



IPS-07

**PROVISIONAL INSTRUCTIONS FOR ACTION
ISSUED BY VIGO PORT AUTHORITY FOR THE
PURPOSE OF CONTROLLING COMPLIANCE WITH
LEGISLATION CONCERNING THE ADMISSION,
HANDLING AND STORAGE OF HAZARDOUS
GOODS, AND SAFETY AND ANTI-FIRE SYSTEMS
IN THE AREA OF ADMINISTRATIVE LEASES AND
AUTHORISATIONS**

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1.- Purpose:

Without prejudice to the powers of the various Public Administrations, the purpose of the present document is to define and establish the action plan to be followed by Vigo Port Authority in order to comply, within the area of administrative leases and authorisations, with the provisions of Section 132.1 and final provision number two of Law 48/2003 of 26 November, on the financial regime and provision of services in ports of general interest, with regard to the control of compliance with legislation concerning the admission, handling and storage of hazardous goods, and safety and anti-fire systems.

2.- Legal Basis:

Section 132.1 of Law 48/2003, of 26 November, on the financial regime and provision of services in ports of general interest, amongst other provisions, establishes that Vigo Port Authority shall control compliance with legislation concerning the admission, handling and storage of hazardous goods, and of the legislation concerning safety systems, without prejudice to the powers enjoyed by other Public Administration Bodies, nor of the responsibilities of the Port's users and administrative leaseholders.

Final provision number two of the above-mentioned Law 48/2003 partially modifies Section 37 of Law 27/92 on State Ports and the Merchant Navy, including amongst the functions of Vigo Port Authority in its sub-section 1. j) the control of anti-fire systems, without prejudice to the powers enjoyed by other Public



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Administration Bodies, and more specifically those that establish sanctions for infringements of labour legislation.

Furthermore, by means of Law 31/95, of 8 November, on Occupational Risk Prevention, and of Law 54/2003, of 12 December, on the Reform of the legislative framework for occupational risk prevention, it is intended to integrate occupational risk prevention at all levels of a company, promoting authentic culture of prevention by adapting the regulation to the new ways in which work is organised.

To this effect the legislation establishes the general principles regarding risk prevention and health and safety protection, promoting balanced participation and employee education and training. In order to fulfil these objectives the activities to be carried out by Public Administrations, employers, employees and their respective representative organisations have been regulated.

To this end Section 14 refers to the right of workers to effective protection in the field of occupational health and safety, this being an obligation of the employer, who shall develop a permanent monitoring action of preventive activities through risk assessment, planning, informing, consulting and ensuring the participation of employees, as well as their education and training.

In accordance with the above, Vigo Port Authority, with the aim of complying to the maximum possible degree with the provisions of Section 132.1 and final provision number two of Law 48/2003, of 26 November, on the financial regime and provision of services in ports of general interest, with regard to the control of compliance with legislation concerning the admission, handling and storage of hazardous goods in the area of administrative leases and authorisations, and of

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legislation concerning the safety and anti-fire systems in administrative leases and authorisations, has designed the following:

3.- Provisional of action:

1. In the case of currently valid administrative leases and authorisations the Port Authority shall notify, on an annual basis, their holders to provide a document stating that in the occupational risk assessment and preventive activity plan for each place of work that they have taken into account risks deriving from the admission, handling and storage of hazardous goods, and the legislation concerning safety and anti-fire systems.

2. The holders of each administrative lease and/or authorisation must reply in writing within a maximum of ten (10) working days as from the date of receipt of the said notification.

So that the Port Authority shall have a maximum guarantee of compliance, the document referred to in 1) above shall bear, in addition to the signature of the legal representative of the company, the approval of one or more of the following persons:

- The person responsible for prevention or safety in the company, indicating position held and job functions if he or she is an employee of the company, or if he or she belongs to an external company, the signature of its legal representative.
- The person or institution duly authorised by the Labour Authorities to audit the Prevention System.



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- The occupational health and safety committee, or prevention delegate, whichever is the case.
3. If, within the interval of time transpiring between two notifications by the Port Authority requesting the above information, there should be a change, for whatever reason, in the circumstances initially notified to the Port Authority by the holder of the administrative lease and/or authorisation, the latter shall notify the new situation in the same terms as those stated above.
 4. Whenever a new administrative lease and/or authorisation is granted, amongst the conditions governing the said grant shall be included a condition that expressly includes the obligations deriving from point 1 above.
 5. In the case of non-fulfilment of the above-mentioned obligations, Vigo Port Authority shall inform the appropriate Labour Authority of this situation for the opportune intents and purposes, without prejudice to the taking of any actions by Vigo Port Authority that it may deem appropriate.
 6. The storage or depositing of hazardous goods that bear no direct relation to the purpose of the administrative lease and/or authorisation is strictly prohibited within the premises of the same.