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From:	European Committee of the Regions
To:	Council of the European Union
No. prev. doc.:	11188/20 + ADD 1 - COM(2020) 571 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work - Renunciation letter of the European Committee of the Regions

Delegations will find attached the European Committee of the Regions' renunciation letter regarding the above proposal.



**European Committee
of the Regions**

The President

Brussels, 10 November 2020
PCAB/C3/GP/vs(2020)D1996

Heiko Maas
Minister for Foreign Affairs
Federal Ministry of Foreign Affairs, Germany
Council of the European Union
Rue de la Loi 175, B-1048 Brussels

Dear Minister,

I would like to thank you for the request for a consultation which you sent to the European Committee of the Regions (CoR) on 21 October 2020 regarding the following dossier:

*Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work – **COM(2020)571 final – 2020/0262 (COD)**.*

I am writing to inform you that at its meeting on 1 October 2020, the Commission for Social Policy, Education, Employment, Research and Culture (SEDEC) decided not to issue an opinion on this proposal and not to include the dossier in the ongoing work of the CoR.

The CoR would like to draw the Council's attention to the views expressed by the CoR in its opinions on *An EU Strategic Framework on Health and Safety at Work 2014-2020*¹, adopted on 11-13 February 2015, and on *The European Pillar of Social Rights and Reflection Paper on the social dimension of Europe*², adopted on 9-11 October 2017. Furthermore, in its opinion on *A Strong Social Europe for Just Transitions*³, adopted on 12-14 October 2020, the CoR advocates updating the health and safety at work strategy, underlining that particular attention needs to be paid to the prevention of work-related fatal accidents, occupational diseases (including work-related cancer), musculoskeletal disorders or work-induced stress. It keenly awaits in this respect the European Commission *Communication on a new occupational safety and health strategy framework*⁴, as announced in the Commission Work Programme 2021.

1 OJ C 140, 28.4.2015, pp. 16–21

2 OJ C 54, 13.2.2018, pp. 48–61

3 COR-2020-02167

4 COM(2020) 690 final, ANNEXES 1 to 4

The Committee welcomes in this context all European Commission proposals amending Directive 2004/37/EC which translate into concrete action in line with Principle 10 of the European Pillar of Social Rights, the right of workers to a healthy, safe and well-adapted work environment.

The CoR welcomes in particular proposal COM(2020)571 final – 2020/0262 (COD) as another decisive step in the fight against work-related cancer that seeks to facilitate compliance with existing rules for SMEs and micro-enterprises.

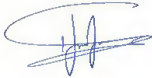
However, the CoR also regrets that, once again, the role of local and regional authorities (LRAs) has not been acknowledged; it therefore calls once again on the Commission to guarantee that LRAs will be formally involved in commitments in this area, acknowledging that, as major employers and service providers, sub-national authorities are key institutional actors.

The CoR reiterates that, due to their partnership and links to local businesses, LRAs play an important role in implementing legislation, promoting the "culture of prevention" and the proper application of preventive standards, and supporting representation and collective redress on safety issues. The Committee also regrets that the European Commission proposal adds only one revised and two new harmful substances to the list of binding occupational exposure limits, bringing it only half-way towards reaching the objective of setting 50 Occupational Exposure Limit values (OELs) for carcinogens and mutagens by 2020. It further regrets that reprotoxic substances are still not included in the scope of Directive 2004/37/EC.

The CoR trusts that its recommendations will be duly considered and endorsed in your future work on this issue.

Should your services in charge of this matter require any further information, we kindly invite them to contact Georgios Petras, the administrator in charge, by email at georgios.petras@cor.europa.eu

Yours sincerely,



Apostolos Tzitzikostas

CC: Jim Cloos, Deputy Director-General, General Secretariat, Council of the European Union