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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a 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 *- General approach*

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

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of workers from the risks related to exposure to asbestos at work

Summary of the replies to the Impact Assessment questionnaire

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

While almost all delegations agreed that the **problems and underlying drivers** had been demonstrated and underpinned by evidence, many delegations considered that a gap in evidence has not been acknowledged, notably regarding a possibe change in methodology.

The coherence of the intervention logic and consistency **with broad policy strategies** - the protection of workers' health and safety – were fully or at least partially 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 to the complexity of data collection and the difficulties in comparing indicators across countries.

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.** They also agreed on the IA containing consideration of action already taken or planned by EU.

Delegations agreed that the IA has identified all feasible **policy options** and most affected **stakeholders**. The delegations were fully 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 thoroughly or partially examined.

Overall, delegations considered that the **impacts** of each policy option had been clearly considered and they recognized that impacts were clearly 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 and environmental 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 at least partially clearly presented and assessed. However, some Member States pointed out that investments are likely to be needed to update the required equipment whose costs are likely to fall on businesses and final consumers. Taking this into account, some Member States ask for the harmonisation of tools and methodologies across the EU to ensure comparability across countries and avoid a two-speed Union. Some others also noted the need for a transition period to allow, if an equipment replacement is requested, businesses to comply with it.

All but one delegation thought that **comments and recommendations of the Impact Assessment Board (IAB)** have been considered, or partly considered.

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.** Comments on the **transposition deadline** have been made concerning the timeframe needed by Member States to modernize the equipment and the lack of detail and guidance on this aspect.

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