



Notification Number: 2012/61/F

Decree implementing point 3 of Article L 4111-6 of the Labour Law on protecting workers working on or contributing to the operation of railway, guided-transport and rack-railway systems and networks.

Date received : 31/01/2012

End of Standstill : 02/05/2012

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - SG(2012) D/5236

Directive 98/34/EC

Translation of the message 001

Notification: 2012/0061/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201200236.EN)

1. Structured Information Line

MSG 002 IND 2012 0061 F EN 31-01-2012 F NOTIF

2. Member State

F

3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bâtiment Le Bervil - 12, rue Villiot –

75572 PARIS Cedex 12

d9834.france@finances.gouv.fr

tél : 01 53 44 98 24



3. Originating Department

Ministère de l'écologie, du développement durable, des transports et du logement
Direction générale des infrastructures, des transports et de la mer
Direction des services de transport
Sous-Direction du travail et des affaires sociales
Grande Arche
92055 LA DEFENSE CEDEX

Monsieur CRANDAL, sous-directeur du travail et des affaires sociales
jean-michel.Crandal@developpement-durable.gouv.fr

4. Notification Number

2012/0061/F - T30T

5. Title

Decree implementing point 3 of Article L 4111-6 of the Labour Law on protecting workers working on or contributing to the operation of railway, guided-transport and rack-railway systems and networks.

6. Products Concerned

Based both on Article L 4111-6 of the Labour Law and the Transport Law, this Decree shall be applicable to all those active in the railway or guided transport sector, i.e. to railway and guided transport companies, to infrastructure management companies and to companies working on behalf of these.

In fact, the provisions of common law cannot be applied to electricity-driven traction installations, electrical equipment of rolling stock and safety installations regarding railway signalling and electronic communication, either for technical reasons linked to their specificities or for meeting the continuity and safety requirements of railway operation.

7. Notification Under Another Act

-

8. Main Content

Railway and guided transport systems are those in which the concept of safety is intrinsically linked to their operation and contributes to the safety of workers exposed to railway hazards. Apart from the application of general principles of professional-risk prevention, the Labour Law does not include preventive measures relating to railway activities. Railway risks can be of two types: either risks produced by trains (in particular collision, coupling) or the slipstream effect produced by a passing train, or risks produced by electricity-driven traction installations, electrical equipment in railway or guided transport carriages, and technical and safety installations.

The Decree consists of four chapters:

1. General provisions;
2. Prevention of risks produced by the circulation of railway or guided transport carriages;
3. Prevention of risks produced by electricity-driven traction installations, electrical equipment in carriages and by the technical and safety installations in guided or railway transport;
4. Miscellaneous provisions.



9. Brief Statement of Grounds

Railway and guided transport systems are complex systems consisting of four interdependent and intrinsically linked components: infrastructure, carriages, operators and rules of operation. These systems require the use of specific technology enabling them to operate by fulfilling two basic requirements: safety and operational continuity. The safety of workers exposed to the railway risks produced by these systems forms an integral part of these requirements. Maintaining safety or operational continuity is not always sufficient to ensure all railway risks are eliminated. Specific preventive measures must therefore be taken to reduce these risks, and this is the purpose of this Decree.

10. Reference Documents - Basic Texts

Reference texts: - Labour Law: in particular Article L 4111-6;

- Transport Law: in particular Articles L1612-2, L2112-5, L1251-2, L2122-9, L2111-1, L5351-2, L2000-1, L2242-4, L2142-3, L2111-12, L2123-1, L2123-2, L2123-3, L2123-4, L1613-1 and L1613-4;

- Tourism Code: in particular Article L 342-7;

- Urban Planning Code: in particular Article L 472-1;

- Highway Code, in particular Article L 110-1;

- Highway Regulations Code, in particular Article L 115-1;

- Code of Maritime Ports: Article R 411-6;

- Environmental Code: Articles L 554-1 to L 554-5 and R 554-1 to R 554-38;

- amended Law of 15 June 1906 on energy distribution, in particular Article 19;

- amended Decree No 730 of 22 March 1942 on the supervision, safety and operation of public and local-use railways;

- Decree No 82-167 of 16 February 1982 on specific measures aimed at protecting workers against electrical hazards during the construction, operation and maintenance of electricity distribution infrastructure;

- amended Decree No 88-1056 of 14 November 1988 implementing the provisions of Book II of the Labour Law (Part III: The hygiene, safety and working conditions) regarding the protection of workers in establishments making use of electric current;

- amended Decree No 91-1147 of 14 October 1991 on the execution of works in proximity of transport or distribution infrastructure situated underground, overhead or underwater;

- amended Decree No 92-352 of 1 April 1992 implementing Article L 231-2 of the Labour Law and on measures to be taken to ensure the safety of workers in establishments where railways are used.

- amended Decree No 2003-425 of 9 May 2003 on the safety of guided public transport systems;

- amended Decree No 2006-1279 of 19 October 2006 on the safety of railway circulation and the interoperability of the railway system;

- Decree No 2010-1016 of 30 August 2010 on employers' obligations relating to the use of electrical installations in the workplace, in particular Article R 4226-4;

- Decree No 2010-1118 of 22 September 2010 on works on electrical installations or in the vicinity thereof, in particular Article R 4544-1.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No



14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspects

No – the draft has no significant impact on international trade.

SPS aspects

No – the draft is not a sanitary or phytosanitary measure.

Catherine Day
Secrétaire général
Commission européenne

Point de contact Directive 98/34
Fax: (32-2) 296 76 60
email: dir83-189-central@ec.europa.eu