

## Abstract

Differences in requirements between EU member states can be a source of confusion, giving a perception that different designs or working practices are needed in particular member states, potentially causing additional cost or delay to projects. This presentation aims to reveal the true extent of the differences between key jurisdictions, and show how employers such as WTG manufacturers, contractors and project developers can adopt good practices and accommodate the differences, without incurring major impacts on projects.

The understanding of regulatory differences and current good practices has been gained through a combination of literature reviews of different member states' regulations and guidance, national and European standards, and extensive consultation with leading developers and supply chain participants. This has enabled guidelines to be developed which reflect current good practices, and the reality of offshore wind, while ensuring compliance with member state regulations.

## Typical Project Set Up (EU)

Almost every project involves several EU member states (examples):

|   |  |
|---|--|
| WTG Supply  |   |
| Other equipment supply (foundation, cable, substation, other) |  |
| Design  |   |
| Installation  |   |

Even though there are common European directives and standards, project participants from different member states may be unsure of requirements and common practices in other states..

**This is a potential source of confusion, conflict and risk!**

## Legal Background

Two types of directive affect H&S:

|                                | Health and Safety Directives                                      | Product Supply Directives                           |
|--------------------------------|---|---|
| <b>Examples</b>                | Framework, Work Equipment, Temporary or Mobile Construction Sites | Machinery, Low Voltage Electrical Equipment, PPE    |
| <b>Purpose</b>                 | Common <b>baseline</b> for H&S                                    | Free movement of goods                              |
| <b>National implementation</b> | <b>Member states can set higher standards</b>                     | <b>Identical requirements in every member state</b> |
| <b>Application offshore</b>    | Through member state regulations                                  | Directives apply when product is placed on market   |
| <b>Evidence of compliance</b>  | Assess and audit against regulations                              | CE mark indicates conformity to directive           |

H&S Directives focus on **what** has to be achieved. However, some key definitions are open to different interpretations by member states:

- Temporary or Mobile Construction Sites Directive defines:
  - "Client"
  - "Project Supervisor" responsible for the design **and/or** execution **and/or** supervision of the execution
  - "Coordinator for safety and health matters" at the "project preparations stage" and at the "project execution stage" – **one or two co-ordinators?**
  - Some member states impose specific additional duties
- Work at height" is not defined in the directive
  - Member states have different definitions in regulations and guidance

## Additional Member State Requirements

### Examples:

- Germany:  
Statutory "G41" medical examination is mandatory for work at height.
- Denmark:  
Lifting equipment that is designed for lifting persons must be notified to the local Labour Inspectorate prior to use.

### Key lessons:

- **Member states enforce their regulations, not the directives!**
- Workers from other countries may expect similar arrangements

## Product Supply Directives

Not all Products are subject to directives:

- Some key classes of equipment are outside directives
  - No directive for HV electrical equipment
  - IEC standards provide worldwide standardisation
- Some specific products don't fit into any product supply directives:



Slings and lifting eyes are subject to the Machinery Directive



Lifting bags, stillages and containers are not subject to any product supply directives

**No applicable product supply directive = no CE mark**

## Machinery

The Machinery Directive defines Essential Health and Safety Requirements for all machines, to be fulfilled according to the state of the art:

*"employ the **most effective technical means** that are available at the time for a cost which is reasonable taking account of the total cost of the category of machinery concerned and the risk reduction required"*

## Conclusions

The H&S directives provide a common baseline in all EU member states. The General Principles of Prevention apply throughout the EU, and to all work activities. Product supply directives define a clear hierarchy of risk control. Most of the differences are found in the detail.

However, there are some key differences that employers need to be aware of, and processes that employers need to have in place, when working in a different jurisdiction. Employers should consider the following points:

1. Ensure that projects have access to competent local H&S advice; otherwise full compliance is unlikely.
2. Be aware of differences between local regulations and EU H&S directives.
3. Identify key areas of difference for a project
4. Ensure roles, responsibilities, arrangements and expectations are all clearly defined.
5. Recognise that workers may not be familiar with local requirements.
6. Keep things simple!
7. Know which type of directive applies.
8. Products should be to the same standard everywhere in EU.
9. Be ready to learn from other countries.

## References

1. Renewable UK (2013): Offshore Wind and Marine Energy Health and Safety Guidelines, Issue 1
2. G9 (2014): Good practice guideline Working at height in the offshore wind industry, 1st edition, November 2014
3. BSH (2010): Schutz- und Sicherheitskonzept für Offshore-Windparks - Leitlinien für die Erstellung von Schutz- und Sicherheitskonzepten für den Betrieb von Offshore Windparks in der deutschen AWZ, Draft , August 2010

