest</i>] O.J. No.64/24.01.2006 (Asbestos GD) <p>Particular aspects related to health surveillance for workers exposed to asbestos are regulated by: <ul style="list-style-type: none"> • Health surveillance GD </p>	Y	
Directive 2000/54/EC (biological agents)	○		Governmental Decision no. 1092 of 16 August 2006 on the protection of workers from risks related to exposure to biological agents at work [<i>Hotararea nr. 1092 din 16 august 2006 privind protectia lucratorilor impotriva riscurilor legate de expunerea la agenti biologici in munca</i>] O.J. No.762/07.09.2006 (Biological agents GD) <p>Particular aspects related to health surveillance for workers exposed to biological agents are regulated by: <ul style="list-style-type: none"> • Health surveillance GD </p>	Y	
Council Directive 92/57/EEC (temporary or mobile construction sites)	○		Governmental Decision No. 300 of 2 March 2006 concerning minimum safety and health requirements at temporary or mobile construction sites, [<i>Hotărârea nr. 300 din 2 mai 2006 privind cerințele minime de securitate și sănătate pentru șantierele temporare saumobile</i>] Of.J.No.252/21.03.2006 (Temporary)	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>construction sites GD)</p> <p>Particular aspects related to health surveillance for workers working at height are regulated by:</p> <ul style="list-style-type: none"> • Health surveillance GD 		
<p>Council Directive 92/104/EEC (surface and underground mineral-extracting industries)</p>	○		<p>Governmental Decision no. 1049 of 9 August 2006 on the minimum requirements to ensure the safety and health of workers in surface or underground extracting industry [<i>Hotararea nr. 1049 din 9 august 2006 privind cerintele minime pentru asigurarea securitatii si sanatatii lucraoitorilor din industria extractiva de suprafata sau subteran</i>] O.J. No. 727/25.08.2006 (Mineral Extraction GD)</p>	N	
<p>Council Directive 92/91/EEC (mineral-extracting industries through drilling)</p>	○		<p>Governmental Decision no. 1050 of 9 August 2006 regarding the minimum requirements for improving the safety and health protection of workers in the mineral extracting industries through drilling [<i>Hotararea nr. 1050 din 9 august 2006 privind cerintele minime pentru asigurarea securitatii si sanatatii lucraoitorilor din industria extractiva de foraj</i>] O.J. No.737/29.08.2006 (Mineral Extraction through Drilling GD)</p>	N	
<p>Council Directive 92/29/EEC (medical treatment on board vessels)</p>	○		<p>Governmental Decision No. 1007 of 2 August 2006 on the minimum safety and health requirements regarding the medical assistance on board vessels [<i>Hotarare nr. 1007 din 2 august 2006 privind cerintele minime de securitate si sanatate referitoare la asistenta medicala la bordul navelor</i>] O.J. 696/15.08.2006 (Medical treatment on board vessels GD)</p>	Y	
<p>Council Directive 93/103/EC (work on board fishing vessels)</p>	○		<p>Governmental Decision No. 1135 of 30 August 2006 on the minimum safety and health requirements for work on board fishing vessels [<i>Hotarare nr. 1135 din 30 august 2006 privind cerintele minime de securitate si sanatate in munca la bordul navelor de pescuit</i>] O.J. 772/12.09.2006 (Work on board fishing vessels GD)</p>	Y	
<p>Council Directive 92/85/EEC (pregnant/br eastfeeding workers)</p>		S	<p>Law no. 25 of 5 March 2004 for the approval of the Governmental Emergency Ordinance 96 of 14 October 2003 on maternity protection at the workplace [<i>Legea nr. 25 din 5 martie 2004 pentru aprobarea Ordonantei de urgenta nr. 96 din 14 octombrie 2003 privind protectia maternitatii la locurile de munca</i>] O.J. No. 214/11.03.2004 (Maternity protection GEO)</p> <p>Governmental Decision no. 537 of 7 April</p>	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>2004 for the approval of the Methodological norms on the application of the Governmental Emergency Ordinance 96 of 14 October 2003 on maternity protection at the workplace [<i>Hotararea nr. 537 din 7 aprilie 2004 pentru aprobarea Normelor metodologice de aplicare a prevederilor Ordonantei de urgenta a Guvernului nr. 96/2003 privind protectia maternitatii la locul de munca</i>] O.J. No. 378/29.04.2004 (Maternity protection Methodological norms)</p> <p>Law no. 399 of 9 November 2006 for the approval of the Governmental Emergency Ordinance 158 of 17 November 2005 on social health insurance leaves and allowances [<i>Legea nr. 399 din 9 noiembrie 2006 pentru aprobarea Ordonantei de urgenta nr. 158 din 17 noiembrie 2005 privind concediile si indemnizatiile de asigurari sociale de sanatate</i>] O.J. No. 1074/29.11.2005 (Social health insurance GEO)</p>		
Council Directive 91/383/EEC (temporary workers)		S	<p>Government Decision no. 557 of 6 June 2007 supplementing the measures to encourage improvements in the safety and health at work of workers employed on grounds of fixed-term individual employment contracts and of temporary workers employed by temporary work agencies [<i>Hotărârea Guvernului nr. 557 din 6 iunie 2007 privind completarea măsurilor destinate să promoveze îmbunătățirea securității și sănătății la locul de muncă pentru salariații încadrați în baza unui contract individual de muncă pe durată determinată și pentru salariații temporari încadrați la agenți de muncă temporară</i>] O.J. No. 407/18.06.2007 (Temporary workers GD)</p> <p>Government Decision no. 1256 of 21 December 2011 on the requirements for the setting up and functioning, as well as the authorization procedure for the temporary working agency [<i>Hotărârea Nr. 1256 din 21 decembrie 2011 privind condițiile de funcționare, precum și procedura de autorizare a agentului de muncă temporară</i>] O.J. No. 5/04.01.2012 (Temporary working agency GD)</p> <p>Law no. 53 of 24 January 2003 - The Labour Code, republished in O.J. No. 345/18.05.2011 [<i>Legea nr. 53/2003 din 24 ianuarie 2003 republicata</i>] (Labour Code)</p>	Y	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Council Directive 94/33/EC (young people at work)	O		Government Decision no. 600 of 13 June 2007 on the protection of young people at the workplace [<i>Hotararea nr. 600 din 13 iunie 2007 privind protectia tinerilor la locul de munca</i>] O.J. No.473/13.07.2007 (Young people at workplace GD)	Y	

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.

Starting with the pre-adherence period, Romania consecutively adopted a series of OSH strategies and programmes meant to transpose the EU legislation in the area into the national legislation and to set up an adequate institutional framework for the implementation of the transposed legislation at national level. Since 2007, after Romania's adherence to the EU, the national strategies have been in line with the EU strategies on OSH being part of the general integration process Romania has to cope with at present and in the coming years. In 2008, the Ministry of Labour, Family, Social Protection and the Elderly elaborated the National strategy for Occupational Health and Safety 2008-2013. It set out the main priorities and objectives in the field of occupational safety and health for short and medium term. The main objective of this strategy was to consistently and significantly reduce the number of work accidents and occupational diseases and continuously improve the level of occupational safety and health in Romania. To reach this goal, a better knowledge and understanding of workplace related risks was required alongside the identification of the most appropriate and efficient measures to increase worker safety and health and to promote an effective preventive culture in Romania. This National Strategy has been drawn up in line with the Community Strategy on Health and Safety at Work 2007-2012, but has never been adopted for political reasons. In the meantime, a new National Strategy for Health 2014-2020 – Health for Prosperity has been elaborated, but this one also has not yet been adopted. The new Strategy has a special focus on the future EU challenges e.g. occupational diseases, new and emerging risks, demographic changes (ageing workforce, migration), SMEs legal framework, and improved statistical tools.

The Ministry of Labour, Family, Social Protection and the Elderly together with the Ministry of Health are the central authorities having specific attributions in the field of health and safety at work. Generally, the Ministry of Labour, Family, Social Protection and the Elderly is mainly focused on ensuring the necessary legal and institutional framework for the protection of safety at work, while the Ministry of Health is primarily responsible for ensuring the necessary protection of health at work.

The enforcement of OSH legislation is also attributed to two authorities. While the Territorial Labour Inspectorates are the main interface for the enforcement of the OSH obligations and are primarily oriented towards the control and sanctioning of the undertakings, Public Health Directorates are primarily focused on offering to all stakeholders holding an interest in this field the necessary counselling, guidance and technical expertise in order to determine the proper means for ensuring an effective protection of the workers' health at the work place.

With regard to OSH services, the employer has to set up occupational health services for his employees (internal or external). The basic activity of the occupational health service consists of:

- Monitoring and evaluation of risks in the working environment
- Preventive medical check up

- First aid, treatment, and, if necessary, rehabilitation of occupational diseases, injuries and work related diseases
- Prevention, detecting, monitoring and reporting of occupational diseases, work related diseases and injuries at work
- Health surveillance and promotion of health at work
- Health education and training of employees
- Registering of data for the informational system

1.2.1 Key policy documents

The following key policy documents have been identified for Romania:

- **National Strategy for Occupational Health and Safety 2008-2013.** This document, drafted jointly by the Ministry of Labour, Family, Social Protection and the Elderly and the Ministry of Health, includes references to “Workplace Health Promotion”. The strategy has, however, not been adopted for political reasons and it is not known if and when the plan will be adopted. The interviewed stakeholders regard the strategy as being in force.
- **National Strategy for Health 2014-2020 – Health for Prosperity.** The new strategy was subject of a public debate organized by the Ministry of Health on 22 January 2014; however, the strategy has not yet been adopted. The strategy describes the current situation in the OSH field in Romania, defines general and specific targets as well as necessary actions and measures to be taken in order to improve the health care system in Romania.
- **Strategies of the Labour Inspection in the OSH field²:** The Strategies set the main priorities related to OSH controls, as regards the undertakings to be controlled (particularly SMEs), the sectors of activity to be controlled (particularly those considered to be hazardous - mining, construction, transport, health, agriculture and forestry) as well as the protection of vulnerable workers (daily workers, migrant workers, posted workers and temporary workers). OSH field strategies are aimed at continuously improving the health and safety at work, as well as reducing work accidents and occupational diseases in a sustainable manner. The main focus of the OSH Strategies is to get the value of the statistical indicators closer to the values imposed by the EU legislation and to also improve the development of a culture on risk prevention at the workplace.
- **The National Action Plan of the Labour Inspection during 2007-2012 for promoting an effective implementation of risk assessment for SMEs³:** The priority of the National Plan for 2007-2012 was the development of OSH compliance in the SMEs, particularly the SMEs performing an activity in industrial areas known to have several OSH issues in view of achieving an effective risk assessment aimed at protecting the life, health and well-being of the workers. In this respect, the following main activities were envisaged at national level: OSH training for the labour inspectors, elaborating OSH awareness materials, OSH training for employers and monitoring activities.
- **Annual Framework Action Plans of the Labour Inspection⁴:** The Annual Framework Action Plan sets forth the actions to be carried out by the labour inspectors in order to effectively achieve the main objectives set in the strategies of the Labour Inspection.
- **Annual Activity Reports of the Labour Inspection⁵:** Each annual report describes the controls carried by the labour inspectors as regards employment relationships and OSH

² The strategy for the period 2013-2014 is available online at Inspectia Muncii, <http://www.inspectmun.ro/site/Program/program.html>.

³ Labour Inspection, *Planul National de Actiune al Inspectiei Muncii 2007-2012 privind promovarea realizarii efective a evaluarii riscurilor in intreprinderile mici si mijlocii*, available online at <http://www.inspectiamuncii.ro/ssmimm/p6.html>.

⁴ The plans for 2012, 2013 and 2014 are available online at Inspectia Muncii, <http://www.inspectmun.ro/site/Program/program.html>.

⁵ Labour Inspection, Annual Report, all the reports for the period 2005-2013 are available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

matters (specific indicators are made available on the number of controlled undertakings, the size of the controlled undertakings, the sector of activity where the controls were carried, the sanctions applied etc.), the results of the activities planned by the Labour Inspection as well as the statistical data on the work accidents and professional diseases.

- Annual Activity Report 2013
 - Annual Activity Report 2012
 - Annual Activity Report 2011
 - Annual Activity Report 2010
 - Annual Activity Report 2009
 - Annual Activity Report 2008
 - Annual Activity Report 2007
 - Annual Activity Report 2006
 - Annual Activity Report 2005
-
- **European Campaigns on OSH** coordinated by SLIC: The campaigns are focused on awareness-raising of employers and workers on specific risks related to the OSH field (such as psychosocial risks at work as well as prevention on work accidents due to slips and trips).
 - **Sector Plan for Research and Development of the Ministry of Labour for 2009-2012⁶:** The overall objective of the Plan is financing research and development applicative projects, aimed at employment growth, development and diversification of social protection systems and OSH promotion. The Sector Plan covers 5 programs: Labour Market Programme, Pensions Programme, Social Inclusion Programme, Mobility of Employees Programme and OSH Programme. Within the OSH Program, several technical studies were realized in the OSH field⁷ aimed at helping the employers to improve the work conditions and establishing OSH protective measures.
 - **Sector Plan for Research and Development of the Ministry of Labour for 2013-2015⁸:** The Plan sets forth 8 projects with specific objectives in the OSH field: granting employers with support in view of carrying the activities of prevention and protection in the OSH field, ensuring a continuous increase of the level of security and health at the work place as well as promoting the integration of risk management and social responsibility in the companies.

1.2.2 Main authorities and stakeholders

The relevant Ministries that are involved in the development of OSH strategies and policies and that propose regulatory changes are:

- **Ministry of Labour, Family, Social Protection and the Elderly (MMFPSPV):** proposes and undertakes organisational measures (according to OSH Law 319/2006) within the scope of statutory health and safety to promote Occupational Safety and Health policies. They are implemented by the Ministry through the Labour Inspectorates. The political and financial measures of Occupational Safety and Health, proposed to promote employment policies, are implemented by the Ministry through its Employment Agencies.
In Romania, employment legislation and legislation on health and safety at work fall mainly under the competence of the Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protectiei Sociale si Persoanelor Varstnice*). The Ministry is organized as a specialty body of the central public administration, under the subordination of the Romanian Government, having as main attribution the coordination for the application of the strategies and policies adopted by the Government in the field of labour, family, social protection and elderly people. In this respect, the Ministry is mainly responsible for

⁶ Approved by Ministerial Order no. 668/2008.

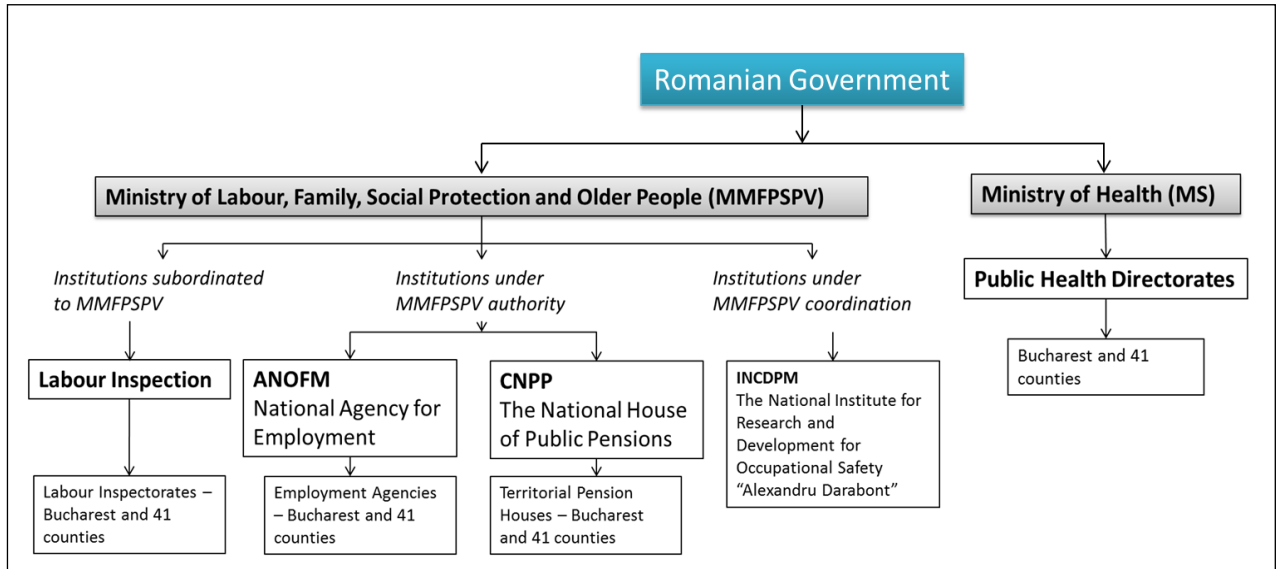
⁷ Most of the studies were conducted by the National Institute for Research and Development for Occupational Safety "Alexandru Darabont" (INCDPM) and are available online at <http://www.inpm.ro/ro/oferta-noastra/publicatii/ghiduri.html>.

⁸ Approved by Ministerial Order no. 3808/2012.

elaborating specific programmes aimed at harmonizing the relevant legislation with the European Community legislation as well as for supervising the unitary application and compliance with the regulations in force.

- **Ministry of Health:** responsible for the elaboration and implementation of the Public Health Strategy and collaborates with the Ministry of Labour, Family, Social Protection and the Elderly to design strategies and policies concerning the health of the workforce. The Ministry develops and implements specific programs in the fields of health promotion and occupational health at the level of each county through its territorial Public Health Directorates.

Overall institutional structure for health and safety at work⁹



Enforcement Authorities¹⁰

- **Labour Inspectorates:** The Labour Inspections and its 42 Territorial Labour Inspectorates are responsible – together with the Ministry of Labour, Family, Social Protection and the Elderly – for the enforcement and implementation of programmes and measures on OSH policies.
- **Employment Agencies:** The Employment Agencies within the 42 Romanian districts are responsible – together with the Ministry of Labour, Family, Social Protection and the Elderly – for the implementation of political and financial OSH measures and programmes that promote employment policies.
- **Public Health Directorates:** Responsible – together with the Ministry of Health – for the development and implementation of specific programmes in the fields of health promotion and occupational health. Each District Public Health Directorate has a Health Promotion department and an Occupational Health department, which both deal with all workplace health promotion initiatives at district level.

Research Institutes

- **The National Institute for Research and Development for Occupational Safety “Alexandru Darabont” (INCDPM):** carries out, under the coordination of the Ministry of Labour, Family, Social Protection and the Elderly, research and development works in the

⁹ See also National Implementation Report 2013, Part A, Section I, (EN) p. 5-6.

¹⁰ 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.

occupational safety field in order to support the improvement actions for the occupational health and safety activities and promotes the occupational health and safety policy.

- The **National Institute of Public Health** (*Institutul National de Sanatate Publica*), a specialized body under the subordination of the Ministry of Health, is mainly responsible for the occupational health research aimed at ensuring public health management, development of specific public health services, health monitoring in relation to the environment, conducting occupational health assessment and health monitoring.
- The **National Research and Development Institute for Mine Safety and Protection from Explosion** (*Institutul National de Cercetare-Dezvoltare pentru Securitate Miniera si Protectie Antiexploziva - "INSEMEX Petrosani"*) is a specialized body carrying out its activity under the coordination of the Ministry of National Education. The institute's main activities are related to fundamental and applicative scientific research, technological development, technical expertise and the elaboration of necessary studies in order to avoid risks in the extracting industry and other industries with a toxic and/or potential explosive environment, and equipment against explosives. The institute also participates in the elaboration of strategies for the development of specific areas.

Independent Public Offices

- The **National House of Public Pensions** (CNPP): manages the public pension system, other social security rights and the social security system for labour accidents and professional illnesses. The CNPP is the competent authority in insurance against accidents at work and occupational diseases, working under the subordination of the Ministry of Labour, Family, Social Protection and the Elderly. The National House of Public Pensions carries out its activity at the level of each county through the territorial houses of public pensions.

In addition, OSH activities can also fall under the exclusive competence of special authorities, such as the **Ministry of National Defense** (*Ministerul Apărării Naționale*) and the **Ministry of Internal Affairs** (*Ministerul Afacerilor Interne*) – in case of military structures and other structures where public servants with special status conduct their activities; the **National Administration of Penitentiaries** (*Administrația Națională a Penitenciarelor*) under the Ministry of Justice (*Ministerul Justiției*); the **Romanian Intelligence Service** (*Serviciul Român de Informații*); the **Foreign Intelligence Service** (*Serviciul de Informații Externe*); the **Guard and Protection Service** (*Serviciul de Protecție și Pază*), the **Special Telecommunication Service** (*Serviciul de Telecomunicații Speciale*); and the **National Commission for the Control of Nuclear Activities** (*Comisia Națională pentru Controlul Activităților Nucleare*). All of these authorities organize, coordinate and control the OSH activities in their units through prevention and protection services.

Moreover, there are specific industries where the OSH activities fall also under the responsibility of specialized institutions. For example, OSH activities on board vessels are the responsibility of the **Romanian Naval Authority** (*Autoritatea Navală Română*), a specialized body subordinated to the Ministry of Transportation and Infrastructure (*Ministerul Transporturilor și Infrastructurii*), together with the Labour Inspection.

Social Partners

The Labour Code – Law 53/2003 comprises specific provisions on trade unions, collective bargaining and tripartite cooperation.

In Romania, the tripartite social dialogue is carried out within the institutionalized structures for tripartite consultation (the National Tripartite Council for Social Dialogue, commissions for social dialogue) established at a national, central and local level based on the Law no 62/2011 on social

dialogue, as well as within other consultation frameworks such as the parliamentary work commissions or ad-hoc tripartite structures.

According to the website of the Ministry of Labour, Family, Social Protection and the Elderly, there are 69 trade unions and 13 employers' unions, which can be considered as social partners.

The biggest trade unions, also recognized at the level of the tripartite bargaining through the CES (the Economic and Social Council), are:

- C.N.S.L.R. - *Confederatia Nationala a Sindicatelor Libere din Romania – Fratia* (The National Confederation of the Free Trade Unions from Romania – Fratia);
C.N.S.L.R. includes 40 professional federations within all industrial areas and 800.000 union members. The confederation participates as a representative partner to negotiations regarding collective agreements, as well as to drafting and amending legal provisions concerning the union activity and union members' interests. Moreover, the confederation promotes the partnership and solidarity with all trade unions. C.N.S.L.R. is affiliated to ETUC (European Trade Union Confederation) as well as to the ITUC (International Trade Union Confederation).
- B.N.S. - *Blocul National Sindical* (The National Trade Union Block);
B.N.S. includes 40 professional federations representing the rights and interests of workers in various industries (*i.e.*, machine building, transport, construction and building materials, post and telecommunications, printing, electronics, automatics, culture, energy, textiles, health, public administration, agriculture, finance, banking, mining and geology, sport) and has approx. 350.000 union members. B.N.S. is affiliated to ETUC (European Trade Union Confederation) as well as to the ITUC (International Trade Union Confederation).
- C.N.S.C.A. - *Confederatia Nationala Sindicala Cartel Alfa* (The National Trade Union Confederation Cartel Alfa);
C.N.S.C.A. is the largest trade union confederation in Romania which includes 45 professional federations covering the activity in all industrial areas and has approx. 1 million union members. C.N.S.C.A.'s main objectives are to influence the legislative process and the economic framework, promote social partnership, social dialogue and solidarity, organize and support the internal process participation and training of militants, assist and represent the trade unions and their members. C.N.S.C.A. is affiliated to ETUC (European Trade Union Confederation) as well as to the ITUC (International Trade Union Confederation).
- C.S.D.R. - *Confederatia Sindicatelor Democratice din Romania* (The Confederation of the Democratic Trade Unions in Romania);
C.S.D.R. has 20 affiliated professional and branch federations, pertaining to both the public and private sector. C.S.D.R. is covering activity areas such as education, food industry, construction materials, textile, woodworking industry, social assistance and health care, mining, agriculture, transports, culture, research, media, machine building, banking and finance. C.S.D.R. is affiliated to ETUC (European Trade Union Confederation) as well as to the ITUC (International Trade Union Confederation).
- C.S.N. Meridian - *Confederatia Sindicala Nationala Meridian* (The Meridian National Trade Union Confederation).
C.S.N. Meridian includes 29 branch federations and covers the activity in all industrial areas in Romania. The Confederation's objectives are to maintain and develop a representative, strong and pluralistic movement at union level, to establish relationships with all organizations and national and international level having common objectives as the confederation, to enhance the living and working conditions of its members, to promote the Social European Model.

The biggest employer's unions in Romania are:

- ACPR - *Alianta Confederatiilor Patronale din Romania* (The Alliance of the Romanian

Employers' Confederations);

ACPR covers several industries (such as agriculture, wood, textile, transportation, constructions, energy, machinery, metallurgy, hotels and restaurants etc.) and is aimed at providing social peace by representing and supporting the employers' interests, economic international integration, prosperity, sustainable development and the entrepreneurial initiative.

- **CONPIROM** - *Confederatia Patronala din Industrie, Agricultura, Constructii si Servicii din Romania* (The Employers' Confederation in Industry, Agriculture, Constructions and Services in Romania);
CONPIROM includes 16 branch employers' federations and 70 sub-branches employers' organizations, covering activities in various industries (*i.e.*, extractive industry, iron metallurgy, machine building, electronics, chemistry, wood, construction materials, food industry, etc.). CONPIROM reunites more than 2400 companies, publicly or privately owned. There are approx. one million employees working within the companies which are members of CONPIROM.
- **CNPR** - *Confederatia Nationala a Patronatului Roman* (National Confederation of Romanian Employers);
CNPR comprises 16 federations, unions, associations, employers' organizations and 29 companies directly affiliated, covering approx. 6.513 companies, with state, foreign or mixed capital.
The members of CNPR represent economical agents within industry, agriculture, constructions, transport, communications, commerce, tourism, research and design, private health sector and other activity fields. Moreover, its members are performing activity within 15 out of the 19 activity branches at national level and have concluded employment agreements with almost 1 million employees. The Confederation is covering all 42 counties of Romania.
- **CNIPMMR** - *Consiliul National al Intreprinderilor Private Mici si Mijlocii din Romania* (National Council for Small and Medium Sized Enterprises in Romania);
Currently, CNIPMMR has over 35.000 members and associates, both companies and natural persons and has signed collaboration agreements with 16 non-governmental organizations aimed at developing the small and medium sized enterprises' sector, as well as with 15 similar international organizations.
- **UGIR** - 1903 - *Uniunea Generala a Industriasilor din Romania* (General Union of Industrialists in Romania);
The UGIR organization has a federative structure and is composed of 60 federations and employer's organizations, having branches in all 42 counties of Romania.
- **CONCORDIA** - *Confederatia Patronala Concordia* (Employers' Confederation Concordia);
CONCORDIA was established in 2007 and has eight member organizations which include over 450 companies, employing more than 245,000 employees.

1.2.3 Coordination

The Ministry of Labour, Family, Social Protection and the Elderly together with the Ministry of Health are the central authorities having specific attributions in the field of health and safety at work. To this aim, both authorities have to coordinate their actions while fulfilling their respective responsibilities in this field.

The main attributions of the Ministry of Labour, Family, Social Protection and the Elderly within the OSH area are the following:

- drafting the national policy and strategy for health and safety at work, in collaboration with the Ministry of Health and by consultation with other institutions having attributions in the area;
- creating bills in order to uniformly implement the national strategy and EU *acquis* in the

health and safety at work field;

- approving regulations having implications in the OSH field which were first drafted by other institutions, and participating, as the case may be, in developing such regulations;
- supervising the application of law based on the data, information and proposals submitted by subordinated or coordinated institutions as well as the institutions that collaborate in developing such activity;
- authorizing legal and natural persons for providing protection and prevention services in the OSH area, namely external services;
- recognizing, appointing, notifying and overseeing testing laboratories as well as bodies within its field of competence, under the law;
- coordinating, in collaboration with the Ministry of Education, the development of research programs of national interest in the OSH field;
- organizing, along with the Ministry of Education, the general and/or specialty preparation in the OSH field within the educational institutions;
- conducting information and documentation activities, according to the law;
- approving information and training materials, such as course supports, brochures, flyers, posters developed by other legal or natural persons, in order to ensure the consistency of information with the legislation in force.

The Ministry of Health has the following main duties within the OSH area:

- coordinating the occupational medicine at national level;
- developing and approving regulations for health protection, related to work environment, in order to promote health at the workplace, including occupational health;
- overseeing the health of workers;
- providing training and professional development in the occupational medicine field;
- coordinating the research, reporting, recording and accounting activity as regards the occupational illnesses and the illnesses related to the profession;
- authorizing/approving and controlling the quality of medical services provided to workers in the workplace;
- collaborating with other institutions involved in activities related to workers' health.

As a general overview, the Ministry of Labour, Family, Social Protection and the Elderly is mainly focused on ensuring the necessary legal and institutional framework for the protection of safety at work, while the Ministry of Health is primarily responsible for ensuring the necessary protection of health at work. From a legislative and enforcement standpoint, the Ministry of Labour, Family, Social Protection and the Elderly holds approx. 70% of the relevant competencies in the OSH field, while the Ministry of Health holds approx. 30% of the relevant competencies, which is mainly due to the fact that the latter has limited involvement in the OSH enforcement as an inspection authority (the sanitary inspectors working under the subordination of the Public Health Directorates have express competencies for control only in specific cases, such as the control of the minimum requirements for health and safety at work or medical treatment on board vessels)¹¹.

From an organizational perspective, both Ministries are autonomous and, generally, act on an independent basis in the OSH field. However, there are specific cases which require joint involvement of the relevant authorities (for example, Territorial Labour Inspectorates and Public Health Directorates have to issue common documentation related to the investigation of occupational diseases)¹².

While the Territorial Labour Inspectorates are the main interface for the enforcement of the OSH

¹¹Conclusion based on interviews with public authorities.

¹²Conclusion based on interviews with public authorities.

obligations and are primarily oriented towards the control and sanctioning of the undertakings, Public Health Directorates are primarily focused on offering to all stakeholders holding an interest in this field the necessary counselling, guidance and technical expertise in order to determine the proper means for ensuring an effective protection of the workers' health at the work place.

Specific coordination mechanisms have been put in place between the different authorities on the basis of direct institutional arrangements. In this respect, the Labour Inspection has concluded several cooperation protocols with different authorities/institutions, in order to increase the efficiency of its activity, which include¹³:

- the State Inspectorate for the control of the transportation by road (ISCTR)
- the State Inspection for Constructions (*Inspecția de Stat în Construcții*)
- the State Inspection for boilers, recipients under pressure and lifting installations (*Inspecția de Stat pentru Cazane, Recipiente sub presiune Și Instalații de ridicat*)
- the Romanian Gendarmerie (*Jandarmeria Română*) and the General Inspectorate of the Romanian Police (*Inspectoratul General al Poliției Române*)
- National Authority for the Consumer Protection (*Autoritatea Națională pentru Protecția Consumatorului*)
- authorities responsible with frontier control in view of exchanging information related to products which enter the market and which may present serious risks;
- main representatives of workers and employers.

Results from stakeholder interviews

Particular dysfunctions inside the OSH institutional framework have been identified by the relevant stakeholders.

In this respect, some stakeholders have addressed the fact that the Ministry of Labour, Family, Social Protection and the Elderly has insufficient resources enabling it to properly coordinate the OSH field (in particular, due to the fact that the responsibilities in this area are held by a dual structure in terms of personnel, as well as due to the limited funds), which weakens and dilutes the decision making process in this field according to the market's needs¹⁴.

Also, the current institutional framework lacks efficiency in what concerns the research activities in the OSH field, considering the fact that the relevant research institutes are directly subordinated to and/or financially depending of different authorities, other than the Ministry of Labour, Family, Social Protection and the Elderly and Ministry of Health (such as the Ministry of Education) and, therefore, depend on different strategies and funding, which reduces substantially the possibilities of having coherent interdisciplinary studies in the field. In addition, the management of state insurance funds available for covering work accidents and occupational diseases (the House of Pension holds responsibilities in this respect) lacks transparency and it is, thus, difficult to access such funds in order to organize specific prevention activities in the OSH field. Consequently, the authorities have difficulties in carrying out effective preventing activities in the OSH field since there is no sufficient institutional support for conducting research activities¹⁵. In this respect, stakeholders have addressed the fact that the state should find a proper mechanism to integrate effectively the expertise of the research institutes in the working structures of the Ministry of Labour, Family, Social Protection and the Elderly and the Ministry of Health.

Moreover, the stakeholders have addressed a lack of efficiency in the current institutional framework

¹³Conclusion based on interviews with public authorities.

¹⁴Conclusion based on interviews with public authorities and OSH research institutes.

¹⁵Conclusion based on interviews with public authorities and OSH research institutes.

considering the absence of relevant legislation on particular topics which could offer a better orientation in the OSH field and the necessary policies to be put in place (for example, the absence of a generalized reporting obligation of the employers towards the authorities in relation with their compliance status with the main OSH requirements)¹⁶.

Lastly, some stakeholders have addressed the fact that authorities do not coordinate sufficiently to create a general information platform (on-line and, in particular, at the offices of the Territorial Labour Inspectorates) aimed at offering comprehensive guidance on the OSH topics (in particular, summaries of OSH obligations incumbent upon the employer, updated legislation that can be freely accessed in this field, Romanian translation of all European standards with free access)¹⁷.

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.

The Romanian legislation transposing the OSH Directives has failed in several instances to adequately transpose the CPMs. The following observed discrepancies have been identified:

- With regard to Directive 2004/40/EC (electromagnetic fields), some (probably material) errors have been noted for the limit values. The scope of the risk assessment is also narrower in the Romanian transposing legislation.
- With regard to Directive 2004/37/EC (carcinogens or mutagens), the Carcinogens or mutagens GD shall not apply to workers exposed to "ionizing radiation" regulated by the National Commission of Nuclear Activity Control, while the Directive states that it shall not apply to workers exposed to "radiation" covered by the Treaty establishing the European Atomic Energy Community.
- Similarly, with regard to Directive 98/24/EC (chemical agents at work), the Romanian legislation provides that Chemical agents GD applies without prejudice to the provisions regarding chemical agents to which measures for "ionizing radiation" protection apply. Also, related to the risk assessment, GD 1218/2006 lays down the employer's obligation to identify the measures that "must be taken", while the Directive compels the employer to identify

¹⁶ Conclusion based on interviews with public authorities.

¹⁷ Conclusion based on interviews with representatives of workers and OSH experts.

which measures “have been taken”. In addition, observed discrepancies in the transposition of the limit values have been noted.

- With regard to Directive 2009/148/EC (asbestos), while Art. 14 (1) of the Directive imposes appropriate training for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos, Art. 32 (1) of Asbestos GD refers only to the workers who are, or are likely to be, exposed to dust from asbestos.
- With regard to Directive 2000/54/EC (biological agents), several observed discrepancies have been identified related to non-CPMs, in particular the transposition of Annex 3.
- With regard to Directive 92/57/EEC (temporary or mobile construction sites), the definitions of “client” and “project supervisor” have been incorrectly transposed in a more restrictive way than envisaged by the Directive. Also, Romanian legislation failed to transpose Point 14 of Annex 4 Part B Section II (“Work on roofs”)
- With regard to Directives 92/104/EEC (surface and underground mineral-extracting industries) and 92/91/EEC (mineral-extracting industries through drilling), several observed discrepancies were found related to non-CPMs.
- Finally, with regard to Directive 94/33/EC (young people at work), the Romanian legislation wrongly and incompletely transposed the definitions of “young person”, “adolescent” and “child”, actually leading to not including the definition of “adolescent”, which impacts the whole transposition of the Directive. For example, regarding the information to be provided to young people, the Romanian text refers to “young people” which does not cover children. Consequently such obligation is not required for children, while it is required in the Directive.

The Romanian transposing legislation also consistently sets more detailed, additional, or more stringent requirements, and very often also related to non-CPMs.

With regard to the Framework Directive scope, the Romanian transposing legislation does not include specific public service activities, nor domestic servants, which is in line with the Directive. However, LSHW contains a more stringent transposition of the “worker” definition provided by the Directive, as the Law also applies to “other participants to the work process”. Provisions relating to risk assessment are more detailed. In particular, the MNSHW provides some more details regarding the content of the risk assessment process and the obligation of the risk assessment is incumbent upon the employer and is to be fulfilled by the employer himself, by designated workers or by internal or external providers (depending on the size of the undertaking). The employer is obliged not only to be in possession of an assessment of the risks, but also to carry out such assessment, which is a more stringent provision than the Directive’s. Similarly, Romania has set more detailed requirements in relation to preventive and protective services. The MNSHW lays down the capabilities and aptitudes that must be fulfilled by the designated workers or the external specialists in the area of safety at work and their training. The conditions for resorting to external services are also defined in the LSHW, including the competences required from these external services. The employer is the one determining the number of designated workers based on size of the undertaking and/or the risks to which workers are exposed, as well as their distribution within the undertaking. With regard to information for workers, health and safety committees shall be created and organized and shall function at the employer’s level. This is, however, not compulsory for undertakings employing less than 50 workers. There are more detailed rules on the content of information to workers in case the information is carried out through the health and safety committees. The Romanian transposing legislation also provides more detail on the training of workers and the competence of the trainers. In addition, the Romanian text provides for an additional situation when training is required, namely in case of execution of special works. The LSHW is also more stringent since it imposes that the safety and health training of workers shall be repeated both periodically and at any time if necessary. Further, the NMSHW stipulates that the interval between two training sessions cannot be longer than 6 months (12 months for the workers of the technical and administrative staff). Training shall be repeated also supplementary to the one periodically programmed in case of occurrence of amendments of health and safety norms. Moreover, the NMSHW provides that trainings must be finalized on the basis of a test. With regard to health surveillance, this is ensured, in Romania, through occupational doctors. General aspects related to

health surveillance of workers (such as its periodicity) as well as particular aspects related to health surveillance for workers exposed to different types of risks relating specifically to one of the individual directives are regulated by the Health surveillance GD. Further, balanced participation of workers is reflected in the LSHW. The consultation and participation of workers to the elaboration of labour protection (safety and health) decisions is ensured within the health and safety committees in undertakings having more than 50 workers where the creation of a health and safety committee is compulsory. Also, in undertakings with less than 50 workers, the role of the health and safety committees is taken over by the workers' representatives having tasks in the area of health and safety. Finally, the LSHW and MNSHW contain detailed and more stringent provisions in connection with the investigation and handling of work accidents, as well as concerning professional diseases.

With regard to Directive 89/654/EEC (workplace), the Workplace GD also expressly regulates work in conditions of isolation and extends the obligation of information for workers towards the workers who perform work under isolated conditions with respect to certain aspects. Several observed discrepancies (although not major) have been noted on non-CPMS.

In relation to Directive 2009/104/EC (work equipment), a small observed discrepancy has been identified with regard to information for workers. The Work Equipment GD lays down that documents must contain a "minimum number of safety and health data" concerning the three aspects listed, while art. 2(2) of the Directive requires that such documents contain "at least adequate" safety and health information concerning the same three aspects. The national transposition is thus incomplete. Several observed discrepancies (although not major) and more stringent provisions have been noted on non-CPMS.

Small observed discrepancies, more detailed requirements or more stringent provisions have been identified on other issues than the CPMS in relation to the Romanian legislation transposing Directives 89/656/EEC (PPE), 92/58/EEC (OSH signs), and 1999/92/EC (ATEX).

Problems with erroneous translation have been noted with regard to information for workers related to Directive 90/269/EEC (manual handling of loads). More specific information on the scope of training of workers is also provided in the Romanian transposing legislation, as it expressly provides that employers must ensure that workers receive proper training and "precise" information on the elements referred by the Directive.

With regard to Directive 90/270/EEC (display screen equipment), Romania has set additional requirements on health surveillance, where the eye and eyesight test is compulsory. Differences are spotted on the transposition of the "daily work routine".

With regard to Directive 2002/44/EC (vibration), Vibration GD does not provide that the risk assessment must be particularly updated when significant changes "which could render it out-of-date" occur and is, therefore, more stringent, imposing an update of the risk assessment whenever significant changes occur. Some further small observed discrepancies have been noted in relation to health surveillance. They, however, do not make a difference from a practical perspective.

The additional provisions set for Directive 2003/10/EC (noise) relate to the introduction of a list of the maximum values of noise for specific jobs involving neuro-psychical fatigue and increased or special psycho-sensorial fatigue (attention, responsibility, decision, temporal constraints).

The additional provisions set for Directive 2006/25/EC (artificial optical radiation) relate to health surveillance. The health records are defined as personal medical files and (medical) certificates attesting that the worker is fit for the job and the employer must take all the necessary measures for assuring that the occupational doctor has access to the results of the risk assessment in case these are useful for health surveillance. Further, more stringent limit values are set in the Romanian transposing legislation.

Similarly for Directive 2004/37/EC (carcinogens or mutagens), additional and more stringent requirements are set for health surveillance. The Romanian text provides that health surveillance shall be performed prior to exposure, as well as at regular intervals thereafter. The Romanian transposing legislation is more stringent in that it lays down that each worker shall be subject to relevant health surveillance independently whether or not this is appropriate (while the Directive sets out in Article 14.2 only that each worker shall be able to undergo, "if appropriate", relevant health surveillance). The Carcinogens or mutagens GD also expressly provides that the cost of reviewing the results of the health surveillance shall be covered by the workers.

Directive 98/24/EC (chemical agents at work) has been further detailed for risk assessment (obliging the employer to keep a register of hazardous chemical agents), health surveillance (saying explicitly that the records shall be kept by the occupational medicine services and containing several provisions regulating interdictions related to painting activities), more stringent limit values, and several other non-CPMs.

Directive 2009/148/EC (asbestos) has been further detailed for risk assessment, preventive and protective services, health surveillance, and several other non-CPMs.

With regard to Directive 2000/54/EC (biological agents), the Romanian transposing legislation sets more detailed requirements on risk assessment. The Romanian legislation indicates the employer as being responsible to determine the nature, degree and duration of workers' exposure to biological agents. The risk assessment must be renewed when an increase in the number of professional diseases registered by the employer is recorded. More stringent requirements are laid down in relation to health surveillance. Each worker shall be subject to relevant health surveillance independently whether or not this is appropriate. Biological agents GD also expressly provides that the health surveillance records shall be kept by the occupational medicine service or, when the establishment is closed or the worker changes his workplace, by the local authority on public health or by the occupational medicine service from the new workplace. Several small observed discrepancies or additional requirements have been noted on non-CPMs.

With regard to Directive 92/57/EEC (temporary or mobile construction sites), the Temporary construction sites GD contains a more stringent provision, stipulating the employer's obligation to put the health and safety plan at workers' or their representatives' disposal. Several other additional measures have been taken in Romanian legislation.

Some additional or more detailed requirements are laid down in the Romanian legislation transposing Directive 92/29/EEC (medical treatment on board vessels). With regard to training of workers, Art. 17 of the GD on medical treatment on board vessels expressly provides that all those holding a competency certificate as well as other categories of workers working on board a vessel must prove having graduated a medical assistance and first aid class in case of accident or medical emergency. Compared to the Directive, the legal text could be subject of a more stringent interpretation since it makes a clear distinction between two types of workers on board a vessel (those holding a competency certificate as well as other categories of workers) and not require training for a serious medical emergency, but for medical emergencies in general. On the other hand, the Romanian legal text could be seen as being inconsistent with the Directive since it is not very clear that the respective training must be conducted before starting any work on board a vessel as the Directive seems to regulate. Romanian legislation also provides several additional requirements as regards the content of the medicines and medical equipment.

With regard to Directive 92/85/EEC (pregnant/breastfeeding workers), Romanian transposing legislation obliges employers to submit the risk assessment to the occupational physician from the territorial public health authority as well as to the territorial labour inspectorate within 5 working days as of the date when the risk assessment was drafted. The risks to be taken into account in the

assessment are drafted more specifically in the Methodological Norms for the enforcement of the Maternity protection GEO. This GEO also includes more details on the content, methodology and sources of information and persons in charge of the RA. Further, the GEO and the Methodological norms expressly provide an information for workers template, which must be submitted in writing. It should also be noted that the Romanian legislation provides for more favourable conditions as regards the protection of the worker who is pregnant, has recently given birth or is breastfeeding.

With regard to Directive 91/383/EEC (temporary workers), the Romanian transposing legislation further details information for workers (content), training of workers (the modalities of providing such training), and health surveillance.

Finally, the observed discrepancy discussed above with regard to the transposition of Directive 94/33/EC (young people at work) influences all of the CPMs. In addition, the Young people at workplace GD is more favourable in several instances, for example because it provides for a duration of working time of 6 hours a day and 30 hours a week, and because it provides that the weekly rest period of two consecutive days is granted, as a rule, Saturday and Sunday, while the Directive refers only to the day of Sunday. It also provides for the minimal duration of the annual leave, which is 3 working days longer than the duration of the annual leave granted to all the other workers.

Results from stakeholder interviews

With regard to the Framework Directive, in relation to information for workers, stakeholders have indicated that, from a practical perspective, there are certain difficulties in applying the law in what concerns the obligations incumbent upon the employer towards workers' representatives with specific responsibility for the safety and health of workers, which can be elected, as per LSHW and MNSHW, in case of undertakings having at least 10 workers. On the other hand, the Labour Code expressly provides that workers' representatives can be elected in companies hiring more than 20 workers. Under such circumstances, employers and workers are confused since it is not clear if the concept of workers' representatives should be given a different meaning in two pieces of legislation applicable in the working relationships¹⁸.

With regard to the Framework Directive, in relation to training of workers, stakeholders have indicated that, from a practical perspective, the legal requirements imposed by the Romanian OSH legislation in relation to the training of workers can generate serious difficulties in specific cases¹⁹. For example, stakeholders have indicated that the employer has the obligation to perform introductory training and work place training (which must totalize a minimum of 16h) even for workers contracted on a daily basis. Also, the obligation of work place training and periodical training is incumbent upon the person heading the place of work, but the legislation does not provide a definition of such person. In addition, the NMSHW provides that trainings must be finalized on the basis of a test. Stakeholders have indicated that this requirement can generate difficulties in practice²⁰. For example, if the potential candidate for a job does not pass the introductory training, the person cannot be hired - this situation might be seen as a limitation of the right to work. Also, if the worker does not pass the periodical training, the employer should be able to dismiss such person, but there are no proper correlations in this respect between the NMSHW and the Labour Code regulating dismissal.

¹⁸ Conclusion based on interviews with representatives of workers and OSH experts.

¹⁹ Conclusion based on interviews with representatives of workers and OSH experts.

²⁰ Conclusion based on interviews with representatives of workers and OSH experts.

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.1 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 • 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>	<p>No observed discrepancy has been identified related to the scope and definition.</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. • Is the definition of employer broader than the Directive's? N. • Other additional or more detailed requirements LSHW contains a more stringent transposition of the „worker” definition provided by the Directive²¹. In accordance with the LSHW, „worker” refers not only to the persons employed by an employer, students and pupils during their training period (corresponding to the word „trainees”), apprentices, but also to „other participants to the work process”. The other participants to the work process are: persons present within the undertaking with the employer's approval, persons subject to prior verification of professional skills (during recruitment), persons performing work in the absence of a signed labour contract (written form), as well as persons performing community service, working as volunteers and unemployed persons participating in a

²¹See also National Implementation Report 2013, Part A, Section II, (EN) p. 21 and 25.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art. 6(3), 9(1)(a)</p>	<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 in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places. <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>No observed discrepancy has been identified related to risk assessment.</p>	<p>professional training program.</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? Yes. The MNSHW provides some more details regarding the content of the risk assessment process (i.e. the employer is obliged to identify dangers, and carry out a risk assessment for each component of the working system, respectively worker, task, working equipment and tools and working environment for each workplace/working station) 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. The obligation of the risk assessment is incumbent upon the employer and is fulfilled in one of the following manners: by the employer himself, by designated workers or by internal or external providers (depending on the size of the undertaking). However, the persons in charge are provided by the law in relation to any prevention and protection activity incumbent to the employer, not only in relation to the obligation of assessment of risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements <p>As regards Art. 9 (1) (a) of the Directive, the corresponding provisions of the LSHW (art. 12 (1) (a)) are more stringent since the employer is obliged not only to be in possession of an assessment of the risks, but also to carry out such assessment.</p> <p>From a practical perspective, stakeholders have indicated that employers have difficulties in practice when preparing risk assessments since there are also other pieces of legislation which interact with LSHW and which must be taken into consideration²², such as:</p> <ul style="list-style-type: none"> - Law no. 307 of 12 July 2006 regarding defence against fire, which regulates specific obligations on fire-fighting; - Law no. 481 of 4 November 2004 on civil protection, which regulates specific obligations on emergency situations.
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 	No observed discrepancy has been identified related to preventive and protective services.	<ul style="list-style-type: none"> Does the legislation define in more specific terms who shall be designated? Y. The MNSHW lays down the capabilities and aptitudes that must be fulfilled by the designated workers or the external specialists in the area of safety at work and their training (Art. 20, 23 and 31-32 of MNSHW). Are the conditions for resorting to external services more specifically defined in the legislation? Y. Art. 9 (4) of LSHW stipulates which are the employers (micro and small enterprises –as

²² Conclusion based on consultations with representatives of workers and OSH experts.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons.</p> <ul style="list-style-type: none"> • 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 agency(ies) must work together whenever necessary. • 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. 		<p>defined by the applicable legislation-developing activities which do not involve special risks) who, provided they are competent, may take responsibility for the measures in the area of health and safety at work.</p> <p>Art. 16 - 19 of MNSHW lay down the situations when the employer may take responsibility for the activities in the area of safety and health at work, when he is obliged to organize the internal service (compartment) and when he may enlist external services. MNSHW also states that the external services may be provided only by those natural legal persons who obtain the authorisation certificate attesting accomplishment of capacity and competence conditions established by MNSHW (Art. 31 and 32 (1) of MNSHW).</p> <ul style="list-style-type: none"> • Are the competences required from workers or external services defined in the legislation? <p>Y. Such competencies are defined by MNSHW (Art. 47-51). From a practical perspective, stakeholders have indicated that the legal requirements imposed by the Romanian OSH legislation in order to have specific competencies in OSH field, i.e., technical studies, could be construed as a limitation of the right to work²³.</p> <ul style="list-style-type: none"> • Are criteria to define the resources (number of persons designated) provided

²³ Conclusion based on interviews with representatives of workers and OSH experts.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in the legislation?</p> <p>Y. Art. 22 of MNSHW provides that the employer is the one determining the number of designated workers based on size of the undertaking and/or the risks to which workers are exposed, as well as their distribution within the undertaking.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>In addition to the Directive's requirements, LSHW expressly provides that the designated workers must have specific duties linked to health and safety matters, such as, the drawing up and implementation of the related paperwork, and the training of workers and monitoring of health and safety rules compliance. (Art. 8 (6) of LSHW).</p>
<p>Information for workers Art.10</p>	<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 	<p>No observed discrepancy has been identified related to workers information.</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>Y. According to art. 19 of LSHW in view of implementing the provisions concerning information of workers, health and safety committees shall be created and organized and shall function at the employer's level. The creation, organization and functioning of health and safety committees are regulated by Art. 57-73 of the MNSHW (the structure of such body depends mainly on the size of the undertaking).</p> <p>In case the creation of health and safety committees is not compulsory (the undertaking employs less than 50 workers), the information is done through the workers' representatives with specific responsibility for the safety and health of workers.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	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.		<ul style="list-style-type: none"> Is the content or form of information to workers further specified? Y. There are more detailed rules in case the information is carried out through the health and safety committees (Art. 67-73 of MNSHW). Are there more detailed requirements relating specifically to one of the individual directives? N Other additional or more detailed requirements From a practical perspective, stakeholders have indicated that there are certain difficulties in applying the law in what concerns the obligations incumbent upon the employer towards workers' representatives with specific responsibility for the safety and health of workers, which can be elected, as per LSHW and MNSHW, in case of undertakings having at least 10 workers. On the other hand, the Labour Code expressly provides that workers' representatives can be elected in companies hiring more than 20 workers. Under such circumstances, employers and workers are confused since it is not clear if the concept of workers' representatives should be given a different meaning in two pieces of legislation applicable in the working relationships²⁴.
Training of	<ul style="list-style-type: none"> The employer shall ensure that each worker 	No observed discrepancy has been	<ul style="list-style-type: none"> Is more specific information on the scope

²⁴ Conclusion based on interviews with representatives of workers and OSH experts.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art.12	<p>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.</p> <ul style="list-style-type: none"> • 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. 	identified related to training of workers.	<p>of training provided in the legislation?</p> <p>Y. The transposition of the Directive's requirements concerning training of workers is also ensured by Art. 74-100 of MNSHW on the procedure, modalities and content of worker's training ("instructaj").</p> <p>Art. 83-100 of MNSHW indicate in more detail the specific scope of each type of training provided by the national legislation (e.g. introductory training, work place training or periodical training).</p> <p>From a practical perspective, stakeholders have indicated that the legal requirements imposed by the Romanian OSH legislation in relation to the training of workers can generate serious difficulties in specific cases²⁵. For example, stakeholders have indicated that the employer has the obligation to perform introductory training and work place training (which must totalize a minimum of 16h) even for workers contracted on a daily basis. Also, the obligation of work place training and periodical training is incumbent upon the person heading the place of work, but the legislation does not provide a definition of such person.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Y. Art. 85, 91 and 96 of MNSHW indicate in detail the competence requirements of the persons who may act as safety and health trainers (e.g. the designated workers, a</p>

²⁵ Conclusion based on interviews with representatives of workers and OSH experts.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>worker of the internal prevention service, the external provider, etc.). More specifically, the requirements provided by the NMSHW refer to minimum education and the graduation of specific safety and health courses (listed at art. 49-51 of NMSHW).</p> <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 The Romanian text (art. 20 (1) (e) of LSHW) provides for an additional situation when training is required, namely in case of execution of special works. As regards the transposition of the second part of art. 12 (1) of the Directive, Art. 20(2) of LSHW is more stringent since it imposes that the safety and health training of workers shall be repeated both periodically and at any time if necessary. Further, the NMSHW stipulates that the interval between two training sessions cannot be longer than 6 months (12 months for the workers of the technical and administrative staff). Training shall be repeated also supplementary to that one periodically programmed in case of occurrence of amendments of health and safety norms. (Art. 95-100 of NMSHW) Moreover, the NMSHW provides that trainings must be finalized on the basis of a test. Stakeholders have indicated that this requirement can generate difficulties in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			practice ²⁶ . For example, if the potential candidate for a job does not pass the introductory training, the person cannot be hired - this situation might be seen as a limitation of the right to work. Also, if the worker does not pass the periodical training, the employer should be able to dismiss such person, but there are no proper correlations in this respect between the NMSHW and the Labour Code regulating dismissal.
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. 	No observed discrepancy has been identified related to health surveillance.	<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 The health surveillance is ensured through the occupational doctors. (Art. 25(2) of LSHW) General aspects related to health surveillance of workers as well as particular aspects related to health surveillance for workers exposed to different types of risks relating specifically to one of the individual directives are regulated by the Health surveillance GD.
Consultation of workers Art.11, 6(3)(c)	<ul style="list-style-type: none"> • Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. • Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures 	<p>No observed discrepancy has been identified related to consultation of workers.</p> <p>There is a wrong cross-reference within the text transposing art. 11 (4) of the Directive: Art. 18 (5) of LSHW refers to paragraphs (1)-(3) of art. 18 which transpose paragraphs (1) and (2) of Article 11 of the Directive, instead</p>	<ul style="list-style-type: none"> • Is balanced²⁷ participation reflected in the national legislation? Are specific criteria put in place? Y. The LSHW provides that the consultation of workers and/or their representatives implies their right to make proposals on balanced participation (art. 18). Furthermore, the cited law expressly stipulates that the workers

²⁶ Conclusion based on interviews with representatives of workers and OSH experts.

²⁷ 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>and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger.</p> <ul style="list-style-type: none"> • 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. 	<p>of referring to paragraphs (3)-(4) of art. 18 which transpose paragraphs (2) and (3) of Article 11 of the Directive. However, this does not cause an observed discrepancy.</p>	<p>and/or their representatives take part in a balanced manner and are consulted with respect to several aspects, such as, for ex., any measure that could substantially affect the health and safety at work, etc. (art. 18)</p> <p>The consultation and participation of workers to the elaboration of labour protection (safety and health) decisions is ensured within the health and safety committees in undertakings having more than 50 workers where the creation of a health and safety committee is compulsory. Also, in undertakings with less than 50 workers, the role of the health and safety committees is taken over by the workers' representatives having tasks in the area of health and safety. (Art. 19 of LSHW, art. 57 of MNSHW)</p> <p>Further, the consultation of workers is ensured in undertakings having more than 20 workers where workers may elect representatives to promote their interests and in undertakings where representative trade unions are created (the general provisions of the Labour Code and Social Dialogue Law).</p> <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.
Limit values	N/A	N/A	N/A
Other issues identified	Eg. List and reports regarding occupational accidents, emergency measures, adequate controls and supervision, other protective	No observed discrepancy has been identified.	The LSHW and MNSHW contain detailed provisions in connection with the investigation and handling of work

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	and preventive measures		<p>accidents, as well as concerning professional diseases.</p> <p>On the other hand, in transposing the requirements of art. 9 (1) (c) of the Directive, art. 12 (1) (c) of LSHW is more stringent since it stipulates that the employer is obliged to keep a list not only of the occupational accidents referred by the provision of the Directive, but also of minor accidents, professional diseases, dangerous incidents, as well as work accidents.</p> <p>Art. 11 (2) of LSHW is more stringent in transposing art. 8 (4) of the Directive since the worker is protected independently if the danger is avoidable or unavoidable.</p> <p>In transposing the second part of art. 8 (5) of the Directive, art. 11 (4) of LSHW seems to be more stringent concerning the exception situations from workers' right of not being placed to any disadvantage. According to Article 11 (4) of LSHW, workers' negligence may determine disadvantage for him/her only if it is "serious negligence" while according to the Directive's provision any situation of "negligence" may place the worker at disadvantage.</p> <p>With respect to the employers' obligations listed at art. 9 (1) of the Directive, although the Directive provides for the right of the Member State to define, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings, under the Romanian legislation the obligations are incumbent to all the employers, independent of the nature of the activities or their size. Only if the employer is a</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			legal person he is in addition obliged to investigate himself those accidents that determine incapacity of work. In all the other cases the employer is not competent to investigate accidents (e.g. accidents that determine invalidity or death, collective accidents, etc.).

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 terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes²⁸? N. The Workplace GD fully transposes the content of Art. 1 and Art. 2 of the workplace directive. Is the definition of 'workplace' in national law broader than the required by the Directive? N. Other additional or more detailed requirements Y. The Workplace GD includes more detailed provisions as it also expressly regulates work in conditions of isolation (i.e. when the worker does not have visual contact and direct verbal communication with other workers, for a duration of more than one hour in the most cases, and it is not possible to benefit of

²⁸ 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
			immediate help in case of an accident or when he is in a critical situation) ²⁹ .
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"> Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace Framework Directive applies. 	There are no observed discrepancies regarding 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? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements Y. Unlike the Directive, the Workplace GD extends the obligation of information also towards the workers who perform work under isolated conditions with respect to certain aspects (for ex., handling work equipment, its status (reliability and accessibility), accident risks, first aid etc.)
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. 	There are no observed discrepancies regarding consultation for workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. There are no more detailed requirements than in the Directive, but only it is specified that the workers consultation and

²⁹ See also National Implementation Report 2013, Part A, Section II, (EN) p. 28.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>participation shall refer to the matters covered by the Workplace Directive.</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		<p>No observed discrepancies have been identified in relation to other key requirements of the Directive</p>	<ul style="list-style-type: none"> • Point 3 Annex 1 from the Workplace GD is referring only to the obligation to protect the workers, while the Directive makes reference to the protection of persons who might, at a certain moment, come close to an electrical installation. Furthermore, the national provision is not establishing the obligation to "adequately" protect the persons; the Workplace GD is only mentioning that the workers must be protected against the risk of accidents caused by direct or indirect contact. • In addition to point 8.2 from Annex 1 of the Directive, Workplace GD also imposes at point 8.2 of Annex 1 the obligation to place lighting installation in access routes, in addition to rooms containing workstations and in passageways. • The transposing provision in Workplace GD of point 9.4 of Annex 1 is incomplete as it mentions that the equipment has to "exist", not "to be provided", as required by the Directive. However, this does not represent an observed discrepancy. • Point 10.1 of Annex 1 of Workplace GD provides, in addition to the Directive, that the windows, skylights and ventilators should be not only "positioned", but also "fixed" so that when opening not to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>constitute a hazard to workers.</p> <ul style="list-style-type: none"> • Point 11.7 of Annex 1 to the Workplace GD, provides that also the "gates" must be marked, not only the "doors" as provided within the Directive. • Point 12. 2 of Annex 1 of the Workplace GD does not refer to goods traffic (as mentioned within the Directive), but uses instead the wording "internal transport". Moreover, the Workplace GD refers to the type of activity ("<i>tipul de activitate</i>") rather than to the "type of undertaking" as the Directive's text. The transposition is therefore incorrect, but taking into consideration the provisions of the Workplace GD as a whole, this does not represent an observed discrepancy. • Point 12.5 of Annex 1 of Workplace GD is more stringent than the Directive since it is mandatory to equip those workplaces which contain danger areas with devices preventing unauthorised workers from entering those areas; no exemption has been provided in this respect – the wording "as far as possible" is missing. • Point 16.1 of Annex 1 of Workplace GD is referring to the presence of a great/big number of workers instead of providing for the presence of more than a certain number of workers (as provided within the Directive) which would imply also a limit number of workers to be overcome. However, this does not represent an observed discrepancy. • In addition to the wording used within point 18.1.4 of Annex 1 from the Directive, the Workplace GD mentions that the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>place provided to the worker in order to store his clothes separately should also be provided with a lock system.</p> <ul style="list-style-type: none"> • While the Directive refers at point 19.1 of Annex 1 to the premises when talking about the necessity of aid rooms, the Workplace GD uses the term of working places. However, this does not affect the meaning of the respective requirement. • At point 3 of Annex 2 of Workplace GD an incorrect transposition occurred since it is referring only to the workers, instead of people/persons who might (as provided within the Directive), at a certain moment, come close to an electrical installation. • Point 4.4. Annex 2 of Workplace GD refers also only to the workers, instead of people/persons when refers to using the emergency doors. However, who opens such doors does not make any difference as regards the Directive's requirements related to opening the respective doors. • Annexes 1 and 2 of Workplace GD also provides for some additional requirements for workplaces in conditions of isolation and some ergonomic principles for the workplaces³⁰.

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.	<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, 	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. Although when defining the "work

³⁰ See also National Implementation Report 2013, Part A, Section II, (EN) p. 28.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
2(a)	apparatus, tool or installation used at work.		equipment" article 2 (a) of Work Equipment GD uses the expression "used at workplace" instead of "used at work", the transposition is complete since the place where the work is carried out is the "workplace".
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. 	There are no observed discrepancies regarding conducting a risk assessment.	<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. The LSHW sets forth that each employer must conduct a risk assessment for the health and safety of workers, including when choosing the work equipment, the chemical substances and preparations to be used and when organising the workplaces. Moreover, the mentioned law provides that the employer must conduct and have a health and safety risk assessment including for those sensitive risk groups (e.g., pregnant workers, young people etc.). • 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.

	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. 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 situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment. 	<p>There are no observed discrepancies regarding information for workers.</p> <p>Although when referring to work equipment the Romanian text (art. 8) employs the wording “used at workplace” rather than “used at work”, the transposition is complete as the place where work is carried out is the “workplace”.</p> <p>Article 9 (1) of Work Equipment GD lays down that such documents must contain a “minimum number of safety and health data” concerning the three aspects listed, while art. 2(2) of the Directive requires that such documents contain “at least adequate” safety and health information concerning the same three aspects. The national transposition is thus incomplete. However, this does not represent an observed discrepancy.</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. • Other additional or more detailed requirements Y. For the term “written instructions” the Romanian text (art. 8) employs the wording “fișe de lucru”. The meaning of “fișe de lucru” as written instructions results from Article 9 (1) of Work Equipment GD which transposes Article 8.2 of Directive detailing the content of such documents.
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. 	<p>There are no observed discrepancies regarding training of workers.</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.

	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. 	There are no observed discrepancies regarding consultation for workers.	<ul style="list-style-type: none"> Is balanced³¹ participation reflected in the national legislation? Are specific criteria put in place? N. The Work Equipment GD does not make reference to such balance participation. 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 other key requirements of the Directive.	<ul style="list-style-type: none"> The Work Equipment GD transposed the former Directive 89/655/EEC. Therefore, the transposition is more stringent than art. 5 (2) of the Directive 2009/104/EC, as regards the purpose of the inspections, respectively it aims not only to ensure that deterioration "liable to result in dangerous situations" can be detected and remedied in good time, but that "any" deterioration "is" detected and remedied in good time (art. 5 (2) of Work Equipment GD). In transposing the obligations referring to the results of the inspections, art. 5 (3) of Work Equipment GD states, as distinct from the Directive, that such results must be recorded and kept at the disposal of the authorities "upon their request". The meaning of the latter wording does not create an observed discrepancy, as the same meaning is ensured. On the other hand, in addition to the provision of art. 5 par. 3 of the Directive, the Work Equipment GD gives an example

³¹ 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>for the meaning of "suitable period of time", "for instance, in accordance with the recommendations or specifications of the producer".</p> <p>Moreover , the Romanian text requires that such work equipment is to be accompanied by evidence concerning the achievements of the last inspection, while the Directive refers only to the necessity to be accompanied by physical evidence that the last inspection has been carried out. That is a more stringent provision imposed by the Work Equipment GD.</p> <ul style="list-style-type: none"> • The point 2.5 of Annex 1 of the Work Equipment GD stipulates that work equipment presenting risk due to falling or <u>projected</u> (thrown) objects must be fitted with appropriate safety devices corresponding to the risk. The text does not take into account the work equipment presenting risk due to <u>projections</u> in its shape (an angular object, an object with a long arm or a sharp edge). In addition, the Romanian translation does not expressly provide that the work equipment must be fitted "to the risk". • Provision 2.9. of Annex 1 to Work Equipment GD employs the wording "areas and points for working on work equipment" rather than "working points and areas". However, by taking into account the systematic interpretation of this text in the context of section 2 "General minimum requirements applicable to work equipment" it results that the text refers to those working points

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>where the work is carried on work equipment.</p> <ul style="list-style-type: none"> • According to point 2.13 of Annex 1 to Work Equipment GD, if any work equipment has a maintenance program it must be observed and kept up to date while the Directive requires to keep written records of the maintenance operations up to date when referring to the "maintenance log". • According to provision 3.1.1 2nd part of Annex 1 of Work Equipment GD, the risks mentioned must include the risks of workers "to be <u>blocked</u> by wheels or tracks" while the Directive lays down that these risks must include the risks of "<u>trapping</u> by wheels or tracks". To be "trapped" means not only to be "blocked" but could also mean to be "caught under" wheels or tracks. Such may be regarded as an incorrect transposition, but it does not represent an observed discrepancy. • In transposing point 3.1.4 of Annex 1 of the Directive, the Work Equipment GD mentions both meanings of the term "rollover": "overturning" and "changing of direction". • Provision 3.1.6 of Annex 1 to Work Equipment GD refers only to the self-propelled work equipment which may, in motion, engender risks for <u>workers</u> while the Directive refers to such work equipment which may, in motion, engender risks for <u>persons</u>, without making any distinction. • Provision 3.1.6 (h) of Annex 1 of Work

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Equipment GD refers to remote-controlled work equipment which may in normal conditions engender an “impact or <u>blocking</u> hazard” for workers while the Directive mentions remote-controlled work equipment which may in normal conditions engender a “<u>crushing</u> or impact hazard”. “Blocking hazard” and “crushing hazard” respectively have different meanings. Moreover, the Romanian text refers to <u>workers</u>, whereas the Directive does not make such a distinction (it may be interpreted to refer to persons, in general).</p> <ul style="list-style-type: none"> • Provision 3.2.2.2 of Annex 1 to Work Equipment GD refers to the marking of “attachment devices for lifting loads” while the Directive imposes the marking of “accessories for lifting loads”. Thus, the Romanian text refers only to the devices for the attachment of such accessories. • Provision 3.2.4.1 of Annex 1 of Work Equipment GD refers only to “machines” for lifting or moving workers while the Directive refers to all “work equipment” used for the same purpose. • Provision 3.2.4.1 (c) of the Romanian text refers to “the risk of the user being crushed, blocked or struck” while the Directive refers to “the risk of the user being crushed, trapped or struck”. In this case, the meaning of the word “blocked” used by the Romanian text corresponds to the meaning of the word “trapped” stipulated by the Directive’s provision. • Provision 3.2.4.1 (d) of Annex 1 of Work Equipment GD requires the work

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>equipment to “ensure safety of workers trapped in the car in the event of an incident” while the Directive requires that such work equipment “ensures that persons trapped in the car in the event of an incident are not exposed to danger”. This does not however change the meaning of the requirement.</p> <ul style="list-style-type: none"> • Unlike the Directive, the Work Equipment GD also regulates the minimum requirements applicable for electric machineries and work equipment. • Provision 2.2 of Annex 2 to Work Equipment GD refers to the situation when work equipment “is operated around in a work area” while the Directive regulates the situation when work equipment “is moving around in a work area”. However, since the text to be transposed refers to traffic rules that must be drawn up and followed, it is obvious that it does not take into account the cases when work equipment is moving around beyond workers' control. • While the Work Equipment GD at point 3.1.2 of Annex 2 refers to “workers” the Directive mentions “persons”. • Point 3.1.2.3 of Annex 2 of Work Equipment GD requires the permanent <u>presence</u> of a person at the control position of the work equipment mentioned while the Directive requires that the control position must be <u>manned</u> at all times. The Romanian text seems not to ensure the permanent manning of the control position. • The Work Equipment GD employs at point 3.1.4 the same wording for “lifting accessories” and “attachment tackle”

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>("dispozitivele de prindere"). Thus, the Romanian text omits the obvious distinction between the two made in the Directive.</p> <ul style="list-style-type: none"> • Provision 3.2.3 of Annex 2 of Work Equipment GD lays down that a competent person must be <u>designated to communicate</u> with the operator to guide him, in case the operator of the work equipment referred cannot observe the full path of the load, while the Directive imposes that a competent person <u>must be in communication</u> with the operator to guide him. This requirement of the Directive is incorrectly transposed. • Provision 4.1.4. 3rd part of Annex 2 of Work Equipment GD permits the interruption of collective safeguards to prevent falls only at provisions of access of a <u>scaffold</u> or a ladder/stairway ("scara" means both ladder and stairway). The Directive does not make any reference to the interruption of such safeguards at provisions of scaffold access. • According to point 4.2.2. of Annex 2 of Work Equipment GD, ladders used for access must be long enough as to protrude beyond the access platform, unless other measures have been taken to ensure a firm <u>fixing</u>. Thus, the Romanian text does not ensure the requirement that the ladders to protrude <u>sufficiently</u> beyond the access platform. On the other side, the Romanian text does not observe the requirement to provide exception only in case measures have been taken to ensure a firm <u>handhold</u> (the aim is to permit the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>worker to easily access the platform).</p> <ul style="list-style-type: none"> • Point 4.3.3. of Annex 2 of the Work Equipment GD employs the wording "mobile scaffolding" rather than "wheeled scaffolding"; however, this does not impinge on the correctness of the transposition. • Provision 4.4.1 (e) of Annex 2 to Work Equipment GD stipulates that the work must be properly planned and supervised, so that a worker can be rescued immediately in case of <u>accident</u> while the Directive imposes the same conditions for the immediate rescue in case of an <u>emergency</u>. An emergency situation is broader than an accident case. • The additional measures imposed by Romania cover the minimum requirements for the electrical installations and work equipment, which are mainly: technical and organisational measures to protect against electric shock by indirect contact, measures and technical means to protect against electric shock by direct contact, requirements for electrical installations and equipment according to the protection class (see Annex No 1, point 3.3)³².

*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.

³² See also National Implementation Report 2013, Part A, Section II, (EN) p. 32, 107-110.

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? N. • Does the transposing legislation cover any of the other exclusions in the Directive? N. • Other additional or more detailed requirements N.
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 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. • The assessment shall be reviewed if any changes are made to any of its elements 	No observed discrepancy has been identified in terms of conducting a risk assessment.	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.
Ensuring preventive and protective	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
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 with regard to the health and safety of workers when personal protective equipment is used by workers at work. 	There are no observed discrepancies regarding information for 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 N.
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 regarding training of workers	<ul style="list-style-type: none"> • Is more specific information on the scope of training on PPE provided in the legislation? N. <ul style="list-style-type: none"> • Are there detailed requirements on demonstrations to be organized in the wearing of PPE? N. <ul style="list-style-type: none"> • Other additional or more detailed requirements N. The PPE GD provides that the employer shall arrange for training of workers, while the Directive does not make any such specification, although it is understood that the training obligation refers to workers. According to PPE GD the purposes for which the personal protective equipment may be used are mentioned within the instructions document (" <i>fisa de instructiuni</i> ").
Health surveillance #	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies 	There are no observed discrepancies regarding consultation of 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 N.
Limit values	N/A	N/A	N/A
Other issues		No observed discrepancies have been	<ul style="list-style-type: none"> • Art. 4 (2) the Directive refers to worker

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>identified</i>		identified in relation to other key requirements of the Directive.	<p>necessity of wearing more than one item of personal working equipment, while Art. 6 of PPE GD does not refer to "worker". However, it results from the context that such provision refers to a worker and therefore there is no observed discrepancy.</p> <ul style="list-style-type: none"> In Annex II "Foot and Leg protection", the Directive specifies "low shoes" while the PPE GD mentions only shoes.

* 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
<i>Scope and definitions Art. 1 and 2</i>	<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 <p>N</p>
<i>Conducting a risk assessment</i>	N/A	N/A	N/A
<i>Ensuring preventive and protective services</i>	N/A	N/A	N/A
<i>Information for workers Art. 7</i>	<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. 	There are no observed discrepancies regarding information for workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <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 requirements
			requirements N.
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 regarding 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. 	There are no observed discrepancies regarding 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	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	<ul style="list-style-type: none"> • At point 2.1.1. of Annex 1 to the OSH Signs GD it is mentioned that there must be used signboards and/or safety colour to also mark the fire-fighting "materials" while the Directive makes reference only to fire-fighting "equipment". • Although the Directive refers at point 2.1.3 of Annex 1 to places with risk of "falling", the OSH Signs GD makes reference to risk of "people falling". • At point 4 of Annex 1 of Directive provides a green colour meaning "no danger", while the point 4 of Annex 1 of OSH Signs GD the meaning no danger is translated "safety situation". • Point 8 of Annex 1 of the Directive provides that signs requiring some form of power must be provided with a "guaranteed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>emergency supply", while point 8 Annex 1 of the OSH Signs GD mentions only the "energy supply".</p> <ul style="list-style-type: none"> • At point 9 of Annex 1 of OSH Signs GD, in addition to the Directive, it is required that the illuminated or acoustic signal should be re-connected right after each use of it. • As distinct from the Directive, point 10 of Annex 1 of OSH Signs GD, does not make reference to "sufficiently frequent" intervals when providing for the necessity of checking illuminated signs and acoustic signals periodically after such have been put into service. However, this does not represent an observed discrepancy.

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 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p> <p>The definition of "explosive atmosphere" has been correctly transposed through GD no. 752/2004 for the establishment of the requirements for the placement on the market of equipment and protective systems intended for use in potentially explosive atmospheres.</p>	<ul style="list-style-type: none"> • Does the transposing legislation include³³ : <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>

³³ 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
	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.		
Conducting a risk assessment Art. 4(1)	<ul style="list-style-type: none"> The employer shall assess the specific risks arising from explosive atmospheres, taking account at least of: <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. Explosion risks shall be assessed overall. 	No observed discrepancy has been identified in terms of 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? 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

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
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. 	No observed discrepancy has been identified in terms of 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 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 other key requirements of the Directive	<ul style="list-style-type: none"> Romania has taken additional measures in developing technical regulations aimed at ensuring the best working conditions in the work process, protecting life, the corporal integrity and health of workers and other participants in the work process operating in potentially explosive atmospheres³⁴: <ul style="list-style-type: none"> - Standard on Explosion Prevention for the design, installation, commissioning, use, repair and maintenance of technical installations operating in potentially explosive atmospheres, approved by Order No 392/2007 adopted by the minister of economy and finance and minister of labour, family and equality of chances. - Standard on organising intervention and rescue at industrial establishments with potentially toxic and/or explosive emissions, approved by Order No

³⁴ See also National Implementation Report 2013, Part A, Section II, (EN) p. 76-77.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>391/2007 adopted by the minister of economy and finance and minister of labour, family and equality of chances.</p> <ul style="list-style-type: none"> - Standard on organising ventilation checks at industrial establishments operating with a potential of forming explosive and/or toxic atmospheres, approved by Order No 393/2007 adopted by the minister of economy and finance and minister of labour, family and equality of chances. <p>As regards the principles the employer has to observe, while the directive imposes both (i) the avoidance of the ignition of explosive atmospheres and (ii) the mitigation of the detrimental effects of an explosion so as to ensure the health and safety of workers, only where the nature of the activity does not allow the prevention of the formation of explosive atmospheres, art. 5 (1) of ATEX GD does not connect the mitigation of the detrimental effects of an explosion so as to ensure the health and safety of workers to those cases when where the nature of the activity does not allow the prevention of the formation of explosive atmospheres.</p> <p>Due to an incorrect translation, although generally for "work equipment" ATEX GD uses the wording "<i>echipament de munca</i>", some of its provisions also use "<i>echipament de lucru</i>" which is mainly used in the meaning of working clothes. However, such errors do not create observed discrepancies, as the meaning of "work equipment" results from the respective provisions.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>When transposing the preliminary note of Annex II part A of the Directive, ATEX GD provides that such annex applies to equipment "used in non-hazardous places, not only to the one "in non-hazardous places" which "helps to" the safe operation of equipment located in hazardous places instead of such "required for", or which "helps to ensure", the safe operation of equipment located in hazardous places. However, this wording of ATEX GD does not affect the meaning of the Directive's requirement.</p> <p>ATEX GD makes a wrong cross-reference in transposing Annex II part. A point 2.3 to article 6 instead of 5 which transposes article 3 of Directive referred in the respective text. However, this does not cause an observed discrepancy.</p>

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
<p>Scope and definitions Art. 1 and 2</p>	<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. 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p>	<p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art. 4(a)</p>	<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. 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<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 detailed? 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 With respect to the obligation of employers to take care to avoid or reduce the risks by taking appropriate measures, while the Romanian law provides that such have to be taken considering certain criteria, the Directive (Art. 4 (b)) requires that the respective criteria have to be considered "in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			particular". However, from a practical perspective such does not represent an observed discrepancy. (MHL GD)
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. 	<p>Generally the Romanian legislation is consistent with the Directive as regards the provisions on information of workers.</p> <p>However, there is an observed discrepancy due probably to an erroneous translation: while the Directive provides that employers must ensure that workers and/or their representatives receive precise information on "the centre of gravity of the heaviest side when a package is eccentrically loaded", the Romanian legislation refers to such information on "the centre of gravity OR the heaviest side when a package is eccentrically loaded" (MHL GD)</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. 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. 	No observed discrepancy has been identified in relation 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? Y. The Romanian legislation expressly provides that employers must ensure that workers receive in addition proper training and "precise" information on the elements referred by the Directive. (MHL GD) • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art. 7	Framework Directive applies	No observed discrepancy has been identified in relation to 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	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.	There are no additional requirements in the GD on the manual handling of loads to those included in the Directive. The Risk Assessment Guide for SMEs contains recommendations on the maximum loads to be handled according to age, sex, type of handling (lifting, carrying, pulling, pushing) and their frequency.
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 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	<p>Individual Risk Factors</p> <p>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.</p>		

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: <ol style="list-style-type: none"> drivers' cabs or control cabs for vehicles or machinery; (computer systems on board a means of transport; computer systems mainly intended for public use; 'portable' systems not in prolonged use at a workstation; calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; 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 As distinct from the Directive which defines the worker as the person who habitually uses display screen equipment "as a significant part of his normal work", the Romanian text refers to the person who habitually uses display screen equipment "for a significant duration of his normal working time". However, from a practical perspective such does not represent an observed discrepancy. (Display screen equipment GD)
Conducting a risk assessment Art.3	<ul style="list-style-type: none"> Employers must perform an analysis of 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. 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 	No observed discrepancy has been identified related 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? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	risks so found.		<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? 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 workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight). 	No observed discrepancy has been found 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 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 is no observed discrepancy 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.

	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.
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 may be provided as part of a national health system. 	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? N. <ul style="list-style-type: none"> Is the periodicity of eye and eye sight test provided in national law? N. <ul style="list-style-type: none"> Other additional or more detailed requirements Y. The eye and eyesight test is compulsory. Under the Romanian law, the workers are not only entitled, but they must benefit of such test. The test that must be carried out before commencing display screen work is done as part of the compulsory medical examination that must be carried out before starting work. (Display screen equipment GD) As well, if the results of such test show as necessary, workers are not only entitled to an ophthalmological examination but they benefit of such examination. (Display screen equipment GD)
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancy has been identified related to the consultation of workers.	<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 N.
Limit values	N/A	N/A	N/A
Other issues		No observed discrepancies have been	Other key requirements such as the minimum

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>identified</i>		identified in relation to the other key requirements of the Directive.	<p>rules for work display screen equipment are not transposed in more detail than provided in the Directive.</p> <p>However, there is a difference with respect to the transposition of the Directive's requirements referring to the "Daily work routine" (Art. 7). While according to the Directive the employer must plan the worker's activities in such a way that daily work on a display screen is periodically interrupted by breaks or changes of activity reducing the workload at the display screen, the Romanian text provides for the obligation to take such measures for reducing the oversteering. Thus, it could be interpreted that while the Directive's intention is to prevent the oversteering, the Romanian provision only applies when the oversteering already occurred, and the intention is to diminish it. However, from a practical perspective, this cannot be classified as a real observed discrepancy.</p>

* 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.

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
<i>Scope and definitions Art 1(2) and Art 2</i>	<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 	<p>No observed discrepancy has been identified related to scope and definitions.</p> <p>It should be noted that Art. 3 of Vibration GD (transposing Article 1.3 of the Directive) should have made reference to art. 1 (transposing Art. 1.1 of the Directive) and not</p>	<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
	<p>health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders;</p> <ul style="list-style-type: none"> • '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. 	to art. 2.	
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 other work equipment - 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 	No observed discrepancy has been identified in relation with conducting a 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 automatically? N. Vibration GD does not expressly require employers to submit risk assessment to national authorities. • 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 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

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>temperatures</p> <ul style="list-style-type: none"> - appropriate information obtained from health surveillance, including published information, as far as possible • 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>in the legislation in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Vibration GD refers to a material medium as the "suitable medium" indicated by the Directive in Article 4.5 for registering the risk assessment.</p> <p>Unlike Article 4.5 of the Directive, Article 11 (3) of Vibration GD does not provide that the risk assessment must be particularly updated when significant changes "which could render it out-of-date" occurred and is, therefore, more stringent, imposing an update of the risk assessment whenever significant changes occur.</p>
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: - 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 	No observed discrepancy has been identified regarding 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
	to health surveillance - safe working practices to minimise exposure.		
Training of workers Art. 6	Same as above	No observed discrepancy has been identified regarding 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 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. 	No observed discrepancy has been identified regarding health surveillance.	<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? Y. • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • 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 regarding any health surveillance which he should undergo following the end of exposure; - 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>content?</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>Y. Particular aspects on the periodicity of health surveillance of workers exposed to vibration are regulated by Health surveillance GD.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Article 8.2. of the Directive provides that health records shall be kept so as to permit consultation taking into account “any confidentiality”, while Article 23 (4) of Vibration GD refers only to “medical secrecy”. However, from a practical perspective, such should not be an observed discrepancy.</p> <p>Unlike Article 8.2 of the Directive, which provides that copies of the records “shall be supplied” to the competent authority on request, Article 23 (5) of Vibration GD provides that such copies “may be supplied” to the competent authority on request. However, from a practical perspective, such should not be an observed discrepancy.</p> <p>Vibration GD provides that the occupational doctor is the one updating the health records and the one that informs the worker of the results which relate to him personally,</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			while the local public health authority is the competent authority referred to in several provisions of the Directive (e.g., the making recommendations for measures to reduce or eliminate the risk, proposals that the exposed persons undergo a medical control).
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified regarding 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"> • The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure levels. • 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}. 	No observed discrepancy has been identified regarding limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. • Other additional or more detailed requirements Vibration GD made reference to the dose value left at the MS's choice, but the provisions in force do no longer make such reference.
Other issues identified		No observed discrepancy has been identified.	Vibration GD indicates in its Annex more recent ISO standards (e.g. ISO 5349-1-2003) than the ones referred to in the Directive's Annex (e.g. ISO 5349-1-2003). The Risk Assessment Guide for SMEs contains recommendations for the exposure limits of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			hand-arm and body vibration that are lower than those in the Directive. The guide also includes examples of good European practice of reducing worker exposure time even up to 30 minutes/day depending on the level of vibration that exceed the limit values to which he/she is exposed.

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 discrepancies have been identified with regard to the scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.
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 attention, to: - 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 	No observed discrepancy has been identified in relation to the employer's obligation to conduct a 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 automatically? N. <ul style="list-style-type: none"> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. <ul style="list-style-type: none"> • Are the risks/factors to be taken into

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>interactions between noise and work-related toxic substances, and between noise and vibrations;</p> <ul style="list-style-type: none"> - 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 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>account in the assessment described in a more specific manner than in the Directive?</p> <p>Y. The Romanian legislation also provides a list of the maximum values of noise for specific jobs involving neuro-psychical fatigue and increased or special psychosensorial fatigue (attention, responsibility, decision, temporal constraints)³⁵. This list reflects the same limits as those in force under the previous legislation on health and safety (i.e., the general norms for protection at the work place).</p> <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? N. • Other additional or more detailed requirements N.
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 	No observed discrepancy has been identified in relation to ensuring preventive and protective services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.

³⁵ See also National Implementation Report 2013, Part A, Section II, (EN) p. 83.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
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 action values - 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 	No observed discrepancy has been identified in relation to the 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? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 8	Same as above	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N.
Health surveillance Art. 10	<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 	No observed discrepancy has been identified in relation to health surveillance.	<ul style="list-style-type: none"> Does the national legislation require health surveillance prior to exposure to noise? N. Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. Are the arrangements for health surveillance records specified in the legislation, in particular in terms of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>health.</p> <ul style="list-style-type: none"> • 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 permit consultation, taking into account any confidentiality. • 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 		<p>content?</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>Y. Particular aspects on the periodicity of health surveillance of workers exposed to noise are regulated by Health surveillance GD.</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
	- arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed.		
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. • 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: <ul style="list-style-type: none"> (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively; (b) upper exposure action values: $L_{EX,8h} = 85$ dB(A) and $p_{peak} = 140$ Pa (2) respectively; (c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively. • 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. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. The Noise GD provides a list of the maximum values of noise for specific jobs involving neuro-psychical fatigue and increased or special psycho-sensorial fatigue (i.e., that require attention, responsibility, decision, temporal constraints). This list reflects the same exposure limits as those in force under the previous legislation on health and safety (i.e., the general norms for protection at the work place), which are lower than those provided by the Directive - for example, for customs and border check points, the admissible noise limit is 75 dB(A). • Other additional or more detailed requirements N.
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	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; 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Does the national legislation cover suggested long-term effects? N. • Does the national legislation address the risks resulting from contact with live conductors? N. • Other additional or more detailed requirements N.
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of electromagnetic fields to which workers are exposed. • 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 	An observed discrepancy has been identified with regard to the extent of the scope of the risk assessment. As opposed to the Directive which refers to "any effects concerning the health and safety of workers at particular risks", the Romanian legislation refers to the effects concerning the health and safety of workers "pertaining to sensitive risks groups" (Art. 12 c) and Art. 19 of the Electromagnetic fields GD), which seems to be inconsistent with the requirements of the Directive as it narrows down to a certain extent the scope of 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 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?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> 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>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. As opposed to the Directive which refers in Art. 5.3 to the fact that work-places shall be indicated by appropriate signs, unless the assessment carried demonstrates that the exposure limit values are not exceeded and that "safety risks can be excluded", the Romanian legislation seems to be more stringent as it makes reference to the fact that "any safety risk is excluded".</p>
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,	No observed discrepancy has been identified in relation with ensuring preventive and protective services.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
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 	No observed discrepancy has been identified in relation with 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>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - 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 		
Training of workers Art. 6	Same as above	No observed discrepancy has been identified in relation with training for 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 requirements N.
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 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 • 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 	No observed discrepancy has been identified in relation with health surveillance.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to electromagnetic fields? N. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to electromagnetic fields? 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.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? Y. Particular aspects on the periodicity of health surveillance of workers exposed to electromagnetic fields are regulated by Health surveillance GD. Other additional or more detailed requirements N.
Consultation of workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified in relation with 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	Exposure limit values are as set out in the Annex, Table 1. Action values are as set out in the Annex, Table 2.	<p>We have identified some observed discrepancies, probably due to material errors:</p> <ul style="list-style-type: none"> - note no. 9 from the first table of the Annex to the Electromagnetic fields GD, which is the corresponding transposition text of note no. 9 from the first table of the Annex to the Directive, provides that "spatial maximum power densities averaged over 1cm² should not exceed the value of 50 W/m²", while the Directive provides that "spatial maximum power densities averaged over 1cm² should not exceed 20 times the value of 50 W/m²"; - note no. 4 from the second table of the Annex to the Electromagnetic fields GD, which is the corresponding transposition text of note no. 4 from the second table of the Annex to the Directive, provides that "a = (0,655 log (f/10⁵) + 0,176)", while the Directive 	<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? N. Other additional or more detailed requirements N

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Other issues identified		provides that " $a = (0,655 \log (f/10) + 0,176)$ ". No observed discrepancies have been identified.	N.

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 radiation is divided into ultraviolet radiation, visible radiation and infrared radiation: <ul style="list-style-type: none"> (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); (ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm; (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); 	There are no observed discrepancies regarding the scope and definition.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>In addition to the scope determined by the Directive, art. 2 of the Artificial Optical Radiation GD provides that its provisions apply also to the activities whereby the workers are exposed or it is possible to be exposed, by the nature of their work, to risks generated by the artificial optical radiation. This Romanian provision does not constitute a broader scope, but just clarifies further its applicability.</p>
Conducting a risk assessment	<ul style="list-style-type: none"> The employer shall assess and, if necessary, measure and/or calculate the levels of 	There are no observed discrepancies regarding conducting a risk assessment.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.4	<p>exposure to optical radiation to which workers are likely to be exposed</p> <ul style="list-style-type: none"> • 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; - 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>national authorities whether on request or automatically?</p> <p>To make available to the national authorities the risk assessment whenever required.</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 Art. 4 (4) of the Directive sets forth that the employer shall be in possession of an assessment of the risk in accordance with the Framework Directive and shall identify which measures to be taken is not transposed within the Artificial Optical Radiation GD. As well, the requirements that the risk assessment shall be recorded on a suitable medium, according to the national law and practice is not transposed. However, this does not represent an observed discrepancy, since

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>the general rules of the Framework Directive are applicable.</p> <p>Moreover, while the Directive provides at art. 4 (4) the obligation to update the risk assessment particularly if significant changes "which could render it out of date" have occurred, the Artificial Optical Radiation GD is referring to significant changes. The transposition is not accurate.</p>
Ensuring preventive and protective services Art 4(2)	<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 services or persons at suitable intervals 	There are no observed discrepancies on ensuring preventive and protective services.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>The Directive provides at Art. 4 (2) that the data obtained from the assessment shall be preserved in a "suitable form" while Art. 10 (2) of the Artificial Optical Radiation GD only makes reference to preservation in a form so as to permit their consultation at a later stage.</p>
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 	There are no observed discrepancies on 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.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	protective equipment		
Training of workers Art. 6	Same as above	There are no observed discrepancies on 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 responsible for health surveillance • 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 	There are no observed discrepancies on health surveillance.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to artificial optical radiation? Y. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? N. • Are the arrangements for health surveillance records specified in the legislation? Y. The health records are defined as personal medical files and (medical) certificates attesting that the worker is fit for the job ("<i>fisa de aptitudine</i>"). • Are the conditions in which health surveillance is required more specifically described in the legislation? Y. The Optical Radiation GD provides at art. 22 (2) that the employer must take all the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • 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; - the employer shall: <ul style="list-style-type: none"> ○ review the risk assessment ○ review the measures taken to eliminate or reduce risks ○ take into account the health professional advice in implementing such measures ○ 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. 		<p>necessary measures for assuring that the occupational doctor has access to the results of the risk assessment in case these are useful for health surveillance.</p> <p>It is expressly regulated that the (medical) certificate attesting that the worker is fit for the job ("<i>fisa de aptitudine</i>") confirms or informs, periodically, the work capacity for the respective profession/position and workplace.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? Y. Particular aspects on the periodicity of health surveillance of workers exposed to different types of radiation are regulated by Health surveillance GD. • Other additional or more detailed requirements Art. 8(4) letter b) refers to "medical confidentiality" while Optical Radiation GD refers at art. 25 letter b) to confidentiality. Under the Optical radiation GD the most part of the obligations related to ensuring the health surveillance are incumbent upon the employer.
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	There are no observed discrepancies on 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	<ul style="list-style-type: none"> • Exposure limit values for non-coherent 	There are no observed discrepancies on limit	<ul style="list-style-type: none"> • Does the transposing legislation set more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.3	<p>radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I.</p> <ul style="list-style-type: none"> Exposure limit values for laser radiation are set out in Annex II. 	values.	<p>stringent values?</p> <p>At Annex 1, Table 1.1 letter m) from the Directive is provided $E_{IR} = 18\ 000\ t^{-0,75}$ while Optical Radiation GD provides $E_{IR} = 18\ 000\ t^{0,75}$. This is probably due to a technical mistake.</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 in relation to other key requirements of the Directive.	While Art. 5 (2) letter (e) of the Directive refers to "workplace and workstation", the Optical Radiation GD refers in art. 15 (2) letter e) only to workplace. However, this does not represent an observed discrepancy since the "workplace" includes the "workstation".

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
Scope and definitions Art 3(1) read in conjunction with 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 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>Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008?</p> <p>CLP Regulation 1272/2008 introduced a new classification 1A and 1B, but this new classification has not been reflected in Romanian national legislation. Directive 2004/37/EC was transposed in 2006 through Carcinogens or mutagens GD and was not amended since that moment and, therefore, did not take into account the new classification laid down in EC Regulation 1272/2008.</p> <p>An observed discrepancy has been</p>	<ul style="list-style-type: none"> Does the transposing legislation also cover reprotoxic substances (1A and 1B)? N. Carcinogens or mutagens GD does not make express reference to reprotoxic substances. Other additional or more detailed requirements Romanian text also includes definitions for "substance", "preparation" and "worker's breathing zone". (Carcinogens or mutagens GD)

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		identified. The Carcinogens or mutagens GD shall not apply to workers exposed only to "ionizing" radiation regulated by the National Commission of Nuclear Activity Control, while the Directive states that it shall not apply to workers exposed only to radiation covered by the Treaty establishing the European Atomic Energy Community.	
Conducting a risk assessment Art. 3	<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. 	There are no observed discrepancies regarding the risk assessment.	<ul style="list-style-type: none"> • Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N. The employer is however required to adequately document the risk assessment. • 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? 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 Directives? N. • Other additional or more detailed requirements The requirements regulated by the Directive

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			at Article 3.2 are laid down by Article 6 (2) and 6(3) of Carcinogens or mutagens GD as employer's obligations.
Ensuring preventive and protective services	N/A	N/A	N/A
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 	There are no observed discrepancies regarding information for workers.	<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>The Directive's requirement in Article 12 (q) (i) is referring to "protective equipment" whilst the Romanian transposing provision in Article 23 (2) a) is referring to "personal protective equipment". However, this should not be</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	information		considered as an observed discrepancy. (Carcinogens or mutagens GD)
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 	There are no observed discrepancies regarding 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 Article 11.1. (d) of the Directive refers to “protective equipment” and “protective clothing”, while Article 21 (1) (d) of Carcinogens or mutagens GD refers to “individual protective equipment”. However, this should not be considered as an observed discrepancy, since the “protective equipment” includes “protective clothing”.
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 	There are no observed discrepancies regarding health surveillance.	<ul style="list-style-type: none"> • Does the national legislation set health surveillance requirements after the end of exposure? Y. Like the Directive, the Romanian text provides that health surveillance shall be performed prior to exposure, as well as at regular intervals thereafter. • Are the arrangements for health surveillance records specified in the legislation? N. According to the Carcinogens or mutagens GD, the occupational doctor or company doctor has to prepare the medical files.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>surveillance that concern them</p> <ul style="list-style-type: none"> Workers/employers may request a review of the results of the health surveillance 		<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? Y. Particular aspects on the periodicity of health surveillance of workers exposed to specific chemical agents are regulated by Health surveillance GD. Other additional or more detailed requirements Article 25 (2) of Carcinogens or mutagens GD is more stringent as it lays down that each worker shall be subject to relevant health surveillance independently whether or not this is appropriate, while the Directive sets out in Article 14.2 only that each worker shall be able to undergo, "if appropriate", relevant health surveillance. Unlike the Directive, Art 29 (2) of Carcinogens or mutagens GD expressly provides that the cost of reviewing the results of the health surveillance shall be covered by the workers.
Consultation of workers Art.13	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies regarding consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N.
Limit values Art 16 and Annex III	<ul style="list-style-type: none"> Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	There are no observed discrepancies regarding limit values.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? N. Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres and its compound)?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			Y. Romanian transposing legislation establishes certain limit values for specific particular substances, in addition to the ones provided by the Directive. (Chemical agents GD)
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	Articles 7 and 8 of the Directive make reference to protective "clothing", while Articles 15 and 16 of Carcinogens or mutagens GD use the term of protective "equipment". Annex I of Carcinogens or mutagens GD provides additional types of carcinogen actions (excessive solar radiation, ionizing radiation).

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 	An observed discrepancy has been identified. As distinct from the Directive, the Romanian legislation provides that Chemical agents GD applies without prejudice to the provisions regarding chemical agents to which measures for "ionizing" radiation protection apply.	<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>Romanian text contains definitions for terms that are not defined within the Directive, namely "worker's breathing zone", "inhalable fraction", "respirable fraction". (Chemical agents GD)</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> ○ any chemical agent which meets the criteria for classification as a dangerous 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; ○ 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; ○ 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. 		
Conducting a risk assessment Art. 4(1), (2) and (4)	<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 	<p>An observed discrepancy has been identified. Article 13 of GD 1218/2006 lays down the employer's obligation to identify the measures that "must be taken", while the Directive compels the employer to identify which measures "have been taken".</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. The employer is however required to adequately document the risk assessment. • Are the risks to be taken into account in the assessment described in a more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>exposure limit values or biological limit values; effect of preventive measures taken 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. 		<p>specific manner than in the Directive?</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>Y. The Romanian text provides that the employer should also keep a register of hazardous chemical agents handled in the establishment, which shall contain references to the security data files of the respective hazardous substances or mixtures. (Chemical agents GD)</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>Unlike Article 4.1 of the Directive, Article 12 (1) of Chemical agents GD does not expressly provide that the employer shall "first" determine whether any hazardous chemical agents are present at the workplace. However, this does not severely alter the correctness of the transposing provision, since from a logical and chronological perspective, such identification should be the first step.</p> <p>Unlike Article 4.1 of the Directive, Article 12 (2)</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			c) of Chemical agents GD expressly provides that the level, type and duration of exposure shall be analysed "taking into consideration all the possible routes for exposure".
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 	<p>No observed discrepancies have been identified regarding information for workers.</p> <p>It should be noted that, when indicating the cross-references, Article 30 of Chemical agents GD should have referred to Articles 16, 17, 20 and 21, and not to Articles 18, 22 and 23 of the GD.</p>	<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 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 	<p>No observed discrepancies have been identified regarding the training of workers.</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	• The employer shall provide health	No observed discrepancies have been	• Does the transposing legislation require

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
surveillance Art.10	<p>surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health.</p> <ul style="list-style-type: none"> 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 	<p>identified.</p> <p>Article 38 (2) (b) of GD 1218/2006 lays down that there is a likelihood that the disease or effect may occur under the particular conditions of the worker's workplace, while the Directive refers to the particular conditions of the worker's work.</p> <p>It should be noted that Article 38 of Chemical agents GD should have made a reference to Articles 24 and 25 of Law 319/2006.</p>	<p>health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health?</p> <p>N.</p> <ul style="list-style-type: none"> Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? <p>N.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>Y. The Romanian text provides expressly, unlike the Directive, that the records shall be kept by the occupational medicine services. (Chemical agents GD)</p> <p>According to the Romanian legislation the health and exposure records shall contain the conclusions of the "clinical and specialized examinations". (Chemical agents GD)</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. Particular aspects on the periodicity of health surveillance of workers exposed to specific chemical agents are regulated by Health surveillance GD.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements <p>Romanian text contains several provisions regulating interdictions related to painting activities. (Chemical agents GD)</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> Framework Directive applies 	<p>No observed discrepancies have been identified regarding consultation of workers.</p> <p>It should be noted that the Romanian text should have made a reference to Articles 18 and 19 of Law 319/2006, and not to Article 20. (Chemical agents GD)</p>	<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 and 6(4) and (5)	<ul style="list-style-type: none"> Exposure limit values and biological limit values 	<p>Observed discrepancies have been identified.</p> <p>According to Annex 1 of Chemical agents GD the binding occupational exposure limit value for 8h for lead sulphide (PbS – galena) is 0,5 mg/m³ (item 524) which exceeds the limit value stipulated by Annex I of the Directive for 8h of 0,15 mg/m³ for inorganic lead and its compounds.</p> <p>Further, comparing the four Commission Directives establishing lists of IOELVs (implementing Directive 98/24/EC) with national legislation, there are several differences between the limit values regulated therein and those mentioned in the Chemical Agents GD, both higher and lower limit values being identified.</p> <p>The following occupational exposure limit values within the Chemical agents GD are higher than the limit values provided within the Directives: - 2-(2-Butoxyethoxy)ethanol - as regards the</p>	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? Y. (Chemical agents GD) <p>Annex I - Lead and other of its compounds (except for PbS): 0,05 mg/m³ - Tetraetil and Trietil Pb: 0,01 mg/m³</p> <p>Annex II As distinct from the limit value fixed by the directive (i.e. 70 µg Pb/100 ml blood), the Romanian text stipulates that the binding biological limit values are specified in part B of Annex 2, position 43 (e.g. 40 µg Pb/100 ml blood).</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Chemical agents GD provides that the limit values adopted at national level are binding.</p> <p>The following occupational exposure limit values within the Chemical agents GD are lower than the limit values provided within the Directives: - Naphthalene - as regards the 8 hours</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>8 hours period, the value stipulated by the Chemical agents GD is 150 mg/m³, which exceeds the value stipulated by Directive 2006/15/EC, namely, 67,5 mg/m³. Moreover, as regards the 15 minutes period, the value stipulated by the Chemical agents GD is 250 mg/m³, which exceeds the value stipulated by Directive 2006/15/EC, namely 101,2 mg/m³.</p> <p>The Chemical agents GD does not provide certain limit values for the following substances:</p> <ul style="list-style-type: none"> - 2-(2-Butoxyethoxy)ethanol, as regards the limit value for ml/m³, for the 8 hours period and the 15 minutes period. - Dimethylamine - as regards the limit value for ml/m³, for the 15 minutes period. - N,N - Dimethylacetamine - as regards the, the limit value for ml/m³, for the 15 minutes period. <p>On the other hand, the Chemical agents GD sets forth limit values for certain substances for which the Directives do not provide a specific limit value:</p> <ul style="list-style-type: none"> - Chemical agents GD sets forth a limit value of 0,3 mg/m³ for Sulphotep as regards the 15 minutes period. - Chemical agents GD sets forth a limit value of 205 mg/m³ for Methyl methacrylate as regards the 8 hours period, and a limit value of 410 mg/m³, as regards the 15 minutes period. - Chemical agents GD sets forth a limit value of 3,2 mg/m³ for 2-Methoxyethanol as regards the 8 hours period. 	<p>period, the limit value provided by the Chemical agents GD is 9,5 ml/m³, value which is lower than the limit value provided by Directive 91/322/EEC, namely 10 ml/m³.</p> <ul style="list-style-type: none"> - Nitrobenzene - as regards the 8 hours period, the limit value provided by the Chemical agents GD is 1 mg/m³, value which is lower than the limit value provided by Directive 91/322/EEC, namely, 5 mg/m³. Moreover, as regards the 15 minutes period, the limit value provided by the Chemical agents GD is 0,2 ml/m³, which is lower than the limit value provided by Directive 91/322/EEC, namely 1 ml/m³. - Diethylamine - as regards the 8 hours period, the limit value provided by the Chemical agents GD is 15 mg/m³ and 5 ml/m³, which is lower than the limit value provided by Directive 91/322/EEC, namely, 30 mg/m³ and 10 ml/m³. - Cyanamide - as regards the 8 hours period, the limit value provided by the Chemical agents GD is 1 mg/m³, which is lower than the limit value provided by Directive 91/322/EEC, namely, 2 mg/m³. - Nitrogen monoxide - as regards the 8 hours period, the limit value provided by the Chemical agents GD is 24 ml/m³, which is lower than the limit value provided by Directive 91/322/EEC, namely, 25 ml/m³. - Pyrethrum - as regards the 8 hours period, the limit value provided by the Chemical agents GD is 1 mg/m³, which is lower than the limit value provided by Directive 91/322/EEC, namely, 5 mg/m³. - Chlorodifluoromethane - as regards the 8 hours period, the limit value provided by the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<ul style="list-style-type: none"> - Chemical agents GD sets forth a limit value of 4,8 mg/m³ for 2-Methoxyethyl acetate, as regards the 8 hours period. - Chemical agents GD sets forth a limit value of 0,02 mg/m³ and 0,008 ml/m³ for Methylisocyanate, as regards the 8 hours period. Moreover, Chemical agents GD sets forth a limit value of 0,05 mg/m³ as regards the 15 minutes period. - Chemical agents GD sets forth a limit value of 15 ml/m³ for 2-(2-Butoxyethoxy)ethanol, as regards the 15 minutes period. 	<p>Chemical agents GD is 1.600 mg/m³, which is lower than the limit value provided by Directive 91/322/EEC, namely, 3.600 mg/m³.</p> <ul style="list-style-type: none"> - Cumene - as regards the 15 minutes period, the Chemical agents GD provides for limit values of 150 mg/m³ and 30 ml/m³, which is lower than the limit value provided by Directive 2000/39/EC, namely, 250 mg/m³ and 50 ml/m³. - Chlorobenzene - as regards the 8 hours period, the Chemical agents GD provides for limit values of 23 mg/m³ and 5 ml/m³, which are lower than the limit values provided by Directive 2000/39/EC, namely 47 mg/m³ and 10 ml/m³. Moreover, as regards the 15 minutes period, the Chemical agents GD provides for limit values of 70 mg/m³ and 15 ml/m³, which are lower than the limit values provided in Directive 2000/39/EC, namely 94 mg/m³ and 20 ml/m³.
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	<p>Compared to the ~120 substances for which the Commission has established indicative ELVs, the Romanian legislation established ~ 600 mandatory ELVs. The occupational exposure limit values for certain chemical agents are lower than those in the European Directives, for example phenol³⁶.</p> <p>The Romanian legislation which has transposed the Chemical Agents Directive also provides ELVs for a series of 27 powders³⁷.</p> <p>Also, the Romanian legislation provides</p>

³⁶ See also National Implementation Report 2013, Part A, Section II, (EN) p.73.

³⁷ See also National Implementation Report 2013, Part A, Section II, (EN) p.73.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>mandatory medical exams for over 100 substances or classes of substances (GD No 355/2007 on workers' health surveillance, amended), and provides biological limit values for a range of hazardous chemical agents³⁸.</p> <p>Unlike Article 6.2 par. 2 of the Directive, Article 20 of Chemical agents GD does not expressly provide that the application of protection and prevention measures shall be "consistent with the assessment of the risk". However, this does not severely alter the correctness of the transposing provision.</p> <p>Unlike Article 6.6 of the Directive, Article 24 (2) of Chemical agents GD does not expressly provide that the purposes from let. b) and c) are taken into consideration when the nature of the work does not allow purpose a). However, this does not severely alter the correctness of the transposing provision, since the idea could be determined from the context.</p> <p>Point 1.2 of Annex II of the Directive establishes that medical surveillance is carried out in certain situations, while point 1.2 of Annex II of Chemical agents GD is more stringent since it stipulates that in both situations indicated by the Directive and fully transposed by the Romanian text medical surveillance imposes special measures.</p>

³⁸ See also National Implementation Report 2013, Part A, Section II, (EN) p.73.

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
<p>Scope and definitions <i>Art.1 and 2</i></p>	<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). 	<p>No observed discrepancies have been identified regarding scope and definitions.</p>	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.
<p>Conducting a risk assessment <i>Art.3(2)</i></p>	<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. 	<p>No observed discrepancies have been identified regarding 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? 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. As per art. 8 of Asbestos GD, the employer is obliged to order the carrying out of the assessment "and monitoring" of the risk, in such a way as to determine the nature – "mineralogic variety, dimension of fibres" – and degree of workers' exposure to dust arising from asbestos or materials containing asbestos. • Are the sources of information and persons in charge of the risk assessment described

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in the legislation in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
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 discrepancies have been identified regarding preventive and protective services.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>Y. According to art. 20 of Asbestos GD, the samples shall be subsequently analysed in laboratories authorised by the Ministry of Health equipped for fibre counting.</p>
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. 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 	No observed discrepancies have been identified regarding information for workers.	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? <p>N.</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>While art. 4 (4) of the Directive refers to the right of workers and/or workers' representatives to have access to the documents which are subject to the notification referred to in art. 4(2), art. 14 of Asbestos GD makes reference to their right to have access to the "notification document". However, since the content of the notification is completely covered by the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>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>		<p>Asbestos GD (art. 13), the above mentioned text does not cause any observed discrepancy.</p> <p>In transposing art. 17 (1) (d) of the Directive, art. 38 (1) (d) of the Asbestos GD makes reference to the precautions to be taken as regards the wearing of protective equipment, while the Directive refers to the precautions to be taken as regards the wearing and use of protective equipment and clothing. However, the same meaning is ensured, so that this does not cause any observed discrepancy.</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>An observed discrepancy has been identified. Art. 14 (1) of the Directive imposes appropriate training for all workers who are, or likely to be, exposed to dust from asbestos or materials containing asbestos, while art. 32 (1) of Asbestos GD refers only to the workers who are, or likely to be, exposed to dust from asbestos.</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. • Are there more detailed requirements on the content of training than in the Directive? N. • Are there more detailed requirements on the regularity of training than in the Directive? 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"> - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 		
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> <p>However, Article 18 (2) of the Directive imposes that the health assessment includes a specific examination of the "chest", while art. 39 (2) of the Asbestos GD provides for a specific examination of the respiratory system.</p> <p>A wrong cross-reference was identified. Art. 18 (5) of the Directive states that the worker concerned or the employer may request a review of the assessment referred to in paragraph (3), while art. 42 of Asbestos GD makes reference to art. 41 (2) which transposes art. 15 paragraph (4) and not paragraph (3).</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? N. The health surveillance requirements do not apply if it is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded. Art. 9 of the Asbestos GD, transposing art. 3 (3) of the Directive, does not impose the requirement that worker exposure is sporadic and of low intensity. • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? 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? Y. Particular aspects on the periodicity of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>health surveillance of workers exposed to asbestos are regulated by Health surveillance GD.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Art. 18 (2) of the Directive states that the health assessment must “be available” prior to the beginning of the exposure and at least once every 3 years for as long as the exposure continues, while art. 39 of Asbestos GD Asbestos GD provides that such health assessment must be ensured by the employer and, respectively, must be carried out in the above mentioned cases.</p> <p>The Annex of the Asbestos GD gives more detailed provisions as regards the carrying out of the health examination: health assessment upon employment, annual health assessment, additional health assessments – mentioning also which types of examination must be included in each one of them. However, it refers to a general clinical examination with particular reference to the “respiratory system”, while the Directive refers to a particular reference to the “chest”.</p>
Consultation of workers Art.3(5) and 7(3) and 12	<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. 	No observed discrepancies have been identified regarding consultation of workers.	<ul style="list-style-type: none"> • Does the national legislation set additional worker consultation requirements? N. • Are more specific criteria put in place? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Limit values Art.8	<ul style="list-style-type: none"> Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average (TWA). 	No observed discrepancies have been identified regarding limit values.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? N. Other additional or more detailed requirements N.
Other issues identified		No observed discrepancies have been identified.	<p>According to art. 3 (3) of the Directive, its provisions regarding the notification system (art. 4) and health surveillance (art. 18 and 19) may be waived in some cases if it is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded in the air of the working area, "provided that the worker exposure is sporadic and of low intensity". Art. 9 of Asbestos GD does not provide for this latter requirement.</p> <p>As regards the activities referred to, while the Directive refers to encapsulation or "sealing" of asbestos-containing materials which are in good condition, the Asbestos GD lists encapsulation or "covering with a protection coverage" of such materials.</p> <p>As regards the content of the notification, while art. 4 (3) (a) of the Directive refers to a brief description of the location of the worksite, art. 13 (a) of the Asbestos GD provides for a brief description of the location of the construction site ("santier") which may be regarded as restraining its applicability to construction sites.</p> <p>Article 6 d) of the Directive refers to "dust-generating asbestos-containing materials"</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>that must be stored and transported in suitable sealed packing, while article 16 d) of the Asbestos GD refers to both "materials generating asbestos dust" and "materials containing asbestos".</p> <p>According to art. 10 (3) of the Directive, during periods of work which require the use of individual protecting breathing equipment, a provision shall be made for breaks, where relevant in consultation with workers and/or their representatives. As distinct from the Directive's requirements, art. 26 (2) of Asbestos GD is more stringent since in such cases it provides for obtaining the "agreement" of workers and/or their representatives.</p> <p>As per art. 11 of the Directive, before beginning demolition or maintenance work, employers shall take all the necessary steps to identify presumed asbestos-containing materials. If appropriate, they will do this by obtaining information from the owners of the premises. Art. 27 of the Asbestos GD includes a general provision that, before beginning demolition or maintenance work, employers shall take all the all the appropriate health and safety measures. To this aim, when necessary, the employers are obliged to ask for information from the owners of the buildings in order to identify presumed asbestos-containing materials. However, the Romanian provision ensures the meaning of the Directive.</p> <p>While art. 12 of the Directive provides for a</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>non-exhaustive ("in particular the following") and cumulative ("and") list of the measures the employer is obliged to determine to ensure protection of the workers, art. 28 of the Asbestos GD refers to the same measures in a limitative manner ("the following measures") without using a cumulative wording.</p> <p>When transposing the content of the plan of work regulated by the Directive at art. 13 by listing the elements that such plan must "in particular" specify, art. 31 (2) of Asbestos GD states that the respective measures are the ones the plan must contain, without mentioning that these represent only the minimum content of such plan. However this does not cause any observed discrepancy, since art. 31 (3) provides that the plan must also include the elements that the Directive lists as information provided "at the request of the competent authorities". Thus, under the Romanian legislation, such information must be included in the plan from the beginning.</p> <p>As regards this content, while the Directive refers to the characteristics of the equipment used for protection of other persons present on or near the worksite, Asbestos GD refers to "methods applied" for protection of other persons present on or near the worksite.</p>

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
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	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions <i>Art. 1 and 2</i></p>	<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; 	<p>No observed discrepancies have been identified with regard to the scope and definitions.</p>	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N. Other additional or more detailed requirements Article 5 of Biological agents GD makes express reference to Annex 3 (see Article 18.2 of the Directive). Article 5 (a) of Biological agents GD includes in group 1 biological agents that are "not susceptible" to cause human disease, while Article 2 last part provision 1 of the Directive stipulates that group 1 biological agent means one that is "unlikely" to cause human disease. Article 5 (b) of Biological agents GD includes in group 2 biological agents that can cause human disease and "represent" a hazard to workers while Article 2 last part provision 2 of the Directive stipulates that group 2 biological agent means one that can cause human disease and "might be" a hazard to workers. However, these do not alter the correctness of the transposing provisions, as they have the same meaning from a practical perspective within the context of the whole Article 5.
<p>Conducting a risk assessment <i>Art. 3, 7(1)</i></p>	<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 	<p>No observed discrepancies have been identified.</p> <p>However, according to Article 8 (3) of Biological agents GD, the employer must renew regularly the assessment of risks and in any event when any change of the working conditions may "cause" workers' exposure to</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities automatically? N. The employer is however required to adequately document the risk assessment. Does the national legislation require that practical guidelines for the determination

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>and in any event when any change occurs in the conditions which may affect workers' exposure</p> <ul style="list-style-type: none"> • The employer must supply the CAs, at their request, with the information used for making the assessment. • 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 	<p>biological agents, while the 3rd part of Article 3.2 of the Directive stipulates the obligation to renew the assessment regularly and in any event when any change occurs in the conditions which may "affect" workers' exposure to biological agents. Thus, since the Romanian text refers to changes in the working conditions that "cause" exposure, it could be interpreted that it does not cover the situations when such changes determine the fact that the exposure conditions change or the exposure ceases (although the Directive's provisions generally refers to the fact that the exposure is affected by the changes in the working conditions). It could hence be interpreted that, under the GD, the obligation to renew the assessment does not apply in these situations as well, as it should be under the Directive.</p> <p>It should also be noted that the cross-reference in Article 9 to Article 7 of Biological agents GD (which transposes paragraph 1 of Article 3 of the Directive) in the introductory paragraph of the transposing provision is incorrect. It should have referred to Article 8 (transposing paragraph 2 of Article 3 of the Directive).</p>	<p>and assessment of risk must be developed?</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>Y. The Romanian legislation indicates the employer as responsible to determine the nature, degree and duration of workers' exposure to biological agents. (Biological agents GD)</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 assessment is conducted on the basis of, inter alia, recommendations from the "labour inspectors" and/or "inspectors from the public health authorities" (the competent authority referred by the Directive). (Biological agents GD)</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Article 8 (2) of Biological agents GD refers to activities "likely to involve a risk of exposure" to several groups of biological agents while</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	biological agent which might result from a loss of physical containment.		<p>the Directive refers to activities "involving exposure" to several groups of biological agents. However, this does not severely alter the correctness of the transposing provision.</p> <p>According to Article 8 (3) of Biological agents GD, the assessment of risks must be also renewed when an increase in the number of professional diseases registered by the employer is recorded.</p> <p>Under the Biological agents GD (Article 13), where the results of the assessment referred to in Article 3 of the Directive reveal a risk to workers' health or safety, employers are obliged, when requested, to make available the information listed to the labour inspector and occupational doctor (the "competent authority" referred by the Directive)</p> <p>Article 13 (b) of Biological agents GD refers to the activities in which workers have been exposed or "may be exposed" to biological agents, while Article 7.1 (b) of the Directive refers to the activities in which workers have been exposed or "may have been exposed" to biological agents. However, the use of different tenses for the verbs does not severely alter the meaning of the Directive's requirement, since the expression used by the Romanian text is more general.</p> <p>As regards the obligation of employers to inform forthwith the competent authority of any accident or incident which may have resulted in the release of a biological agent and which could cause severe human infection and/or illness, the Biological agents GD indicates the local public health authority and the occupational doctor.</p>
Ensuring	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>preventive and protective services</i>			
<i>Information for workers Art.10</i>	<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) 	There are no observed discrepancies regarding information for workers.	<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. The only reference is, as within the Directive (Article 10.1), that certain instructions must be in written form (and, if appropriate, as a notice). • Other additional or more detailed requirements Unlike Article 10.1 of the Directive, Article 20 (1) of Biological agents GD does not provide that the instructions/notices shall include "as a minimum" the elements presented therein. Article 20 (3) of Biological agents GD stipulates the employer's obligation to inform the workers and/or workers' representatives "with specific responsibility for the safety and health at work" regarding serious accidents or incidents, while Article 10.3 part 2 of the Directive refers to "any" workers' representatives. However, this does not severely alter the correctness of the transposing provision, since the minimum requirements stipulated by the Directive are

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			observed.
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, - adapted to new or changed risks, and repeated periodically if necessary 	There are no observed discrepancies regarding 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 Article 18 e) of Biological agents GD refers to "hazardous events and/or incidents" rather than just "incidents", as referred to by the Directive. The transposition is nevertheless correct, as Article 9.1 (e) of the Directive obviously refers to incidents which may determine exposure to biological agents. Article 19 of Biological agents GD provides that the training shall be given "before" the beginning of work, while Article 9.2 provides that the training shall be given "at" the beginning of work. However, this does not severely alter the correctness of the transposing provision, since the Romanian text appears to be more favourable than the one within the Directive.
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 	There are no observed discrepancies regarding health surveillance.	<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?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>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</p> <ul style="list-style-type: none"> • 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. • 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 		<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. Particular aspects on the periodicity of health surveillance of workers exposed to biological agents are regulated by Health surveillance GD³⁹.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Article 24 (2) of Biological agents GD is more stringent since it lays down that each worker shall be subject to relevant health surveillance independently whether or not this is appropriate, while Article 14.2 of the Directive stipulates only that each worker shall be able to undergo, "if appropriate", relevant health surveillance.</p> <p>Article 24 (3) of Biological agents GD provides that the assessment of risks should identify the workers for whom special protective measures "are" required, while Article 14.3 part 1 of the Directive provides that such assessment should identify the workers for whom special protective measures "may be" required. However, this does not severely alter the correctness of the transposing provision.</p> <p>Unlike Article 14.4 of the Directive, Articles 26</p>

³⁹ See also National Implementation Report 2013, Part A, Section II, (EN) p. 45, 111-113.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			and 27 of Biological agents GD expressly provide that the health surveillance records shall be kept by the occupational medicine service or, when the establishment is closed or the worker changes his workplace, by the local authority on public health or by the occupational medicine service from the new workplace. Unlike Article 14 of the Directive, Article 29 (3) of Biological agents GD expressly provides that the costs for the review of the results of the health surveillance shall be covered by the requester.
Consultation of workers Art.12	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies regarding consultation of workers.	<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		<p>Some observed discrepancies have been identified in relation to the transposition of annex 3. For example, as regards the list of bacteria, Annex 3 of Biological agents GD classifies "Chlamydia psittaci (avian strains)" in group 2 rather than 3 and "Chlamydia psittaci (other strains)" in group 3 rather than 2, and for "Escherichia coli, verocytotoxigenic strains" it mentions an additional note of toxin production (T). From the list of fungi it is missing "Madurella mycetomatis", classified by the Annex III of the Directive in group 2 of biological agents.</p> <p>It should also be noted that a wrong cross-reference has been identified in transposing art. 4.2 of the Directive. The Romanian text lays down the application of Articles 11, 13-18 and 21-31 of the Biological agents GD</p>	<p>Unlike Article 4.2. of the Directive, Article 10 (3) of Biological agents GD does not lay down that the application of the provisions mentioned therein "unless the results of the assessment show them to be unnecessary". However, this does not severely alter the correctness of the transposing provision, since the idea could be determined from the context.</p> <p>The requirement provided by Article 6.1 of the Directive is expressly stipulated by Article 12 (1) of Biological agents GD as an obligation of the employer.</p> <p>Article 12 (2) of Biological agents GD does not specify that the measures are to be applied in the light of the results of the assessment referred to in Articles 8 and 9</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		(transposing Articles 5, 7, 8, 9.1, 11-14, 15.1, 15.2 of the Directive) instead of Articles 11, 13-17, 20-30 (transposing Articles 5, 7, 8, 10, 11, 12, 13 and 14 referred by the Directive).	<p>(transposing Articles 3.2 and 3.3 on the assessment of risks), as the Directive does, but the meaning of the Directive's requirement is not altered since it is already known that the exposure risk is revealed by the risk assessment.</p> <p>Unlike Article 8.1. d) of the Directive, Article 15 d) 1. Of Biological agents GD expressly provides that the protective equipment must be kept "separately from other clothing".</p> <p>Unlike Article 8.2. of the Directive, Article 16 (1) of Biological agents GD does not provide that such should occur "before taking the measures" indicated therein. However, this does not severely alter the correctness of the transposing provision.</p> <p>Article 23 (3) of Biological agents GD is more stringent since, unlike Article 13.3 of the Directive, according to this text, re-notification must take place in any case where there are changes of importance to safety or health at work to processes and/or procedures independently whether or not such changes are substantial or the notification is rendered out of date.</p>

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)	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	Observed discrepancies have been identified, related to the incorrect transposition of the definitions of "client" and "project supervisor"	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	provided in Annex I). It does not apply to drilling and extractive industries*.	<p>Article 4 (b) of Temporary construction sites GD stipulates two cumulative conditions for a natural or legal person to be a "client": to be the person for whom a project is carried out and the person providing for the funds necessary to carry out the work. Thus, the definition of "client" is more restrictive than that established by the Directive.</p> <p>According to Article 4 (c) of the Temporary construction sites GD, the project supervisor must in addition be authorised under the conditions set by the law. As well, the Romanian text stipulates that he/she is responsible of the project's achievement in compliance with the quality, costs and deadlines established. Thus, the definition of "project supervisor" is more restrictive than that established by the Directive.</p>	
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.11	<ul style="list-style-type: none"> • Framework Directive applies. • Workers and/or their representatives must be informed of all the measures to be taken concerning their safety and health on the construction site. • The information must be comprehensible to the workers concerned. 	No observed discrepancy has been identified related to 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.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
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. 	There are no observed discrepancies regarding the consultation of workers.	<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? N. The provisions of LSHW and MNSHW shall apply accordingly. • Other additional or more detailed requirements The Temporary construction sites GD contains a more stringent provision, stipulating the employer's obligation to put the health and safety plan at workers' or their representatives' disposal (art. 70).
Limit values	N/A	N/A	N/A
Other issues identified		An observed discrepancy has been identified. Point 14 of Annex 4 Part B Section II ("Work on roofs") was not transposed by the Temporary construction sites GD, although such provisions were included in the draft GD.	Additional measures have been taken with regard to the following ⁴⁰ : <ul style="list-style-type: none"> - stakeholders have been defined clearer (the project supervisor role of the Directive is divided in the Romanian legislation among several stakeholders: project manager, designer and performer); - the coordination of health and safety is detailed in the Romanian legislation (for the project development and for the project implementation period with differentiated responsibilities); - the Romanian law clearly establishes the minimum content of the health and safety plan, which in the Directives is only required to be; - as opposed to the Directive, the Romanian

⁴⁰ See also National Implementation Report 2013, Part A, Section II, (EN) p.52-53.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>legislation details the duties of coordinators in health and safety;</p> <ul style="list-style-type: none"> - the Romanian legislation establishes additional requirements for the training of coordinators in health and safety; - the Romanian legislation establishes additional an obligation for performers to draw up their own health and safety plan and its contents; - the Romanian legislation establishes additionally the obligation to set up a coordination registry; - the Romanian legislation establishes additionally the obligation to set up the subsequent intervention file; - the Romanian legislation establishes clearer the responsibilities of self-employed workers; - as amended, the Romanian legislation establishes sanctions for non-compliance with the obligations of the beneficiary on providing coordination in health and safety. <p>According to art. 48 of Temporary construction sites GD, the prior notice described within Annex III of the Directive must be communicated to the labour territorial inspectorate at least 30 days before work starts.</p> <p>As distinct from the second part of art. 3 (3) of the Directive, according to art. 50 of the Temporary construction sites GD, the text of the prior notice must be updated each time changes occur (while under the Directive it has to be periodically updated) However, this does not represent an observed discrepancy.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Art. 58 (d) of Temporary construction sites GD gives an incorrect transposition of art. 6 (d) of the Directive. Concerning the self-employed persons, the Romanian transposing text only refers to the obligation to "inform self-employed persons", while the Directive stipulates the obligation of ensuring that self-employed persons are brought into the process of cooperation, coordination and reciprocal information between employers, where necessary.</p> <p>Temporary construction sites GD provides for a more detailed list of the building and civil engineering works non-exhaustively mentioned by Annex I of the Directive (e.g. modernization, extensions, restauration).</p> <p>Point 8.1. of Annex 4 Part A of the Temporary construction sites GD gives an incomplete transposition of point 8.1. of Annex 4 Part A of the Directive. According to the Romanian transposing text "at night and when natural daylight is inadequate" workplaces must be provided with appropriate and sufficient artificial lighting, unlike the Directive which imposes such requirement for workstations, rooms and traffic routes. However, this does not represent an observed discrepancy since it may be sustained that the workplaces include workstations, rooms and traffic routes.</p> <p>The transposition of point 9.4 of Annex 4 Part A of the Directive is more stringent since the Romanian transposing provision only stipulates that in the immediate vicinity of</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>gates intended primarily for vehicle traffic, there must be doors for pedestrian traffic without making any reference to excepted situations while the Directive provides an exception namely when "it is safe for pedestrians to cross". (point 9.4 of Annex 4 Part A of the Temporary construction sites GD)</p> <p>There is an error of translation in transposing point 9.5. of Annex 4 Part A of the Directive. According to the Romanian transposing provision mechanical doors and gates must be fitted with emergency stop devices which are easily identifiable and accessible, unless they open automatically in the event of a power-cut, and it must be possible for them to be opened manually. However, the meaning of the Directive's requirement is ensured.</p> <p>The transposition of point 14.3. of Annex 4 Part A of the Directive is more stringent since the Romanian text stipulates that lavatories and washbasins must be, as a rule, ecologic ones, in view to assure the protection of the environment from pollution.</p> <p>Particular aspects on the periodicity of health surveillance of workers working at height are regulated by Health surveillance GD.</p>

* 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
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	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 discrepancy has been identified regarding the scope and definitions.	<p>Art. 1 of Mineral Extraction GD refers to surface and underground mineral-extracting industries but it does not make any express reference to the definition of these industries provided by the text transposing article 2 (a) of the Directive. However, the meaning of the term is that one resulting from the text which transposes the definition.</p> <p>Article 2 a) transposing the definition of surfaces and underground mineral-extracting industries refers also to "exploration" with a view to extraction and when referring to preparation of extracted materials for sale, excludes not only the processing but also the activities of "preparing" the materials extracted. However, such are more or less equivalent words to the ones used by the Directive.</p>
Conducting a risk assessment Art. 3.2	The employer shall ensure that a document concerning safety and health and covering 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.	No observed discrepancy has been identified regarding 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 automatically? <p>N. Like art. 3 (4) of the Directive, art. 11 of Mineral Extraction GD refers only to any serious and/or fatal occupational accidents and situations of serious danger, which must be reported to the competent authorities as soon as possible.</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?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<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. Art. 9 of Mineral Extraction GD provides that the employer who is in charge of the workplace is the employer on which territory the activity is performed.</p> <ul style="list-style-type: none"> 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? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Ensuring internal and/or external 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 of those relating to the implementation of Articles 3 	No observed discrepancy has been identified regarding 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

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems).</p> <ul style="list-style-type: none"> The information must be comprehensible to the workers concerned. 		<p>workers further specified? N.</p> <ul style="list-style-type: none"> 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. 	No observed discrepancy has been identified regarding 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"> 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. 	No observed discrepancy has been identified regarding health surveillance.	<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

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>provided in national law? N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Article 20 of Mineral Extraction GD expressly provides that the health surveillance is ensured within occupational medical structures.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified regarding 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	N/A	N/A	N/A
Other issues identified		<p>Several observed discrepancies have been identified.</p> <p>The requirement of Article 3.2. of the Annex (part A) within the Directive to maintain the equipment in "good" working order is not transposed by Article 3.2. of Annex 1 within Mineral Extraction GD, which stipulates only that the equipment must be in "working order", thus permitting the functioning at inferior parameters.</p> <p>Article 4.1.2. of the Annex (part A) within the Directive expressly refers to the prohibition of both "the use of any open flame and the execution of any work that may give rise to an ignition hazard", while Article 4.1.2. of Annex 1 within Mineral Extraction GD only refers to "the carrying out of works with open flame that may give rise to fire or explosion</p>	<p>Romania has taken the following additional measure: Law No 126/1995 on the regime of explosives, as amended, sets rules on the authorisation, possession, transport, use, storage, etc. of explosives. This regulation is not contrary to Directive 92/104/EEC, and retains a traditional work method in Romania.(NIR 2013, p. 64)</p> <p>Unlike the Directive (Art. 5), Mineral Extraction GD provides that the employer shall also "procure" appropriate means of escape and rescue. On the other hand, it does not expressly provide that this must be done in order to ensure that the workers "have adequate opportunities" for leaving the workplaces, but it must ensure the leaving of workers. Even if this approach could determine that the provisions of Mineral Extraction GD are more stringent, from a</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>hazard".(On the other hand, the Romanian text excepts from such prohibition the situations when measures have been taken to prevent not only the occurrence of fires or explosions, but also their spreading.)</p> <p>Article 4.2.3 of Annex 1 within Mineral Extraction GD stipulates that the explosion prevention plan must detail on the "work equipment", while Article 4.2.3. of the Annex (part A) within the Directive refers to "equipment" without making any distinction, including thus all categories of equipment required for the prevention of the explosion.</p> <p>According to Article 4.3.3. of the Annex (part A) within the Directive, the protection plan must "be available", while Article 4.3.3. of Annex 1 of Mineral Extraction GD stipulates only that such a protection plan must exist without mentioning the necessity of its availability. Thus, such plan may exist but not be available being locked or impossible to be used.</p> <p>Article 9.2. of Annex 1 within Mineral Extraction GD lays down that emergency routes and exits must lead outwards, while Article 9.2. of the Annex (part A) within the Directive requires that such routes and exits lead to the open air. The term "outwards" is not equivalent with "open air".</p> <p>Article 9.6. of the Annex (part A) within the Directive requires emergency lighting in case the lighting fails (regardless of the reason), while Article 9.6. of Annex 1 within Mineral</p>	<p>practical perspective, they shall have the same finality as the corresponding text from the Directive.</p> <p>Unlike the Annex (part A) of the Directive, which refers to workplaces "when workers are present", Annex 1 of Mineral Extraction GD refers in several provisions (e.g., 1.2., 1.4.) to workplaces "occupied by the workers", which could be interpreted that the effective presence of the workers is not a condition, but only that certain workers be assigned to those workplaces.</p> <p>Article 1.3 of Annex 1 within Mineral Extraction GD (transposing Article 1.3 of the Annex - part A within the Directive) lays down that the persons referred to in this provision act not only "on behalf" of the employer, but also "in his interest".</p> <p>Unlike Article 1.4. of the Annex within the Directive, Article 1.4. of Annex 1 within Mineral Extraction GD expressly provides that the respective competent workers must exist "permanently".</p> <p>Unlike Article 1.9 of the Annex (part A) within the Directive, Article 1.9. of Annex 1 within Mineral Extraction GD does not make any reference to the aim of "ensuring compliance with this GD" in transposing the Directive's requirement. However, the interpretation of this text, like the interpretation of all the provisions of Mineral Extraction GD must be made by taking into account the aim and principles</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>Extraction GD requires emergency lighting only in case of "lack/shut down of electric power".</p> <p>Article 12.2. of the Annex (part A) within the Directive requires the provision of one or more first aid rooms depending on three factors among which it expressly lists "the size of the premises", while Article 12.2 of Annex 1 within Mineral Extraction GD replaces this with "the importance of the working places".</p> <p>According to Article 12.4. of the Annex (part A) within the Directive, first-aid equipment must be "available", while Article 12.4. of Annex 1 within Mineral Extraction GD stipulates only that such equipment must "exist", without mentioning the necessity of its availability. Thus, such equipment may exist but not be available, being locked or impossible to be used.</p> <p>Article 16.5.2. of Annex 1 within Mineral Extraction GD stipulates that transparent doors must be appropriately marked at eyesight level, while Article 16.5.2. of the Annex (part A) within the Directive requires such doors to be marked at a conspicuous level. The requirement of conspicuousness of such marking is thus not ensured by the Romanian text. (Mineral Extraction GD)</p> <p>Article 8.4. of Annex 3 within Mineral Extraction GD refers to the ventilation of production works by "partial ventilation", while the Directive stipulates the ventilation of such works by "auxiliary ventilation". These</p>	<p>of this GD.</p> <p>Concerning the "suitable scheme" referred by Article 3.1 of the Annex (part A) within the Directive, Article 3.1. of Annex 1 within Mineral Extraction GD provides for a program (timetable) drawn up in accordance with the technical regulations. Moreover, the Romanian text does not mention "all" maintenance, examination and testing, but it refers to any such operation since it does not make any distinction.</p> <p>Article 4.3.2 of the Annex (part A) within the Directive specifies that sufficient breathing and resuscitation equipment must be available, while provision 4.3.2. of Annex 1 within Mineral Extraction GD stipulates only that such equipment must exist. Thus, such equipment may exist but not necessarily be available being locked or impossible to be used.</p> <p>On the other hand, the Romanian text stipulates that such breathing and resuscitation equipment must exist "besides personal breathing protective equipment". (Mineral Extraction GD)</p> <p>Article 4.4.3. of the Annex (part A) within the Directive stipulates that non-automatic fire-fighting equipment must be "easily accessible", while Article 4.4.3. of Annex 1 within Mineral Extraction GD provides only that such equipment must be "accessible". Thus, the Romanian text does not prevent the situations when it is difficult to access</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>terms have not the same meaning. "Auxiliary ventilation" has a subsidiary character and implicitly presumes the existence of the main ventilation. Moreover, "partial ventilation" may be insufficient.</p>	<p>such equipment.</p> <p>Unlike Article 7.3. b) of the Annex (part A) within the Directive, Article 7.3. b) of Annex 1 within Mineral Extraction GD does not give any example of harmful external influences (gases, vapours or dust). However, this does not affect the complete transposition.</p> <p>Unlike Article 9.5. of the Annex within the Directive, Article 9.5. of Annex 1 within Mineral Extraction GD refers to examples of locking systems that should not close the emergency doors.</p> <p>Unlike Article 11 of the Annex (part A) within the Directive, Article 11 of Annex 1 within Mineral Extraction GD lays down that workers should be drilled in the correct use, handling or operation of the equipment in all cases, not only "where appropriate".</p> <p>Unlike Article 16.2.1 of the Annex (part A) within the Directive, which requires that workplaces containing workstations must be "adequately insulated against heat", Article 16.2.1 of Annex 1 within the Mineral Extraction GD stipulates that such workplaces must be "adequately thermo-insulated" (therefore, against both heat and cold).</p> <p>Article 16.4.2. of the Annex (part A) within the Directive requires ensuring the possibility to clean windows and skylights without risk, while provision 16.4.2. of Annex 1 of Mineral Extraction GD stipulates that the action of cleaning must be made without risks "for the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>persons carrying out such activity".</p> <p>Unlike Article 1.2. of the Annex (part B and part C) and Article 2 .2. of the Annex (part C) within the Directive, Article 1.2. of Annex 2 and Annex 3 and Article 2.2 of Annex 3 within Mineral Extraction GD lays down that the safety and health document and the plans of underground workings must be updated not only regularly, but, in addition, "anytime when necessary".</p> <p>Article 5.2. of Annex 3 within Mineral Extraction GD stipulates that the facilities mentioned therein must be properly installed and must be subject to written instructions displayed at the place of exploitation. However, it does expressly provide the Directive's requirement that the facilities mentioned must be "used in accordance with written instructions", but from a practical perspective, such should not be deemed as an observed discrepancy.</p> <p>Unlike Article 8.3. of the Annex (part C) within the Directive, which imposes the elimination of risks as far as possible, the Romanian text stipulates either the elimination or the reduction of risks. However, such should not be considered an observed discrepancy, bearing in mind that it should be interpreted that the Romanian text imposes the reduction of risks when the elimination is not possible. (Mineral Extraction GD)</p> <p>According to Article 9.1. of Annex 3 within Mineral Extraction GD, coal mines are</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>considered to be susceptible to flammable dusts "if the safety and health document shows that any of the seams being worked may produce dust liable to propagate an explosion", while Article 9.1. of the Annex (part C) within the Directive stipulates that coal mines are considered to be susceptible to flammable dusts "except where the safety and health document shows that none of the seams being worked contains dust liable to propagate an explosion". Thus, in accordance with the Romanian text, coal mines are exceptionally considered to be susceptible to flammable dusts, only in the situation mentioned, while according to the Directive, coal mines are considered to be susceptible to flammable dusts as a rule, the exception being expressly shown by the safety and health document.</p> <p>Article 12 of Annex 3 within Mineral Extraction GD omits to specify the purpose of the regular checks, namely to ensure such devices are in good condition.</p>

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. 	No observed discrepancy has been identified regarding the scope and definitions.	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Conducting a risk assessment Art.3(2)</p>	<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 in relation with the risk assessment.</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? <ul style="list-style-type: none"> N. Like art. 3 (4) of the Directive, art. 11 of Mineral Extraction through Drilling GD refers only to any serious and/or fatal occupational accidents and situations of serious danger, which must be reported to the competent authorities as soon as possible. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <ul style="list-style-type: none"> N. Is the content of the risk assessment more detailed than described in the Directive? <ul style="list-style-type: none"> N. Is a more specific methodology for risk assessment provided in the legislation? <ul style="list-style-type: none"> 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? <ul style="list-style-type: none"> 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? <ul style="list-style-type: none"> 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.
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. 	No observed discrepancy has been identified regarding 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? N. <ul style="list-style-type: none"> Is the content or form of information to workers further specified? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
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. 	No observed discrepancy has been identified regarding training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? N. <ul style="list-style-type: none"> 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. 	No observed discrepancy has been identified regarding health surveillance.	<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?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> 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 		<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>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Article 20 of Mineral Extraction through Drilling GD expressly provides that the health surveillance is ensured within occupational medical structures</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified regarding consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <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		<p>Some observed discrepancies have been identified.</p> <p>Article 7.1. of Annex 1 within Mineral</p>	Romania has not enacted additional measures, but it should be noted that companies also apply other regulations. Of the guidelines or other regulations that may

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>Extraction through Drilling GD lays down that emergency routes and exits must lead outwards, while Article 7.1. of the Annex (part A) within the Directive requires that such routes and exits lead to the open air. The term "outwards" is not equivalent with "open air".</p> <p>Articles 7.7 and 11.4 of the Annex (part A) within the Directive requires emergency lighting in case the lighting fails (regardless of the reason), while Article 7.7 and 11.4 of Annex 1 within Mineral Extraction through Drilling GD requires emergency lighting only in case of "lack/shut down of electric power".</p> <p>Article 13.2. of Annex 1 within Mineral Extraction through Drilling GD stipulates that transparent doors must be appropriately marked at eyesight level, while Article 13.2. of the Annex (part A) within the Directive requires such doors to be marked at a conspicuous level. The requirement of conspicuousness of such marking is thus not ensured by the Romanian text. (Mineral Extraction through Drilling GD)</p>	<p>be used to increase the effectiveness of the Directive we note⁴¹:</p> <ul style="list-style-type: none"> - MODU Code which was taken into national law by Law No 315 of 10 November 2005 on the acceptance of the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code 1979) adopted by the Assembly of the Intergovernmental Maritime Consultative Organisation by Resolution A.414 (XI) in London on November 15, 1979, of amendments to the 1979 MODU Code adopted by the International Maritime Organisation by Annex 18 of the Maritime Safety Committee report at its fifty-ninth session in London on May 13 to 24, 1991, and in 1989 of the Code for Construction and Equipment of Mobile Offshore Drilling Units (MODU Code 1989) adopted by the IMO Assembly by Resolution A.649 (16) in London on 19 October 1989, amended by the amendments adopted by Annex 17 of the Maritime Safety Committee report at its fifty-ninth session in London on May 13 to 24, 1991, and by Resolution MSC.38 (63) of the Maritime Safety Committee in London on May 19, 1994*); - IADC Guidelines (International Association of Drilling Contractors); - NOGEPa Guidelines (Netherlands Oil and Gas Exploration and Production Association); - IMCA Guidelines (International Marine Contractors Associations); - IWCF Guidelines (International Well

⁴¹ National Implementation Report 2013, Part A, Section II, (EN) p. 60.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Control Forum).</p> <p>As distinct from art. 6 of the Directive, according to art. 14 of the Mineral Extraction through Drilling GD, the employer is obliged to take the requisite measures to provide the necessary warning and other communication system to enable not only assistance, escape and rescue, but also the first aid operations to be launched immediately if the need arises.</p> <p>Unlike the Annex (part A) of the Directive, which refers to workplaces "when workers are present", Annex 1, 2 and 3 of Mineral Extraction through Drilling GD refers in several provisions (e.g., Annex 1 - 2.2., 2.4., Annex 2 – 3.1, 6, Annex 3 – 4.1) to workplaces "occupied by the workers", which could be interpreted that the effective presence of the workers is not a condition, but only that certain workers be assigned to those workplaces.</p> <p>Article 2.3 of Annex 1 within Mineral Extraction through Drilling GD (transposing Article 2.3 of the Annex - part A within the Directive) lays down that the persons referred to in this provision act not only "on behalf" of the employer, but also "in his interest".</p> <p>Article 3.1. of Annex 1 within Mineral Extraction through Drilling GD refers to the "suitable scheme" mentioned by Article 3.1 of the Annex (part A) within the Directive as "adequate program" (timetable).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>When transposing art. 6.1 of the Directive, Mineral Extraction through Drilling GD provides for monitoring devices which not only measure but also record gas concentrations.</p> <p>Article 6.2.2 of the Annex (part A) within the Directive specifies that sufficient breathing and resuscitation equipment must be available, while provision 6.2.2. of Annex 1 within Mineral Extraction through Drilling GD stipulates only that such equipment must exist. Thus, such equipment may exist but not necessarily be available being locked or impossible to be used.</p> <p>Unlike Article 10.1 of the Annex (part A) within the Directive, which requires that workplaces containing workstations must be "adequately insulated against heat", Article 10.1 of Annex 1 within the Mineral Extraction through Drilling GD stipulates that such workplaces must be "adequately thermo-insulated" (therefore, against both heat and cold).</p> <p>Article 13.7 of the Annex 1 of Mineral Extraction through Drilling GD is more stringent than article 13.7 of Annex (Part A) of the Directive since it provides that not only doors along escape routes must be marked appropriately, but also existing gates.</p> <p>Unlike Article 18.3. b) of the Annex (part A) within the Directive, Article 18.3. b) of Annex 1 within Mineral Extraction through Drilling GD does not give any example of harmful external influences (gases, vapours or dust).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>However, this does not affect the complete transposition.</p> <p>According to Article 5.5. of Directive's Annex, Part C, a list of persons assigned special duties in the event of an emergency must be provided and displayed at suitable locations at the workplace. Article 5.5 of Annex 3 of the Mineral extraction through Drilling GD refers only to a list of workers and not persons having special attributions in case of alert.</p> <p>In transposing the requirements of Article 6.1. of Directive's Annex, Part C, the Romanian text (art. 6.1. of Annex 3 of the Mineral extraction through Drilling GD) does not provide for the requirement that the respective training "should" be specified in the safety and health document.</p> <p>Article 7 of the Annex (part C) of the Directive lays down that workers should be drilled in the "correct" use, handling or operation of the equipment, while Article 7 of Annex 3 within Mineral Extraction through Drilling GD refers only to use and handling of such equipment.</p>

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
<p>Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)</p>	<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 	<p>No observed discrepancies have been identified with regard to the scope and definitions.</p> <p>However, it should be noted that there is a (minor) observed discrepancy due probably</p>	<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? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas.</p> <ul style="list-style-type: none"> • 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. 	<p>to an erroneous translation: while the Directive defines the worker as also including "apprentices", the Romanian legislation refers to "pupils" (Medical treatment on board vessels GD), which narrows down the application of the legislation.</p>	<ul style="list-style-type: none"> • 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? N. • Other additional or more detailed requirements Y. The Romanian legislation defines the worker as "member of the crew or the person carrying out an occupation on board a vessel, including trainees and pupils, but excluding port pilots and shore personnel carrying out work on board a vessel at the quayside" as opposed to the Directive which defines the worker as " the person carrying out an occupation on board a vessel, including trainees and apprentices, but excluding port pilots and shore personnel carrying out work on board a vessel at the quayside ".
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. 5	<p>Each Member State shall take the measures necessary to ensure that:</p> <ol style="list-style-type: none"> 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 	<p>No observed discrepancies have been identified with regard to the information for workers.</p>	<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?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>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;</p> <p>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'</p>		<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>
<p>Training of workers Art. 5</p>	<p>Same as above.</p>	<p>No observed discrepancies have been identified with regard to the training of workers.</p>	<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)? <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 <p>Y. Art. 17 of the GD on medical treatment on board vessels expressly provides that all those holding a competency certificate as well as other categories of workers working on board a vessel must prove having graduated a medical assistance and first aid class in case of accident or medical emergency. Compared to the Directive, the legal text could be subject of a more stringent interpretation since it makes a clear</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			distinction between two types of workers on board a vessel (those holding a competency certificate as well as other categories of workers) and not require training for a serious medical emergency, but for medical emergencies in general. On the other hand, the Romanian legal text could be seen as being inconsistent with the Directive since it is not very clear that the respective training must be conducted before starting any work on board a vessel as the Directive seems to regulate.
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.	Romanian legislation provides several additional requirements as regards the content of the medicines and medical equipment included in the checklist laid down in Annex 2 of the Directive. More specifically, Annex 2 of the Medical treatment on board vessels GD provides that some medicines and medical equipment of those listed by the Directive should be also found in other categories of vessels. Moreover, although Annex 4 Section B II.1. of the Directive lacks point 1.5, Medical treatment on board vessels GD has expressly incorporated this point in its Annex 4. Furthermore, there are several legal provisions which could be subject to further interpretation given the absence of an accurate translation in Romania: - while the Directive provides that each

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Member State shall take the measures necessary to ensure that the quantities of medicinal products and medical equipment to be carried depend on the nature of the voyage - in particular ports of call, destination, duration [...], the Romanian corresponding legal text does not make any reference to "in particular", which might narrow down the number of elements to be taking into consideration;</p> <ul style="list-style-type: none"> - while the Directive makes reference to "gross registered tonnes", the Romanian legislation uses the "tdw" as measurement unit; - while in Annex I of the Directive reference is made to the fact that category B shall be extended for trips of less than 175 nautical miles, the Romanian corresponding legal text does not make reference to "less than 175 nautical miles", but to "175 miles" which is inconsistent with the requirement of the Directive; - as opposed to Annex 5 of the Directive, Annex 5 point 3 of the Medical treatment on board vessels GD does not expressly refer to emergency disembarkation "at sea", but only to emergency disembarkation ; - as opposed to Annex 5 of the Directive, Annex 5 point 4 of the Medical treatment on board vessels GD does not expressly refer "detailed" knowledge of how to use the various remote medical consultation facilities, but only to knowledge in this respect. <p>However, these issues should not be deemed as severely altering the overall correctness of the transposing provisions.</p>

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. 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p> <p>However, it should be noted that there is a (minor) observed discrepancy due probably to an erroneous translation: while the Directive defines the worker as also "any person carrying an occupation on board a vessel [...]", the Romanian legislation refers to "any person, member of the crew, carrying an occupation on board a vessel [...]" (Work on board fishing vessels GD), which may narrow down the application of the legislation.</p>	<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. 	<p>No observed discrepancy has been identified in relation to the information for workers.</p>	<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. Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Training of workers Art.9 Art.10	<p>Art.9</p> <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 <p>Art.10</p> <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 in relation to the training of workers.	<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. Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art.11	<ul style="list-style-type: none"> The framework Directive applies 	No observed discrepancy has been identified in relation to 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	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Other issues identified		No observed discrepancies have been identified in relation to the other key requirements of the Directive.	One legal provision of the Work on board fishing vessels GD seems to be more stringent than the requirements of the Directive. More precisely, Art. 1.4 of the Annex 1 of the Work on board fishing vessels GD, which is the transposing corresponding text of Art. 1.3 line 2 of Annex 1 of the Directive, makes reference to "intact stability of the vessel" as opposed to "adequate stability of the vessel" provided by the Directive.

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 discrepancies have been identified with regard to the scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. In order to access the protection granted under the Maternity protection GEO and the Methodological Norms thereto, the worker who is pregnant, has recently given birth or is breastfeeding has the obligation to inform the employer about her condition in writing and to submit a medical certificate in this respect, issued by the family physician or a specialized physician. The worker having given recent birth must submit the medical certificate no later than 6 months following the date of giving birth.</p>
Conducting a risk assessment	For all activities liable to involve a specific risk of exposure to the agents, processes or	No observed discrepancies have been identified with regard to the employer's	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 4	<p>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:</p> <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>obligation of conducting a risk assessment.</p>	<p>agent listed in Annex I without carrying out a risk assessment?</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>Y. According to art. 9 (5) of the Methodological Norms for the enforcement of the Maternity protection GEO, employers are obliged to submit the risk assessment to the occupational physician from the territorial public health authority as well as to the territorial labour inspectorate within 5 working days as of the date when the risk assessment was drafted.</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>Y. Although Annex 1 of the Methodological Norms for the enforcement of the Maternity protection GEO is generally in line with Annex I of the Directive, there are certain provisions which are more specific than the ones listed by the Directive.</p> <p>For example, as regards physical agents, the Methodological Norms for the enforcement of the Maternity protection GEO expressly refer to sudden movements, while the Directive refers only to movements.</p> <p>Also, while the Directive expressly indicates certain chemical agents at point 3 (a), the Methodological Norms for the enforcement of the Maternity protection GEO only make reference to cancerous and/or mutagen</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>agents that are not listed in the general norms for protection at the work place, although these norms have been repealed as of 2006, when LSHW has entered into force.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? Y. Art. 9 of the Methodological norms for the enforcement of the Maternity protection GEO provides that the risk assessment must be structured as follows: <ul style="list-style-type: none"> (i) there must be a description of the process, technology and the activities which are subject of the assessment; (ii) the list of the agents, processes or working conditions which are identified as dangerous for the health of the worker who is pregnant, has recently given birth or is breastfeeding; in this respect, the risk assessment must include the following information: <ul style="list-style-type: none"> - the reasons for the use and selection of the agents, processes or working conditions; - the duration, intensity, frequency and nature of exposure to agents; - prevention measures in order to reduce the risk at the minimum possible; - the recommendation of the occupational physician as regards the necessity to move the worker to another position; - the conclusion of the assessment: if the worker can remain or not at her work place; if a change of work place is required, the positions where she can be moved, based on the risk assessment, must be indicated accordingly.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? Y. Art. 5 of the Maternity protection GEO provides that a risk assessment shall be conducted on a yearly basis and if any change of the working conditions occurs. Furthermore, the Methodological norms for the enforcement of the Maternity protection GEO provide that the risk assessment shall be conducted in 10 days after the moment when the worker informed the employer on her physiological condition or concurrently with the general risk assessment health and safety at workplace. Such risk assessment shall be conducted by the employer with the mandatory involvement of the occupational physician. The results of the risk assessment shall be recorded within a written report. A copy thereof must be also delivered to the trade union/worker representatives. 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. As mentioned above, art. 5 of the Maternity protection GEO provides for the mandatory involvement of the occupational physician when conducting the risk assessment. Other additional or more detailed requirements N.
Ensuring preventive and	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>protective services</i>			
<i>Information for workers Art.4(2)</i>	<p>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.</p>	<p>There are no observed discrepancies as regards the information to be provided by employers with respect to the results of the assessment.</p> <p>However, art. 6 (2) of the Maternity protection GEO generally provides that female workers shall be informed in writing of the results of the risks assessment and the rights arising from the Maternity protection GEO, without making an express reference to the workers which are pregnant, have recently given birth or are breastfeeding nor to the fact that such workers must be also informed on the measures to be taken concerning their health and safety at work. Nevertheless, considering the general requirements of the Maternity protection GEO and the Methodological norms thereto regarding the content of the risk assessment as well as the content of the information to be further communicated to female workers, it could be argued that the Romanian legislation meets the information requirements regulated by the Directive.</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. The Maternity protection GEO as well as the Methodological Norms thereto expressly provide that the information must be submitted in writing. As regards the content of the information, the Annex of the Methodological norms expressly provides an information template which must be submitted to the concerned workers. • Other additional or more detailed requirements Y. The Romanian legislation states that a copy of the results of the risk assessment must be submitted within 5 days to: <ul style="list-style-type: none"> a) the occupational physician from the territorial public health authority; b) territorial labour inspectorate; c) in the company - to the security and health committee, the department for work protection or to the work protection responsible assigned by the employer; d) the trade union or the workers' representatives. <p>Furthermore, under the Romanian legislation, trade unions representatives or workers' representatives having responsibilities aimed at ensuring the equality between female and</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			male workers at work are required to hold briefings on the Maternity protection GEO provisions, on a semester basis.
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 other observed discrepancies have been identified with regard to other aspects regulated by the Directive.	<p>It should be noted that the Romanian legislation provides for more favourable conditions as regards the protection of the worker who is pregnant, has recently given birth or is breastfeeding⁴². More particularly, in addition to the Directive, the Romanian law has regulations on:</p> <ul style="list-style-type: none"> - the protection of pregnant workers and workers having recently given birth who are working in workplaces of orthostatic position; - early maternity leave due to work-related risks; - breastfeeding breaks; - confidentiality status of pregnancy; - reducing normal working hours of pregnant workers by one quarter; - prohibition of dismissal to protect the mother and child. <p>They are further explained in the following:</p> <p>* <u>Maternity leave</u> Pregnant workers are entitled to 126 calendar days of maternity leave. This consists, in principle, of 63 days of prenatal</p>

⁴² See also National Implementation Report 2013, Part A, Section II, (EN) p. 56.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>leave and 63 days of postnatal leave, but can be unevenly taken upon the worker's request. However, 42 days of leave must mandatorily be taken after the birth.</p> <p>Thus, Romanian legislation sets forth a duration of the maternity leave of 18 weeks, which is more stringent than the Directive providing only 14 continuous weeks of maternity leave.</p> <p>However, as opposed to the Directive, the Romanian legislation does not expressly provide that the maternity leave must be carried for a continuous period of 126 days. Nevertheless, in practice, maternity leave is usually carried continuously.</p> <p>Furthermore, the maternity allowance is set at 85% of the worker's average wages in the six previous months before taking the leave, as opposed to the 75% regulated in case of sick leave. In order to access this allowance, the worker must have contributed to be public health insurance scheme for at least one month within the 12 months before taking the leave. The worker's wages taken into account in calculating the benefit payable are capped at 12 times the national minimum wage. Thus, Romanian legislation sets forth a more stringent condition than the Directive providing that the maternity allowance must be at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health.</p> <p>* <u>Leave from work where the transfer of the worker is not technically and/or objectively</u></p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p><u>feasible or cannot reasonably be required on duly substantiated grounds</u></p> <p>The Romanian legislation has implemented this requirement under the form of the maternity risk leave. The duration of this leave is set at a maximum of 120 days of leave, which can be taken either continuously or on a fractionate basis. During the maternity risk leave, the worker is entitled to a maternity risk allowance set at 75% of the worker's average wages in the six previous months, capped at 12 times the national minimum wage. There is no prerequisite condition related to the contribution period to the public health insurance scheme in order to access this allowance.</p> <p>* <u>Protection against dismissal</u></p> <p>Under the Romanian legislation, the employer is prohibited to dismiss:</p> <ul style="list-style-type: none"> - the worker who is pregnant, has recently given birth or is breastfeeding on grounds directly related to her physiological condition; - the worker during maternity risk leave. Such prohibition may be extended a single time for up to 6 months after the worker's return to work; - the worker during maternity leave; - the worker during the parental leave for children under two years of age or, in the case of a disabled child, up to the age of three years; additional rules on this prohibition are expressly regulated by the special legislation on parental leave; - during the care leave for children under seven years of age or up to the age of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>eighteen years in case of a disabled child. However, such prohibitions do not apply to dismissal arising from the employer's judicial restructuring or bankruptcy.</p> <p>The employer dismissing an worker in one of the cases listed above must send a copy of the dismissal decision to the trade union/ workers' representatives as well as to the territorial labour inspectorate, within 7 days as of the date when the dismissal decision was communicated to the concerned worker. The territorial labour inspectorate must issue a consultation notice in this respect.</p> <p>* <u>Protection against specific types of work</u> According to Maternity protection GEO, the worker who is pregnant, has recently given birth or is breastfeeding cannot perform work in insalubrious or unendurable conditions. These conditions are expressly listed in the Methodological norms for the enforcement of the Maternity protection GEO.</p> <p>* <u>Specific protection for pregnant workers</u> Under the Romanian legislation, if the pregnancy is not visible, the employer must keep confidentiality with respect to the pregnancy status of the worker and shall not disclose to other workers such aspect in the absence of the pregnant worker's written approval.</p> <p>The employer must also grant pregnant workers with paid time off for prenatal medical examinations of maximum 16 hours/month, if such examination can be</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>done only during the working hours, without this affecting the worker's salary rights.</p> <p>Furthermore, if the pregnant worker cannot attend the regular working schedule due to her health condition or her foetus' condition, she is entitled to the reduction of the working schedule by 1/4, without this affecting the worker's salary rights.</p> <p>* <u>Specific protection for breastfeeding workers</u> Under the Romanian legislation, the employer must grant breastfeeding workers, during their normal schedule of work, two (2) breastfeeding breaks of one (1) hour each, until the child reaches the age of one (1) year old; the required time for going home and back to the office is included within such breaks. Upon the worker's request, the breastfeeding breaks shall be replaced with a reduction of the normal daily work schedule by two (2) hours. The breastfeeding breaks or the reduction of the normal work schedule shall not entail a reduction of the worker's salary and shall be borne entirely from the employer's salary fund.</p> <p>The additional relevant national legislation is: - Law No 53/2003 of the Labour Code with all amendments - Government Order No 137/2000 on preventing and sanctioning all forms of discrimination, republished - Law No 202 of 19 April 2002 on equal opportunities and treatment between men and women, republished</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> - Law No 340/2006 amending and supplementing Law No 202/2002 on equality between women and men - Health Ministerial Order No 12/2004 for the adoption of the Protocol on the methodology of conducting prenatal consultation and postnatal consultation, of the Pregnancy Book and the Annex for the medical supervision of the pregnancy and the postpartum period.

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"> o 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; o 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 undertaking and/or establishment making use of his services. 	No observed discrepancy has been identified related to the scope and definitions provided by the Directive.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective	<ul style="list-style-type: none"> • Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration 	No observed discrepancy has been identified related to the ensuring of preventive and protective services.	<ul style="list-style-type: none"> • Does the legislation define in more specific terms information to be provided to such services?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
services Art. 6	contracts		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 related to 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? Y. The fixed duration contract/temporary assignment contract must include information in connection with the occupational qualifications required and the specific conditions in which the activity is to be carried out during the fixed-duration employment relationship/temporary assignment. Such contracts must also comply with the Romanian legislation transposing Directive Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform workers of the conditions applicable to the contract or employment relationship 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 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 requirements The Temporary workers GD (art. 4) provides in more detail the moments and modalities of providing such training in accordance with the procedure described in NMSHW transposing the Framework Directive.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>The training must be adapted to take account of new or changed risks, and repeated periodically and whenever it is necessary.</p> <p>In addition, the employer shall ensure that workers within external undertakings and/or units, as well as other participants in the working process who carry out work within its own undertaking and/or unit, have received appropriate training regarding safety and health at work-related risks for the duration of their work.</p>
<p>Health surveillance Art.5(2)</p>	<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. 	<p>No observed discrepancy has been identified related to health surveillance.</p>	<ul style="list-style-type: none"> Does the transposing legislation require medical surveillance for all types of temporary workers? Y. Are the arrangements for health surveillance records specified in the legislation? Y. Specific legislation governing medical surveillance of the workers. Are the conditions in which health surveillance is required more specifically described in the legislation? Y. Dedicated legislation provides for the cases requiring special medical surveillance and the modalities of the medical surveillance for each of such cases. Is the periodicity of health surveillance provided in national law? Y. The periodicity of health surveillance is indicated by the general provisions of LSHW and MNSHW.

	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.
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. 	<p>Although the Young people at workplace GD states that its provisions shall be applicable to any person under 18 years of age having an employment contract in accordance with the legislation in force, the observed discrepancy results from the wrong and incomplete transposition of the definitions of "young person", "adolescent" and "child".</p> <p>Basically, the terms "young person" and "child" are not defined by the GD in accordance with the definition provided by the Directive and the definition of "adolescent" is missing.</p> <p>While the Directive clearly defines the "adolescents" and "children" as two distinct groups of the "young persons" category, the Romanian GD defines:</p> <ul style="list-style-type: none"> - "Young person" - any person of at least 15 years of age but less than 18 years of age, and - "child" - any person of less than 15 years of 	<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. Romania chose not to use such option. Other additional or more detailed requirements Romanian legislation (Art. 13 (3) of the Labour Code) explicitly prohibits work by persons under the age of 15 on grounds of an individual work contract. Moreover, the Young people at workplace GD prohibits the employment of children under the age of 15. However, in practice, this does not exclude the work performed by children on grounds of other legal arrangements (in various areas such as arts, sports, etc.) - see comments on observed discrepancies: it may be sustained that the Romanian law does not cover protection of children in such cases. The provisions of Art. 5 of the Directive were not

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>age or any young person of at least 15 years of age but less than 18 years of age who is still subject to compulsory full-time schooling provided by the law.</p> <p>According to the definition of "young people" given by this GD, the Romanian text does not cover persons of more than 15 years of age who are still subject to compulsory full-time schooling under national law. Children younger than 15 also fall outside the definition.</p> <p>Consequently, the definition of "young person" given by the Romanian text corresponds to the definition of "adolescent" provided by the Directive, while the definition of "child" in the Romanian law is generally in accordance with the one provided by the Directive.</p>	<p>transposed in the Romanian legislation.</p> <p>On the other side, in order to identify the border between the scope of "young person" and "child" terms used by the Young people at workplace GD, it is to be mentioned that according to the Romanian law of education (Law no. 1/2011) the compulsory education is of 11 grades and such obligation ends at the age of 18 years.</p> <p>The cessation of compulsory education when turning 18 years of age, refers to exceptional cases (e.g. if there is an interruption or the child repeats one year).</p>
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 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> <ul style="list-style-type: none"> (a) the fitting-out and layout of the workplace and the workstation; (b) the nature, degree and duration of exposure to physical, biological and chemical agents; (c) the form, range and use of work 	<p>There are no observed discrepancies regarding the conducting of a risk assessment.</p> <p>However, the issue resulting from the definition of "young person" in the transposing legislation (as explained above in relation to the transposition of Art. 2 and Art. 3 of the Directive - Scope and Definitions), is also applicable to such provisions of Young people at workplace GD.</p>	<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 working conditions? N. 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>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. 		<ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? N. However, as regards the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled – the Romanian text makes express reference to agents provided for at letter b) - (physical, biological and chemical), but this does not affect transposition. • 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 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. 	<p>There are no observed discrepancies regarding the preventive and protective services.</p> <p>It should however be noted that, when indicating the cross-references, Article 8 of Young people at workplace GD should have referred to Articles 8 and 9, and not to Article 7 of the GD.</p> <p>In addition, the issue resulting from the definition of “young person” in the</p>	<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 young people? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		transposing legislation (as explained above in relation to the transposition of Art. 2 and Art. 3 of the Directive - Scope and Definitions), is also applicable to such provisions of Young people at workplace GD.	
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. 	<p>Observed discrepancies have been identified.</p> <p>Transposition is incomplete because the Directive's provisions apply to young people in the meaning of the Directive and, respectively, to children. Regarding the information to be provided to young people, the Romanian text again refers to "young people" which does not cover children (as explained above in relation to the transposition of Art. 2 and Art. 3 of the Directive - Scope and Definitions). Consequently such obligation is not required for children, while it is required in the Directive.</p> <p>As well, the employer's obligation to inform in writing the parents or legal representatives of children also with respect to the risks was not transposed.</p> <p>In addition, such obligation is not provided for the case of children hired in accordance with Article 5 paragraph (2) (children of at least 16 years of age who are still subject to compulsory full-time schooling and who may be hired on grounds of an employment contract to perform light work).</p> <p>Note that it is prohibited under Romanian law to hire children under the age of 15.</p>	<ul style="list-style-type: none"> Is the content or form of information to young workers/legal representatives of children further specified? <p>Y. As per the Young people at workplace GD, the information must be submitted in writing.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of	<ul style="list-style-type: none"> The employer shall implement the measures 	There are no observed discrepancies	<ul style="list-style-type: none"> Does the transposing legislation provide for

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art.6 (2)	<p>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> <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>	<p>regarding the training of workers.</p> <p>However, the issue resulting from the definition of "young person" in the transposing legislation (as explained above in relation to the transposition of Art. 2 and Art. 3 of the Directive - Scope and Definitions), is also applicable to such provisions of Young people at workplace GD.</p>	<p>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)?</p> <p>N.</p> <ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation in relation to young workers? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance Art. 6(2) and 9(3)	<ul style="list-style-type: none"> 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 Directive 89/391/EEC. The free health assessment and monitoring may form part of a national health system. 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>There are no observed discrepancies regarding the health surveillance.</p> <p>However, the issue resulting from the definition of "young person" in the transposing legislation (as explained above in relation to the transposition of Art. 2 and Art. 3 of the Directive - Scope and Definitions), is also applicable to such provisions of Young people at workplace GD.</p>	<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 legislation provide for a free health assessment of young workers in other circumstances? <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>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? N. Other additional or more detailed requirements N. As regards the night work performed by adolescents, assessment of health is not necessary given that under the Romanian legislation night work is prohibited for workers under the age of 18. (Young people at workplace GD and Labour Code) <p>Romania did not choose to make use of the option given by the Directive to decide that the free health assessment and monitoring forms part of a national health system.</p>
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.	<p>As distinct from Art. 8 (1) and 8 (2) of the Directive, art. 10 (1) of the Young people at workplace GD is more favourable since it provides for a duration of working time of 6 hours a day and 30 hours a week.</p> <p>The transposition of Art. 10 (2) is more favourable since the Young people at workplace GD (art. 14 (3)) provides that the weekly rest period of two consecutive days is granted, as a rule, Saturday and Sunday, while the Directive refers only to the day of Sunday.</p> <p>In addition to the Directive's provisions on annual rest (Art. 11) the Young people at workplace GD also provides for the minimal</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			duration of the annual leave which is 3 working days longer than the duration of the annual leave granted to all the other workers.

* 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.

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.

Romania has only made use of the option provided by Article 7(2) second indent of Directive 91/383/EEC on temporary workers: Romanian legislation provides that the occupational qualifications required and the specific features of the job to be filled shall be specified within the temporary assignment of workers contract signed between the user company and the temporary work agency.

Table 1- 26 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	N	Annex I of GD 1092/2006 literally transposes Annex I of the Directive.
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	Y	The Romanian Labour Code - art. 91 (2), Temporary workers GD - Art. 11 (2) and Temporary working agency GD - Art. 7 provide that the occupational qualifications required and the specific features of the job to be filled shall be specified within the temporary assignment of workers contract signed between the user company and the temporary work agency.

1.4 INTERACTIONS

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

In Romania, the national legislation follows closely the provisions of the OSH acquis and transposes the CPMs in the LSWH. The LSHW has to be taken into account together with the more particular requirements laid down in the specific Governmental Decisions. Health surveillance of workers is extensively regulated under Government Decision no. 355 of 11 April 2007 on the surveillance of workers' health. This GD expressly regulates the specific types of medical examinations which must be conducted by employers in relation with their workers (the examinations are differentiated based on sectors of activity as well as types of agents to which workers are exposed at work).

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. 7 (4) and art. 12 (1) (a) LSHW Art. 15 (1) 1. MNSHW	Art. 8 (1) and (6) and art. 9 (4) LSHW Art. 16-19, 20, 22, 23, 31, 32, 47-51 MNSHW	Art. 16,17 and 19 LSHW Art. 53-73 MNSHW	Art. 20 and 21 LSHW Art. 74-100 MNSHW	Art. 24 and 25 LSHW	Art. 7 (4) (d), 18 and 19 LSHW Art. 53-73 MNSHW
Council Directive 89/654/EEC (workplace)	/	/	Art. 10 -11 Workplace GD	/	/	Art. 12 Workplace GD
Directive 2009/104/EC (work equipment)	Art. 5 Work Equipment GD	/	Art. 8 and 9 Work Equipment GD	Art. 10 Work Equipment GD	/	Art. 11 Work Equipment GD
Council Directive 89/656/EEC (PPE)	Art. 14 and 15 PPE GD	/	Art. 19 PPE GD	Art. 12 and 13 PPE GD	/	Art. 20 PPE GD
Council Directive 92/58/EEC (OSH signs)	/	/	Art. 9 OSH Signs GD	Art 10 OSH Signs GD	/	Art 11 OSH Signs GD
Directive 1999/92/EC (ATEX)	Art. 6 (1) and (2) ATEX GD	/	/	Annex II part A points 1.1 and 1.2 ATEX GD	/	/
Council Directive 90/269/EEC (manual handling of loads)	Art 6 (a) MHL GD	/	Art 8 MHL GD	Art 9 MHL GD	/	Art 10 MHL GD
Council Directive 90/270/EEC (display screen equipment)	Art. 5-6 Display Screen Equipment GD	/	Art. 9 Display Screen Equipment GD	Art. 10 Display Screen Equipment GD	Art. 12-16 Display Screen Equipment GD	Art. 11 Display Screen Equipment GD
Directive 2002/44/EC (vibration)	Art. 7-11 Vibration GD	/	Art. 17 Vibration GD	Art. 17 Vibration GD	Art. 19-25 Vibration GD	Art. 18 Vibration GD
Directive 2003/10/EC (noise)	Art. 8-16 Noise GD	/	Art. 28 Noise GD	Art. 28 Noise GD	Art. 30-33 Noise GD	Art. 29 Noise GD
Directive 2004/40/EC	Art. 7-13	/	Art. 20	Art. 20	Art. 22-26	Art. 21

	<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>
(electromagnetic fields)	Electromagnetic fields GD		Electromagnetic fields GD	Electromagnetic fields GD	Electromagnetic fields GD	Electromagnetic fields GD
Directive 2006/25/EC (artificial optical radiation)	Art. 9 Artificial Optical Radiation GD	Art. 10 Artificial Optical Radiation GD	Art. 19 Artificial Optical Radiation GD	Art. 19 Artificial Optical Radiation GD	Art. 21-25 Artificial Optical Radiation GD	Art. 20 Artificial Optical Radiation GD
Directive 2004/37/EC (carcinogens or mutagens)	Art. 6-8 Carcinogens or mutagens GD	/	Art. 23 Carcinogens or mutagens GD	Art. 21-22 Carcinogens or mutagens GD	Art. 25-30 Carcinogens or mutagens GD	Art. 24 Carcinogens or mutagens GD
Council Directive 98/24/EC (chemical agents at work)	Art. 12-16 Chemical agents GD	Art. 19-24 Chemical agents GD	Art. 30-32 Chemical agents GD	Art. 30-32 Chemical agents GD	Art. 38-42 Chemical agents GD	Art. 33 Chemical agents GD
Directive 2009/148/EC (asbestos)	Art. 8-10 Asbestos GD	Art. 16 Asbestos GD	Art. 14, 38 Asbestos GD	Art. 32 Asbestos GD	Art. 39-45 Asbestos GD	Art. 10, 19, 30 Asbestos GD
Directive 2000/54/EC (biological agents)	Art. 8-10 Biological agents GD	/	Art. 18-20 Biological agents GD	Art. 18-20 Biological agents GD	Art. 24-29 Biological agents GD	Art. 21 Biological agents GD
Council Directive 92/57/EEC (temporary or mobile construction sites)	/	/	Art. 66 and 67 Temporary construction sites GD	/	/	Art. 68-70 Temporary construction sites GD
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	Art. 5-7 Mineral Extraction GD	/	Art. 15-16 and Art. 1.5-1.6 of Annex 1 Mineral Extraction GD	Art. 15-16 and Art. 1.5-1.6 of Annex 1 Mineral Extraction GD	Art. 18-20 Mineral Extraction GD	Art. 17 Mineral Extraction GD
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	Art. 5-7 Mineral Extraction through Drilling GD	/	Art. 15-16 Mineral Extraction through Drilling GD	Art. 2.5 Annex 1 of Mineral Extraction through Drilling GD	Art. 18-20 Mineral Extraction through Drilling GD	Art. 17 Mineral Extraction through Drilling GD
Council Directive 92/29/EEC (medical treatment on board vessels)	/	/	Art. 16 Medical treatment on board vessels GD	Art. 17-18 Medical treatment on board vessels GD	/	/

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
Council Directive 93/103/EC (work on board fishing vessels)	/	/	Art. 12 Work on board fishing vessels GD	Art. 13-14 Work on board fishing vessels GD	/	Art. 15 Work on board fishing vessels GD
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	Art. 5 Maternity protection GEO Art. 8 and Art. 9 of the Methodological norms for the enforcement of the Maternity protection GEO	/	Art. 6 Maternity protection GEO Annex of the Methodological norms for the enforcement of the Maternity protection GEO	/	/	/
Council Directive 91/383/EEC (temporary workers)	/	Art. 5 GD 557/2007	Art. 2, 7 GD 557/2007 Art. 16 and 91 LC Art. 11 GD 1256/2011	Art. 4 GD 557/2007	Art. 3 GD 557/2007	/
Council Directive 94/33/EC (young people at work)	Art. 6 (2) and (3) Young people at workplace GD	Art. 8 Young people at workplace GD	Art. 7 Young people at workplace GD	Art. 6 (3) Young people at workplace GD	Art. 6 (4) Young people at workplace GD	/
Conclusions on interactions between Directives	The national legislation follows closely the provisions of the <i>OSH acquis</i> and transposes the risk assessment procedures in separate acts. The risk assessment will have to	The national legislation follows closely the provisions of the <i>OSH acquis</i> and transposes the requirements on preventive and protective services mainly in the LSWH. The	The national legislation follows closely the provisions of the <i>OSH acquis</i> and transposes the requirements on information for workers in separate acts. The information for	The national legislation follows closely the provisions of the <i>OSH acquis</i> and transposes the requirements on training of workers in separate acts. The training of workers will have	The national legislation follows closely the provisions of the <i>OSH acquis</i> and transposes the requirements on health surveillance mainly in the LSWH. The health surveillance	The national legislation follows closely the provisions of the <i>OSH acquis</i> and transposes the requirements on consultation of workers mainly in the LSWH. The consultation of

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
	observe the general requirements regulated under the LSWH and will also have to take into consideration, if the case, the particular requirements regulated under the separate act transposing the individual Directives.	establishment of preventive and protective services will have to observe the general requirements regulated under the LSWH and will also have to take into consideration, if the case, the particular requirements regulated under the separate act transposing the individual Directives.	workers will have to observe the general requirements regulated under the LSWH and will also have to take into consideration the particular requirements regulated under each separate act transposing the individual Directives.	to observe the general requirements regulated under the LSWH and will also have to take into consideration the particular requirements regulated under each separate act transposing the individual Directives.	services will have to observe the general requirements regulated under the LSWH and will also have to take into consideration, if the case, the particular requirements regulated under the separate act transposing the individual Directives. Please note that health surveillance of workers is extensively regulated under Government Decision no. 355 of 11 April 2007 on the surveillance of workers' health. This GD expressly regulates the specific types of medical examinations which must be conducted by employers in relation with their	workers will have to observe the general requirements regulated under the LSWH and will also have to take into consideration, if the case, the particular requirements regulated under the separate act transposing the individual 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>
					workers (the examinations are differentiated based on sectors of activity as well as types of agents to which workers are exposed at work).	

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.

Romania became a EU member state on 1st January 2007. To that date, all mentioned Directives below, of which the end dates of the transitional periods had preceded the accession date for Romania, have been transposed into the national OSH legislation. The other transitional periods have been applied and respected, more particularly with regards to Directive 2002/44/EC (vibration) and Directive 2003/10/EC (noise).

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)	Not applicable	N/A	N/A
Directive 92/104/EC (surface and underground mineral extracting industries)	Not applicable	N/A	N/A
Directive 93/103/ EC (work on board fishing vessels)	Not applicable	N/A	N/A
Directive 2002/44/EC (vibration)	Yes	Yes	1 July 2010 1 July 2014
Directive 2003/10/EC (noise)	Yes	Yes Note: No legislation has been adopted as per the transition period with regard to the music and entertainment sectors. However, specific information in this respect was elaborated as best practices in a study ⁴³	15 February 2011 15 February 2008

⁴³ GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LUCRATORILOR LA ZGOMOT (Occupational health and safety guide regarding the noise exposure of workers), p. 48; the guide was prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for

Directive	Transitional periods applied	Transitional period respected	Date of end of application of the transitional period
		commissioned by the authorities.	
Directive 2009/104/EC (work equipment)	Not applicable	N/A	N/A
Directive 90/270/EC (display screen equipment)	Not applicable	N/A	N/A
Directive 1999/92/EC (ATEX)	Not applicable ⁴⁴	N/A	N/A

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.

Romanian transposing legislation only reflects few of the derogations and, as a rule, the conditions attached to them. The derogations which have been used are: the possibility to allow for contribution of workers towards the costs of some personal protective equipment (Directive 89/656/EEC on personal protective equipment); the possibility to make entitlements to benefits for pregnant or breastfeeding workers conditional (Directive 92/85/EEC on breastfeeding workers); the derogation from using individual hearing protectors (Directive 2003/10/EC on noise); and the justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary (Directive 2004/40/EC on electromagnetic fields).

Research and Development of the Ministry of Labour for 2009-2012 and is available online at <http://www.inpm.ro/files/publicatii/2013-05.06-ghid.pdf>.

⁴⁴ In transposing art. 9 of ATEX Directive, ATEX GD provides that work equipment at workplaces already in use before 6 December 2002 must comply with the requirements laid down within Annex II part A and, respectively, the applicable minimum requirements, until 31 December 2006. Since ATEX GD entered into force on 1 October 2006, the period between this date and 31 December 2006 represents a transitional period.

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.	Y	The Ministry of labour may adopt provisions imposing to the worker to contribute to the costs of some personal protective equipment when the use of the equipment is not exclusive to the workplace.	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	Y	The Ministry of labour may adopt provisions imposing to the worker to contribute to the costs of some personal protective equipment when the use of the equipment is not exclusive to the workplace.
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	Romania has not made use of this derogation.	The derogation does not cover work involving particular risks as listed in Annex II.	N	Romania has not made use of this derogation.
				Romania 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	Romania 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	Romania has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down.	N	Romania has not made use of this derogation.
		Derogation from the application of Annex IX, section 3	N	Romania has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down	N	Romania 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	Y	Romania has made use of such derogation.	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	Y	In order to access the maternity leave and maternity leave allowance as well as the maternal risk leave and maternal risk allowance, the worker must meet the general eligibility conditions laid down by GEO on leaves and health insurance allowances.
					These conditions may under no circumstances	Y	In this respect, the GEO on leaves and health insurance

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					provide for periods of previous employment in excess of 12 months immediately prior to the presumed date of confinement.		allowances provides, inter alia, that: - the beneficiary must meet the minimum contribution period to the public health insurance scheme (i.e., 1 month within the last 12 months prior to the month during which the leave is granted); however, in case of maternal risk leave and maternal risk allowance, there is no requirement regarding the minimum contribution period to the public health insurance scheme; - submit a certificate from the health insurance state authority indicating the number of days of sick leave taken within the last 12 months, with the exceptions expressly provided by law; - to be present at home or at the indicated address, in order for the health insurance state authority to carry on a verification, if case.
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	Romania has not made use of this derogation	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	N	Romania has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					advertising activities.		
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	N	Romania has not made use of this derogation	Derogations indispensable for their vocational training	N	Romania has not made use of this derogation.
					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	Romania has not made use of this derogation.
					Protection afforded by Framework Directive is guaranteed	N	Romania has not made use of this derogation.
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Romania has not made use of this derogation	Derogation is justified by way of exception	N	Romania has not made use of this derogation.
					Or Derogation is used because objective grounds are provided	N	Romania 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	Romania 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	N	Romania has not made use of this derogation	Work by adolescents in specific areas of activity	N	Romania 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	Romania has not made use of this derogation.
					Work shall continue to be prohibited between midnight and 4 a.m.	N	Romania has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		paragraph 1 (b).					
		Article 9 (2) b second indent 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.	N	Romania has not made use of this derogation.	Objective grounds for so doing	N	Romania has not made use of this derogation.
				and provided that adolescents are allowed suitable compensatory rest time	N	Romania has not made use of this derogation.	
			and that the objectives set out in Article 1 are not called into question:	N	Romania 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	Romania 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	N	Romania 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	Romania has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		police; (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	Romania has not made use of this derogation.	Work is of a temporary nature and must be performed immediately	N	Romania has not made use of this derogation.
					Adult workers are not available	N	Romania has not made use of this derogation.
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	N	Romania 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	N	Romania 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	Romania has not made use of this derogation.
					Member States may provide for systems of individual authorisations.	N	Romania has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		intended to eliminate 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.			The competent authority shall request the employer to submit the information listed in Article 9.3.	N	Romania has not made use of 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,	N	Vibration GD included such derogations in the past, but the form currently in force does not regulate anymore such derogations.	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	Romania 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	Romania has not made use of this derogation.
	Art. 10.2	Derogation from the obligation to comply	N	Vibration GD included such derogations in the	The exposure value averaged over 40 hours	N	Romania has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		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		past, but the form currently in force does not regulate anymore such derogations.	must be less than the exposure limit value and		
					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	Romania 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	Romania 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 protectors	Y	Art. 34 (1) of the Noise GD exactly reflects the derogation laid down in Art. 11.1 of the Directive.	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.	Y	Art. 34 (3) of the Noise GD accurately reflects the conditions laid down in Art. 11.2 of the Directive regarding risk minimization and increased health surveillance.
					Review every four years and withdrawn as soon as the justifying circumstances no longer obtain.	Y	Art. 34 (4) of the Noise GD accurately reflects the conditions laid down in Art. 11.2 of the Directive regarding the review every four years and withdrawn as soon as the justifying circumstances no longer obtain.

<i>Directive</i>	<i>Article</i>	<i>Use of derogation</i>	<i>Y/N</i>	<i>Explanation</i>	<i>Conditions reflected</i>	<i>Y/N</i>	<i>Explanation</i>
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.	Y	Art. 13 (3) of the Electromagnetic fields GD exactly reflects the derogation laid down in Art. 4.6 of the Directive.			

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.

An initial assessment of compliance with CPMs has been very difficult as the national reports drafted by the Romanian labour inspection and the National Implementation Report do not include any specific indicators or percentages on the degree of compliance, and no additional information on the range or the degree of compliance could be obtained from other studies or from stakeholder interviews. The percentages presented below have therefore been solely estimated by the Romanian expert, author of this report, merely based on her own expert knowledge.

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).⁴⁵ 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 organisations with high standards or good procedures in place and therefore represent a self-selected sample of 'good examples'."⁴⁶

Based on the general information provided within the National Implementation Report for Romania for each analysed Directive, it appears that large undertakings have a higher degree of compliance in

⁴⁵ EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

⁴⁶ EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013

the OSH field as opposed to SMEs, which can probably be explained by the larger financial possibilities as well as OSH traditions of larger enterprises - especially if these are backed up by foreign investors.

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	<p>% of establishments which perform regular⁴⁷ risk assessment</p> <p>% of establishments that carry out risk management activities resulting from the risk assessment</p>	3 (51%)	<p>The percentage given here is an assessment of the expert. The assessment was made on the basis of the limited information available in the annual reports from the Labour Inspection over the period 2007-2012⁴⁸ indicating the number of infringements resulting in legal action⁴⁹, the National Implementation Report for Romania and ESENER1⁵⁰. Given the complete absence of specific details on the controls carried in the OSH field and the results of the controls differentiated on the basis of the main legal provisions implementing the framework directive as well as some of the individual directives, since the centralization of such data appears to be very cumbersome⁵¹ and the results would remain relative⁵², the assessment reflects an overall appreciation of the estimated range of compliance.</p>	<p>Based on the general information provided within the National Implementation Report for Romania for each analysed Directive, it appears that large undertakings have a higher degree of compliance in the OSH field as opposed to SMEs, which can be probably explained due to larger financial possibilities as well as OSH tradition especially if it is the case of a foreign investor in Romania.⁵³</p>

⁴⁷ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

⁴⁸ *Inspectia Muncii, Raport de activitate a Inspeciei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>

⁴⁹ Please refer in this respect to Mapping question 5: enforcement, Enforcement actions section.

⁵⁰ Data only available for the period covered by the ESENER Survey 2009. The ESENER1 survey (question MM161) suggests that most of the workplaces (92.24%) are regularly checked for health and safety as part of a risk assessment or similar measure.

⁵¹ Conclusion based on interviews with public authorities, having indicated that there are insufficient technical and financial resources enabling the consolidation of the entire relevant data resulting from the OSH controls at national level.

⁵² Conclusion based on interviews with public authorities, having indicated that it is very difficult to make a general assessment in terms of compliance in the OSH field based solely on the results of the inspections carried out at national level, bearing in mind that Romania does not have a legal framework regulating a reporting system whereby employers would be required to report to the labour authorities their status as regards compliance with particular OSH requirements.

⁵³ National Implementation Report 2013

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																				
		According to ESENER1 data: 92.24% of workplaces are regularly checked for health and safety as part of RA	The ESENER1 survey suggests that most of the workplaces (92.24%) are regularly checked for health and safety as part of a risk assessment or similar measure.	<p>The ESENER1 survey⁵⁴ shows the following differences according to enterprise size and sectors:</p> <p>Company Size</p> <table border="1"> <thead> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 employees</td> <td>91.09 %</td> </tr> <tr> <td>20 to 49 employees</td> <td>91.56 %</td> </tr> <tr> <td>50 to 249 employees</td> <td>96.57 %</td> </tr> <tr> <td>250 to 499 employees</td> <td>100 %</td> </tr> <tr> <td>500 or more employees</td> <td>100 %</td> </tr> </tbody> </table> <p>Sector Type</p> <table border="1"> <thead> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production sector</td> <td>97.74 %</td> </tr> <tr> <td>Private Services</td> <td>91.09 %</td> </tr> <tr> <td>Public Services</td> <td>84.82 %</td> </tr> </tbody> </table>	Yes	No	10 to 19 employees	91.09 %	20 to 49 employees	91.56 %	50 to 249 employees	96.57 %	250 to 499 employees	100 %	500 or more employees	100 %	Yes	No	Production sector	97.74 %	Private Services	91.09 %	Public Services	84.82 %
Yes	No																							
10 to 19 employees	91.09 %																							
20 to 49 employees	91.56 %																							
50 to 249 employees	96.57 %																							
250 to 499 employees	100 %																							
500 or more employees	100 %																							
Yes	No																							
Production sector	97.74 %																							
Private Services	91.09 %																							
Public Services	84.82 %																							
Ensuring protective and preventive	% of establishments having ensured	3	idem	idem																				

⁵⁴ ESENER1, question MM161

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
services	protective and preventive services	(51%) According to ESENER1: 16.28% – 86.97%	ESENER1 2009 asks about different forms of service ⁵⁵ . Occupational Health Physician, 86.97%; Safety specialist, 67.34%; Psychologist 28.91%; Ergonomist, 16.28%; Health & Safety Consultant, 61.6%.	Data based on company size showed a general trend for greater usage in larger companies with the exception of ergonomics expert and a general health and safety consultancy specialties which had usage as more or less equal across company sizes. For sectors there was a general decreasing pattern of less use of each specialty- (Production, Private services and Public services sectors, respectively). Exceptions to this trend were seen with the psychologist and ergonomics expert specialties where usage was generally the same across sectors.
Information for workers	% of establishment which provide information to workers	3 (51%)	idem	idem
Training of workers	% of establishment which provide training	3	idem	idem

⁵⁵ <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															
	to workers	(52%)																	
Making available health surveillance	% of establishments which provide health surveillance to workers	3 (51%)	Idem	Idem															
		According to ESENER1 data: health of workers is monitored in 93.27% of the workplaces	The ESENER1 survey suggests that the health of workers is monitored in most of the workplaces (93.27%).	The ESENER survey ⁵⁶ shows the following differences according to enterprise size and sectors: <table border="1"> <thead> <tr> <th>Company Size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 employees</td> <td>91.92 %</td> <td>8.08 %</td> </tr> <tr> <td>20 to 49 employees</td> <td>94.17 %</td> <td>5.83 %</td> </tr> <tr> <td>50 to 249 employees</td> <td>95.54 %</td> <td>4.46 %</td> </tr> <tr> <td>250 to 499 employees</td> <td>100 %</td> <td></td> </tr> </tbody> </table>	Company Size	Yes	No	10 to 19 employees	91.92 %	8.08 %	20 to 49 employees	94.17 %	5.83 %	50 to 249 employees	95.54 %	4.46 %	250 to 499 employees	100 %	
Company Size	Yes	No																	
10 to 19 employees	91.92 %	8.08 %																	
20 to 49 employees	94.17 %	5.83 %																	
50 to 249 employees	95.54 %	4.46 %																	
250 to 499 employees	100 %																		

⁵⁶ ESENER1, question MM154

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
				% 500 or more employees 98.57 % 1.43 % Sector Type Yes No Production sector 96.05 % 3.95% Private Services 94.07 % 5.93 % Public Services 86.79 % 13.21 %
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	3 (51%) According to ESENER1 data: 17.48% -68.28% ⁵⁷ have some form of representation/consultation	idem ESENER1 2009 asked separately about different forms of consultation. ⁵⁸ 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. - Trade union representative – 17.48% (production sector: 13.64%; private services: 8.27%; public services: 42.42%) - Health and safety representative: 68.28% (production sector: 65.23%; private services: 56.79%; public services: 54.25%) - Health and safety committee: 35.34% (production	idem The data showed an increasing trend for all questions with company size. Overall, the production sector was more likely to have each of the forms of consultation/representation except in the case of a workplace trade union representative, where the Public sector was significantly higher at 42.42%.

⁵⁷ Values as reported by ESENER MM 351-355-358.

⁵⁸ 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
			sector: 42.43%; private services: 29.28%; public services: 34.77%	

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 ⁵⁹ 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 provide information to workers	No data available			
Training of workers	% of establishment which provide training to workers	No data available			
Making available	% of establishments	No data available			

⁵⁹ 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
health surveillance	which provide health surveillance to workers				
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
Directive 89/391/EEC (Framework Directive)	All	3 (40%)	The assessment was made on the basis of the annual reports from the Labour Inspection over the period 2007-2012 ⁶⁰ indicating the number of infringements resulting in legal action ⁶¹ as well as on the basis of the general information provided within the National Implementation Report for Romania for each analysed Directive.	Based on the general information provided within the National Implementation Report for Romania for each analysed Directive, it appears that large undertakings have a higher degree of compliance in the OSH field as opposed to SMEs, which can be probably explained due to larger financial possibilities as well as OSH tradition

⁶⁰ *Inspectia Muncii, Raport de activitate a Inspectiei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>

⁶¹ Please refer in this respect to Mapping question 5: enforcement, Enforcement actions section.

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
				especially if it is the case of a foreign investor in Romania. ⁶²
Council Directive 89/654/EEC (workplace)	All	3 (60%)	idem	idem
Directive 2009/104/EC (work equipment)	All	3 (55%)	idem	idem
Council Directive 89/656/EEC (PPE)	All	3 (60%)	idem	idem
Council Directive 92/58/EEC (OSH signs)	All	3 (60%)	idem	idem
Directive 1999/92/EC (ATEX)	All	3 (40%)	idem	idem
Council Directive 90/269/EEC (manual handling of loads)	All	3 (50%)	idem	idem
Council Directive 90/270/EEC (display screen equipment)	All	3 (65%)	idem	idem
Directive 2002/44/EC (vibration)	All	4 (65%)	idem	idem
Directive 2003/10/EC (noise)	All	3 (55%)	idem	idem
Directive 2004/40/EC (electromagnetic fields)	All	3 (60%)	idem	idem

⁶² National Implementation Report 2013

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
Directive 2006/25/EC (artificial optical radiation)	All	3 (45%)	idem	idem
Directive 2004/37/EC (carcinogens or mutagens)	All	3 (40%)	idem	idem
Council Directive 98/24/EC (chemical agents at work)	All	3 (45%)	idem	idem
Directive 2009/148/EC (asbestos)	All	3 (55%)	idem	idem
Directive 2000/54/EC (biological agents)	All	3 (40%)	idem	idem
Council Directive 92/57/EEC (temporary or mobile construction sites)	All	3 (45%)	idem	idem
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	All	4 (65%)	idem	idem
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	All	3 (45%)	idem	idem
Council Directive 92/29/EEC (medical treatment on board vessels)	All	3 (50%)	idem	idem
Council Directive 93/103/EC (work on board fishing vessels)	All	3 (50%)	idem	idem

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
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	All	3 (60%)	idem	idem
Council Directive 91/383/EEC (temporary workers)	All	3 (40%)	idem	idem
Council Directive 94/33/EC (young people at work)	All	3 (40%)	idem	idem

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.

In Romania, undertakings do not follow a systematic approach to compliance. Compliance with OSH requirements appears to be rather high in specific sectors of activity, such as the energy sector, mining, chemistry-petro-chemistry and aviation while a significant lower degree of compliance can be noted for SMEs and hospitals. On the other hand, the authorities having competences in the OSH field appear to have adopted a systematic approach consisting in the organization of information campaigns, research studies, providing technical assistance support and control campaigns aimed at increasing awareness of the undertakings in relation with their obligations in the OSH field. The criteria upon which priorities for compliance measures are set mainly reflect European initiatives.

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

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>Undertakings in Romania have generally engaged in processes aimed at observing OSH requirements. However, this approach is not systematic amongst undertakings.</p> <p>On the other hand, the authorities having competences in the OSH field appear to have adopted a systematic approach consisting in the organization of information campaigns, research studies, providing technical assistance support and control campaigns aimed at increasing awareness of the undertakings in relation with their obligations in the OSH field⁶³.</p>	<p>Stakeholders have indicated that OSH requirements are generally observed by big undertakings, which have in the first place the financial resources to implement a responsible OSH management system, as opposed to small undertakings which are generally overwhelmed by the financial burden in this respect⁶⁴.</p> <p>Moreover, stakeholders have mentioned that compliance with OSH requirements in the public system (particularly hospitals) is rather poor considering the insufficient funds, while compliance with OSH requirements appears to be rather high in specific sectors of activity, such as the energy sector, mining, chemistry-petro-chemistry and aviation⁶⁵.</p>
<p>What are the key characteristics of the approach?</p>	<p>The majority of the efforts conducted by undertakings were concentrated primarily on acquiring specialised training for dedicated OSH personnel or contracting specialized service providers for prevention and protection activities⁶⁶.</p> <p>In what concerns investments for adapting the work and protection equipment, efforts were made but they were subjected to financial constraints imposed by the financial crisis⁶⁷.</p> <p>Most of the undertakings belonging to international holdings and the export sector have acquired OHSAS 18001⁶⁸.</p>	<p>/</p>
<p>What are the criteria upon which priorities for compliance measures</p>	<p>Authorities in the OSH field generally set priorities for compliance measures in accordance with the European strategies.</p>	<p>The programs and campaigns organized in view of disseminating information on OSH matters have targeted mainly SMEs.</p>

⁶³ See also National Implementation Report 2013, Part A, Section I-II, (EN) p. 6, 95-106

⁶⁴ Conclusion based on interviews with public authorities, OSH research institutes, OSH experts, representatives of workers and representatives of employers.

⁶⁵ Conclusion based on interviews with public authorities, OSH research institutes, OSH experts, representatives of workers and representatives of employers.

⁶⁶ Conclusion based on interviews with public authorities.

⁶⁷ Conclusion based on interviews with public authorities.

⁶⁸ Conclusion based on interviews with public authorities.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
are set?	The programs and campaigns aimed at increasing awareness in the OSH field are organized on the basis of specific needs of the market determined on the basis of the results of controls performed in the OSH area.	
Are stakeholders (workers and their representatives) involved in the forming of the compliance approach and its further development?	In general, workers (including trade unions) are involved in the forming of the compliance approach and its further development ⁶⁹ .	/

⁶⁹ Conclusion based on interviews with public authorities and representatives of workers.

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.

In Romania, there is a wide variety of accompanying actions available to help stakeholders comply with the various OSH requirements, mainly consisting in guidance documents and awareness raising campaigns. In addition, a number of OSH online databases are available to the public with regard to the Framework Directive. However, no accompanying actions could be identified in relation to Directives 2004/40/EC (electromagnetic fields), 2006/25/EC (artificial optical radiation), 92/91/EEC (mineral-extracting industries through drilling), 92/29/EEC (medical treatment on board vessels), (work on board fishing vessels), 92/85/EEC (pregnant/breastfeeding workers), and 91/383/EEC (temporary workers). It is remarkable that no special action is dedicated to the vulnerable group of temporary workers and pregnant/breastfeeding workers.

The Romanian social partners consider that undertakings do not really rely on the existing accompanying actions while authorities are of the view that the awareness of undertakings on these kind of actions is rather high.

Stakeholders are especially asking for accompanying actions which would deliver more precision and accessibility with regard to the OSH legal requirements and which would be dedicated to SMEs and other specific sectors.

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)

- The Focal Point for Romania of the European Agency for Health and Safety at Work has created an online platform gathering and making available general information related to OSH. The platform contains links to Romanian and European legislation and guidance documents which can be consulted online by accessing <http://www.protectiamuncii.ro/ro> as well as specific OSH information for SMEs by accessing <http://imm.protectiamuncii.ro/>.
- The Labour Inspection has published a series of various OSH guides and best practices on its website <http://www.inspectmun.ro/site/Legislatie/legislatie.html>. Also, the Labour Inspection has created a dedicated platform for OSH matters in SMEs with several guides and guidance documents in this respect which can be accessed at <http://inspectiamuncii.ro/ssmimm/>.
- The National Institute for Research and Development on Protection at Work "Alexandru Darabont" has conducted a series of studies in the OSH field and has published several guides

and guidance documents in this respect which can be accessed at <http://www.inpm.ro/ro/oferta-noastra/publicatii/publicatii.html>. The Institute has also developed, in collaboration with the Romanian Chamber of Commerce on health and safety in HORECA and construction fields, which are available at <http://ssm-competitivitate.inpm.ro/>.

- The National Institute of Public Health – National Centre for the Monitoring of the risks in the Community Environment has conducted a series of studies in the OSH field and has published several guides and guidance documents in this respect which can be accessed at <http://www.insp.gov.ro/cnmrmc/>.
- The National Research and Development Institute for Mine Safety and Protection from Explosion has conducted a series of studies in the OSH field and has published several guides and guidance documents in this respect which can be accessed at <http://www.insemex.ro/ceex.html>
- *GHID DE EVALUARE A RISCURILOR* (Risks assessment guide), guideline prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007 (the guideline is available on-line at <http://inspectiamuncii.ro/ssmimm/linkuri/GhidDe%20EvaluareARiscului.pdf>)
- *METODOLOGIE DE ELABORARE A INSTRUCIUNILOR PROPRII DE SECURITATE SI SANATATE IN MUNCA LA NIVELUL AGENTILOR ECONOMICI* (Methodology for the elaboration of internal health and safety instructions by the economic undertakings), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012⁷⁰(the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-01-metodologia.pdf>)
- *STUDIU PRIVIND ELABORAREA CERINTELOR SI A COMPETENTELOR NECESARE PENTRU FORMAREA LUCRATORILOR CU ATRIBUTII IN DOMENIUL SSM* (Study on the elaboration of necessary requirements and competencies for the training of workers having OSH attributions), study prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the study is available on-line at <http://www.inpm.ro/files/publicatii/2013-13-studiu.pdf>)
- *GHID PRIVIND EVALUAREA SI PREVENIREA EXPUNERII LUCRATORILOR LA RISCURI PSIHOSOCIALE* (Guide on the evaluation and prevention of exposing workers at psychosocial risks), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-02-ghid.pdf>)
- General information materials on OSH MANAGEMENT prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the working environment, first aid, circulation and PPE (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1a.html>)
- General information materials on PSYCHOSOCIAL RISKS prepared by the Romanian Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007, the materials include presentations, brochures and best practices on psychosocial risks at work (information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1h.html>)

⁷⁰ Approved by Ministerial Order no. 668/2008.

Directive 89/654/EEC (workplace)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND LOCURILE DE MUNCA* (Occupational health and safety guide regarding workplaces), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.03-ghid-t.pdf>)
- *GHID PRIVIND EVALUAREA ŞI PREVENIREA EXPUNERII LUCRĂTORILOR LA RISCURI PSIHOSOCIALE* (Guide on the evaluation and prevention of exposing workers at psychosocial risks), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-02-ghid.pdf>)
- General information materials on OSH MANAGEMENT prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the working environment, first aid, circulation and PPE (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1a.html>)
- General information materials on PSYCHOSOCIAL RISKS prepared by the Romanian Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007, the materials include presentations, brochures and best practices on psychosocial risks at work (information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1h.html>)

Directive 2009/104/EC (work equipment)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND UTILIZAREA ECHIPAMENTELOR DE MUNCĂ* (Occupational Health and Safety guide regarding the use of work equipment), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.01-ghid-t.pdf>)
- *GHID PRIVIND EVALUAREA SI PREVENIREA RISCURILOR ELECTRICE* (Guide regarding the evaluation and prevention of electric risks), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-06-ghid.pdf>)

Directive 89/656/EEC (PPE)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND UTILIZAREA EIP* (Occupational health and safety guide regarding the use of personal protective equipment by the employees), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.02-ghid.pdf>)
- *GHID PRIVIND EVALUAREA ASPECTELOR DE SECURITATE ÎN VEDEREA ALEGERII ŞI UTILIZĂRII EIP* (Guide regarding the assessment of safety aspects in selecting and using personal protective equipment at work), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-03.3-ghid.pdf>)

- *GHID NAȚIONAL PRIVIND CERINȚELE ESENȚIALE DE SECURITATE ȘI SĂNĂȚATE DIN DOMENIUL EIP* (National guide regarding essential health and safety requirements in the area of personal protective equipment at work), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-03.5-ghid.pdf>)
- *GHID DE APLICARE A DIRECTIVEI EIP* (Guidelines for the application of the PPE Directive), Romanian translation drafted by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" of the PPE Guidelines prepared in 2008 by the relevant services of the Directorate General - Enterprise and Industry of the European Commission (the guidelines are available at http://www.mmsf.ro/pub/imagemanager/images/file/Domenii/Sanatate%20si%20securitate%20in%20munca/050109Ghid_EIP_2008.pdf); the Romanian translation of the PPE Guidelines version 2010 is currently ongoing
- *LISTA STANDARDE EUROPENE ARMONIZATE COMUNICATE DE COMISIA EUROPEANA PENTRU APLICAREA DIRECTIVEI CONSILIULUI 89/686/CEE PRIVIND ARMONIZAREA LEGISLATIEI STATELOR MEMBRE REFERITOARE LA ECHIPAMENT INDIVIDUAL DE PROTECTIE SI CORESPONDENTA ACESTORA CU STANDARDELE ROMANE CARE LE ADOPTA* (*List of harmonized European standards communicated by the European Commission for the application of the Directive 89/686/CEE and their correspondence with the Romanian standards for adoption*), guideline prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" (available online at <http://www.inpm.ro/files/publicatii/2013-03.6-lista.pdf>)
- *DEZVOLTAREA INFRASTRUCTURII ACTIVITATII DE EVALUARE A CONFORMITATII, IN DOMENIUL MASINILOR SI EIP, CONFORM PREVEDERILOR DIRECTIVELOR 2006/42/CE SI 89/686/CEE* (Development of the infrastructure for the conformity assessment in the field of machines and PPE, according to Directives 2006/42/CE and 89/686/CEE), study prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont", not available online
- General information materials on OSH MANAGEMENT prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the working environment, first aid, circulation and PPE (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1a.html>)
- Guidance documentation (information notes, guides, brochures) on PPE in specific industries (i.e., HORECA, Constructions) which include best practices in applying the Romanian legislation harmonized with the provisions of the PPE Directive, examples of specific PPE, aspects regarding the European conformity labels for different groups of PPE; the documentation was prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Strategic Project "Health and safety at work: a premise for being competitive" developed on the basis of the Sector Plan Development of Human Resources 2007-2013 (information available online at <http://ssm-competitivitate.inpm.ro/>)
- *CONFORMITATEA CU STANDARDELE EUROPENE ARMONIZATE – MIJLOC DE REALIZARE SI SELECTIONARE A ECHIPAMENTELOR INDIVIDUALE DE PROTECTIE ADECVATE PENTRU MEDII CU TEMPERATURE RIDICATE* (Complying with the harmonized European standards - a means to manufacture and select individual protection equipments that are adequate to high temperatures environments), article prepared by Mrs. Virginia HENȚULESCU - researcher within the National Institute for Research and Development on Protection at Work "Alexandru Darabont" (the article is available on-line at <http://www.protectiamuncii.ro/ro/topics/prevenirea-accidentelor/conformitatea-cu-standardele-europene-armonizate-2013-mijloc-de-realizare-si-selectionare-a-echipamentelor->

Directive 92/58/EEC (OSH signs)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND SEMNALIZAREA DE SECURITATE SI SANATATE LA LOCUL DE MUNCA* (Guide regarding occupational health and safety signs), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.09-ghid-t.pdf>)
- Guidance documentation (information notes, guides, brochures) on PPE in specific industries (i.e., HORECA, Constructions) which include best practices in applying the Romanian legislation harmonized with the provisions of the PPE Directive, including specific OHS signs; the documentation was prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Strategic Project "Health and safety at work: a premise for being competitive" developed on the basis of the Sector Plan Development of Human Resources 2007-2013 (information available online at <http://ssm-competitivitate.inpm.ro/>)

Directive 1999/92/EC (ATEX)

- *GHID DE BUNE PRACTICI FARA CARACTER OBLIGATORIU. DIRECTIVA 1999/92/CE – MEDII EXPLOZIVE* (Non-compulsory reference book of good practices related to Directive 1992/92/EC - ATEX), material prepared in 2005 by the Labour Inspection based on the European Commission's documentation (the material is available on-line at <http://inspectiamuncii.ro/ssmimm/linkuri/GhidBunePracticiMaterialeExplozive.pdf>)
- Studies prepared by the National Research and Development Institute for Mine Safety and Protection from Explosion on the basis of the project carried between 2007-2012 "Development of the national capacity to evaluate, prevented limit the risks caused by industrial applications carried in environments with explosion risk and/or toxicity in the field of health and safety at work, environment protection, mineral and material resources"(studies available online at <http://www.insemex.ro/nucleu.html>)

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

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND MANIPULAREA MANUALA A MASELOR* (Occupational health and safety guide regarding manual handling of loads), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012(the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.05-ghid-t.pdf>)
- General information materials on MANUAL HANDLING OF LOADS prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the manual handling and ergonomic principles (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1c.html>)

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

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND ECRANELE DE VIZUALIZARE* (Occupational health and safety guide regarding display screen equipment), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012(the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.08-ghid-t.pdf>)

Directive 2002/44/EC (vibration)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND VIBRATIILE MECANICE* (Occupational health and safety guide regarding mechanic vibrations), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012(the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.07-ghid.pdf>)
- *GHID DE EVALUARE A RISCURILOR* (Risks assessment guide), guideline prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the guides includes examples of best European practices to limit the worker's exposure to vibrations (the guideline is available on-line at <http://inspectiamuncii.ro/ssmimm/linkuri/GhidDe%20EvaluareARiscului.pdf>)
- general information materials on VIBRATIONS prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on vibrations at work (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1e.html>)
- *VIBRATII. FACTORI DE RISC PENTRU SECURITATE, SANATATE SI CONFORT* (Vibrations. Risk factors for security, health and comfort), article prepared by Mr. Silviu Nicolae Platon, - researcher within the National Institute for Research and Development on Protection at Work "Alexandru Darabont" (the article is available on-line at <http://www.protectiamuncii.ro/ro/topics/zgomot/vibratii.-factor-de-risc-pentru-securitate-sanatate-si-confort>)

Directive 2003/10/EC (noise)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LUCRATORI LA ZGOMOT* (Occupational health and safety guide regarding the noise exposure of employees), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012(the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.06-ghid.pdf>)
- *GHID DE EVALUARE A RISCURILOR* (Risks assessment guide), guideline prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the guides includes a check-up list to identify dangerous noise (the guideline is available on-line at <http://inspectiamuncii.ro/ssmimm/linkuri/GhidDe%20EvaluareARiscului.pdf>)
- General information materials on NOISE prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on noise at work (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1d.html>)
- *COMBATEREA ZGOMOTULUI IN INDUSTRIA EXTRACTIVA SI DE PRELUCRARE A HIDROCARBURILOR MARINE* (Noise control in offshore hydrocarbons and processing industry), article prepared by Silviu Nicolae Platon - researcher within the National Institute for Research and Development on Protection at Work "Alexandru Darabont" (the article is available on-line at <http://www.protectiamuncii.ro/ro/topics/zgomot/combaterea-zgomotului-in-industria-extractiva-si-de-prelucrare-a-hidrocarburilor-marine>)

Directive 2004/37/EC (carcinogens or mutagens)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AGENTI CANCERIGENI SI MUTAGENI* (Occupational health and safety guide regarding carcinogens and mutagens exposure), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.12-ghid-t.pdf>)
- *GHID DE SECURITATE ŞI SĂNĂTATE ÎN MUNCĂ PRIVIND UTILIZAREA VALORILOR LIMITĂ DE EXPUNERE PROFESIONALĂ PENTRU AGENŢI CHIMICI, CANCERIGENI ŞI MUTAGENI* (Occupational health and safety guide regarding the exposure limit rate of carcinogens, mutagens and chemical agents) guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05-ghid.pdf>)
- *GHID METODOLOGIC PENTRU PREVENIREA RISCURILOR LEGATE DE EXPUNEREA LA AGENTI CANCERIGENI, MUTAGENI SI TOXICI PENTRU REPRODUCERE* (Guide for the prevention of the risks related to exposure to carcinogens, mutagens and toxic agents for reproduction), guide prepared by the Labour Inspection in 2012 (guide available on-line at http://inspectiamuncii.ro/ssmimm/linkuri/GhidCMR_2012.pdf)
- Database on the substitution of carcinogens and mutagens with less dangerous chemical agents created on the basis of the research conducted by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (available online at <http://substitutie.ro/pagina/view/rezultate>)

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

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AGENTI CHIMICI* (Occupational health and safety reference book regarding chemical factors exposure), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.11-ghid-t.pdf>)
- *GHID DE SECURITATE ŞI SĂNĂTATE ÎN MUNCĂ PRIVIND UTILIZAREA VALORILOR LIMITĂ DE EXPUNERE PROFESIONALĂ PENTRU AGENŢI CHIMICI, CANCERIGENI ŞI MUTAGENI* (Occupational health and safety guide regarding the exposure limit rate of carcinogens, mutagens and chemical agents) guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05-ghid.pdf>)
- *GHID PRIVIND ASPECTE GENERALE DE TOXICOLOGIE INDUSTRIALA -METODE DE ANALIZA UTILIZATE IN TOXICOLOGIA INDUSTRIALA* (Guide on general aspects of industrial toxicology – Analysis methods used in industrial toxicology), guide prepared in 2013 by the National Institute of Public Health (available at http://www.insp.gov.ro/cnmrmc/pdf/GHID_MUNCA.pdf)
- General information materials on CHEMICAL AGENTS prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the use of chemical agents, coat industry, gas dust etc. (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1b.html>)

Directive 2009/148/EC (asbestos)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AZBEST* (Occupational health and safety guide regarding asbestos exposure), Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.13-ghid-t.pdf>)
- *GHID DE SUPRAVEGHERE A RISCULUI DE EXPUNERE PROFESIONALA LA AZBEST* (Supervision guide on the professional exposure risk to asbestos), material prepared in 2012 by the National Institute of Public Health (available on-line at http://www.insp.gov.ro/cnmrmc/pdf/ghid_azbest.pdf)
- General information materials on CHEMICAL AGENTS prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the use of chemical agents, including the risks related to asbestos - general guidelines, guidelines for the labour inspector, guidelines for the employer and guidelines for the worker (the information is available on-line at <http://www.inspectiamuncii.ro/ssmimm/p1bMateriale.html>)

Directive 2000/54/EC (biological agents)

- *GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AGENTI BIOLOGICI* (Occupational health and safety guide regarding biological factors exposure), Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 (the guide is available on-line at <http://www.inpm.ro/files/publicatii/2013-05.10-ghid-t.pdf>)
- General information materials on BIOLOGICAL AGENTS prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices on the use of biological agents at work (the information is available on-line <http://www.inspectiamuncii.ro/ssmimm/p1g.html>)

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

- *GHID DE SECURITATE SI SANATATE IN MUNCA IN SECTORUL CONSTRUCTII* (Guide on health and safety at work in the construction sector), the guide was prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012, (available online at <http://www.inpm.ro/files/publicatii/2013-05.04-ghid-t.pdf>)
- General information materials on CONSTRUCTION SITES prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007; the materials include presentations, brochures and best practices related to OSH on construction sites (the information is available on-line <http://www.inspectiamuncii.ro/ssmimm/p1g.html>)
- Romanian translations of the SLIC report in construction field (2004) as well as of the Best practices Guide in the construction field elaborated with the support of the European Agency for Health and safety at work (March 2010), available online at <http://www.inspectmun.ro/site/Legislatie/legislatie.html> and http://imm.protectiamuncii.ro/construction.htm#bmk_yawc_11

Directive 92/104/EEC (surface and underground mineral-extracting industries)

- Studies prepared by the National Research and Development Institute for Mine Safety and

Protection from Explosion on the basis of the project carried between 2007-2012 "Development of the national capacity to evaluate, prevented limit the risks caused by industrial applications carried in environments with explosion risk and/or toxicity in the field of health and safety at work, environment protection, mineral and material resources" (studies available online at <http://www.insemex.ro/nucleu.html>)

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

- General information materials on the protection of young people were prepared by the Focal Point for Romania of the European Agency for Health and Safety at Work and are available at <http://startsigur.protectiamuncii.ro/campaignmaterials.htm>.
- *GHIDUL PRACTIC PENTRU MONITORIZAREA COPIILOR EXPLOATAȚI ȘI LA RISC DE EXPLOATARE PRIN MUNCĂ* (Practical guide for the monitoring of exploited children or children exposed to the risk of being exploited by work), material prepared on the basis of the International Program for eliminating children's work carried by ILO-IPEC in Romania during 2004-2007, (available at http://www.copii.ro/files2/52_Ghid_practic_monitorizarea_muncii_copilului.pdf)
- *BUNE PRACTICI ÎN PREVENIREA ȘI COMBATEREAEXPLOATĂRII COPIILOR PRIN MUNCĂ* (Best practices for preventing and fighting against child exploitation by work), informative material prepared on the basis of the sub-regional project of the ILO, PROTECTCEE, available online at <http://www.copii.ro/publicatie2815.html?id=80>
- *COD DE CONDUITĂ ÎMPOTRIVA EXPLOATĂRII PRIN MUNCĂ A COPIILOR ȘI TINERILOR ÎN CONSTRUCȚII* (Code of Conduct against exploitation by work of children and young people in the construction field), code elaborated in 2009 by the Ministry of Labour, available online at http://www.copii.ro/Files/Cod%20de%20conduita_20095264335921.pdf
- Information notice regarding the hiring of children in constructions, information elaborated by the National Authority for the Protection of Child's Rights, available online at <http://www.copii.ro/Files/Informatii%20privind%20angajarea%20copiilor%20in%20construc.pdf>

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)			
OSH online database of the European Agency for Health and Safety at Work - Focal Point for Romania	IT	A	Public, in particular employers and workers
OSH online database of the Labour Inspection	IT	A (2006-2007)	Public, in particular employers and workers
OSH online database of the National Institute for Research and Development on Protection at Work "Alexandru Darabont"	IT	A	Public, in particular employers, workers and researchers
OSH online database of the National Institute of Public Health – National Centre for the Monitoring of the risks in the	IT	A	Public, in particular employers and workers

Name	Type	Initiated by (and date)	Target groups
Community Environment			
OSH online database of the National Research and Development Institute for Mine Safety and Protection from Explosion	IT	A	Public, in particular employers, workers and researchers
Risks assessment guide	G	A (2006-2007)	Public, in particular employers and workers
Methodology for the elaboration of internal health and safety instructions by the economic undertakings	G	A (2013)	Public, in particular employers, workers and researchers
Study on the elaboration of necessary requirements and competencies for the training of workers having OSH attributions	G	A (2013)	Public, in particular employers, workers and researchers
Guide on the evaluation and prevention of exposing workers at psychosocial risks	G	A (2013)	Public, in particular employers, workers and researchers
OSH MANAGEMENT	AR	A (2006-2007)	Public, in particular employers and workers
PSYCHOSOCIAL RISKS	AR	A (2006-2007)	Public, in particular employers and workers
Council Directive 89/654/EEC (workplace)			
Occupational health and safety guide regarding workplaces	G	A (2013)	Public, in particular employers, workers and researchers
Guide on the evaluation and prevention of exposing workers at psychosocial risks	G	A (2013)	Public, in particular employers, workers and researchers
OSH MANAGEMENT	AR	A (2006-2007)	Public, in particular employers and workers
PSYCHOSOCIAL RISKS	AR	A (2006-2007)	Public, in particular employers and workers
Directive 2009/104/EC (work equipment)			
Occupational Health and Safety guide regarding the use of work equipment	G	A (2013)	Public, in particular employers, workers and researchers
Guide regarding the evaluation and prevention of electric risks	G	A (2013)	Public, in particular employers, workers and researchers
Council Directive 89/656/EEC (PPE)			
Occupational health and safety guide regarding the use of personal protective equipment by the workers	G	A (2013)	Public, in particular employers, workers and researchers
Guide regarding the assessment of safety aspects in selecting and using personal protective equipment at work	G	A (2013)	Public, in particular employers, workers and researchers
National guide regarding essential health and safety requirements in the area of personal protective equipment at work	G	A	Public, in particular employers, workers and researchers
Guidelines for the application of the PPE Directive	G	A (2010)	Public, in particular employers, workers and researchers
List of harmonized European standards communicated by the European Commission for the application of the Directive 89/686/CEE and their correspondence with the Romanian standards for adoption	G	A	Public, in particular employers, workers and researchers
Development of the infrastructure for the conformity assessment in the field of machines and PPE, according to Directives	G	A	Public, in particular employers, workers and researchers

Name	Type	Initiated by (and date)	Target groups
2006/42/CE and 89/686/CEE			
OSH MANAGEMENT	AR	A (2006-2007)	Public, in particular employers, workers
OSH guidance documentation on HORECA and Constructions industries	G	A (2007-2013)	Public, in particular employers, workers
Complying with the harmonized European standards - a means to manufacture and select individual protection equipment that are adequate to high temperature environments	ET	A	Public, in particular employers, workers and researchers
Council Directive 92/58/EEC (OSH signs)			
Guide regarding occupational health and safety signs	G	A	Public, in particular employers, workers and researchers
OSH guidance documentation on HORECA and Constructions industries	G	A (2007-2013)	Public, in particular employers, workers
Directive 1999/92/EC (ATEX)			
Non-compulsory reference book of good practices related to Directive 1992/92/EC - ATEX	G	A	Public, in particular employers, workers
OSH online database of the National Research and Development Institute for Mine Safety and Protection from Explosion	IT	A	Public, in particular employers, workers and researchers
Council Directive 90/269/EEC (manual handling of loads)			
Occupational health and safety guide regarding manual handling of loads	G	A (2013)	Public, in particular employers, workers and researchers
MANUAL HANDLING OF LOADS	AR	A (2006-2007)	Public, in particular employers and workers
Council Directive 90/270/EEC (display screen equipment)			
Occupational health and safety guide regarding display screen equipment	G	A (2013)	Public, in particular employers, workers and researchers
Directive 2002/44/EC (vibration)			
Occupational health and safety guide regarding mechanic vibrations	G	A (2013)	Public, in particular employers, workers and researchers
Risks assessment guide	G	A (2006-2007)	Public, in particular employers and workers
VIBRATIONS	AR	A (2006-2007)	Public, in particular employers and workers
Vibrations. Risk factors for security, health and comfort	ET	A	Public, in particular employers, workers and researchers
Directive 2003/10/EC (noise)			
Occupational health and safety guide regarding the noise exposure of workers	G	A (2013)	Public, in particular employers, workers and researchers
Risks assessment guide	G	A (2006-2007)	Public, in particular employers and workers
NOISE	AR	A (2006-2007)	Public, in particular employers and workers
Noise control in offshore hydrocarbons and processing industry	ET	A	Public, in particular employers, workers and researchers
Directive 2004/40/EC (electromagnetic fields)			
No specific accompanying action has been identified			
Directive 2006/25/EC (artificial optical radiation)			

Name	Type	Initiated by (and date)	Target groups
No specific accompanying action has been identified			
Directive 2004/37/EC (carcinogens or mutagens)			
Occupational health and safety guide regarding carcinogens and mutagens exposure	G	A (2013)	Public, in particular employers, workers and researchers
Occupational health and safety guide regarding the exposure limit rate of carcinogens, mutagens and chemical agents	G	A (2013)	Public, in particular employers, workers and researchers
Guide for the prevention of the risks related to exposure to carcinogens, mutagens and toxic agents for reproduction	G	A (2012)	Public, in particular employers, workers and researchers
Database on the substitution of carcinogens and mutagens with less dangerous chemical agents	IT	A	Public, in particular employers and workers
Council Directive 98/24/EC (chemical agents at work)			
Occupational health and safety reference book regarding chemical factors exposure	G	A (2013)	Public, in particular employers, workers and researchers
Occupational health and safety guide regarding the exposure limit rate of carcinogens, mutagens and chemical agents	G	A (2013)	Public, in particular employers, workers and researchers
Guide on general aspects of industrial toxicology – Analysis methods used in industrial toxicology	G	A (2013)	Public, in particular employers, workers and researchers
CHEMICAL AGENTS	AR	A (2006-2007)	Public, in particular employers and workers
Directive 2009/148/EC (asbestos)			
Occupational health and safety guide regarding asbestos exposure	G	A (2013)	Public, in particular employers, workers and researchers
Supervision guide on the professional exposure risk to asbestos	G	A (2012)	Public, in particular employers, workers and researchers
CHEMICAL AGENTS	AR	A (2006-2007)	Public, in particular employers and workers
Directive 2000/54/EC (biological agents)			
Occupational health and safety guide regarding biological factors exposure	G	A (2013)	Public, in particular employers, workers and researchers
BIOLOGICAL AGENTS	AR	A (2006-2007)	Public, in particular employers and workers
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Guide on health and safety at work in the construction sector	G	A (2013)	Public, in particular employers, workers and researchers
CONSTRUCTION SITES	AR	A (2006-2007)	Public, in particular employers and workers
OSH online database of the Labour Inspection	IT	A (2006-2007)	Public, in particular employers and workers
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
OSH online database of the National Research and Development Institute for Mine Safety and Protection from Explosion	IT	A	Public, in particular employers, workers and researchers
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
No specific accompanying action has been identified			

Name	Type	Initiated by (and date)	Target groups
Council Directive 92/29/EEC (medical treatment on board vessels)			
No specific accompanying action has been identified			
Council Directive 93/103/EC (work on board fishing vessels)			
No specific accompanying action has been identified			
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
No specific accompanying action has been identified			
Council Directive 91/383/EEC (temporary workers)			
No specific accompanying action has been identified			
Council Directive 94/33/EC (young people at work)			
Safe start website	IT	A	Young workers
Practical guide for the monitoring of exploited children or children exposed to the risk of being exploited by work	AR	A (2004-2007)	Public, in particular employers
Best practices for preventing and fighting against child exploitation at work	AR	A	Public, in particular employers
Code of Conduct against exploitation at work of children and young people in the construction field	G	A (2009)	Public, in particular employers
Information notice regarding the hiring of children in constructions	AR	A	Public, in particular employers

4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assesses 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

The information gathered during the interviews shows different perceptions of stakeholders on the awareness expressed by undertakings in relation to the accompanying actions⁷¹. While the authorities are of the view that the awareness of undertakings is rather high, the social partners expressed the view that such is still very low considering that the dissemination of information is not efficient enough.

4.3 GAPS

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

Results from stakeholder interviews

The information gathered during the interviews shows that the majority of the stakeholders are of the view that there is a need for more precision and accessibility as regards the legal requirements in the OSH field.

More specifically, stakeholders have indicated that it would be useful to have specific OSH regulations depending on different categories of jobs, different sectors of activity and different risks associated therewith, in order to have a better understanding of the general legal concepts "adequate",

⁷¹ Conclusion based on interviews with public authorities, OSH research institutes, OSH experts, representatives of workers and representatives of employers.

"sufficient" and "corresponding".

In some particular cases, stakeholders have indicated that it would be useful, for example, to have clarifications of specific legal concepts such as "regular corrective device" and "special corrective device" and to also clarify when such need to be paid by employers as required by Directive 90/270/EEC for work with display screen equipment. Also, the need to have more clarifications on the concept of "reduced chemical risk" mentioned by Directive 98/24/EC on risks related to chemical agents at work as well as on the list of back injuries which may result from the manual handling of loads regulated by Directive 90/269/EEC was addressed by stakeholders.

Moreover, stakeholders have indicated that undertakings, particularly SMEs, have insufficient information on the possibilities to replace dangerous substances with non-dangerous or less dangerous ones.

In addition, some stakeholders have indicated that the current rationale of the Romanian OSH legislation differentiating between specific obligations depending on the size of the company should be revised and adapted accordingly on the basis of the risks to be evaluated. The risk should become the main reference basis of the OSH legal framework.

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 Romania, the enforcement of OSH legislation is attributed to two authorities. While the Territorial Labour Inspectorates are the main interface for the enforcement of the OSH obligations and are primarily oriented towards the control and sanctioning of the undertakings, Public Health Directorates are primarily focused on offering to all stakeholders holding an interest in this field the necessary counselling, guidance and technical expertise in order to determine the proper means for ensuring an effective protection of the workers' health at the workplace. With regard to the two Fishing Vessels Directives, the Romanian Naval Authority has the main responsibility with regard to inspection, control and supervision.

In terms of statistical information on inspections, from 2007 to 2012, the number of inspectors has remained fairly constant, while the number of workers per labour inspector has decreased significantly. However, the number of inspections per 100.000 workers has increased from 2007 to 2011 and a sharp decrease is seen for 2012.

The strategies for inspection are yearly developed by the Labour Inspectorate through framework action plans. These annual action plans, applied by the 42 Territorial Labour Inspectorates, set various objectives in terms of number of inspections, specific priorities during inspections and methodology. However, many stakeholders have criticised that the inspections do not distinguish between size of the company, geographical region of the establishment, etc. Also, the control lists are standard for all companies, irrespective of their size and sector of activity. In addition, labour inspectors are said to be lacking technical expertise to efficiently control and assess the newest risks and techniques.

When an infringement of OSH legislation is established, the labour/public health inspectors draft a formal report on the infringement. On this basis, the inspectors can order specific remediation measures, administrative sanctions (warning or administrative fine) and/or complementary administrative measures (such as cessation of using specific equipment, temporary suspension of activity etc.). Also, the inspectors can file a complaint to the criminal authorities in case the infringement has a criminal nature. The Romanian legislation therefore sets both criminal and administrative sanctions for non-compliance with OSH requirements. Administrative fines generally range from approx. EUR 1100 to approx. EUR 2200, while the maximum time of imprisonment seems to be 3 years.

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)	<p>Labour Inspectorate (<i>Inspectia Muncii</i>) is the competent authority regarding <u>enforcement of legislation relating to safety and health at work</u>. This specialized body is working under the subordination of the Ministry of Labour, Family, Social Protection and the Elderly and carries out its activity at the level of each county through the 42 territorial labour inspectorates.</p>
Labour Inspectorate (under the Ministry of Labour, Family, Social Protection and the Elderly)	

Name	Type of authority
	<p>Ministry of Labour, Family, Social Protection and the Elderly (<i>Ministerul Muncii, Familiei, Protectiei Sociale si Persoanelor Varstnice</i>) is organized as a specialty body within the central public administration, under the subordination of the Romanian Government, having as main attribution the <u>coordination for the application of the strategies and policies</u> adopted by the Government in the field of labour, family, social protection and elderly people. In this respect, the Ministry is mainly responsible for elaborating specific programmes aimed at harmonizing the relevant legislation with the European Community legislation as well as for supervising the unitary application and compliance with the regulations in force.</p>
<p>Public Health Directorate (under the Ministry of Health)</p>	<p>Public Health Directorate: Responsible – together with the Ministry of Health – for the development and implementation of specific programmes in the fields of health promotion and occupational health. Each District Public Health Directorate has a Health Promotion department and an Occupational Health department, which both deal with all workplace health promotion initiatives at district level.</p> <p>The Ministry of Health (<i>Ministerul Sanatatii</i>) is the central authority in the field of public health, having specific attributions in the field of health and safety at work. The activities of the Ministry of Health are carried at the level of each county through the territorial public health directions.</p>
Council Directive 89/654/EEC (workplace)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 2009/104/EC (work equipment)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Council Directive 89/656/EEC (PPE)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Council Directive 92/58/EEC (OSH signs)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 1999/92/EC (ATEX)	
Labour Inspectorate	<p>See Framework Directive</p> <p>As an example, ATEX GD expressly states that the Ministry of Labour, Family, Social Protection and the Elderly shall issue the necessary legal provisions to <u>ensure implementation of the ATEX GD</u>.</p>
Public Health Directorate	See Framework Directive
Council Directive 90/269/EEC (manual handling of loads)	
Labour Inspectorate	See Framework Directive

Name	Type of authority
	As an example, MHL GD expressly provides that the Ministry of Labour, Family, Social Protection and the Elderly (had to) <u>communicate to the European Commission the legal provisions already adopted</u> in the area regulated by the GD.
Public Health Directorate	See Framework Directive
Council Directive 90/270/EEC (display screen equipment)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 2002/44/EC (vibration)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive As an example, Vibration GD indicates that local public health authorities/directions may <u>recommend to the employer measures to eliminate or reduce the risk</u> or may propose that the persons exposed undergo a medical control.
Directive 2003/10/EC (noise)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 2004/40/EC (electromagnetic fields)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 2006/25/EC (artificial optical radiation)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)	
Labour Inspectorate	See Framework Directive As an example, Carcinogens or mutagens GD expressly provides that the territorial labour inspectorate (as well as the local public health authorities) may request the employer to communicate the elements that were used for the risk assessment, as well as the result of the employer's actions to reduce the use of carcinogens or mutagens at the workplace.
Public Health Directorate	See Framework Directive As an example, Carcinogens or mutagens GD expressly provides that the health surveillance measures shall be established in accordance with the regulations of the Ministry of Health.
Council Directive 98/24/EC (chemical agents at work)	
Labour Inspectorate	See Framework Directive As an example, Chemical agents GD expressly provides that the Ministry of Labour, Family, Social Protection and the Elderly shall <u>inform the workers and employers organizations on the reference limit values for professional exposure</u> .
Public Health Directorate	See Framework Directive As an example, the Ministry of Health (as well

Name	Type of authority
	as the Ministry of Labour, Family, Social Protection and the Elderly) prepares <u>practical recommendations</u> in accordance with those prepared by the European Commission.
Directive 2009/148/EC (asbestos)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Directive 2000/54/EC (biological agents)	
Labour Inspectorate	See Framework Directive As an example, Biological agents GD expressly provides that the territorial labour inspectorates (as well as the local public health authorities) are first <u>notified</u> by the employers <u>with respect to the first use of biological agents</u> in groups 2, 3 and 4.
Public Health Directorate	See Framework Directive As an example, Biological agents GD expressly provides that the local public health authorities are immediately <u>informed</u> by the employers <u>on any accident or incident</u> that may cause the release of a biological agent and which could cause severe human infection and/or illness.
Council Directive 92/57/EEC (temporary or mobile construction sites)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive As an example, Mineral Extraction GD expressly provides that health surveillance of workers is ensured in the occupational medicine structures, that function in accordance with the regulations of the Ministry of Health.
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive For example, health surveillance is ensured within the national health system through the occupational medical institutions acting according to the rules issued by the Ministry of Health
Council Directive 92/29/EEC (medical treatment on board vessels)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Romanian Naval Authority	The Romanian Naval Authority (<i>Autoritatea Navala Romana</i>) is a technical specialized body under the subordination of the Ministry of Transportation (<i>Ministerul Transporturilor</i>) acting as state authority in the field of navigation. The Romanian Naval Authority has as main responsibilities the inspection, control and supervision of the navigation as well as the sanctioning of administrative offences.

Name	Type of authority
Council Directive 93/103/EC (work on board fishing vessels)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Romanian Naval Authority	See Directive 92/29/EEC (medical treatment on board vessels)
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Council Directive 91/383/EEC (temporary workers)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive
Council Directive 94/33/EC (young people at work)	
Labour Inspectorate	See Framework Directive
Public Health Directorate	See Framework Directive

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

The main enforcement authority of the OSH law is the Labour Inspectorate, a specialized body under the subordination of the Ministry of Labour, Family, Social Protection and the Elderly. The Labour Inspectorate carries out its activity through 42 territorial labour inspectorates which are organized in each county of Romania and Bucharest.

In its turn, the Ministry of Health carries inspection activities in the OSH field through a specialized body, namely the Public Health Directorate, which performs its specific duties through 42 territorial public health directions organized in each county of Romania and Bucharest. However, the health inspectors have very limited competencies in this respect considering that this type of inspections is expressly regulated by law only in specific cases (for example, the observance of minimum OSH requirements at the work place and medical treatment on board vessels)⁷².

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 data

Year	Number of labour inspectors ⁷³	Number of workers per labour inspector ⁷⁴	Number of inspections per 100.000 workers ⁷⁵	Frequency of inspections ⁷⁶	Comments
2007	526	10965	1405,15	87,38% of undertakings participating in ESENER were subject to an inspection once in the past 3 years	The OSH labour inspectors are deployed at central level (the Labour Inspection) and territorial level (42 territorial labour inspectorates). They have different
2008	505	11343	1540,12		
2009	549	9484	1679,64		
2010	539	8590	1853,13		
2011	596	8121	1847,25		
2012	571	8366	1503,2		
				Company size (no. of	%

⁷² Conclusion based on interviews with public authorities.

⁷³ National Implementation Report 2013, Part A, Table 1.1, (EN) p. 4

⁷⁴ National Implementation Report 2013, Part A, Table 1.1, (EN) p. 4

⁷⁵ National Implementation Report 2013, Part A, Table 1.1, (EN) p. 4

⁷⁶ Data only available for the period covered by the ESENER Survey 2009, covering the three-year period of the survey.

Year	Number of labour inspectors ⁷³	Number of workers per labour inspector ⁷⁴	Number of inspections per 100,000 workers ⁷⁵	Frequency of inspections ⁷⁶	Comments	
				workers)	specialization qualifications (i.e., chemistry, engineering, metallurgy, construction, economists, legal advisors etc.) and they are distributed on different sectors of activity (i.e., agriculture, transportation, mining and market surveillance) ⁷⁷ .	
				10-19		86,63
				20-49		83,21
				50-249		96,92
				250-499		94,32
				+500		100
				Sector		%
				Production sector		95,8
				Private services		86,84
				Public services		73,58

Table 5- 3 Number of inspections per sector in Romania⁷⁸

No. of undertakings subjected to OSH inspection						
Sector/Year	2007	2008	2009	2010	2011	2012
Agriculture	2371	2423	2619	2390	2132	2174
Mining	273	333	574	364	280	444
Transportation	3795	4416	3618	2740	3047	2359
Commerce, industry and other areas	70960	77673	76827	77222	78813	65706
Total	77399	84845	83638	82716	84272	70638

No. of OSH inspections						
Sector/Year	2007	2008	2009	2010	2011	2012
Agriculture	2635	2673	2885	2887	2297	2330
Mining	798	659	1063	827	600	609

⁷⁷ Statistic data in this respect can be found at *Inspectia Muncii, Raport de activitate a Inspectiei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

⁷⁸ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspectiei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

No. of OSH inspections						
Sector/Year	2007	2008	2009	2010	2011	2012
Transportation	4307	4795	4263	2993	3380	2573
Commerce, industry and other areas	73309	79302	78218	77996	80619	66295
Total	81049	87429	86429	84703	86896	71807

Results from stakeholder interviews

According to the national authorities that were interviewed for this project, controls performed by the labour inspectors mainly target compliance with the requirements of the legislation transposing the Framework Directive and, to a lower extent, of the legislation transposing all subsequent Directives. In addition, these national authorities were of the opinion that the most frequent breaches were ascertained in relation with the OSH requirements for the workplace, OSH signs, work equipment, noise, chemical agents and manual handling of loads, while breaches in connection with OSH requirements related to electromagnetic fields and optical radiation were less frequent⁷⁹.

Strategies for inspection

Strategies for inspection are established by the Labour Inspectorate through annual framework action plans organised around operational norms. The annual framework action plans are developed on the basis of specific strategies elaborated at national level by the Labour Inspectorate for a defined period of time aimed at setting forth the general objective, the priorities and the main action lines in the OSH field. The annual action plans set various objectives in terms of number of inspections, specific priorities during inspections and methodology. The operational plans are applied by the 42 Territorial Labour Inspectorates, hence covering the entire Romanian territory. These plans are applicable for inspections of all employers, notwithstanding specific actions and campaigns targeting certain sectors and types of companies (such as temporary or mobile construction sites).

For the period 2007-2012, the operational plans have also integrated specific objectives for SMEs as such were generally defined in the National Action Plan of the Labour Inspectorate for promoting an effective implementation of risk assessment within SMEs (*Planul National de Actiune al Inspectoriei Muncii 2007-2012 privind promovarea realizarii efective a evaluarii riscurilor in intreprinderile mici si mijlocii*). These specific operational plans were elaborated on the basis of the institutional twinning project Romania - Austria "Implementation of the harmonized legislation in the field of health and safety at work in small and medium undertakings" carried out between 2006 and 2007.

Each year, a reviewing report assesses the results obtained in application of the operational plan.

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

⁷⁹ Conclusion based on interviews with public authorities.

Table 5- 4 Data on enforcement strategy

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
✓	✓	✓	<ul style="list-style-type: none"> • Type of risks • Existence of specific organs in charge with the health surveillance of workers
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	others	
✓	✓	<ul style="list-style-type: none"> • The European Community Strategy for Health and Safety at Work (2007-2012) • OSHA Strategy 2009-2013 • Program 2007-2013 of the European Social Fund • Sector Plan for Research and Development of the Ministry of Labour for 2009-2012 • Institutional twinning project Romania - Austria (2006-2007) "Implementation of the harmonized legislation in the field of health and safety at work in small and medium undertakings" 	

Results from stakeholder interviews

Particular issues have been addressed by some stakeholders in relation to the inspection activities carried out by the Territorial Labour Inspectorates⁸⁰.

On the one hand, the annual quota of controls to be performed by labour inspectors in all 42 regions of Romania is not adapted to the specificities of each region (surface to be covered - land/water, total number of undertakings, size of the undertakings), to the available personnel and to the particularities of different activities of control (inspection activities vs. investigation of a work accident), which causes some difficulties in carrying out an efficient and qualitative control.

On the other hand, the control procedures lack transparency and are very rigid. Controls are performed on the basis of standard lists of control, irrespective of the size of the company and sector of activity. Due to the rigidity of the control, OSH documentation tends to become excessive in order to cover in an exhaustive manner all risks which might arise during the course of the activity. Some labour inspectors do not have the proper technical expertise to understand and assess correctly all methods and means used by different undertakings in fulfilling their OSH obligations (for example, there are several available methods for drafting a risk assessment, but labour inspectors have difficulties in understanding all methods - priority is given rather to old methods used mainly in sectors like constructions, manufacturing, ferrous metallurgy).

A very sensitive topic is related to the actions taken by the inspectors with the occasion of a control. Some stakeholders are of the view that the strategy of control is not effectively aimed at increasing in a constructive manner the responsibility of employers in the OSH field. In this respect, it was argued that undertakings are most of the times fined with the occasion of a control, without being given the chance to remediate in due time specific irregularities. Also, the relevant stakeholders have addressed the fact that the labour inspection does not carry out effectively prevention activities aimed at offering the necessary information and guidance in the OSH field so that employers can properly adapt their conduct in the OSH field. Conversely, other stakeholders have indicated that employers are generally still reluctant to assume their OSH obligations and, therefore, refuse to invest their time and resources in order to develop proper OSH management and, consequently, refuse to cooperate with the labour

⁸⁰ Conclusion based on interviews with public authorities, representatives of workers and OSH experts.

inspection in view of seeking proper guidance in this respect, which inevitably deteriorates a constructive relationship between the undertakings and the authority in charge with the control.

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- 5 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
Directive 89/391/EEC (Framework Directive)		
For instance, failure to perform the prevention and protection plan, failure to ensure the individual protection equipment, as well as the modification of the factual status occurred following a deadly or collective work accident. (Art. 39 (2) corob. with Art. 13 let (b), (c), (p) and (b) of LSHW)		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)
For instance, failure to carry out and to be in the possession of an assessment of the risks, failure to decide over the required protection measures and, as the case may be, over the protection equipment; Failure to adopt health and safety wise solutions for the elimination or decrease of accidents or occupational diseases, failure to establish the health and safety related attributions of workers, to perform required information of the workers in connection with the content of the prevention and protection plan, the occupational risks, etc. (Art. 39 (4) corob. with Art. 12 (1) let (a) and (b), art. 13 let (a), (d)-(f), (h)-(m) and (o), art. 20, art. 29 (1) let (a), art. 32 (2) of LSHW)		Administrative fines ranging from RON 4000 (approx. EUR 900) to RON 8000 (approx. EUR 1800)
For instance, failure to evaluate the health and safety risks, failure to consider the worker's relevant capacities when entrusting duties, failure to comply with legal obligations of cooperation and information with other employers when in the same working place workers of various employers are performing their		Administrative fines ranging from RON 3500 (approx. EUR 800) to RON 7000 (approx. EUR 1600)

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>activity, etc.</p> <p>Failure to comply with the legal obligations related to the appointment of workers with specific functions in protecting the safety and health of workers.</p> <p>Failure to comply with the obligation to inform and train workers in connection with serious and imminent dangers and related procedures.</p> <p>Failure to comply with the obligations pertaining to work and protection equipment.</p> <p>Failure to comply with the obligations pertaining to the information of authorities in connection with work accidents.</p> <p>(Art. 39 (5) corob. with Art. 7 (4)-(6), art. 8, art. 11 (1) and (3), art. 13 (q) and (s), art. 27 (1) let (a) and (b) of LSHW)</p>		
<p>For instance, failure to comply with the legal requirements concerning capabilities and aptitudes that must be fulfilled by the designated workers or the external specialists in the area of safety at work and their training, failure to comply with the obligations pertaining to first aid, fire-fighting and evacuation of workers, granting of protection food⁸¹ and hygiene-sanitary related items, as well as with the information of workers on health and safety related matters.</p> <p>(Art. 39 (6) corob. with Art. 9(1), art. 10, art. 14-16, art. 34 (1) of LSHW)</p>		<p>Administrative fines ranging from RON 3000 (approx. EUR 700) to RON 6000 (approx. EUR 1400)</p>
<p>For instance, failure to protect the workers who leave the working place when faced with a serious and imminent danger, failure to grant access to risk assessment, reports and other related documentation to the workers with specific functions in protecting the safety and health</p>		<p>Administrative fines ranging from RON 2500 (approx. EUR 600) to RON 5000 (approx. EUR 1200)</p>

⁸¹ The protection food is aimed at reducing the impact of various factors present at the working place on the workers' health and safety. The specific food to be administered is determined on a case by case basis, depending on the conditions of the working place (e.g. milk and derivatives, meat, hot drinks etc.)

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>or the workers' representatives with specific responsibility for the safety and health of workers.</p> <p>(Art. 39 (7) corob. with Art. 11 (2) and (4), art. 17, art. 19, 21 of LSHW)</p>		
<p>For instance, failure to comply with specific obligations related to registration and reference of work accidents, the prejudice of workers' representatives with specific responsibility for the safety and health of workers for performance of related activities.</p> <p>(Art. 39 (8) corob. with Art. 12 (1) let (c) and (d), art. 13 let (g), art. 18 (5) and (6), art. 34 (5) and art. 36 of LSHW)</p>		<p>Administrative fines ranging from RON 2000 (approx. EUR 500) to RON 4000 (approx. EUR 1000)</p>
<p>Failure by the external services to submit its biannual report of activity.</p> <p>(Art. 40 of LSHW)</p>		<p>Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)</p>
<p>Failure to take any of the legal health and safety measures by the person having such duty, if such event generates an imminent danger for the occurrence of a work accident or professional disease.</p>	<p>Imprisonment from 6 months to 3 years or criminal fine.</p>	
<p>The deed mentioned above, if perpetrated with negligence.</p>	<p>Imprisonment from 3 months to one year or criminal fine.</p>	
<p>Failure by any person to comply with the obligations and measures established in relation to health and safety, if such event generates an imminent danger for the occurrence of a work accident or professional disease.</p> <p>The reactivation of the installations, machines and equipment, prior to the elimination of all deficiencies which initially determined the stopping thereof.</p>	<p>Imprisonment from 6 months to 3 years or criminal fine.</p>	
<p>The deeds mentioned above, if perpetrated with negligence.</p>	<p>Imprisonment from 3 months to one year or criminal fine.</p>	
Council Directive 89/654/EEC (workplace)		
<p>In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the</p>		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Security and/or health at working place signalling (art. 39 par. (9) letter k) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Demarcation, enclosure and signalling of dangerous zones (art. 39 par. (9) letter j) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Assuring, demarcation and maintenance of routes and exits (art. 39 par. (9) letter n) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Assuring safety lighting (art. 39 par. (9) letter o) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Arrangement of work place for working on height, in closed spaces and isolating conditions (art. 39 par. (9) letter s) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Directive 2009/104/EC (work equipment)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Commissioning or reinstatement, partial or total, of the construction work of new or repaired work equipment, as well as application of technological process (art. 39 par. (9) letter c) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Transport, handling and storage of work equipment (art. 39 par. (9) letter i) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Ensure operation without danger of the vessels compressed or liquefied gas cylinders, mechanical installations under pressure and for carrying, the pipe by circulating fluids under pressure and also other work equipment (art. 39 par. (9) letter l) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Use, maintenance, revision and periodical repair of work equipment (art. 39 par. (9) letter m) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Prepare documents for tracking		Administrative fines ranging from

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
functional parameters of work equipment and service reports for plants with special operating mode (art. 39 par. (9) letter q) of LSHW).		RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)
Council Directive 89/656/EEC (PPE)		
The administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.		
Council Directive 92/58/EEC (OSH signs)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Security and/or health at working place signalling (art. 39 par. (9) letter k) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)
Directive 1999/92/EC (ATEX)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Drafting and observing technical documents for the execution of works requesting special safety measures. (art. 39 par. 9 letter d) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)
Ensuring and using adequate construction electric installations at workplaces where there is fire or explosion danger (art. 39 par. (9) letter g) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)
Ensuring the operation without danger of gas cylinders with compressed or liquefied gas, of mechanical installations under pressure or for lifting, of pipes for fluids under pressure and other similar working equipment (art.		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200)

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
39 par. (9) letter l) of LSHW)		
Council Directive 90/269/EEC (manual handling of loads)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Transportation, handling and storage of work equipment, materials and products (art. 39 par. 9 letter i) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Council Directive 90/270/EEC (display screen equipment)		
The administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.		
Directive 2002/44/EC (vibration)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Prevention of a presence over the maximum limits of physical agents, as well as the overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Directive 2003/10/EC (noise)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
specific obligations may also trigger liability, such as those mentioned below.		
Prevention of a presence over the maximum limits of physical agents, as well as the overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Directive 2004/40/EC (electromagnetic fields)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Prevention of a presence over the maximum limits of physical agents, as well as the overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Failure to observe the provisions related to Art. 27 letter a) of the Electromagnetic fields GD: - the employer's obligation to hold a risk assessment and establish the measures to be taken in order to avoid or reduce the risks generated by electromagnetic fields; - the employer's obligation to establish a program of technical and/or organizational measures aimed at not exceeding the maximum exposure limit values; - the employer's obligation of signalling work places where the workers may be exposed to electromagnetic fields.		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Failure to observe the provisions related to the information and training of workers on risks related to electromagnetic fields following the risk assessment (Art. 27 letter b) of the Electromagnetic fields GD).		Administrative fines ranging from RON 3000 (approx. EUR 650) to RON 6000 (approx. EUR 1300).
Directive 2006/25/EC (artificial optical radiation)		
The administrative offences for breaching the general obligations regulated by LSHW		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.		
Directive 2004/37/EC (carcinogens or mutagens)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Prevention of a presence over the maximum limits of agents, as well as the overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Council Directive 98/24/EC (chemical agents at work)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Fabrication, transport, storage, handling or use of hazardous chemical substances and preparations and resulted waste (art. 39 par. 9 letter a) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Prevention of a presence over the maximum limits of chemical agents, as well as the overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Directive 2009/148/EC (asbestos)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
mentioned below.		
Sending a notification to the territorial labour inspectorate before the work commences.		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Observing the specific obligations related to the working clothes and individual protective equipment.		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Directive 2000/54/EC (biological agents)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Prevention of a presence over the maximum limits of chemical agents, as well as the overstressing of different organs or systems of the human organism (art. 39 par. 9 letter b) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Council Directive 92/57/EEC (temporary or mobile construction sites)		
<p>In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), for instance, failure to appointment of the health and safety coordinator, the setting up of the health and safety plan of the site, etc.</p> <p>(Art. 6, 7, art. 9 let (d), art. 10, 42, 47, 48 of Temporary construction sites GD)</p>		Administrative fines ranging from RON 4000 (approx. EUR 900) to RON 8000 (approx. EUR 1800)
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Drafting and observing technical documents (the health and		Administrative fines ranging from RON 5000 (approx. EUR 1100) to

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
safety document) for the execution of works requesting special safety measures. (art. 39 par. 9 letter d) of LSHW).		RON 10000 (approx. EUR 2200).
Ensuring safety lighting. (art. 39 par. 9 letter o) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Applying the methods for operation of workings, carrying out, exploitation and maintenance of workings, construction and functioning of ventilation system, in accordance with the classification of mines from the gas outbursts point of view.		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
Drafting and observing technical documents for the execution of works requesting special safety measures. (art. 39 par. 9 letter d) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Ensuring safety lighting. (art. 39 par. 9 letter o) of LSHW).		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Applying the methods for operation of workings, carrying out, exploitation and maintenance of workings, construction and functioning of ventilation system, in accordance with the classification of mines from the gas outbursts point of view.		Administrative fines ranging from RON 5000 (approx. EUR 1100) to RON 10000 (approx. EUR 2200).
Council Directive 92/29/EEC (medical treatment on board vessels)		
The administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.		
Council Directive 93/103/EC (work on board fishing vessels)		
The administrative offences for breaching the general obligations regulated by LSHW		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.		
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
In addition to the administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW), non-observance of specific obligations may also trigger liability, such as those mentioned below.		
<p>For instance, failure to prevent the exposure of workers who are pregnant, have recently given birth or are breastfeeding to risks potentially affecting their health and safety or failure to implement necessary measures in order to prohibit the constraining of workers who are pregnant, have recently given birth or are breastfeeding to perform harmful work.</p> <p>Failure to draft the risk assessment under the terms and conditions provided by the Maternity protection GEO.</p> <p>Failure to deliver a copy of the risk assessment report to the trade union/worker representatives within 5 working days as of the date when the risk assessment was drafted and failure to inform the female workers in writing as regards the results of the risk assessment.</p> <p>Failure to keep confidentiality with respect to the pregnancy status of the worker and not disclose to other workers such aspect in the absence of the pregnant worker's written approval.</p> <p>Art. 27 (1) of the Maternity protection GEO corr. with art. 4, 5, 6, 7 (1), 8, 12 (1) and (2), 17, 18, 26 (1) of the maternity protection GEO.</p>		Administrative fines ranging from RON 2.500 (approx. EUR 550) to RON 5.000 (approx. EUR 1.100).
For instance, failure to provide		Administrative fines ranging from

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>maternity risk leave, as required by law.</p> <p>Failure to grant pregnant workers with paid time off for prenatal medical examinations within the limit of 16 hours/month and/or failure to reduce the pregnant worker's regular working schedule with 1/4, without affecting her salary, to the extent such cannot perform work during the regular working schedule due to her health condition or the condition of the foetus.</p> <p>Art. 27 (1) of the Maternity protection GEO corr. with art. 9, 10, 11, 12 (3), 13, 14, 15, 19, 20 (2) and (4), 21 (1) and (2).</p>		<p>RON 5.000 (approx. EUR 1.100) to RON 10.000 (approx. EUR 2.200).</p>
Council Directive 91/383/EEC (temporary workers)		
<p>The administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.</p>		
Council Directive 94/33/EC (young people at work)		
<p>The administrative offences for breaching the general obligations regulated by LSHW and to the criminal offences regulated by the Criminal Code (mentioned above, in the section dedicated to LSHW) may apply.</p>		
<p>The employment of minors by infringing the legal age conditions or the use of such person in order to carry on activities infringing the legal provisions concerning the working conditions of minors.</p> <p>(art. 265 par. 1 of the Labour Code)</p>	<p>Imprisonment from 3 months to 2 years or criminal fine.</p>	

Enforcement actions

Table 5- 6 Number of infringements and court cases

Total number of infringements which resulted in legal action	NIR 2013 identifies the following numbers of court cases having resulted in legal action ⁸² :					
	2007	2008	2009	2010	2011	2012
	-	161	164	193	29	87
Other data on the number of court cases specific to OSH issues in the period 2007-2012	The NIR does not define the concept of 'resulting in legal action'. However, from the data available from the annual activity reports of the Labour Inspection ⁸³ , it results that the numbers indicated in the NIR refer to the criminal complaints filed by the Labour Inspection to the criminal authorities as a consequence of OSH infringements.					
	See tables below.					

Table 5- 7 Detailed breakdown of the total OSH infringements resulting in legal and administrative action from 2007-2012⁸⁴

Total number of infringements which resulted in legal action						
Type/Year	2007	2008	2009	2010	2011	2012
Number of reported infringements which resulted in criminal prosecution	132	161	164	193	29	87
Number of reported infringements concluded by administrative fine	28572	40383	55736	7612	10413	5625
Number of reported infringements concluded by written warning				88305	128513	120193
Number of reported infringements concluded by specific remediation measures	-	-	-	179134	160774	130598
Number of reported infringements concluded by cessation of activity	479	814	1297	1067	249	110
Number of reported infringements concluded by cessation of work equipment	5691	12574	16720	9933	1058	450

Table 5- 8 Detailed breakdown of the OSH infringements resulting in legal and administrative action in the Agriculture sector from 2007-2012⁸⁵

Type/Year	2007	2008	2009	2010	2011	2012
Number of reported infringements which resulted in criminal prosecution	1	1	2	11	2	3
Number of reported infringements concluded by administrative fine	293	278	281	291	276	185
Number of reported infringements concluded by written warning	735	1141	1883	2617	3623	4139
Number of reported infringements concluded by cessation of activity	0	10	0	14	3	1
Number of reported infringements concluded by cessation of work equipment	266	642	23	500	49	14

⁸² National Implementation Report for Romania, 2013, Part A, Section I, 1.1.

⁸³ *Inspectia Muncii, Raport de activitate a Inspeciei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

⁸⁴ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspeciei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

⁸⁵ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspeciei Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

Table 5- 9 Detailed breakdown of the OSH infringements resulting in legal and administrative action in the Transportation sector from 2007-2012⁸⁶

Type/Year	2007	2008	2009	2010	2011	2012
Number of reported infringements which resulted in criminal prosecution	5	19	6	2	1	1
Number of reported infringements concluded by administrative fine	347	262	291	283	4674	162
Number of reported infringements concluded by written warning	1052	1080	2123	2532	384	3585
Number of reported infringements concluded by cessation of activity	27	9	8	26	2	1
Number of reported infringements concluded by cessation of work equipment	294	256	376	85	21	5

Table 5- 10 Detailed breakdown of the OSH infringements resulting in legal and administrative action in the Mining sector from 2007-2012⁸⁷

Type/Year	2007	2008	2009	2010	2011	2012
Number of reported infringements which resulted in criminal prosecution	2	4	4	85	4	42
Number of reported infringements concluded by administrative fine	76	175	95	100	87	83
Number of reported infringements concluded by written warning	136	215	899	1423	1243	1552
Number of reported infringements concluded by cessation of activity	14	37	33	44	6	1
Number of reported infringements concluded by cessation of work equipment	66	259	258	99	5	2

Table 5- 11 Detailed breakdown of the OSH infringements resulting in legal and administrative action in Commerce, Industry and other sectors from 2007-2012⁸⁸

Type/Year	2007	2008	2009	2010	2011	2012
Number of reported infringements which resulted in criminal prosecution	124	137	152	95	22	41
Number of reported infringements concluded by administrative fine	25933	37232	50220	7014	9666	5195
Number of reported infringements concluded by written warning				81657	118973	111000
Number of reported infringements concluded by cessation of activity	438	758	1256	840	238	107
Number of reported infringements concluded by cessation of work equipment	5065	11417	16063	9249	983	429

Table 5- 12 Detailed breakdown of the OSH infringement investigation reports challenged in front of the court of law from 2011-2012⁸⁹

2011					
Total no. of reports	Total no. of reports challenged in court				
	FIRST INSTANCE			APPEAL	
	On trial	Filed appeal	Irrevocable solution as no appeal filed	On trial	Irrevocable solution

⁸⁶ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspecției Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

⁸⁷ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspecției Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

⁸⁸ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspecției Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

⁸⁹ Detailed breakdown developed on the basis of *Inspectia Muncii, Raport de activitate a Inspecției Muncii*, available online at <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>.

17353											
	560	119	Admits claim	Rejects claim	Lowers the fine	Changes fine to warning	248	Admits claim	Rejects claim	Lowers the amount of the fine	Changes fine into warning
			24	141	5	27		40	91	17	96

2012											
Total no. of reports	Total no. of reports challenged in court										
	FIRST INSTANCE						APPEAL				
9946	On trial	Filed appeal	Irrevocable solution as no appeal filed				On trial	Irrevocable solution			
	372	81	Admits claim	Rejects claim	Lowers the fine	Changes fine to warning	120	Admits claim	Rejects claim	Lowers the amount of the fine	Changes fine into warning
			2	32	2	6		21	36	8	41

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

Romanian legislation is in line with the general requirements imposed by the European *acquis* for the protection of vulnerable groups of workers. Legal provisions were adopted for the protection of young workers, maternity and workers with disabilities. According to NIR 2013, Directive 2001/10/EC (noise), the risk assessment should include that vulnerable workers and those who have suffered hearing damage are assigned to jobs without exposure to noise.⁹⁰ In addition, special guidance is established for children and young workers through a dedicated project, code of conduct and practical guidance.

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.

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	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
Legislation (Law no. 258/2007 regarding internship programs for scholars and college students)	Young workers (trainees)					√									√				
Legislation (Law no. 448/2006 for the protection)	Workers with disabilities			√							√								

⁹⁰ National Implementation Report 2013, Part A, Section II, (EN) p. 83.

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	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
and promotion of handicapped persons)																			
Projects (Website "Safe Start")	Young workers					v							v					v	v
Code of Conduct against exploitation at work of children and young people in the construction field ⁹¹	Children						v	v		v									
Practical guide for the monitoring of exploited children or children exposed to the risk of being exploited at work ⁹²	Children						v	v		v		v	v						v
Strategy of the Labour Inspection in	pregnant workers, workers	v		v							v					v			

⁹¹ *COD DE CONDUITĂ ÎMPOTRIVA EXPLOATĂRII PRIN MUNCĂ A COPIILOR ȘI TINERILOR ÎN CONSTRUCȚII* (Code of Conduct against exploitation at work of children and young people in the construction field), Code elaborated in 2009 by the Ministry of Labour, available online at http://www.copii.ro/Files/Cod%20de%20conduita_20095264335921.pdf

⁹² *GHIDUL PRACTIC PENTRU MONITORIZAREA COPIILOR EXPLOATAȚI ȘI LA RISC DE EXPLOATARE PRIN MUNCĂ* (Practical guide for the monitoring of exploited children or children exposed to the risk of being exploited at work), Material prepared on the basis of the International Program for eliminating children at work carried by ILO-IPEC in Romania during 2004-2007, (available at http://www.copii.ro/files2/52_Ghid_practic_monitorizarea_muncii_copilului.pdf)

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	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
the OSH field for the period 2008-2012 ⁹³	who have recently given birth, breastfeeding workers, young workers, aged workers, workers with disabilities, immigrant workers																		

Results from stakeholder interviews

Specific categories of vulnerable workers are better protected considering that there is an express legal framework enabling such protection - such as pregnant workers - in which case the employer has the obligation to report the existence of their particular situation to the authorities⁹⁴. The Labour Inspection is paying special attention to the protection of these categories of vulnerable workers⁹⁵.

However, the practical approach in terms of strategies, guidelines, as well as other documents addressing the question of other vulnerable groups (such as aged

⁹³ This information was gathered on the basis of the consultations with the public authorities which indicated that the strategy was also focused on the organization of informing campaigns aimed at increasing the sensibility and awareness of employers, workers and social partners regarding the specific risks to which vulnerable workers (pregnant workers, workers who have recently given birth, breastfeeding workers, young workers, aged workers, workers with disabilities, immigrant workers) are exposed and the necessity of adopting proper protection measures for ensuring their health. The campaign was carried out during the period 05.09.2008-30.06.2009.

⁹⁴ Conclusion based on interviews with public authorities.

⁹⁵ Conclusion based on the annual reports of activity of the Labour Inspection <http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportAnual.html>

workers and immigrant workers) is rather poor. On the other hand, some stakeholders indicated that it is difficult to implement specific measures aimed at protecting particular categories of workers when such are currently reluctant to the idea of positive discrimination (for example, aged workers)⁹⁶.

Nevertheless, stakeholders have indicated that a diversified approach towards vulnerable groups of workers is necessary.

⁹⁶ Conclusion based on interviews with public authorities.

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 workers 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?

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.

Romanian legislation is not particularly focused on SMEs and micro-enterprises from an OSH perspective. The main OSH obligations (such as drafting a risk evaluation, elaborating health and safety instructions) are the same for all undertakings, irrespective of its size, the sector of activity and the risks which can be associated therewith. The only legal differentiation, which could be construed as a lighter regime for SMEs and micro-enterprises, is related to the manner in which undertakings can organize the services of protection and prevention, in which case specific differences in regime are made depending on the size of the enterprise⁹⁷. Stakeholders have indicated that they are not aware of specific financial supporting programs dedicated to SMEs. No relevant information could be gathered when preparing this desk study on whether SMEs in Romania have used the aid schemes available in the Sector Program "Development of Human Resources 2007-2013".

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)	-	-	-

⁹⁷ See National Implementation Report 2013, Part A, Section II, (EN) p. 21-22.

	Exemptions	Lighter regime	Incentives
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)			
	-	-	-
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)			
	-	-	-
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)			
	-	-	-

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

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)			
		As suggested by Art. 7, al. 7 of the Directive, the MNSHW prescribes different types of internal services of protection and prevention depending on the size of the enterprise (Art. 16-20).	Romania has elaborated a <i>de minimis</i> aid scheme "Money for the health and safety of workers!" for SMEs ⁹⁸ in the context of the Sector Program "Development of Human Resources 2007-2013". The eligible activities targeted by the scheme were: <ul style="list-style-type: none"> - ensuring health and safety at work; - prevention of professional diseases; - informing and instructing workers in the OSH field; - ensuring the necessary framework and means in the OSH field.
Directive 89/654/EEC (workplace)			
	-	-	-
Directive 2009/104/EC (work equipment)			

⁹⁸ The scheme was approved by Ministerial Order no. 310/2009.

	Exemptions	Lighter regime	Incentives
	-	-	-
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)			
	-	-	-
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Council Directive 98/24/EC (chemical agents at work)			
	-	-	-
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)			
	-	-	-
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)			
	-	-	-

According to the NIR, supporting SMEs in the OSH field is considered a national priority⁹⁹. In this respect, some stakeholders have indicated that, during the period 2007-2012, the Labour Inspection as well as the European Agency for Health and Safety at Work - Focal Point Romania has organized specific actions aimed at increasing the awareness of the SMEs on OSH matters¹⁰⁰. Moreover, the national research-development programs have tackled specific projects aimed at elaborating different guides particularly targeting SMEs¹⁰¹.

⁹⁹ See National Implementation Report 2013, Part A, Section I-II, (EN) p. 13-14, 25, 30, 32, 34-35, 37, 39-40, 43, 45-46, 49, 53, 54-55, 57, 64, 69, 73-74, 77, 80-81, 84, 86, 91.

¹⁰⁰ For example, the Labour Inspection has elaborated a risk evaluation guide particularly addressed to SMEs; the guide is available at <http://www.inspectiamuncii.ro/ssmimm/linkuri/GhidDe%20EvaluareARiscului.pdf>.

¹⁰¹ The guides are available at <http://www.inpm.ro/ro/oferta-noastra/publicatii/ghiduri.html>.

On the other hand, stakeholders have addressed the fact that SMEs remain a stringent problem in what concerns compliance with OSH obligations due to the financial difficulties they have to face in order to implement the legal requirements in the OSH field¹⁰².

¹⁰² See also National Implementation Report 2013, Part A, Section I, (EN) p. 14-15.

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STUDIES, GUIDES, BEST PRACTICES

Labour Inspectorate

- AGENTI BIOLOGICI (BIOLOGICAL AGENTS), general information materials prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- AGENTI CHIMICI (CHEMICAL AGENTS), general information materials prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The

implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007

- GHID DE BUNE PRACTICE FARA CHARACTER OBLIGATORIU. DIRECTIVA 1999/92/CE – MEDII EXPLOZIVE (Non-compulsory reference book of good practices related to Directive 1992/92/EC - ATEX), material prepared in 2005 by the Labour Inspection based on the European Commission's documentation
- GHID DE EVALUARE A RISCURILOR (*Risks assessment guide*), guideline prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- GHID METODOLOGIC PENTRU PREVENIREA RISCURILOR LEGATE DE EXPUNEREA LA AGENTI CANCERIGENI, MUTAGENI SI TOXICI PENTRU REPRODUCERE (Guide for the prevention of the risks related to exposure to carcinogens, mutagens and toxic agents for reproduction), guide prepared by the Labour Inspection in 2012
- MANAGEMENT SSM (OSH MANAGEMENT), general information materials on prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- MANIPULAREA MANUALA (MANUAL HANDLING OF LOADS), general information materials prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- RISCURI PSIHO-SOCIALE (PSYCHOSOCIAL RISKS), general information materials prepared by the Romanian Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- SANTIERE DE CONSTRUCTII (CONSTRUCTION SITES), general information materials prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- VIBRATII (VIBRATIONS), general information materials prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007
- ZGOMOT (NOISE), general information materials prepared by the Labour Inspection in partnership with the Austrian Agency for Economic Development and European Integration, as part of the Institutional Twinning Project Romania-Austria on "The implementation of the harmonized legislation on health and safety at work in SMEs", 2006-2007

National Institute for Research and Development on Protection at Work "Alexandru Darabont"

- GHID DE APLICARE A DIRECTIVEI EIP (Guidelines for the application of the PPE Directive), Romanian translation drafted by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" of the PPE Guidelines prepared in 2008 by the relevant services of the Directorate General - Enterprise and Industry of the European Commission
- GHID DE SECURITATE SI SANATATE IN MUNCA IN SECTORUL CONSTRUCTII (Guide on health and safety at work in the construction sector), the guide was prepared by the

National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012

- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND ECRANELE DE VIZUALIZARE (Occupational health and safety guide regarding display screen equipment), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AGENTI BIOLOGICI (Occupational health and safety guide regarding biological factors exposure), Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AGENTI CANCERIGENI SI MUTAGENI (Occupational health and safety guide regarding carcinogens and mutagens exposure), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AGENTI CHIMICI (Occupational health and safety reference book regarding chemical factors exposure), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LA AZBEST (Occupational health and safety guide regarding asbestos exposure), Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND EXPUNEREA LUCRATORILOR LA ZGOMOT (Occupational health and safety guide regarding the noise exposure of workers), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND LOCURILE DE MUNCA (Occupational health and safety guide regarding workplaces), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND MANIPULAREA MANUALA A MASELOR (Occupational health and safety guide regarding manual handling of loads), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND SEMNALIZAREA DE SECURITATE SI SANATATE LA LOCUL DE MUNCA (Guide regarding occupational health and safety signs), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND UTILIZAREA ECHIPAMENTELOR DE MUNCĂ (Occupational Health and Safety guide regarding the use of work equipment), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND UTILIZAREA EIP (Occupational health and safety guide regarding the use of personal protective equipment by

the workers), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012

- GHID DE SECURITATE ȘI SĂNĂTATE ÎN MUNCĂ PRIVIND UTILIZAREA VALORILOR LIMITĂ DE EXPUNERE PROFESIONALĂ PENTRU AGENȚI CHIMICI, CANCERIGENI ȘI MUTAGENI (Occupational health and safety guide regarding the exposure limit rate of carcinogens, mutagens and chemical agents) guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID DE SECURITATE SI SANATATE IN MUNCA PRIVIND VIBRATIILE MECANICE (Occupational health and safety guide regarding mechanic vibrations), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID NAȚIONAL PRIVIND CERINȚELE ESENȚIALE DE SECURITATE ȘI SĂNĂTATE DIN DOMENIUL EIP (National guide regarding essential health and safety requirements in the area of personal protective equipment at work), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID PRIVIND EVALUAREA ASPECTELOR DE SECURITATE ÎN VEDEREA ALEGERII ȘI UTILIZĂRII EIP (Guide regarding the assessment of safety aspects in selecting and using personal protective equipment at work), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID PRIVIND EVALUAREA ȘI PREVENIREA EXPUNERII LUCRĂTORILOR LA RISCURI PSIHOSOCIALE (*Guide on the evaluation and prevention of exposing workers at psychosocial risks*), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- GHID PRIVIND EVALUAREA SI PREVENIREA RISCURILOR ELECTRICE (Guide regarding the evaluation and prevention of electric risks), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012
- guidance documentation (information notes, guides, brochures) on OSH in specific industries (i.e., HORECA, Constructions) prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Strategic Project "Health and safety at work: a premise for being competitive" developed on the basis of the Sector Plan Development of Human Resources 2007-2013
- LISTA STANDARDE EUROPENE ARMONIZATE COMUNICATE DE COMISIA EUROPEANA PENTRU APLICAREA DIRECTIVEI CONSILIULUI 89/686/CEE PRIVIND ARMONIZAREA LEGISLATIEI STATELOR MEMBRE REFERITOARE LA ECHIPAMENT INDIVIDUAL DE PROTECTIE SI CORESPONDENTA ACESTORA CU STANDARDELE ROMANE CARE LE ADOPTA (List of harmonized European standards communicated by the European Commission for the application of the Directive 89/686/CEE and their correspondence with the Romanian standards for adoption), guideline prepared by the National Institute for Research and Development on Protection at Work "Alexandru Darabont"
- METODOLOGIE DE ELABORARE A INSTRUCȚIUNILOR PROPRII DE SECURITATE SI SANATATE IN MUNCA LA NIVELUL AGENTILOR ECONOMICI (*Methodology for*

the elaboration of internal health and safety instructions by the economic undertakings), guide prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012

- STUDIUL PRIVIND ELABORAREA CERINTELOR ȘI A COMPETENȚELOR NECESARE PENTRU FORMAREA LUCRĂTORILOR CU ATRIBUȚII ÎN DOMENIUL SSM (Study on the elaboration of necessary requirements and competencies for the training of workers having OSH attributions), study prepared in 2013 by the National Institute for Research and Development on Protection at Work "Alexandru Darabont" as part of the Sector Plan for Research and Development of the Ministry of Labour for 2009-2012

National Institute of Public Health

- GHID DE SUPRAVEGHERE A RISCULUI DE EXPUNERE PROFESIONALĂ LA AZBEST (Supervision guide on the professional exposure risk to asbestos), material prepared in 2012 by the National Institute of Public Health
- GHID PRIVIND ASPECTE GENERALE DE TOXICOLOGIE INDUSTRIALĂ -METODE DE ANALIZĂ UTILIZATE ÎN TOXICOLOGIA INDUSTRIALĂ (Guide on general aspects of industrial toxicology – Analysis methods used in industrial toxicology), guide prepared in 2013 by the National Institute of Public Health

National Research and Development Institute for Mine Safety and Protection from Explosion

- guidance documentation prepared by the National Research and Development Institute for Mine Safety and Protection from Explosion on the basis of the project carried between 2007-2012 "Development of the national capacity to evaluate, prevent and limit the risks caused by industrial applications carried in environments with explosion risk and/or toxicity in the field of health and safety at work, environment protection, mineral and material resources"

Other

- BUNE PRACTICI ÎN PREVENIREA ȘI COMBATerea EXPLOATĂRII COPIILOR PRIN MUNCĂ (Best practices for preventing and fighting against child exploitation at work), informative material prepared on the basis of the sub-regional project of the ILO, PROTECTCEE
- COD DE CONDUITĂ ÎMPOTRIVA EXPLOATĂRII PRIN MUNCĂ A COPIILOR ȘI TINERILOR ÎN CONSTRUCȚII (Code of Conduct against exploitation at work of children and young people in the construction field), code elaborated in 2009 by the Ministry of Labour
- GHIDUL PRACTIC PENTRU MONITORIZAREA COPIILOR EXPLOATAȚI ȘI LA RISC DE EXPLOATARE PRIN MUNCĂ (Practical guide for the monitoring of exploited children or children exposed to the risk of being exploited by work), material prepared on the basis of the International Program for eliminating children work carried by ILO-IPEC in Romania during 2004-2007
- STUDY ON CHILD LABOUR AND PROTECTION OF YOUNG WORKERS IN THE EUROPEAN UNION, study prepared in 2008 by Labour Asociados Consultores

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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
RO	37	25	9	6	8	8	8	7	10	3	2	1

This table details all the interviews that were completed with Romanian 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.