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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.

ANNEX

Almost all delegations considered the **policy context and the legal basis of the initiative** to be clearly explained in the IA and most delegations positively evaluated the **problem definition**, despite a lack of up-to-date and reliable data underlined by several delegations.

Most of the delegations acknowledged the coherence and consistency of the **policy objectives** with the initiative, in order to minimise exposure to occupational carcinogens and to achieve equivalence of exposure limits across EU Member States. Some delegations referred to a lack of clarity regarding compliance costs, notably for SMEs. Although a majority of the delegations agreed that the objectives are linked to **measurable monitoring indicators,** a considerable number of delegations stressed that the indicators were unspecific and that they might lack reliability and imply outcomes only in long term due to the long-latency periods of cancer.

Almost all delegations considered the proposal to be fully in line with the principles of **subsidiarity and proportionality**. As regards the chosen **policy options**, delegations generally evaluated them positively. Some delegations indicated that they would have preferred more explanations why a number of substances were not included in the final proposal, or further exploring the feasibility of their possible inclusion. Others would have also preferred including reprotoxic substances. Furthermore, individual delegations acknowledged the reasons for which an OEL for diesel engine exhaust was not introduced at this stage, but questioned the used indicator.

As regards **environmental impacts**, while the majority replied positively as to the quality of the Commission's assessment, some delegations questioned their relevance given the focus of the proposal on measures to protect workers at the workplace, others having preferred their more significant description. Whereas a large majority of delegations were satisfied with the assessment of the **impact on companies**, some underlined that the Commission could have considered the size of the enterprise and the structure of the sector. Furthermore, the evaluation of the **impact on consumers** was supported by a majority of delegations with the additional remark that a shift of additional costs to consumers could have been more thoroughly looked at.

The majority of delegations being satisfied (or to a great extent) with the impact assessment of **regulatory costs**, some delegations pointed that their quantitative evaluation relied on somewhat outdated and generic information. Other delegations felt that a qualitative approach could have be sufficient. In general, delegations replied that the **impacts on Member states and on third countries/international aspects** were clearly presented and assessed. In different parts of their replies, several delegations referred to the lack of information on the **residual risk**.

Almost all respondents acknowledged that the **Impact Assessment Board** comments were well considered in the IA. As for the **measurement of the effects**, responses showed a large support for the proposed indicators, despite some comments on the lack of possibility to show direct benefits due to the long-latency effect of occupational cancers. Individual delegations highlighted the important benefits to introduce biomonitoring to monitor workers' health and to help employers' saving costs.

Some delegations expressed concerns about the lack of detailed information regarding the **monitoring of implementation**. Nonetheless, some delegations acknowledged the difficulty of finding sufficient and reliable data, underlining that the information regarding the estimation of exposed workers was outdated. Finally, the used **methodology** was generally considered to be appropriate and clear, whereas its **limitations and uncertainties** were exposed.