



Council of the
European Union

Brussels, 26 November 2020
(OR. en)

Interinstitutional File:
2020/0262(COD)

13404/20
ADD 1

SOC 759
EMPL 538
SAN 427
IA 97
CODEC 1227

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	11188/20 + ADD 1
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

In accordance with the guidance on Impact Assessment (doc. 16024/14) delegations will find attached the Presidency's summary of the discussions on the Impact Assessment on the above Directive.

All the delegations considered **the policy context and the legal basis of the initiative** to be clearly explained in the IA.

While all delegations agreed that the **problems and underlying drivers** had been demonstrated and underpinned by evidence, a number of delegations pointed out some **gaps in evidence**.

The coherence of the intervention logic and consistency **with broad policy strategies** - the protection of workers' health and safety - were acknowledged by all the delegations. Delegations also broadly agreed that the Impact Assessment sets out clear policy objectives. As to the **link with measurable monitoring indicators**, delegations were fully or partially satisfied. However, some delegations pointed at unspecific data sources, insufficient reliability of indicators and the long-latency nature of the carcinogenic health risks, which undermine the precision of the indicators.

The **Union's competence and the legal basis** were considered by all to be clearly established. In addition, delegations were satisfied with the IA analysis on **compliance with the principle of subsidiarity and proportionality**. One delegation noted the absence of national OELs for some substances.

Delegations broadly agreed that the IA has identified all feasible **policy options** and most affected **stakeholders**. The delegations were fully or partly satisfied with information regarding how stakeholders inputs fed into the policy options. The discarded options that were favoured by stakeholders in open consultations were considered examined or partially examined.

Delegations considered that the **impacts** of each policy option had been clearly or partly clearly considered, although one delegation pointed to the limitations of evidence regarding the impacts or benefits of the proposals. All but one agreed they were at least partly expressed in a comparable format and compared against a clear set of criteria. The **impacts on the main groups of affected stakeholders**, the **economic impacts, including impacts on, consumers and SMEs including microenterprises**, the **social impacts**, the **regulatory costs**, the **impacts on individual Member States** and the **impacts on third countries and fundamental rights** were widely considered to have been explicitly or partially explicitly analysed. However, Member States also noted that in some cases, a proper evaluation of the possible impact will only be possible years after the implementation. In addition, some asked for more information regarding costs to SMEs and occupational health authorities.

The **comments and recommendations of the Impact Assessment Board (IAB)** were thought to have been considered, or partly considered. Some Member States mentioned that not all footnotes are accurate. As for the **monitoring**, most delegations thought that the indicators were clearly or to some extent clearly able to measure the intended effects.

Delegations were also fully, or to some extent, positive regarding the presentation of the **operational monitoring and evaluation arrangements** and regarding the information provided on the impact of the **transposition deadline**.

Finally, most delegations recognised that **the methodological choices, the limitations and uncertainties** were made clear.