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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. Cion doc.:	7733/18 + ADD 1 - COM(2018) 171 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

I. INTRODUCTION

1. On 5 April 2018, the Commission published its proposal for a directive amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. (doc. 7733/18 + ADD1)
2. The directive aims to improve workers' health protection by reducing occupational exposure to five carcinogenic chemical agents : cadmium, beryllium, arsenic acid, formaldehyde and 4,4' methylene-bis.

II. STATE OF PLAY

3. The proposal has been examined by the Social Questions Working Party at three meetings on 24 April, 4 June and 25 July. In addition, an informal written consultation was conducted at the end of September 2018.

4. Delegations provided their views on the Commission's **impact assessment** (IA). A summary of replies to the IA questionnaire is found in document 9362/18. None of the delegations raised major concerns at the Working Party level. Almost all the Member States considered the policy context and the legal basis of the initiative as well as problem definition to be clearly explained. The coherence and consistence of the policy objectives were acknowledged by all delegations. In the view of almost all delegations, the impact of the proposal was analysed correctly and the monitoring solutions were presented clearly.
5. The European Economic and Social Committee adopted an Opinion on the proposal on 19 September 2018. The Committee of the Regions decided not to issue an Opinion, but replied in a letter dated of 24 July 2018.
6. Taking into account the outcome of the discussions in the Working Party and the written consultation, the Presidency issued a compromise text of the proposal set out in document 13201/18. The Presidency considers that this compromise establishes a balanced text aiming at reaching an agreement on a mandate of the Council in order to start negotiations with the European Parliament with a view to a first reading agreement.

III. COMPROMISE PROPOSAL

7. The Presidency's compromise suggestions for the negotiating mandate cover the following issues :
 - i. **Sensitisation (Recital 13 and Recital 17)**

Sensitisation properties have been agreed to be deleted from the notation column in Annex III in the working party on July 25 for reasons of consistency. As noted by delegations, a sentence in recital 13 (beryllium) and a sentence in recital 17 (formaldehyde) still referred to these sensitisation properties.

The Presidency therefore considered it appropriate to delete these sentences from the recitals as well.

ii. **Rounding (Formaldehyde Annex III)**

In the Commission proposal the 8 hours limit value for formaldehyde has been rounded from 0.369 to 0.37 (see IA, Table 20 on page 49). For reasons of consistency the short-term value for formaldehyde has thus also been rounded from 0.738 to 0.74, thereby keeping the ratios of long and short term limit values constant.

IV. CONCLUSION

Against this background the Permanent Representatives Committee is invited to:

- agree on a mandate with regard to the proposed directive, as set out in doc. 13201/18;
- invite the Presidency to conduct negotiations with the European Parliament on the basis of this mandate with a view to reaching an agreement at first reading.
