

WRITTEN QUESTION E-1219/00
by Alonso Puerta (GUE/NGL)
to the Commission

Subject: Safety of workers in Spanish tunnels

The Community and the Member States are endeavouring to reduce the industrial accident rate to a minimum. However, the measures adopted by the Spanish Government in 1997 to transpose Council Directives 92/57/EEC¹ of 24 June 1992 and 92/104/EEC² of 3 December 1992 have given rise to serious inconsistencies posing additional safety risks in civil engineering tunnel works. The above Community Directives on the safety of workers make a clear distinction between extractive industries and civil engineering works. Directive 92/57/EEC relates to the safety of temporary or mobile construction sites, and Articles 1 and 2 explicitly exclude extractive industries. 'Work on wells, underground earthworks and tunnels' is listed in Annex II to the Directive (point 6) among the types of work involving risks to workers. Directive 92/104/EEC relates only to safety in the extractive industries, in other words underground or opencast mines.

Prompted by the Ministry for the Prime Minister's Office, the Spanish Government transposed Directive 92/57/EEC quite correctly under Royal Decree 1627/1997, issued on 24 October of that year, laying down minimum safety provisions applicable to civil engineering works, including tunnelling, digging of wells, and other works entailing underground earth movements. Article 1(2) of the Decree expressly excludes extractive industries. However, when it issued Royal Decree 1389/1997 of 5 September 1997, stemming from a proposal from the Ministry for Industry, Energy, and Mining, the Government transposed Directive 92/104/EEC surprisingly inaccurately in that Article 2(4) of the Decree refers not only to the extractive industries, but in addition to all industries carrying out tunnelling or (gallery) driving operations.

As a result of these two inconsistent provisions, site managers and other tunnel workers are having to contend with a confused body of mandatory rules and contradictory optional instructions because there is an overlap of responsibilities between authorities that enforce different safety regulations and separate systems of penalties. The fact that substantial amounts are expected to be invested in public works in Spain over the next few years could increase the instances of risk.

What steps will the Commission take to ensure that Directive 92/104/EEC is properly transposed in Spain and, specifically, to make the Spanish authorities repeal Article 2(4) of Royal Decree 1389/1997 of 5 September 1997?

¹ OJ L 245, 26.8.1992, p. 6.

² OJ L 404, 31.12.1992, p. 10.