



Plenary sitting

A9-0160/2023

27.4.2023

*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work (COM(2022)0489 – C9-0321/2022 – 2022/0298(COD))

Committee on Employment and Social Affairs

Rapporteur: Véronique Trillet-Lenoir

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work
(COM(2022)0489 – C9-0321/2022 – 2022/0298(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0489),
 - having regard to Article 294(2) and Article 153(2), point (b), in conjunction with paragraph 1, point (a), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0321/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Economic and Social Committee of 15 December 2022¹,
 - having regard to the opinion of the Committee of the Regions of 16 March 2023²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Employment and Social Affairs (A9-0160/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 100, 16.3.2023, p. 118.

² OJ C xxx, xx.xx.xxxx, p. x./ Not yet published in the Official Journal.

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council⁶⁵. When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths.

⁶⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) OJ L 353, 31.12.2008, p. 1.

Amendment

(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council⁶⁵ ***and are by far the major cause of work-related cancer, with as much as 78 % of occupational cancers recognised in the Member States as being related to exposure to asbestos.*** When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths. ***This Directive applies to all work activities, in particular those relating to at-risk work, including construction, renovation and demolition work, waste management, mining and firefighting, during which workers are or may be exposed to dust arising from asbestos or asbestos-containing materials.***

⁶⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) (OJ L 353, 31.12.2008, p. 1).

Amendment 2

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In line with the Health in All Policies approach, the protection of health from exposure to asbestos has a cross-cutting dimension and is relevant to numerous Union policies and activities, in particular in the field of the environment where the Union's policy should contribute to the protection of human health. The Union also has an important role to play at the international level to lead by an example as regards the prevention of asbestos related diseases and to work with other international organisations and third countries to achieve a global ban of asbestos. This Directive should therefore apply in synergies with other Union initiatives, including the measures foreseen by the Commission in its communication of 28 September 2022 on working towards an asbestos-free future: a European approach to addressing the health risks of asbestos.

Amendment 3

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The occupational health and safety requirements provided for in this Directive, such as the decontamination obligation, the safe cleaning of clothing, measures to avoid the release of asbestos fibres outside the workplace, the training on the risks related to secondary exposure and measuring the asbestos concentration in the air to ensure the safety of premises after the end of the work activities, are

also important means to avoid secondary exposure to asbestos or asbestos-containing materials.

Amendment 4

Proposal for a directive Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Passive exposure to asbestos, occupational and non-occupational, can have significant impacts on human health. There are different types of non-occupational exposure to asbestos, whether secondary exposure to asbestos fibres brought home by occupationally exposed individuals (mostly from their clothing or hair), exposure to asbestos-containing materials in home structures (mostly during renovation), or environmental exposure.

Amendment 5

Proposal for a directive Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) Women are particularly vulnerable to certain types of asbestos exposure, including secondary exposure. It is therefore essential that legislative and non-legislative instruments at Union and national level take account of gender differences in exposure and complications in order to better prevent and detect diseases caused by asbestos exposure. Gender stereotypes constitute a risk for the monitoring, diagnosis, treatment and recognition of asbestos-related diseases, which may limit levels of compensation for victims. The gender distribution of activities in the workplace and at home

constitutes an additional risk factor for the diagnosis of asbestos-related diseases. Cleaning activities should therefore be better taken into account in the diagnosis of asbestos exposure-related diseases, with a view to empowering female workers in that sector as well as women performing unpaid household work, such as the cleaning of asbestos-contaminated products.

Amendment 6

Proposal for a directive Recital 4

Text proposed by the Commission

(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL') **by taking into account an acceptable level of excess risk**. As a consequence, the OEL for asbestos should be revised in order to reduce the risk by lowering exposure levels.

Amendment

(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL'). ***The ERR derived by the European Chemicals Agency is based on phase-contrast microscopy (PCM) measurement, which lead to an underestimation of the exposure due to the technical limitation of PCM to detect fibres with a diameter below 0,2 µm. Measuring asbestos with a more modern technique allowing to count those thin asbestos fibres detrimental to health would be an important step to protect workers better.*** As a consequence, the OEL **and measurement methodology** for asbestos should be revised in order to reduce the risk by lowering exposure levels **to protect workers better from work-related cancer**.

Amendment 7

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The concept of sporadic and low-intensity exposure should not apply to a non-threshold carcinogen such as asbestos as a basis that justifies exemptions from the protection measures laid down in this Directive.

Amendment 8

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Within the framework of the Union's 'Renovation wave for Europe' initiative, the goal of which is to decarbonise buildings, tackle energy poverty and boost the Union's sovereignty by means of energy efficiency, workers potentially exposed to asbestos urgently need to be trained. Member States should ensure that workers are adequately trained to prevent asbestos exposure, including secondary exposure. The purpose of that training should be to enable workers to identify asbestos and remove it under the safest possible conditions for their health and for the health of anyone who may be exposed to it, for example, in the vicinity of building renovation or demolition sites. The national training plans should rely on necessary training infrastructure and technical support, in order to facilitate the asbestos removal in the safest possible way and be complemented by awareness campaigns for the general public on the risks of asbestos exposure, in particular in

the context of renovation.

Amendment 9

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. ***Its revision is also an effective way to ensure that*** preventive and protective measures are ***updated accordingly*** in all Member States.

Amendment

(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. ***Strengthened*** preventive and protective measures are ***needed to implement that revised limit value*** in all Member States.

Amendment 10

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough assessment of the socioeconomic ***impact*** and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003⁹.

Amendment

(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough assessment of the socioeconomic ***and public health impacts*** and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003⁹.

⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p.

⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p.

1).

1).

Amendment 11

Proposal for a directive Recital 9

Text proposed by the Commission

(9) Taking into account the relevant scientific expertise and ***a balanced approach ensuring at the same time adequate protection of workers at Union level and avoiding disproportionate economic disadvantages and burdens for the affected economic operators (including SMEs)***, a revised OEL equal to ***0.01 fibres/cm³*** as an 8-hour time-weighted average (TWA) should be established. ***This balanced approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos. Consideration has also been given to proposing an OEL that takes into account economic and technical considerations to allow an effective removal.***

Amendment

(9) Taking into account the relevant scientific expertise and ***the need to increase the*** protection of workers at Union level, a revised OEL, equal to ***0,001 fibres/cm³*** as an 8-hour time-weighted average (TWA), should be established. ***That revised OEL should apply after a transitional period. Until four years after the date of entry into force of this Directive, a transitional OEL, equal to 0,01 fibres/cm³ as an 8-hour TWA, should apply. Such an*** approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos ***and the need to take*** into account technical considerations ***with regard to monitoring compliance.***

Amendment 12

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Optical microscopy, although it does not allow a counting of the ***smallest*** fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to ***0.01 f/cm³*** with phase-contrast microscope (PCM), no ***transition*** period is needed for the implementation of the ***revised*** OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used,

Amendment

(11) Optical microscopy, although it does not allow a counting of the ***thinnest*** fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to ***0,01 fibres/cm³*** with phase-contrast microscope (PCM), no ***transitional*** period is needed for the implementation of the ***transitional*** OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used

while taking into account the need for an adequate period of adaptation and for *more EU level* harmonisation of different electron microscopy *methodologies*.

while taking into account the need for an adequate period of adaptation and for *a higher coherence among the different methodologies currently applied within the Union in order to allow comparability of results*. Such harmonisation of *counting rules for different types of electron microscopies should, in particular, reflect the fact that thin asbestos fibres (<0,2 µm) are also carcinogenic and should therefore be taken into account when measuring exposure in the workplace in accordance with Article 7(6) of Directive 2009/148/EC. The Commission should support and facilitate Member States with regard to the transition to electron microscopy, in particular by means of the development of guidance and by providing information on the relevant Union funds that can be used for that purpose in order to help Member States make the best use of, and facilitate access to, those funds.*

Amendment 13

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Asbestos sampling should be representative of the worker's personal exposure to asbestos. Samples should therefore be taken at regular intervals during specific operational phases in representative and realistic situations in which workers are exposed to asbestos dust. If it is not possible for sampling to be representative of the worker's personal exposure to asbestos, all appropriate protective measures should be applied.

Amendment 14

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Special control measures and precautions are needed **for workers exposed or likely to be exposed to asbestos, such as** subjecting workers to a decontamination procedure and related training, in order to significantly contribute to reducing the risks related to such exposure.

Amendment

(13) Special control measures and precautions, **including by using state-of-the-art technology**, are needed **to lower the concentration of asbestos fibres in the air to as low a level as is technically possible below the limit value, including through dust suppression and the suction of dust at the source, continuous sedimentation, and the means of decontamination, combined with minimum requirements for the pressure difference between asbestos enclosures and surroundings, fresh air supply and HEPA filters.** Subjecting workers to a decontamination procedure and **strengthening the** related training **requirements are important elements** in order to significantly contribute to reducing the risks related to such exposure. **In order to ensure a level playing field, an annex to this Directive should provide for minimum training requirements, including specific requirements for workers in specialised asbestos removal undertakings.**

Amendment 15

Proposal for a directive Recital 14

Text proposed by the Commission

(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure.

Amendment

(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure. **The annex to Directive 2009/148/EC related to the medical surveillance of workers should be updated in light of current knowledge on diseases that can be caused by asbestos exposure. The revision of the Commission Recommendation**

concerning the European schedule of occupational diseases should also reflect such new scientific evidences in order to facilitate the recognition and compensation procedures for victims of asbestos exposure.

Amendment 16

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) A notification system is important in order to enable the responsible authorities of Member States to supervise works during which asbestos may be disturbed. The information in the notification should include the following additional elements to better inform the responsible authority of the Member State: the areas in which the work is to be carried out, the equipment which is to be used for the protection and decontamination of workers, and a plan for waste disposal. Such additional information would allow, where appropriate, the intervention of the responsible authority to ensure the protection of those involved. In that regard, the necessary measures should be taken to ensure the enforcement of the applicable national law and practice, including through a support of the labour inspectorates, taking into account the International Labour Organization's benchmark of one inspector for every 10 000 workers in industrial market economies.

Amendment 17

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Employers should take all necessary steps to identify presumed asbestos-containing materials, ***if appropriate*** by obtaining information from the owners of the premises as well as other sources of information, including relevant registers. ***They*** should record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings ***or*** installations ***and*** communicate ***this*** information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities ***in or on buildings***.

Amendment

(15) Employers should, ***prior to the start of new work***, take all necessary steps to identify presumed asbestos-containing materials by obtaining information from the owners of the premises ***or from other employers*** as well as other sources of information, including relevant registers. ***In premises built before the national asbestos ban, such information should be based on mandatory asbestos screening adapted to the workplace, carried out by a certified operator and subject to minimum quality standards, in accordance with relevant Union and national law. If such information is not available, the employer should commission such mandatory asbestos screening and receive the result before the start of the work. A report containing the result of that screening should state whether asbestos or asbestos fibres are absent or present, with a detailed description of the nature of any contamination, its precise location and estimated quantities. On the basis of the information received, the employer*** should record, before the start of any asbestos removal project, ***demolition, maintenance or renovation, information relating to*** the presence or presumed presence of asbestos in buildings, ***ships, aircrafts or other installations that were built before the entry into force of the national asbestos ban and should*** communicate ***that*** information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities. ***The identification of asbestos-containing materials should not replace the necessity for the employer to undertake a risk assessment as provided for in Directive 89/391/EEC.***

Amendment 18

**Proposal for a directive
Recital 15 a (new)**

Text proposed by the Commission

Amendment

(15a) Directive 2009/148/EC should be regularly updated to take into account the latest scientific knowledge and technical developments including an assessment of different types of asbestos fibres and their adverse health effects. No later than six months after the entry into force of this Directive, the Commission should launch a consultation of the social partners for the purpose of updating the list of fibrous silicates that fall within the scope of Directive 2009/148/EC. The consultation should, in particular, assess whether riebeckite, winchite, richterite and fluoro-edenite should be included within the scope thereof. Within five years of the date of entry into force of this Directive, the Commission should submit a report to the European Parliament and to the Council, setting out the results of its assessment following the consultation of the social partners, accompanied, if appropriate, by a legislative proposal to amend Directive 2009/148/EC accordingly.

Amendment 19

**Proposal for a directive
Recital 15 b (new)**

Text proposed by the Commission

Amendment

(15b) The safe removal and disposal of asbestos-containing materials should be a priority, because repair, maintenance, encapsulation or sealing lead to the postponement of removal, which can perpetuate the risks to the workers and occupants of the buildings concerned for many years. The encapsulation and sealing of asbestos-containing materials which can technically be removed should

be prohibited, while not putting poorer households at a disadvantage because of their inability to afford necessary renovations. Appropriate accompanying measures are therefore needed. In that regard, the Union provides significant funding, in particular through the Recovery and Resilience Facility, to be used to support national measures for the removal of asbestos in the context of renovations. Where asbestos is not removed, the relevant structures should be identified, registered and regularly monitored.

Amendment 20

Proposal for a directive Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) Asbestos should be kept out of the circular economy to protect workers from unknowingly reusing dangerous materials. Life-cycle management of building materials is an important part of the circular economy in the framework of the Union's new circular economy action plan. Member States should therefore ensure availability of suitable and safe waste treatment facilities.

Amendment 21

Proposal for a directive Recital 15 d (new)

Text proposed by the Commission

Amendment

(15d) There is a need to provide sufficient and focused administrative support to help employers, in particular small and medium-sized enterprises, implement this Directive. In particular, standardised processes for the removal of

asbestos-containing materials would help to reduce the levels of asbestos dust, the cost of those operations and facilitate the fulfilment of the notification requirements.

Amendment 22

Proposal for a directive Recital 15 e (new)

Text proposed by the Commission

Amendment

(15e) Within one year of the date of entry into force of this Directive, the Commission should, in cooperation with the ACSH, develop and issue guidelines in order to support the implementation of this Directive. Those guidelines should, where appropriate, include sector-specific solutions. In order to keep pace with technological developments, the Commission should, at least every five years after issuing those guidelines, review them in light, in particular, of technological and scientific developments on asbestos identification, measurement and warning technology. A more systematic exchange of best practices across Member States should also be established for that purpose.

Amendment 23

Proposal for a directive Recital 15 f (new)

Text proposed by the Commission

Amendment

(15f) The Russia's war of aggression against Ukraine is not only causing suffering for the Ukrainian people but also considerable damage to infrastructure, housing and the built environment more generally. As Ukraine

did not ban the use of asbestos until 2017, the forthcoming reconstruction of the country poses a significant risk to workers, particularly those that handle rubble. It is therefore of the utmost importance that, whether they employ workers from a Member State or not, companies from the Union involved in rebuilding Ukraine take every possible measure to prevent workers' exposure to asbestos.

Amendment 24

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In view of the upcoming increase in thermal renovations of buildings, there is a crucial need to support research and development in order to ensure the highest possible level of protection for workers and the local population exposed to asbestos during demolition and renovation operations, and to improve the reliability and speed of asbestos screening, measurement, removal and safe waste management.

Amendment 25

Proposal for a directive Article 1 – paragraph 1 – point 2 Directive 2009/148/EC Article 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) erionite, CAS No 66733-21-9 and 1250-42-8.

Amendment 26

Proposal for a directive
Article 1 – paragraph 1 – point 2 a (new)
Directive 2009/148/EC
Article 3 – paragraph 1

Present text

This Directive shall apply to activities in which workers are or may be **exposed** in the course of their work to dust arising from asbestos or materials containing asbestos.

Amendment

(2a) in Article 3, paragraph 1 is replaced by the following:

“This Directive shall apply to activities in which workers are or may be **subject to active or passive exposure**, in the course of their work, to dust arising from asbestos or materials containing asbestos.”

Amendment 27

Proposal for a directive
Article 1 – paragraph 1 – point 2 b (new)
Directive 2009/148/EC
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

(2b) in Article 3, paragraph 3 is deleted.

Amendment 28

Proposal for a directive
Article 1 – paragraph 1 – point 2 c (new)
Directive 2009/148/EC
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(2c) in Article 3, paragraph 4 is deleted.

Amendment 29

Proposal for a directive
Article 1 – paragraph 1 – point 2 d (new)
Directive 2009/148/EC
Article 4 – paragraph 3 – subparagraph 2

Present text

The notification **must** include at least a brief description of:

- (a) the location of the worksite;
- (b) the type and quantities of asbestos used or handled;
- (c) the activities and processes involved;
- (d) the number of workers involved;
- (e) the starting date and duration of the work;
- (f) measures taken to limit the exposure of workers to asbestos.

Amendment

(2d) in Article 4(3), the second subparagraph is replaced by the following:

“The notification **shall** include at least a brief description of:

- (a) the location of the worksite **and the specific areas in which the work is to be carried out;**
- (b) the type and quantities of asbestos used or handled;
- (c) the activities and processes involved;
- (d) the number of workers involved, **a list of the workers likely to be assigned to the site, individual certificates demonstrating the competence of the workers and setting out the training that they have received, and the dates of the workers’ mandatory medical visits;**
- (e) the starting date, duration of the work **and the planned working hours;**
- (f) measures taken to limit the exposure of workers to asbestos;
 - (fa) the characteristics of the equipment used for the protection and decontamination of the workers;**
 - (fb) the procedure, duration and working hours relating to the decontamination of workers;**
 - (fc) the characteristics of the equipment used for waste disposal;**
 - (fd) a provisional aeraulic balance for work carried out under confinement;**
 - (fe) a plan for safe and sustainable waste disposal, including with regard to the destination of any asbestos-containing waste.”**

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 2 e (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(2e) in Article 4(3), the following subparagraph is added:

“The notifications shall be kept by the responsible authority of the Member State for a minimum of 40 years, in accordance with national law and practice.”

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 2 f (new)

Directive 2009/148/EC

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2f) in Article 5, the following paragraph is added:

“Asbestos-containing materials that are already in use shall be safely removed and disposed of when technically feasible. They shall not be repaired, maintained, sealed, encapsulated or covered. Asbestos-containing materials that are not removed shall be identified, registered and regularly monitored.”

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/148/EC

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) work processes shall be designed so as not to produce asbestos dust or, if that

(b) work processes shall be designed so as not to produce asbestos dust or, if that

proves impossible, to avoid the release of asbestos dust into the air;

proves impossible, to avoid the release of asbestos dust into the air **by implementing at least the following measures:**

- (i) asbestos dust suppression;**
- (ii) the suction of asbestos dust at source;**
- (iii) the continuous sedimentation of asbestos fibres suspended in the air;**
- (iv) appropriate decontamination;**

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/148/EC

Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) for work carried out under confinement, the work area shall be protected by implementing at least the following measures:

- (i) setting a minimum pressure difference of minus 10;**
- (ii) supplying clean replacement air from a point further away;**
- (iii) checking the performance of negative pressure units and portable vacuums of local exhaust ventilation systems after the change of a HEPA filter and before the start of asbestos removal and in any event at least once a year, by measuring the removal efficiencies of filters with a direct-reading particle counter;**

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2009/148/EC

Article 7 – paragraph 1

Present text

1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out **regularly**.

Amendment

(3a) in Article 7, paragraph 1 is replaced by the following:

"1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out **during the specific operational phases and at regular intervals throughout the work process.**"

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 3 b (new)

Directive 2009/148/EC

Article 7 – paragraph 2

Present text

2. Sampling must be representative of the personal exposure of the worker to dust arising from asbestos or materials containing asbestos.

Amendment

(3b) in Article 7, paragraph 2 is replaced by the following:

"2. Sampling must be representative of the **real** personal exposure of the worker to dust arising from asbestos or materials containing asbestos."

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 3 c (new)

Directive 2009/148/EC

Article 7 – paragraph 5

Present text

5. The duration of sampling **must** be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or

Amendment

(3c) in Article 7, paragraph 5 is replaced by the following:

"5. The duration of sampling **shall** be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or

time-weighted calculations.

time-weighted calculations."

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/148/EC

Article 7 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Fibre counting shall be carried out by ***phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO)**** or, wherever possible, any other method giving equivalent or better results, ***such as a method based on electron microscopy (EM)***.

Amendment

From ... [four years after the date of entry into force of this amending Directive], fibre counting shall be carried out by electron microscopy or, wherever possible, any other method giving equivalent or better results.

Until ... [four years after the date of entry into force of this amending Directive], fibre counting shall be carried out by phase-contrast microscope in accordance with the method recommended in 1997 by the World Health Organization (WHO)* or, wherever possible, any other method giving equivalent or better results, such as a method based on electron microscopy.

For the purposes of ensuring compliance with the measures on fibre counting referred to in this Article, the Commission shall support Member States by providing, no later than ... [one year after the entry into force of this amending Directive], after consultation of relevant stakeholders, appropriate technical guidance on the technical transition from phase-contrast microscopy to electron microscopy. Such technical guidance shall include harmonised counting rules that take into account the fact that thin asbestos fibres that are currently not detectable by means of phase-contrast microscopy are carcinogenic and are therefore to be taken into consideration, and information about relevant Union

funds which can be used to support the transition to electron microscopy.

* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).

* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2009/148/EC

Article 8 – paragraph 1

Text proposed by the Commission

Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of **0.01** fibres per cm³ as an 8-hour time-weighted average (TWA).

Amendment

1. From ... [four years after the date of entry into force of this amending Directive], employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of **0,001** fibres per cm³ as an 8-hour time-weighted average (TWA).

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2009/148/EC

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. As monitoring compliance with the OEL set out in paragraph 1 requires a method based on electron microscopy, an OEL equal to 0,01 fibres per cm³ as an 8-hour time-weighted average (TWA) shall apply for a transitional period until ... [four years after the date of entry into force of this amending Directive].

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 5 a (new)

Directive 2009/148/EC

Article 10 – paragraph 1

Present text

1. Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded **must** be identified and appropriate measures to remedy the situation **must** be taken as soon as possible.

Work **may** not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.

Amendment

(5a) in Article 10, paragraph 1 is replaced by the following:

"1. Where the limit value laid down in Article 8 is exceeded, **or if there is reason to believe that asbestos-containing materials which are not identified prior to the work have been disturbed so as to generate dust, work shall stop immediately.** The reasons for the limit being exceeded **shall** be identified and appropriate measures to remedy the situation **shall** be taken as soon as possible.

Work **shall** not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned."

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/148/EC

Article 11 – paragraph 1

Text proposed by the Commission

Before beginning demolition **or** maintenance work, employers shall take, **if appropriate** by obtaining information from the owners of the premises as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials.

Amendment

Before beginning demolition, maintenance work **or renovation works on premises built before the entry into force of the national asbestos ban**, employers shall take, by obtaining information from the owners of the premises **or from other employers** as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials. **Such information shall be based on mandatory asbestos screening carried out by a**

certified operator, adapted to the workplace and subject to minimum quality standards. If such information is not available, the employer shall commission the mandatory asbestos screening and receive the result before the start of the work. The requirement on employers to obtain information pursuant to this paragraph shall not replace the requirement on employers to undertake a risk assessment pursuant to Directive 89/391/EEC.

The employer shall make available to another employer, upon request and solely for the purpose of complying with the obligation laid down in the first subparagraph, any information obtained in the performance of the aforementioned obligation.

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/148/EC

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For the purpose of defining the minimum quality standards referred to in the first paragraph, Member States shall regulate the details of actions needed for the detection of asbestos-containing materials, in accordance with relevant Union and national law.

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/148/EC

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall establish public registers of the certified operators authorised to carry out asbestos screening in accordance with their national law and practice.

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2009/148/EC

Article 12 – paragraph 1 – introductory part

Present text

In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:

Present text

(c) the spread of dust arising from asbestos or materials containing asbestos

Amendment

(6a) in Article 12(1), the introductory part is replaced by the following:

“In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of ***all possible*** technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:”

Amendment

(6b) in Article 12(1), point (c) is replaced by the following:

"(c) the spread of dust arising from asbestos or materials containing asbestos

outside the premises or site of action shall be prevented.

outside the premises or site of action shall be prevented, **and for work performed under confinement, the enclosure and airlocks shall be airtight and under mechanical extraction ventilation.**”

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 6 c (new)

Directive 2009/148/EC

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(6c) in Article 12, the following paragraph is added:

“A measurement of asbestos fibres concentration in the air shall be carried out after activities referred to in the first paragraph have been concluded in order to ensure that workers can safely re-enter the workplace.”

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 6 d (new)

Directive 2009/148/EC

Article 13 – paragraph 1

Present text

Amendment

1. A plan of work shall be drawn up before **demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships** is started.

(6d) in Article 13, paragraph 1 is replaced by the following:

"1. A plan of work shall be drawn up before **any work involving the handling of** asbestos is started."

Amendment 48

Proposal for a directive
Article 1 – paragraph 1 – point 6 e (new)
Directive 2009/148/EC
Article 14 – paragraph 2

Present text

2. 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:**

- (a) the properties of asbestos and its effects on health, including the synergistic effect of smoking;**
- (b) the types of products or materials likely to contain asbestos;**
- (c) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;**
- (d) safe work practices, controls and protective equipment;**
- (e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;**
- (f) emergency procedures;**
- (g) decontamination procedures;**
- (h) waste disposal;**
- (i) medical surveillance requirements.**

Amendment 49

Proposal for a directive
Article 1 – paragraph 1 – point 6 f (new)
Directive 2009/148/EC
Article 14 – paragraph 3

Amendment

(6e) in Article 14, paragraph 2 is replaced by the following:

“2. The content of the training **shall** be easily understandable for workers. It **shall** enable them to acquire the necessary knowledge and skills in terms of prevention and safety, **in accordance with the national law and practice applicable where the work takes place.**”

Present text

3. *Practical guidelines for the training of asbestos removal workers shall be developed at Community level.*

Amendment

(6f) in Article 14, paragraph 3 is replaced by the following:

“3. The minimum requirements with regard to the content, duration, intervals and documentation of the training provided pursuant to this Article are set out in Annex Ia.”

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 6 g (new)

Directive 2009/148/EC

Article 15 – paragraph 1

Present text

Before carrying out demolition or asbestos removal work, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice.

Amendment

(6g) in Article 15, paragraph 1 is replaced by the following:

“1. Undertakings which intend to carry out demolition or asbestos removal work shall be required to obtain, before the start of the work, a permit from the competent authority. Competent authorities shall grant such permits only if the applicant undertaking provides proof of adequate state-of-the-art technical equipment for emission-free or, where this is not yet technically possible, low-emission work procedures in accordance with Article 6, and training certificates for the individual workers in accordance with Article 14 and Annex Ia.”

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 6 h (new)

Directive 2009/148/EC

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(6h) in Article 15, the following paragraph is added:

“1a. Competent authorities shall grant permits to the undertakings referred to in paragraph 1 only if they have no doubt as to the reliability of the undertaking and its management. The permits shall be renewable every five years, in accordance with national law and practice.”

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 6 i (new)

Directive 2009/148/EC

Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(6i) in Article 15, the following paragraph is added:

“1b. Member States shall establish public registers of the undertakings that have been granted permits to remove asbestos pursuant to paragraph 1.”

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 6 j (new)

Directive 2009/148/EC

Article 16 – paragraph 1 – introductory part

Present text

Amendment

1. In the case of all activities referred to in Article 3(1), **and subject to Article 3(3)**, appropriate measures shall be taken to ensure that:

(6j) in Article 16(1), the introductory part is replaced by the following:

“1. In the case of all activities referred to in Article 3(1), appropriate measures shall be taken to ensure that:”

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 6 k (new)

Directive 2009/148/EC

Article 16 – paragraph 1 – point c

Present text

(c) workers are provided with appropriate working or protective clothing; **this** working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;

Amendment

(6k) in Article 16(1), point (c) is replaced by the following:

“(c) workers are provided with appropriate working or protective clothing **as well as protective equipment, in particular respiratory equipment, which is subject to a mandatory individual fitting check, and all such** working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;”

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 6 l (new)

Directive 2009/148/EC

Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 6 m (new)

Amendment

(6l) in Article 16(1), the following point is inserted:

“(ca) **regular compulsory breaks with sufficient time for rest are provided for workers wearing respiratory equipment;**”

Directive 2009/148/EC
Article 16 – paragraph 1 – point e

Present text

(e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations;

Amendment

(6m) in Article 16(1), point (e) is replaced by the following:

“(e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations, **and workers are subject to a mandatory decontamination procedure, which is designed with the involvement of the relevant sectoral social partners to cover sector specific needs;**”

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 6 n (new)

Directive 2009/148/EC

Article 17 – paragraph 2 – introductory part

Present text

2. In addition to the measures referred to in paragraph 1, **and subject to Article 3(3)**, appropriate measures shall be taken to ensure that:

Amendment

(6n) in Article 17(2), the introductory part is replaced by the following:

"2. In addition to the measures referred to in paragraph 1, appropriate measures shall be taken to ensure that:"

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 6 o (new)

Directive 2009/148/EC

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

(6o) in Article 18, paragraph 1 is deleted;

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 6 p (new)

Directive 2009/148/EC

Article 18b a (new)

Text proposed by the Commission

Amendment

(6p) the following article is inserted:

“Article 18ba

- 1. By ... [six months after the date of entry into force of this amending Directive], the Commission shall launch a consultation of the ACSH for the purpose of updating the list of fibrous silicates that fall within the scope of this Directive and, in that context, assess whether it would be appropriate to include riebeckite, winchite, richterite and fluoro-edenite within the scope of this Directive.**
- 2. By ... [five years after the date of entry into force of this amending Directive], the Commission shall submit a report to the European Parliament and to the Council, setting out the results of the assessment referred to in paragraph 1. That report shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.**
- 3. Every five years after the date referred to in paragraph 2 of this Article, the Commission shall assess whether there is a need to further update the list of fibrous silicates referred to in Article 2 and shall submit a report to the European Parliament and to the Council, setting out its assessment. Those reports shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.**
- 4. By... [six months after the date of entry into force of this amending Directive], the Commission shall launch a consultation of relevant stakeholders on the need for additional measures to ensure protection against secondary**

exposure to asbestos in non-occupational settings. By ... [five years after the date of entry into force of this amending Directive], the Commission shall submit a report to the European Parliament and to the Council, setting out the results of that consultation, accompanied, if appropriate, by a legislative proposal.

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 6 q (new)

Directive 2009/148/EC

Article 18b b (new)

Text proposed by the Commission

Amendment

(6q) the following article is inserted:

“Article 18bb

- 1. By ... [one year after the date of entry into force of this amending Directive], the Commission shall, in cooperation with the ACSH, develop guidelines for the purpose of supporting the implementation of this Directive and publish them on the website of EU-OSHA. Those guidelines shall provide, where appropriate, sector-specific solutions.**
- 2. At least every five years after the date referred to in paragraph 1, the Commission shall, after consulting the social partners, review the guidelines referred to in that paragraph, taking into account, in particular, technological and scientific developments with regard to asbestos identification, measurement or warning technology. The Commission shall include, in the revised guidelines, information about when a new technology is to be used in order to protect workers from exposure to asbestos.”**

Amendment 61

Proposal for a directive
Article 1 – paragraph 1 – point 6 r (new)
Directive 2009/148/EC
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

(6r) in Article 19, paragraph 1 is deleted;

Amendment 62

Proposal for a directive
Article 1 – paragraph 1 – point 7 a (new)
Directive 2009/148/EC
Article 21 – paragraph 1

Present text

Amendment

Member States shall keep a register of recognised cases of ***asbestosis and mesothelioma***.

(7a) in Article 21, paragraph 1 is replaced by the following:

“1. Member States shall keep a register of all recognised cases of *asbestos-related occupational diseases*. An indicative list of diseases that can be caused by asbestos exposure is set out in Annex I.”

Amendment 63

Proposal for a directive
Article 1 – paragraph 1 – point 7 b (new)
Directive 2009/148/EC
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(7b) in Article 21, the following paragraph is added:

“1a. Recognised cases as referred to in paragraph 1 shall not be limited to cases in which compensation has been granted, but shall refer to all cases of medically diagnosed asbestos-related diseases.”

Amendment 64

Proposal for a directive

Article 1 – paragraph 1 – point 7 c (new)

Directive 2009/148/EC

Article 21 a (new)

Text proposed by the Commission

Amendment

(7c) the following article is inserted:

“Article 21a

All existing information, including from relevant registers, regarding the presence and location of asbestos shall be made available to firefighters and the emergency services.”

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 7 d (new)

Directive 2009/148/EC

Article 22 a (new)

Text proposed by the Commission

Amendment

(7d) the following article is inserted:

"Article 22a

1. The Commission shall regularly monitor and assess the implementation of this Directive, after consulting the social partners, in order to ensure a high level of health protection for all workers.

2. The Commission shall provide sufficient administrative and financial support to employers, in particular SMEs and microenterprises, in order to ensure adequate protection of workers. For the purpose of fulfilling the requirements of this Directive, including accessing and developing measurement technology, protective equipment, and the training, upskilling and reskilling of workers, the Union provides significant funding through the Recovery and Resilience

Facility (RRF), in particular under the 'Renovate' flagship initiative. Member States can also use RRF funds, in particular under pillar 6 (policies for the next generation) and flagship 7 ('Reskill and Upskill') to promote skilling and upskilling of workers handling asbestos. In addition, the Union structural and investment funds, including the European Social Fund + and the European regional development fund can support a range of measures related to renovations, including upskilling, reskilling and lifelong learning for all, and the adaptation of workers, enterprises and entrepreneurs to the needs of the green transition. The Commission shall provide appropriate information on the relevant Union funds which can be used in order to help Member States make the best use of, and facilitate access to, those funds, notably to SMEs and microenterprises.

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 7 e (new)

Directive 2009/148/EC

Annex I – point 1

Present text

1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:

- asbestosis,
- mesothelioma,
- **bronchial** carcinoma,
- gastro-intestinal carcinoma.

Amendment

(7e) in Annex I, point 1 is replaced by the following:

“1. Current knowledge indicates that exposure to free asbestos fibres can give rise to **at least** the following diseases:

- asbestosis,
- mesothelioma,
- **lung** carcinoma,
- gastro-intestinal carcinoma,
- **carcinoma of the larynx,**
- **carcinoma of the ovary,**
- **non-malignant pleural diseases.**

1a. Positive associations have been noted by the International Agency for Research on Cancer between asbestos exposure and the following diseases:

- pharyngeal cancer,*
- colorectal cancer,*
- stomach cancer.”*

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 7 f (new)

Directive 2009/148/EC

Annex I a (new)

Text proposed by the Commission

Amendment

(7f) the following annex is inserted:

“ANNEX Ia

Minimum requirements for training

Workers who are, or who are likely to be, exposed to dust from asbestos or asbestos-containing materials shall receive mandatory training, encompassing at least the following minimum requirements:

- 1. The training shall be provided at the start of an employment relationship and then at intervals not exceeding four years.*
- 2. Each training course shall have a minimum duration of three working days.*
- 3. The training shall be provided either by an instructor whose qualification is recognised by a national authority, by a certified institution, or by both, in accordance with national law and practice.*
- 4. Every worker who has attended training in a satisfactory manner and has passed the required final test shall receive a training certificate indicating all of the following:*
 - (a) the date of the training;*

- (b) the duration of the training;*
 - (c) the content of the training;*
 - (d) the language of the training;*
 - (e) the name, qualification, and contact details of the instructor or the institution providing the training, or both.*
- 5. Workers who are, or who are likely to be, exposed to dust from asbestos or asbestos-containing materials shall receive at least theoretical and practical training concerning the following:*
- (a) the applicable law of the Member State in which the work is carried out;*
 - (b) the properties of asbestos and its effects on health, including the synergistic effect of smoking, as well as the risks linked to secondary, passive and environmental exposure;*
 - (c) the types of products or materials likely to contain asbestos;*
 - (d) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;*
 - (e) safe working practices, including workplace preparation, the choice of working methods and planning of work execution, ventilation, point extraction, measurement and control, and regular breaks;*
 - (f) the appropriate role, choice, selection, limitations and proper use of protective equipment, with particular regard to respiratory equipment;*
 - (g) emergency procedures;*
 - (h) decontamination procedures;*
 - (i) waste disposal;*
 - (j) medical surveillance requirements.*

The training shall be adapted as closely as possible to the characteristics of the profession and the specific tasks and work methods that the profession involves.

6. Workers who engage in demolition or asbestos-removal work shall be required to receive training, in addition to the training provided for pursuant to paragraph 5, regarding both of the

following:

(a) the use of technological equipment and machines to contain the release and spreading of asbestos fibres during the work processes, in accordance with this Directive;

(b) the latest available technologies and machines for emission-free or, where this is not technically possible, low-emission working procedures, to contain the release and spreading of asbestos fibres.”

Amendment 68

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph of this paragraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the first paragraph of Article 1, point 4, and the first paragraph of Article 1, point 5 by ... [four years after the date of entry into force of this amending Directive]. They shall immediately communicate the text of those measures to the Commission.

EXPLANATORY STATEMENT

Asbestos is the main cause of occupational cancers. This substance was banned at European level in 2005 but is still present in many buildings and infrastructures, including transport.

The Green Deal engages the European Union in a vast program of renovation of buildings to improve energy efficiency while driving clean energy transition. At the same time, this renovation wave exposes workers to increased occupational cancer risks. Therefore, the European Parliament asked, by large majority, for a cross-cutting European strategy, including housing, waste management and occupational health protection policies.

In September 2022, following the report of the European Parliament, the Commission proposed in a communication on “working towards an asbestos-free future”, a strategy encompassing measures to improve the diagnosis and treatment of diseases caused by asbestos, the management of asbestos waste, the screening and safe removal of this substance. This strategy is a good first step.

The revision of the asbestos at work directive is the first legislation of this strategy. The main Commission proposals relate to the fibre counting methodology and the occupational exposure limit.

Methodology

The majority of Member States are currently using a methodology (phase contrast microscopy), recommended by the World Health Organization. However, this methodology is widely considered as outdated because of limitations.

- **The first obstacle is the detection limit.** For a limit value to be a tangible reality, it is crucial to have the means to control its application. In practice, this means that the detection limit must be lower than the defined limit value.
- **The second relates to the limit of visibility.** Setting a maximum quantity of asbestos not to be exceeded is a crucial discussion, but the prerequisite is to agree on what the terms "fibres to be counted" cover. The legislation does not provide for a diameter below which the fibres are not counted. In practice, this limit is set by what is observable under the microscope. With phase contrast microscopy, fibres whose diameter is less than 0.2 micrometers are de facto excluded.
- **A third obstacle is the impossibility of distinguishing the nature of the dust** (asbestos fibres or not, and which type of asbestos), with the consequences of the possibility of “false negatives” or “false positives”.

Moving from phase contrast microscopy to a more modern technology based on electron microscopy, a significant change of the situation will be observed. To ensure a higher coherence among the different methodologies currently applied within the Union, an harmonization work needs to be carried out, notably to ensure that thin asbestos fibres (<0,2 µm) are taken into account when measuring exposure in the workplace. Since laboratories

will have to equip themselves and train their teams accordingly, a transition period of 4 years is provided.

The Commission should support and facilitate Member States in such transition, in particular through the support of training, the development of guidelines and the provision of information on relevant Union funds which can be used for that purpose.

Occupational Exposure Limit (OEL)

The report proposes, as a first step, to divide the OEL by 10 and therefore to go, without a transition period, from 0.1 fibre per cm³ to 0.01 fibre per cm³.

The change of methodology, after a transition period of 4 years, from PCM to electron microscopy, will allow to decrease again the OEL at a level of 0,001 fibres/cm³.

However, an OEL should not be confused with a target. Asbestos is a non-threshold carcinogen. Therefore, employers are required to **reduce exposure to the lowest possible level**. In no case would the setting of a limit be an encouragement to aim for this threshold.

To accompany the revision of the directive, the report proposes to specify the applicable measures to prevent the spread of dust in the air and to ensure that personal protective equipment is subject to mandatory individual fitting checks. These practical measures will help to comply with the revised OEL and are the logical translation of the fact that exposure must be reduced to the lowest level technically possible.

In addition, it is proposed to specify that the samplings should be carried out in such a way as to be representative of the real exposure of workers, and to take into consideration the different operational phases of the works.

Further changes to the Asbestos at Work Directive are proposed and reflect the demands of the European Parliament expressed in its 2021 resolution.

Focusing only on the OEL is not enough. A prerequisite is to check, prior to the work, the presence or absence of asbestos within the scope of the planned work. Although the announcement by the Commission of future legislation on the screening and registration of asbestos in buildings is indeed good news, the content of such a proposal is not published yet. Knowing about the presence of asbestos is an important element for the protection of workers. This is why the report proposes to insert a clause providing for an asbestos screening before the work can start. Such screening should be carried out by a certified operator, regardless of the type of premises: buildings or infrastructures, in particular ships.

It is also proposed to delete the concept of “sporadic and of low intensity exposure” to waive certain requirements of the directive, and to develop guidelines in cooperation with the social partners, to provide, where appropriate, sector-specific practical information on the implementation of this directive.

The report recommends to prioritize the removal of asbestos-containing materials rather than the use of alternative techniques, such as encapsulation or sealing, which would only postpone the safe removal of asbestos.

The proper application of the legislation requires, on the one hand, that workers have appropriate qualifications and, on the other hand that the competent authorities can intervene if necessary. Therefore, it is proposed to strengthen the minimum requirements for training and notification to the authorities. These additional requirements will allow for increased awareness of the measures to be taken for work related to asbestos.

In order to avoid secondary exposure, the report recommends that mandatory decontamination procedures be put in place.

Finally, and without undermining national competences as regard compensation of occupational diseases, it is proposed to update in Annex 1 on medical surveillance, the list of diseases for which current knowledge indicates that exposure to asbestos fibres can give rise to. When it is demonstrated that a disease is linked to occupational exposure to asbestos, the information should be used to feed statistical registers in order to ensure more complete epidemiological monitoring.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the [draft report / report, until the adoption thereof in committee]:

Entity and/or person
European Federation of building and woodworkers
European Trade Union Institute
European Trade Union Confederation
European Federation of Public Service Unions
United Federation of Danish Workers (3F)
European Construction Industry Federation
European Building Confederation
Confédération de l'Artisanat et des Petites entreprises du Bâtiment
Fédération Française du Bâtiment
Syndicat Interprofessionnel du Diagnostic Immobilier
Netherlands Organisation for Applied Scientific Research TNO
Fedasbest (Belgian federation of recognised asbestos laboratories and asbestos experts)
Finnish Institute of Occupational Health
ACV-CSV
European Society for Medical Oncology (ESMO)

23.3.2023

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Employment and Social Affairs

on the proposal for a Directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work

(COM(2022)0489 – C9-0321/2022 – 2022/0298(COD))

Rapporteur: Marina Mesure

SHORT JUSTIFICATION

In view of the ambitious mandate given by Parliament in Resolution 2019/2182(INL), the Commission's legislative proposal is inadequate and incomplete. Asbestos is one of the biggest public health threats – a quiet and delayed pandemic that we need to tackle effectively

by equipping ourselves with the normative tools required to do so. In recent years, the rate of asbestos-related deaths has actually increased, with as many as 90 000 recorded in the EU each year.

The purpose of this opinion is first and foremost to reiterate Parliament's position as set out in Resolution 2019/2182(INL) and the related ENVI Committee opinion in particular. The ENVI Committee proposal for an opinion was adopted unanimously with one abstention. Given this united stance from the representatives of the European peoples, the rapporteur is putting forward an opinion that reflects the same level of ambition.

Aside from the direct or passive exposure of workers to asbestos, there are different types of non-occupational exposure to asbestos with potentially significant consequences for human health, whether of para-occupational (such as asbestos dust brought home by workers), domestic (such as household objects containing asbestos), or environmental (materials in buildings, landfills or from industrial sources) origin. According to recent studies, non-occupational exposure to asbestos may account for around 20 % of mesothelioma cases in industrialised countries. These findings recall the need for the ENVI Committee to take an ambitious position on the protection of workers and all other individuals at risk of harm from exposure to asbestos by any means.

The Commission's legislative proposal falls within this dramatic context, in which we are seeing the human and economic toll continue to rise. The rapporteur expresses deep regret at the patchy nature of the Commission's proposal, which has neither the ambition nor the scope needed to provide a legislative response up to the task of tackling the public health threat. As a reminder, there is no threshold below which the concentration of asbestos fibres in the air is harmless.

The rapporteur is thus seeking to have a new version of the Commission's proposal put forward that provides a legislative tool that can effectively protect workers, their families, the environment and any individual who may be exposed to the scourge of asbestos. Asbestos's ability to spread and cause harm even at low doses intrinsically links the level of protection of asbestos workers to that of the populations living near places where activities emitting asbestos fibres are carried out.

With the amendments proposed, this opinion therefore provides for the creation a management plan for asbestos-containing waste to better prevent environmental asbestos exposure and protect exposed workers. Improving the management of asbestos waste is a key aspect of this report. From a sectoral perspective, in addition to waste management, the rapporteur addresses the issue of the legislation applicable to asbestos removal and demolition companies in view of the impact that this activity has on the environment and on the populations living near the sites concerned. The opinion also takes a holistic approach, based on the ENVI Committee's remit in the field of public health. The rapporteur also stresses how important it is to take better account of gender stereotypes in the prevention and detection of asbestos-related diseases and when offering financial support to households removing asbestos from their homes.

The goal of better informing workers, employers and the general public on asbestos – by creating targeted communication campaigns on the risks of asbestos exposure and setting up national registers of public and private sites containing asbestos so that targeted renovations

can be carried out as soon as possible to better protect professionals and users of buildings – was central to rapporteur’s proposals.

The opinion also calls for greater efforts to be made to put an end to the use of asbestos in third countries by strengthening corporate due diligence.

The rapporteur also calls on the Commission to propose new legislation on the minimum requirements for the recognition of occupational diseases, including all asbestos-related diseases, and adequate compensation for those affected, through objectives clearly predefined by Parliament.

The rapporteur therefore hopes to address the many shortcomings in the Commission’s proposal and to put forward a new version of Directive 2009/148/EC that is fit to tackle the challenges of asbestos exposure.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Employment and Social Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Citation 5 a (new)

Text proposed by the Commission

Amendment

– ***Having regard to Europe’s
Beating Cancer Plan,***

Amendment 2

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In line with the ‘Health in all policies’ approach, the protection of health from exposure to asbestos has a cross-cutting dimension and is relevant to numerous Union policies and activities.

This Directive, focused on the prevention of occupational diseases, should apply in synergies with other initiatives, including the measures foreseen by the Commission in its communication on working towards an asbestos-free future: a European approach to addressing the health risks of asbestos.

Amendment 3

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In line with the One Health approach and as per Article 191(1) of the Treaty on the Functioning of the European Union, the Union's policy on the environment should contribute to the pursuit of the objectives of protecting the health of its citizens and protect and improve the quality of the environment, and as per paragraph 2 of that Article, the Union's policy on the environment shall be based on the principles of precaution and preventive action as well as the 'polluter pays' principle. Moreover, the growing recognition of the right to a safe, clean, healthy and sustainable environment by an increasing number of Member States and third countries also provides a basis for more ambitious arrangements to protect the environment and people affected by asbestos. The Union also has an important role to play at the international level to lead by example as regard the prevention of asbestos related diseases.

Amendment 4

Proposal for a directive Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) With a view to ensuring that the principles of this Directive are swiftly brought into effect, it is essential that the Union provides the Member States with technical expertise and provides information on available Union funds that could be used for that purpose Relevant Union funds should be made available as soon as possible for asbestos policies at Union level. The encapsulation and sealing of asbestos-containing materials which can technically be removed should be prohibited, while not putting poorer households at a disadvantage because of their inability to afford necessary renovations. Appropriate accompanying measures are therefore needed.

Amendment 5

**Proposal for a directive
Recital 2 c (new)**

Text proposed by the Commission

Amendment

(2c) The safe removal and disposal of asbestos-containing materials should be a priority, because repair, maintenance, encapsulation or sealing only lead to the postponement of the removal, which can perpetuate the risks for inhabitants and workers for many years. Where asbestos is not removed, the relevant structures should be identified, registered and regularly monitored.

Amendment 6

**Proposal for a directive
Recital 3**

Text proposed by the Commission

(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council⁵. When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths.

Amendment

(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council⁵ ***and are by far the major cause of work-related cancer, with as much as 78% of occupational cancers recognised in the Member States as being related to asbestos.*** When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths.

Amendment 7

**Proposal for a directive
Recital 3 a (new)**

Text proposed by the Commission

Amendment

(3a) On 10 June 2022, at the end of the 110th International Labour Organization (ILO) International Labour Conference^{1a}, the right to a safe and healthy working environment was added to the list of universally recognised fundamental rights at work. The recognition of the right to a safe and healthy environment is an important step towards eradicating asbestos beyond the Union's borders and justifies the strengthening of companies' due diligence regarding the production and use of asbestos by their business

partners outside the Union.

^{1a} https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_848132/lang-en/index.htm.

Amendment 8

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Exposure to asbestos fibres can lead to serious illness and death and it is of the utmost importance to minimize the risk of human exposure to asbestos fibres.

Amendment 9

Proposal for a directive Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Given the health hazards of even indirect exposure to asbestos, whether in an occupational, domestic or environmental context, the number, frequency and quality of inspections of the working conditions and workplaces of persons potentially exposed to asbestos, as well as conditions of disposal and inertization of asbestos-containing material must be considerably increased. It is imperative to go well beyond the minimum objective of one inspector for every 10 000 workers set in the benchmark of the ILO in application of article 10 of Convention 81, which many Member States are, however, still not meeting^{1a}.

^{1a} https://www.ilo.org/shinyapps/bulkexplorer56/?lang=en&segment=indicator&id=LAI_INSP_SEX_NB_A.

Amendment 10

Proposal for a directive Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) The decades that usually separate exposure to asbestos from the development of associated diseases make it particularly difficult to establish, for patients suffering from these diseases, a causal link between exposure to asbestos fibres and the associated disease. In addition to strengthening preventive measures, this fact means that Member States must facilitate procedures for recognising workplace diseases by reversing the burden of proof of the causal link between exposure and the disease and to provide adequate compensation for workers suffering from asbestos-related diseases.

Amendment 11

Proposal for a directive Recital 3 e (new)

Text proposed by the Commission

Amendment

(3e) The storage and recycling of products containing asbestos poses a serious risk of contamination to workers and the environment. Disposing of asbestos waste in landfill is not a viable long-term solution as the waste will have to be dealt with by future generations, since at the current stage of scientific progress, it is difficult to make asbestos

waste inert. Asbestos should be kept out of the circular economy to protect workers from unknowingly reusing dangerous materials. Life-cycle-management of building materials is an important part of the circular economy in the framework of the New EU Circular Economy Action Plan. The development of safe waste disposal plans is therefore fundamental for the sake of the environment and public health. To ensure that these additional requirements do not give rise to increased exports of asbestos waste to third countries, it is necessary to prohibit exports of asbestos waste to third countries and thus to encourage the establishment of treatment and inerting centres for asbestos waste throughout the Union.

Amendment 12

Proposal for a directive Recital 4

Text proposed by the Commission

(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL') **by taking into account an acceptable level of excess risk**. As a consequence, the OEL for asbestos should be revised in order to reduce the risk by lowering exposure levels.

Amendment

(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL'). **The ERR derived by the European Chemicals Agency is based on Phase-contrast microscopy (PCM) measurement, which lead to an underestimation of the exposure due to the technical limitation of PCM to detect fibres with a diameter below 0,2 µm. Measuring asbestos with a**

more modern technique allowing to count those thin asbestos fibres detrimental to health would be an important step to protect workers better. As a consequence, the OEL and measurement methodology for asbestos should be revised in order to reduce the risk by lowering exposure levels to protect workers better from work-related cancer.

Amendment 13

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The concept of ‘sporadic and low intensity’ cannot apply to a non-threshold carcinogen like asbestos, as a basis that justifies exemptions from the protection measures laid down in this Directive.

Amendment 14

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) In the context of health and safety at work, state-of-the-art technology must always be applied to achieve the highest possible level of protection. Technical minimum requirements need to lower the concentration of asbestos fibres in the air to the lowest level technically possible, including through dust suppression and the suction of dust at the source, continuous sedimentation, and means of decontamination, combined with minimum requirements for the pressure difference between asbestos enclosures and surroundings, fresh air supply and

HEPA filters.

Amendment 15

Proposal for a directive Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Passive exposure to asbestos, occupational and non-occupational, can have significant impacts on human health. Women are particularly vulnerable to certain types of asbestos exposure - including second-hand exposure, which therefore needs particular attention. There are different types of non-occupational exposure to asbestos, whether domestic exposure or para-occupational- or household-contact exposure (exposure to asbestos fibres brought home by occupationally exposed individuals, mostly from their clothing or hair), household exposure (exposure to asbestos-containing materials in home structures, mostly during renovation), or environmental exposure (including materials existing in buildings and installations or of industrial origin). It is therefore essential that legislative and non-legislative instruments, at Union and Member State level, take account of gender differences in exposure and complications in order to better prevent and detect diseases caused by asbestos exposure. Gender stereotypes constitute a risk for the monitoring, diagnosis, treatment and recognition of asbestos-related diseases, which may limit levels of compensation for victims. The gender distribution of activities in the workplace and the home constitutes a further risk factor for the diagnosis of asbestos-related diseases. Cleaning activities should therefore be better taken into account in the diagnosis of asbestos exposure-related

diseases with a view to empowering female workers in this sector as well as those performing unpaid household work, such as the cleaning of asbestos-contaminated products.

Amendment 16

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Within the framework of the Union's 'renovation wave for Europe' initiative, the goal of which is to decarbonise buildings, tackle energy poverty and boost our sovereignty by means of energy efficiency, workers potentially exposed to asbestos urgently need to be trained. Member States shall ensure that workers are adequately trained to prevent asbestos exposure. The purpose of that training should be to enable workers to identify asbestos and remove it under the safest possible conditions for their health and for the health of anyone who may be exposed to it, for example, in the vicinity of building renovation or demolition sites. The national training plans should rely on necessary training infrastructure and technical support, in order to facilitate the asbestos removal in the safest possible way.

Amendment 17

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) The limit value for asbestos set out

(7) The limit value for asbestos set out

in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. ***Its revision is also an effective way to ensure that*** preventive and protective measures are ***updated accordingly*** in all Member States.

in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. ***Strengthened*** preventive and protective measures are ***needed to implement such a revision of the limit value*** in all Member States.

Amendment 18

Proposal for a directive Recital 8

Text proposed by the Commission

(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough assessment of the socioeconomic ***impact*** and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003⁹.

⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

Amendment

(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough assessment of the socioeconomic ***and public health impacts*** and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003⁹.

⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

Amendment 19

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to 0.01 f/cm³ with phase-contrast microscope (PCM), no transition period is needed for the implementation of the revised OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used, while taking into account the need for an adequate period of adaptation **and for more EU level harmonisation of different electron microscopy methodologies.**

Amendment

(11) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to 0.01 f/cm³ with phase-contrast microscope (PCM), no transition period is needed for the implementation of the revised OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used, while taking into account the need for an adequate period of adaptation. ***In light of the fact that thinner asbestos fibres (<0,2µm) are also carcinogenic, those fibres should be taken into account when measuring exposure in the workplace. Electron microscopy, which allows the detection of such thinner asbestos fibres, should be used for that purpose. The Commission should support and facilitate Member States with regard to the new methodology for measuring asbestos fibres, in particular through the development of guidelines and providing information on relevant Union funds which can be used for that purpose. The Commission should assess if techniques used by Member States to measure exposure should be harmonised to level up protection of workers against asbestos and ensure fair competition between companies across the Union.***

Amendment 20

**Proposal for a directive
Recital 12 a**

Text proposed by the Commission

Amendment

(12a) Since 78% of occupational cancers in the Union are linked to asbestos exposure, and in line with the precautionary principle, the European Parliament voted unequivocally in Resolution 2019/2182(INL) to lower the maximum exposure limit for workers to a level corresponding to an airborne concentration of asbestos of 0.001 fibres per cm³ (1 000 fibres per m³).

Amendment 21

Proposal for a directive Recital 13

Text proposed by the Commission

Amendment

(13) Special control measures and precautions are needed ***for workers exposed or likely to be exposed to*** asbestos, ***such as*** subjecting workers to a decontamination procedure and related training, in order to significantly contribute to reducing the risks related to such exposure.

(13) Special control measures and precautions are needed ***to lower the concentration of asbestos fibres in the air to as low a level as is technically possible below the limit value.*** Subjecting workers to a decontamination procedure and ***strengthening the*** related training ***requirements are important elements*** in order to significantly contribute to reducing the risks related to such exposure ***and to avoid contamination by a third party. In order to ensure a level playing field, an annex to this Directive should provide for minimum training requirements, including specific requirements for workers in specialised asbestos removal undertakings.***

Amendment 22

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) According to a European study from the European Trade Union Committee for Education^{1a}, in several Member States there are still school that are not asbestos-free, putting at risk education workers and students. Member States should therefore carry out a precise diagnosis and a census of schools and universities containing asbestos, in order to protect workers of this sector as well as pupils and students.

^{1a} <https://www.csee-etu.org/en/news/education-policy/5081-asbestos-exposure-in-education-teachers-deserve-more-protection>

Amendment 23

Proposal for a directive Recital 14

Text proposed by the Commission

Amendment

(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure.

(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure. ***The annex related to the medical surveillance of workers should be updated in light of current knowledge on diseases that can be caused by asbestos exposure. The foreseen revision of the Commission Recommendation concerning the European Schedule of Occupational Diseases should also reflect such new scientific evidences in order to facilitate the recognition procedures for asbestos***

victims.

These preventive measures should take into account that some workers are much more exposed to asbestos than others, and this situation of environmental inequality reinforces the already existing economic inequalities. Construction workers in particular are highly exposed to asbestos.

Amendment 24

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The Union should support Member States in reducing health inequalities. In this regard, the worker's exposure survey on cancer risk factors that the European Agency for Safety and Health at work (EU-OSHA) is preparing should enable better-targeted awareness-raising campaigns and preventive measures. It should include gender-disaggregated data on asbestos exposure as well as data on the sector of activities, occupations and professional status, in order to contribute to evidence-based policies tackling inequalities, including gender inequality.

Amendment 25

Proposal for a directive Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) Considering that the health consequences of asbestos exposure often occur decades after exposure to asbestos and can lead to difficulties in establishing

causation in court, the Commission should introduce legislation establishing a general liability regime for diffuse pollution to provide compensation for all damages for victims from diffuse pollution, including those who suffered from asbestos; the Commission should introduce a legislation compelling companies responsible for such pollution to cover all the medical costs of their victims, especially workers, when these are due to asbestos and other kinds of diffuse pollution.

Amendment 26

Proposal for a directive Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) There is a need to provide sufficient and focused administrative support to help employers, in particular small and medium-sized enterprises, implement this Directive. In particular, standardised processes for the removal of asbestos-containing materials would help to reduce the levels of asbestos dust, the cost of those operations and facilitate the fulfilment of the notification requirements.

Amendment 27

Proposal for a directive Recital 15 d (new)

Text proposed by the Commission

Amendment

(15d) The Russian Government's war of aggression against Ukraine is not only causing suffering for the Ukrainian

people but also considerable damage to infrastructure, housing and the built environment more generally. As Ukraine did not ban the use of asbestos until 2017, the forthcoming reconstruction of the country poses a significant risk to workers, particularly those that handle rubble. It is therefore of the utmost importance that, whether they employ workers from a Member State or not, European companies involved in rebuilding the country take every possible measure to prevent workers' exposure to asbestos.

Amendment 28

Proposal for a directive Recital 15 e (new)

Text proposed by the Commission

Amendment

(15e) In order to achieve a uniform level of protection within the Union covering non-occupational exposure to asbestos, it is essential to support research into the risks associated with environmental asbestos exposure pathways, in particular around industrial sites and construction sites containing asbestos. The European Environment Agency should also conduct further research on the presence of asbestos in rivers and their surrounding tributaries, in seas and coastal waters and its effects on vegetation and wildlife, such as the one conducted by the US Environmental Protection Agency.

Amendment 29

Proposal for a directive Recital 15 f (new)

Text proposed by the Commission

Amendment

(15f) Considering the health risk posed by exposure to asbestos, the Union should not be involved in international trade in asbestos. The Union should therefore ban imports and exports of asbestos waste outside the Union. Future legislation on due diligence, which takes into account the environmental and human rights impacts of companies' activities in third countries, can contribute to corporate responsibility on asbestos. The Union should also work with other international organisations and third countries to achieve a global ban on asbestos and its complete eradication.

Amendment 30

**Proposal for a directive
Recital 15 g (new)**

Text proposed by the Commission

Amendment

(15g) Directive 2009/148/EC should be regularly updated to take into account the latest scientific knowledge and technical developments including an evaluation of different types of asbestos fibres and their adverse health effects. By entry into force of this Directive, the Commission should start the consultation process for updating the provisions on fibrous silicates and, in that context, should in particular assess whether riebeckite, winchite, richterite and fluoro-edenite should be included within the scope of that Directive.

Amendment 31

**Proposal for a directive
Recital 15 h (new)**

Text proposed by the Commission

Amendment

(15h) In order to keep pace with technological developments, the Commission should, by ...[five years after the entry into force of this Directive] and every five years thereafter, after consulting the social partners, review the technological and scientific information on asbestos identification, measurement and warning technology and should issue guidelines where such technology is to be used in order to protect workers from exposure to asbestos. A more systematic exchange between Member States of best practices should also be established for that purpose.

Amendment 32

Proposal for a directive Recital 16

Text proposed by the Commission

Amendment

(16) Since the objective of this Directive, namely to protect workers against risks to their health and safety arising from or likely to arise from exposure to asbestos at work, including the prevention of such risks, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(16) Since the objective of this Directive, namely to protect workers against risks to their health and safety arising from or likely to arise from exposure to asbestos at work, ***as well as, incidentally, persons directly and indirectly exposed by means of third-party professional activity such as demolition sites or asbestos waste dumps***, including the prevention of such risks, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to

achieve that objective. *Exposure to asbestos is a form of environmental and health inequality fostering feelings of injustice and being ‘left behind’ among vulnerable groups. Given these inequalities, it is essential that the Union engages in a top-down harmonisation of protection levels, particularly for workers, but more generally for anyone exposed to asbestos. Despite the difficulty of assessing it accurately, many studies tend to show an underestimation of environmental exposure to asbestos^{1a}. Nevertheless, environmental exposure levels to asbestos can reach occupational exposure levels^{1b}. This means that no form of exposure to asbestos, whether direct or indirect, occupational or private, should ever be overlooked.*

^{1a} *Krówczyńska M, Wilk E. Environmental and Occupational Exposure to Asbestos as a Result of Consumption and Use in Poland. Int J Environ Res Public Health. 2019;16(14):2611. Published on 22 July 2019 doi:10.3390/ijerph16142611 and French Agency for Food, Environmental and Occupational Health & Safety (2016), Asbestos: Presentation, health effects, exposure and regulatory framework (<https://www.anses.fr/en/content/asbestos>).*

^{1b} *French High Authority for Health (2009), Exposition environnementale à l’amiante (Environmental exposure to asbestos): état des données et conduite à tenir (state of scientific knowledge and action required).*

Amendment 33

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In view of the upcoming increase in thermal renovations of buildings, there is a crucial need to support research and development in order to ensure the highest possible level of protection for workers and the local population exposed to asbestos during demolition and renovation operations, and to improve the reliability and speed of asbestos screening, measurement, removal and safe waste management.

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2009/148/EC

Article 2 – introductory phrase

Text proposed by the Commission

For the purposes of this Directive, ‘asbestos’ means the following fibrous silicates, which are ***classified*** as carcinogens 1A according to Regulation (EC) 1272/2008*:

Amendment

For the purposes of this Directive, ‘asbestos’ means the following fibrous silicates, which are ***meeting the criteria for classification*** as carcinogens 1A according to Regulation (EC) 1272/2008*:

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2009/148/EC

Article 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) erionite, CAS 66733-21-9;

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2009/148/EC

Article 3 – paragraph 1

Present text

1. This Directive shall apply to activities in which workers are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment

(2a) in Article 3, paragraph 1 is replaced by the following:

‘1. This Directive shall apply to activities in which workers are or may be exposed **actively or passively** in the course of their work to dust arising from asbestos or materials containing asbestos.’;

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 2 b (new)

Directive 2009/148/EC

Article 3 – paragraph 3

Text proposed by the Commission

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 2 c (new)

Directive 2009/148/EC

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(2b) in Article 3, paragraph 3 is deleted.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment

(2c) in Article 3, paragraph 4 is deleted.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 2 d (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – point a

Present text

Amendment

(a) the location of the worksite;

(2d) in Article 4, paragraph 3, point a is replaced by the following:

‘(a) the location of the worksite *and the specific areas in which the work will be carried out*;’;

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 2 e (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – point d

Present text

Amendment

(d) the number of workers involved;

(2e) In Article 4, paragraph 3, point d is replaced by the following:

‘(d) the number of workers involved, *a list of the workers likely to be assigned to the site, the individual certificates proving their competence and the training received, and the dates of the mandatory medical visits*;’;

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 2 f (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – point e

Present text

Amendment

(e) the starting date and duration of the work;

(2f) In Article 4, paragraph 3, point e is replaced by the following:

‘(e) the starting date and duration of the work **and the planned working hours;**’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 2 g (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(2g) In Article 4, paragraph 3, the following point is added:

‘**(fa) the characteristics of the equipment used for the protection and decontamination of workers;**’.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 2 h (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – point f b (new)

Text proposed by the Commission

Amendment

(2h) In Article 4, paragraph 3 the following point is added:

‘(fb) the procedure for the decontamination of workers and equipment, durations and working hours;’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 2 i (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – point f c (new)

Text proposed by the Commission

Amendment

(2i) In Article 4, paragraph 3 the following point is added:

‘(fc) the characteristics of the equipment used for disposal;’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 2 j (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

(2j) In Article 4, paragraph 3, the following subparagraph is added:

‘Notifications shall be kept by the responsible authority of the Member State

in accordance with national law and practice for a minimum of 40 years.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 2 k (new)

Directive 2009/148/EC

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(2k) In Article 5, the following paragraph is inserted after paragraph 1:

‘Asbestos-containing parts and materials already in use shall be safely removed and disposed of when technically feasible, and not repaired, maintained, sealed or covered. Asbestos-containing materials which cannot be removed shall be identified, registered and regularly monitored.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 2 l (new)

Directive 2009/148/EC

Article 5 – paragraph 2

Present text

Amendment

Without prejudice to the application of other Community provisions on the marketing and use of asbestos, activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos

(2l) in Article 5, paragraph 2 is replaced by the following:

‘Activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos shall be

products or the manufacture and processing of products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.

prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/148/EC

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;

Amendment

(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air ***to a level as low as technically possible by implementing at least the following measures:***

- (i) asbestos dust suppression;***
- (ii) the suction of asbestos dust at the source;***
- (iii) the continuous sedimentation of asbestos fibres suspended in the air;***
- (iv) appropriate decontamination;***

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2009/148/EC

Article 7 – paragraph 1

Present text

Amendment

(3a) in Article 7, paragraph 1 is replaced by the following:

Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out **regularly**.

'Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out **during the specific operational phases and at regular intervals during the work process**;';

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 5 a (new)

Directive 2009/148/EC

Article 10 – paragraph 1

Present text

1. Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded **must** be identified and appropriate measures to remedy the situation must be taken as soon as possible. Work **may** not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.

Amendment

(5a) in Article 10, paragraph 1 is replaced by the following:

'1. Where the limit value laid down in Article 8 is exceeded, **or if there is reason to believe that asbestos-containing materials which are not identified prior to the work have been disturbed so as to generate dust, work shall stop immediately**. The reasons for the limit being exceeded **shall then** be identified and appropriate measures to remedy the situation must be taken as soon as possible. Work **shall** not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.';

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/148/EC
Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Before beginning demolition *or* maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials.

Amendment

Before beginning demolition, maintenance work *or undertaking a renovation on a premise built before the year in which the national asbestos ban entered into force*, employers shall take, if appropriate by obtaining information from the owners of the premises as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials.

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2009/148/EC

Article 12 – paragraph 1 – introductory part

Present text

In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:

Amendment

(6a) in Article 12, paragraph 1, the introductory part is replaced by the following:

‘In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of **all possible** technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 6 b (new)

Directive 2009/148/EC

Article 15

Present text

Article 15

Before carrying out demolition or asbestos removal work, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice.

Amendment

(6b) Article 15 is replaced by the following:

‘Article 15

- 1. Undertakings which intend to carry out demolition or asbestos removal work shall be required to obtain before the start of work a permit from the competent authority. Competent authorities may grant such permits in due time if the applicant undertaking provides proof of adequate state of the art technical equipment for emission-free or, where this is not technically possible yet, low-emission work procedures in line with the requirements of Article 6, and training certificates for their individual workers in accordance with Article 14 and Annex 1a.***
- 2. Competent authorities shall grant permits to undertakings only if they have no doubt as to the reliability of the undertaking and its management. The permits shall be renewable every five years, in accordance with national law and practice.***
- 3. Member States shall establish public registers of the undertakings authorised to remove asbestos under paragraph 1.’;***

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 6 c (new)

Directive 2009/148/EC
Article 16 – paragraph 1 – introductory part

Present text

1. In the case of all activities referred to in Article 3(1), **and subject to Article 3(3)**, appropriate measures shall be taken to ensure that:

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment

(6c) Article 16, paragraph 1, the introductory part is replaced by following:

‘1. In the case of all activities referred to in Article 3(1) appropriate measures shall be taken to ensure that:’;

Amendment 55

Proposal for a directive
Article 1 – paragraph 1 – point 6 d (new)
Directive 2009/148/EC
Article 16 – paragraph 1 – point c

Present text

(c) workers are provided with appropriate working or protective clothing; **this** working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment

(6d) in Article 16, paragraph 1, the point (c) is replaced by the following:

‘(c) workers are provided with appropriate working or protective clothing **as well as protective equipment, in particular respiratory equipment, which is subject to a mandatory individual fitting check; that** working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;’;

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 6 e (new)
Directive 2009/148/EC
Article 17 – paragraph 2 – introductory part

Present text

2. In addition to the measures referred to in paragraph 1, **and subject to Article 3(3)**, appropriate measures shall be taken to ensure that:

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment

(6e) in Article 17, paragraph 2, the introductory part is replaced by the following:

‘2. In addition to the measures referred to in paragraph 1, appropriate measures shall be taken to ensure that:’;

Amendment 57

Proposal for a directive
Article 1 – paragraph 1 – point 6 f (new)
Directive 2009/148/EC
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

(6f) in Article 18, paragraph 1 is deleted.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 58

Proposal for a directive
Article 1 – paragraph 1 – point 6 g (new)
Directive 2009/148/EC
Article 18 b a (new)

Text proposed by the Commission

Amendment

(6g) The following Article is inserted:
‘Article 18ba

1. By ... [one year after the date of entry into force of this amending Directive], the Commission shall, in

cooperation with the Advisory Committee for Safety and Health at Work, and after consulting social partners, develop guidelines to support the application of this Directive. Those guidelines shall provide, where appropriate, sector-specific responses. The sector-specific responses shall particularly consider activities in the renovation and demolition, waste management, mining, cleaning and firefighting sectors. These solutions must also take into account the release of asbestos into the environment

2. By ... [20 days after the publication of this Directive in the Official Journal of the European Union] the Commission shall start the consultation process for updating the fibrous silicates within the scope of this Directive and, in that context, assess the inclusion of riebeckite, winchite, richterite and fluoro-edenite. After consulting the social partners, the Commission shall where appropriate propose necessary amendments to this Directive in a legislative proposal.

3. By ... [five years after the date of entry into force of this amending Directive] and every five years thereafter, the Commission shall, after consulting the social partners, review the technological and scientific state of asbestos identification, measurement or warning technology and issue guidelines for when such technology is to be used in order to protect workers from exposure to asbestos.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 6 h (new)

Directive 2009/148/EC
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

(6h) in Article 19, paragraph 1 is deleted

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Directive 2009/148/EC

Article 19 a (new)

Text proposed by the Commission

Amendment

(7a) the following Article 19a is inserted:

‘Article 19a

In order to protect workers and any other person who may be exposed to asbestos, Member States shall establish national digital asbestos registers listing all asbestos existing on their territory. These registers shall fulfil the following requirements:

(a) *public accessibility, free of charge, including for workers and companies working in a building or infrastructure, owners, inhabitants, firefighters and other emergency services and users, in accordance with Regulation (EU) 2016/679;*

(b) *the year of construction of the building or infrastructure concerned (before or after the national asbestos ban);*

(c) *information about the type of building or infrastructure in which asbestos is located (private, public or*

business premises);

(d) the specific location of harmful substances and the parts of the building that have been screened for asbestos;

(e) an indication of where work will be or has been performed (inside/outside) as well as the part of the building (floors, walls, ceilings, roofs) or infrastructure;

(f) the type of material (asbestos cement, insulation, putty etc.) and an estimated proportion of those types of material;

(g) the kind of works that need to be conducted and an indication of work methods that may disturb asbestos containing materials (drilling, cutting etc.) and the expected duration of the works;

(h) a timeline for removal of asbestos and a management plan of removed asbestos.

Schools shall be given priority treatment so as to ensure that all schools containing asbestos are identified as soon as possible and that the asbestos removal work to protect children and school staff is undertaken as soon as possible.

This national register shall supplement a European register set up by the Commission within two years after the entry into force of the directive.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – point 7 b (new)

Text proposed by the Commission

Amendment

(7b) in Article 20, the following paragraphs are added:

‘2. Member States must establish a liability regime for diffuse pollution to compensate victims, including victims of asbestos.

3. Member States must ensure effective access to justice and compensation for asbestos victims.

4. Compensation shall cover all prejudice caused by this pollution, including the prejudice of anxiety, which should be recognised and compensated.

5. In order to take into account the drudgery at work, the Member States must take into account the exposure to asbestos when they elaborate their social security and pension schemes.

6. Employers responsible for such pollution shall cover all the medical costs of their victims, especially workers, when these are due to asbestos and other kinds of diffuse pollution.’;

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point 7 c (new)

Directive 2009/148/EC

Article 21

Present text

Amendment

Article 21

Member States shall keep a register of recognised cases of ***asbestosis and***

(7c) Article 21 is replaced by the following:

‘Article 21

1. Member States shall keep a register of *all* recognised cases of *asbestos-related occupational diseases*. *An indicative list of*

mesothelioma.

diseases that can be caused by asbestos exposure according to current knowledge is set out in Annex 1a.

2. The term “recognised cases” referred to in paragraph 1 shall not be limited to cases for which compensation is granted, but shall refer to all cases of medically diagnosed asbestos-related diseases.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point 7 d (new)

Directive 2009/148/EC

Article 21 a (new)

Text proposed by the Commission

Amendment

(7d) the following article is inserted after Article 21:

‘Article 21a

The Member States are required to develop treatment and inerting centres for waste containing asbestos on their territory. By 2050, each State must have at least one inerting centre allowing to treat [100%] of its asbestos-containing waste.’;

Amendment 64

Proposal for a directive

Article 1 – paragraph 1 – point 7 e (new)

Directive 2009/148/EC

Article 21 b (new)

Text proposed by the Commission

Amendment

(7e) the following article is inserted after Article 21:

‘Article 21b

All existing information regarding the

presence and location of asbestos shall be shared with firefighters and emergency services.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 7 f (new)

Directive 2009/148/EC

Article 22 – paragraphs 2 to 4 (new)

Text proposed by the Commission

Amendment

(7f) in Article 22, the following paragraphs are inserted:

‘2. Not later than ... [2 years after entry into force of the Directive], Member States, with the support of the Commission, shall draw up a plan for the safe, controlled and documented disposal of asbestos-containing waste, ensuring the availability of suitable waste treatment facilities. The plan shall include a solution for the total separation of waste cycles, in accordance with the principle of no asbestos contamination in waste cycles, preventing the reuse of building materials, ensuring maximum protection of workers in the field of the circular economy and guaranteeing environmentally safe storage of asbestos waste, according to the best available technologies.

3. The national public register of landfills containing asbestos waste - as set out in Article 19a - will have to be contained in the plan in order to avoid the uncontrolled diffusion of asbestos fibres in the air, the unintentional displacement of the soils in which these materials are buried, and the associated health risks for citizens.

4. By ... [2 years after entry into

force of the Directive], and every [year] thereafter, Member States shall publish a national roadmap for asbestos-free workplaces.

This roadmap shall be elaborated with the participation of, at least: social partners and unions, asbestos victims' groups, tenants representatives, environmental organisations, representatives of national health services.

This roadmap shall contain, at least: asbestos reduction national targets; access to the plan for the safe, controlled and documented disposal of asbestos-containing waste; access to the national public register; recall of the national regulation; best practices to reduce the exposure of workers to asbestos. It shall take into account gender balance issues.

This roadmap shall propose a pathway to achieve the national target, and intermediate targets for asbestos free workplaces. Indicators shall be available and filed every [year]. The Commission shall assess national roadmaps [every 2 years] and publish its evaluation and recommendation.';

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 7 g (new)

Directive 2009/148/EC

Article 22 a (new)

Text proposed by the Commission

Amendment

(7g) the following article is inserted after Article 22:

'Article 22a

From the entry into force of this directive, Member States shall organise annual asbestos awareness campaigns in order to provide relevant information to workers and their families, employers, owners,

tenants, building and infrastructure users, and citizens on the risks of asbestos exposure – including the synergistic effect of tobacco use and asbestos exposure – and in particular its delayed and cumulative effects on human health, and on accompanying measures for safe asbestos removal and asbestos-related legal obligations. These information campaigns shall also be targeted towards people who are carrying out renovation work in their homes.’;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 7 h (new)

Directive 2009/148/EC

Article 22 b (new)

Text proposed by the Commission

Amendment

(7h) the following article 22b is inserted after Article 22:

‘Article 22b

Application of the provisions of this Directive shall not put low-income households in a situation where they cannot afford to carry out the necessary renovation work, in particular the requirements of Article 5 of this Directive. Member States must implement technical and financial accompanying measures to ensure that income is not an obstacle to safe removal of asbestos in buildings.’;

Amendment 68

Proposal for a directive

Article 1 – paragraph 1 – point 7 i (new)

(7i) the following article is inserted after Article 22:

'Article 22c

By... [two years after the entry into force of this Directive], the Commission shall submit where appropriate, after consulting the social partners, a legislative proposal setting out minimum requirements for the recognition of occupational diseases, including all asbestos-related diseases, and adequate compensation for individuals concerned. The proposal by the Commission should consider at least the following elements:

(a) a list of occupational diseases liable for compensation and subject to preventive measures that shall be recognised by the Member States and be without prejudice to more favourable national law, building on the Commission Recommendation of 19 September 2003 concerning the European schedule of occupational diseases, and updated according to the latest available scientific knowledge;

(b) the establishment of one-stop-shops as contact points for individuals concerned, dealing with all matters regarding occupational diseases;

(c) the establishment of a national function, such as an ombudsperson, to assist victims of occupational diseases in recognition procedures as well as increasing support for, and the exchange of best practices with, inter alia, trade unions and victim associations with regard to recognition procedures;

(d) provisions for adequate compensation of recognised occupational diseases, following the provisions of article 20 (new).';

Amendment 69

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by two years after the date of entry into force of this Directive at the latest. They shall immediately communicate the text of those measures to the Commission.

Amendment

With the exception of shorter time limits for transposition expressly set out for specific provisions of this Directive, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by two years after the date of entry into force of this Directive at the latest. They shall immediately communicate the text of those measures to the Commission.

Amendment 70

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purposes of ensuring a smooth implementation of the provisions of this Directive, the Commission shall support Member States by providing appropriate technical guidance, as well as information on relevant Union funds which can be used to support that implementation, in particular when it comes to upgrading fibre counting methodologies; upgrading equipment, practices and training, at company level; and supporting households. Member States shall be encouraged to make use of these Union funds.

Amendment 71

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Directive 2009/148/EC

Annex I – point 1

Present text

1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:

- asbestosis,
- mesothelioma,
- bronchial carcinoma,
- gastro-intestinal carcinoma.

Amendment

(7a) In Annex I, point 1 is replaced by the following:

‘1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases,

- asbestosis,
- mesothelioma,
- bronchial carcinoma,
- gastro-intestinal carcinoma,
- **carcinoma of the larynx,**
- **carcinoma of the ovary,**
- **non-malignant pleural diseases.’;**

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 72

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Directive 2009/148/EC

Annex I – point 1 a (new)

Text proposed by the Commission

Amendment

(7a) In Annex I, the following point is inserted after point 1:

‘1a. Positive associations have been noted by the International Agency for Research on Cancer between asbestos exposure and the following diseases:

- **pharyngeal cancer,**
- **colorectal cancer,**
- **stomach cancer.’;**

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

Amendment 73

Proposal for a directive

Article 1 – paragraph 1 – point 7 b (new)

Directive 2009/148/EC

Annex I a (new)

Text proposed by the Commission

Amendment

(7b) *The following annex is inserted after Annex I:*

'Annex Ia

MINIMUM REQUIREMENTS FOR TRAINING

Workers who are, or who are likely to be, exposed to dust from asbestos or materials containing asbestos, shall receive a complete mandatory training, encompassing at least the following minimum requirements:

- 1. The training shall be provided at the start of an employment relationship and at intervals not exceeding four years.*
- 2. The training shall be provided either by an instructor whose qualification is recognised by a national authority or by a certified institution in accordance with national law and practice.*
- 3. Every worker who has attended training in a satisfactory manner and has passed the required test shall receive a training certificate indicating all of the following:*
 - (a) the date of the training;*
 - (b) the duration of the training;*
 - (c) the content of the training;*
 - (d) the language of the training;*
 - e) the name, qualification, and contact details of the instructor or of the institution providing the training.*

4. Workers who are, or who are likely to be, exposed to dust from asbestos or materials containing asbestos shall receive at least the following training, with a theoretical and a practical part, regarding all of the following:

- (a) the applicable law of the Member State in which the work is carried out;**
- (b) the properties of asbestos and its effects on health, including the synergistic effect of smoking, as well as the risks linked to secondary and environmental exposure;**
- (c) the types of products or materials likely to contain asbestos;**
- (d) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;**
- (e) safe work practices, including workplace preparation, choice of working methods and planning of work execution, ventilation, point extraction, measurement and control, and regular breaks;**
- (f) the appropriate role, choice, selection, limitations and proper use of protective equipment, with special regard to respiratory equipment;**
- (g) emergency procedures;**
- (h) decontamination procedures;**
- (i) waste disposal;**
- (j) medical surveillance requirements.**

The training shall be adapted as closely as possible to the nature of the profession and the specific tasks and work methods it involves.

5. Workers who engage in demolition or asbestos-removal work shall be required to receive training, in addition to the training provided for pursuant to paragraph 4, regarding both of the following:

- (a) the use of technological equipment and machines to contain the release and**

spreading of asbestos fibres during the work processes, in accordance with this directive;

(b) the newest available technologies and machines for emission-free or, where this is not yet technically possible, low-emission working procedures, to contain the release and spreading of asbestos fibres.’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0148-20190726>)

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work
References	COM(2022)0489 – C9-0321/2022 – 2022/0298(COD)
Committee responsible Date announced in plenary	EMPL 6.10.2022
Opinion by Date announced in plenary	ENVI 6.10.2022
Rapporteur for the opinion Date appointed	Marina Measure 24.11.2022
Discussed in committee	9.2.2023
Date adopted	22.3.2023
Result of final vote	+ : 61 - : 0 0 : 11
Members present for the final vote	Maria Arena, Margrete Auken, Traian Băsescu, Sergio Berlato, Malin Björk, Michael Bloss, Pascal Canfin, Sara Cerdas, Tudor Ciuhodaru, Nathalie Colin-Oesterlé, Maria Angela Danzi, Esther de Lange, Christian Doleschal, Bas Eickhout, Cyrus Engerer, Agnès Evren, Pietro Fiocchi, Emmanouil Fragkos, Helène Fritzon, Malte Gallée, Gianna Gancia, Andreas Glück, Teuvo Hakkarainen, Martin Hojsík, Yannick Jadot, Adam Jarubas, Petros Kokkalis, Joanna Kopcińska, Peter Liese, Sylvia Limmer, Javi López, César Luena, Marian-Jean Marinescu, Liudas Mažylis, Marina Measure, Tilly Metz, Silvia Modig, Dolores Montserrat, Ville Niinistö, Ljudmila Novak, Grace O’Sullivan, Jutta Paulus, Stanislav Polčák, Jessica Polfjård, Erik Poulsen, Frédérique Ries, María Soraya Rodríguez Ramos, Silvia Sardone, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Maria Spyraiki, Nils Torvalds, Edina Tóth, Véronique Trillet-Lenoir, Achille Variati, Petar Vitanov, Alexandr Vondra, Pernille Weiss, Emma Wiesner, Michal Wiezik
Substitutes present for the final vote	Milan Brglez, Romana Jerković, Ska Keller, Marlene Mortler, Robert Roos, Massimiliano Salini, Christel Schaldemose, Vincenzo Sofo
Substitutes under Rule 209(7) present for the final vote	Matthias Ecke, Virginie Joron, Katarína Roth Nevedálová

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

61	+
ECR	Joanna Kopcińska
ID	Gianna Gancia, Virginie Joron, Silvia Sardone
NI	Maria Angela Danzi, Ivan Vilibor Sinčić
PPE	Traian Băsescu, Nathalie Colin-Oesterlé, Christian Doleschal, Agnès Evren, Adam Jarubas, Esther de Lange, Peter Liese, Marian-Jean Marinescu, Liudas Mažylis, Dolors Montserrat, Marlene Mortler, Ljudmila Novak, Stanislav Polčák, Jessica Polfjård, Massimiliano Salini, Christine Schneider, Maria Spyragi, Pernille Weiss
Renew	Pascal Canfin, Martin Hojsík, Erik Poulsen, Frédérique Ries, María Soraya Rodríguez Ramos, Nils Torvalds, Véronique Trillet-Lenoir, Michal Wiezik
S&D	Maria Arena, Milan Brglez, Sara Cerdas, Tudor Ciuhodaru, Matthias Ecke, Cyrus Engerer, Helène Fritzon, Romana Jerković, Javi López, César Luena, Katarína Roth Nevedalová, Christel Schaldemose, Günther Sidl, Achille Variati, Petar Vitanov
The Left	Malin Björk, Petros Kokkalis, Marina Mesure, Silvia Modig
Verts/ALE	Margrete Auken, Michael Bloss, Bas Eickhout, Malte Gallée, Yannick Jadot, Ska Keller, Tilly Metz, Ville Niinistö, Grace O'Sullivan, Jutta Paulus

0	-

11	0
ECR	Sergio Berlato, Pietro Fiocchi, Emmanouil Fragkos, Robert Roos, Vincenzo Sofo, Alexandr Vondra
ID	Teuvo Hakkarainen, Sylvia Limmer
NI	Edina Tóth
Renew	Andreas Glück, Emma Wiesner

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work	
References	COM(2022)0489 – C9-0321/2022 – 2022/0298(COD)	
Date submitted to Parliament	29.9.2022	
Committee responsible Date announced in plenary	EMPL 6.10.2022	
Committees asked for opinions Date announced in plenary	ENVI 6.10.2022	
Rapporteurs Date appointed	Véronique Trillet-Lenoir 10.11.2022	
Discussed in committee	6.2.2023	1.3.2023
Date adopted	26.4.2023	
Result of final vote	+: 40	–: 0
	0: 7	
Members present for the final vote	João Albuquerque, Atidzhe Alieva-Veli, Marc Angel, Dominique Bilde, Gabriele Bischoff, Jordi Cañas, David Casa, Leila Chaibi, Ilan De Basso, Margarita de la Pisa Carrión, Estrella Durá Ferrandis, Rosa Estaràs Ferragut, Cindy Franssen, Chiara Gemma, Helmut Geuking, Alicia Homs Ginel, Agnes Jongerius, Irena Joveva, Radan Kanev, Adam Kósa, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Jörg Meuthen, Max Orville, Kira Marie Peter-Hansen, Dragoş Pîslaru, Dennis Radtke, Guido Reil, Daniela Rondinelli, Mounir Satouri, Monica Semedo, Nikolaj Villumsen, Marianne Vind, Maria Walsh, Tomáš Zdechovský	
Substitutes present for the final vote	Gheorghe Falcă, José Gusmão, Lívia Járóka, Véronique Trillet-Lenoir, Anna Zalewska	
Substitutes under Rule 209(7) present for the final vote	Attila Ara-Kovács, Bartosz Arłukowicz, Marina Measure, Vera Tax, Thomas Waitz, Lara Wolters	
Date tabled	28.4.2023	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

40	+
ID	Dominique Bilde
NI	Jörg Meuthen
PPE	Bartosz Arłukowicz, David Casa, Rosa Estaràs Ferragut, Gheorghe Falcă, Cindy Franssen, Helmut Geuking, Radan Kanev, Miriam Lexmann, Dennis Radtke, Maria Walsh, Tomáš Zdechovský
Renew	Atidzhe Alieva-Veli, Jordi Cañas, Irena Joveva, Max Orville, Dragoș Pîslaru, Monica Semedo, Véronique Trillet-Lenoir
S&D	João Albuquerque, Marc Angel, Attila Ara-Kovács, Gabriele Bischoff, Ilan De Basso, Estrella Durá Ferrandis, Alicia Homs Giné, Agnes Jongerius, Daniela Rondinelli, Vera Tax, Marianne Vind, Lara Wolters
The Left	Leila Chaibi, José Gusmão, Marina Mesure, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Kira Marie Peter-Hansen, Mounir Satouri, Thomas Waitz

0	-

7	0
ECR	Chiara Gemma, Margarita de la Pisa Carrión, Anna Zalewska
ID	Elena Lizzi, Guido Reil
NI	Lívía Járóka, Ádám Kósa

Key to symbols:

+ : in favour

- : against

0 : abstention