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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft 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 **(first reading)** - Adoption of the legislative act = Statement

Statement by Germany

The amendment to the EU Directive on the protection of workers from the risks related to exposure to asbestos at work introduces a new regulatory reference to 'fibres with a diameter of less than 0.2 micrometres'. Since, once the six-year transitional period has ended, the number of fibres will be determined by the numerical value of the lower diameter, it would have been helpful to define that value too within the framework of the Directive, rather than leaving it to the individual Member States.

This is because, in the absence of a specified lower diameter, different monitoring stations will obtain different measurement results, depending on the national definition and method of evaluation. Since determinations are made only on a national basis, the results of analyses obtained by one Member State cannot be used in another.

Therefore, in order to maintain EU-wide legal certainty and comparability of asbestos fibre concentrations, and to be able to complete the development of national methods and measurement programmes for the new, higher-resolution counting method for thin asbestos fibres within the six-year transitional period, it would have been desirable to specify a lower fibre diameter at EU level.

Although this is not the case now, we advocate a coordinated joint approach by the Member States in that regard. In our opinion, 50 nm could be set as the value for the lower diameter. This would take account of analytical as well as toxicological and socio-economic concerns.