

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

2022/0298(COD)

DRAFT [Initial version - EMPL report subject to plenary endorsement]

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Formula				
1	2022/0298 (COD)	2022/0298 (COD)	2022/0298 (COD)	
Proposal Title				
2	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	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	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	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2), point (b), in conjunction with	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2), point (b), in conjunction with	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2), point (b), in conjunction with	

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	paragraph 1, point (a), thereof,	paragraph 1, point (a), thereof,	paragraph 1, point (a), thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ . OJ C 56, 16.2.2021, p. 63.	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ . OJ C 56, 16.2.2021, p. 63.	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ . OJ C 56, 16.2.2021, p. 63.	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure ¹ , ¹ . Position of the European Parliament of XXXXX (not yet published in the Official	Acting in accordance with the ordinary legislative procedure ¹ , ¹ . Position of the European Parliament of XXXXX (not yet published in the Official	Acting in accordance with the ordinary legislative procedure ¹ , ¹ . Position of the European Parliament of XXXXX (not yet published in the Official	

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	Journal) and Decision of the Council of XXXXX.	Journal) and Decision of the Council of XXXXX.	Journal) and Decision of the Council of XXXXX.	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Directive 2009/148/EC of the European Parliament and the Council¹ aims to protect workers against risks to their health and safety from exposure to asbestos at the place of work. A consistent level of protection from the risks related to the occupational exposure to asbestos is provided for in that Directive by a framework of general principles to enable Member States to ensure the consistent application of minimum requirements. The aim of these minimum requirements is to protect workers at Union level, while more stringent provisions can be set by Member States. 1. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Text with EEA relevance)OJ L 330, 16.12.2009, p. 28.	(1) Directive 2009/148/EC of the European Parliament and the Council¹ aims to protect workers against risks to their health and safety from exposure to asbestos at the place of work. A consistent level of protection from the risks related to the occupational exposure to asbestos is provided for in that Directive by a framework of general principles to enable Member States to ensure the consistent application of minimum requirements. The aim of these minimum requirements is to protect workers at Union level, while more stringent provisions can be set by Member States. 1. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Text with EEA relevance)OJ L 330, 16.12.2009, p. 28.	(1) Directive 2009/148/EC of the European Parliament and the Council¹ aims to protect workers against risks to their health and safety from exposure to asbestos at the place of work. A consistent level of protection from the risks related to the occupational exposure to asbestos is provided for in that Directive by a framework of general principles to enable Member States to ensure the consistent application of minimum requirements. The aim of these minimum requirements is to protect workers at Union level, while more stringent provisions can be set by Member States. 1. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Text with EEA relevance)OJ L 330, 16.12.2009, p. 28.	
Recital 2				
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	(2) The provisions of this Directive should apply without prejudice to more stringent and/or specific provisions contained in Directive 2004/37/EC of the European Parliament and of the Council¹. 1. Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50).	(2) The provisions of this Directive should apply without prejudice to more stringent and/or specific provisions contained in Directive 2004/37/EC of the European Parliament and of the Council¹. 1. Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50).	(2) The provisions of this Directive should apply without prejudice to more stringent and/or specific provisions contained in Directive 2004/37/EC of the European Parliament and of the Council¹ <u>whenever the latter provides for more favourable provisions to health and safety at work.</u> 1. Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50).	
Recital 3				
13	(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council ¹. When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to	(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council ¹<u>and are by far the major cause of work-related cancer, with as much as 78 % of occupational cancers recognised in the Member States as being related to exposure to</u>	(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens <u>category</u> 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council ¹. When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to	

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	manifest from the moment of exposure, ultimately leading to work-related deaths. 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)OJ L 353, 31.12.2008, p. 1.	<u>asbestos</u>. When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths. <u>This Directive applies to all work activities, in particular those relating to at-risk work, including construction, renovation and demolition work, waste management, mining and firefighting, during which workers are or may be exposed to dust arising from asbestos or asbestos-containing materials.</u> 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)OJ L 353, 31.12.2008, p. 1.	manifest from the moment of exposure, ultimately leading to work-related deaths. 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)OJ L 353, 31.12.2008, p. 1.	
13a		<u>(3a) In line with the Health in All Policies approach, the protection of health from exposure to asbestos has a cross-cutting dimension and is relevant to numerous Union policies and activities, in particular in the field of the environment where the Union's policy should</u>		

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		<u>contribute to the protection of human health. The Union also has an important role to play at the international level to lead by an example as regards the prevention of asbestos related diseases and to work with other international organisations and third countries to achieve a global ban of asbestos. This Directive should therefore apply in synergies with other Union initiatives, including the measures foreseen by the Commission in its communication of 28 September 2022 on working towards an asbestos-free future: a European approach to addressing the health risks of asbestos.</u>		
13b		<u>(3b) The occupational health and safety requirements provided for in this Directive, such as the decontamination obligation, the safe cleaning of clothing, measures to avoid the release of asbestos fibres outside the workplace, the training on the risks related to secondary exposure and measuring the asbestos concentration in the air to ensure the safety of premises after the end of the work activities, are also important means to avoid secondary exposure to asbestos or asbestos-containing materials.</u>		

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13c		<u>(3c) Passive exposure to asbestos, occupational and non-occupational, can have significant impacts on human health. There are different types of non-occupational exposure to asbestos, whether secondary exposure to asbestos fibres brought home by occupationally exposed individuals (mostly from their clothing or hair), exposure to asbestos-containing materials in home structures (mostly during renovation), or environmental exposure.</u>		
13d		<u>(3d) Women are particularly vulnerable to certain types of asbestos exposure, including secondary exposure. It is therefore essential that legislative and non-legislative instruments at Union and national level take account of gender differences in exposure and complications in order to better prevent and detect diseases caused by asbestos exposure. Gender stereotypes constitute a risk for the monitoring, diagnosis, treatment and recognition of asbestos-related diseases, which may limit levels of</u>		

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		<u><i>compensation for victims. The gender distribution of activities in the workplace and at home constitutes an additional risk factor for the diagnosis of asbestos-related diseases. Cleaning activities should therefore be better taken into account in the diagnosis of asbestos exposure-related diseases, with a view to empowering female workers in that sector as well as women performing unpaid household work, such as the cleaning of asbestos-contaminated products.</i></u>		
Recital 4				
14	(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL') by taking into account an acceptable level of excess risk. As a consequence, the OEL for asbestos should be revised in order	(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL'). <u><i>The ERR derived by the European Chemicals Agency is based on phase-contrast microscopy (PCM) measurement, which lead to</i></u>	(4) Following the new scientific and technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL') by taking into account an acceptable level of excess risk. As a consequence, the OEL for asbestos should be revised in order	

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	to reduce the risk by lowering exposure levels.	<u><i>an underestimation of the exposure due to the technical limitation of PCM to detect fibres with a diameter below 0,2 µm. Measuring asbestos with a more modern technique allowing to count those thin asbestos fibres detrimental to health would be an important step to protect workers better</i></u> <i>by taking into account an acceptable level of excess risk.</i> As a consequence, the OEL <u><i>and measurement methodology</i></u> for asbestos should be revised in order to reduce the risk by lowering exposure levels <u><i>to protect workers better from work-related cancer.</i></u>	to reduce the risk by lowering exposure levels.	
14a		<u><i>(4a) The concept of sporadic and low-intensity exposure should not apply to a non-threshold carcinogen such as asbestos as a basis that justifies exemptions from the protection measures laid down in this Directive.</i></u>		
Recital 5				
15	(5) The Europe's Beating Cancer Plan ¹ supports the need for action in the field of protection of workers against carcinogenic substances. Improved protection of workers	(5) The Europe's Beating Cancer Plan ¹ supports the need for action in the field of protection of workers against carcinogenic substances. Improved protection of workers	(5) The Europe's Beating Cancer Plan ¹ supports the need for action in the field of protection of workers against carcinogenic substances. Improved protection of workers	

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	exposed to asbestos will also be important in the context of the green transition and the implementation of the European Green Deal, including in particular the renovation wave for Europe². Citizens' recommendations in the framework of the Conference on the Future of Europe³ also highlighted the importance of fair working conditions, in particular the revision of Directive 2009/148/EC. 1. https://ec.europa.eu/health/system/files/2022-02/eu_cancer-plan_en_0.pdf 2. Renovation Wave: doubling the renovation rate to cut emissions, boost recovery and reduce energy poverty, COM(2020) 662 final 3. Conference on the Future of Europe. Report on the final outcome (May 2022). https://prod-cofe-platform.s3.eu-central-1.amazonaws.com/8pl7jfzc6ae3jy2doji28fni27a3?response-content-disposition=inline%3B%20filename%3D%22CoFE_Report_with_annexes_EN.pdf%22%3B%20filename%2A%3DUTF-8%27%27CoFE_Report_with_annexes_EN.pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA3LJXGZPDFYVOW5V%2F20220917%2Feu-central-1%2Fs3%2Faws4_request&X-Amz-Date=20220917T104038Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=6806caf5fd75a86ad4e907b934b2194de4c3c0c756a8d2a34c5e8b68985ffbde	exposed to asbestos will also be important in the context of the green transition and the implementation of the European Green Deal, including in particular the renovation wave for Europe². Citizens' recommendations in the framework of the Conference on the Future of Europe³ also highlighted the importance of fair working conditions, in particular the revision of Directive 2009/148/EC. 1. https://ec.europa.eu/health/system/files/2022-02/eu_cancer-plan_en_0.pdf 2. Renovation Wave: doubling the renovation rate to cut emissions, boost recovery and reduce energy poverty, COM(2020) 662 final 3. Conference on the Future of Europe. Report on the final outcome (May 2022). https://prod-cofe-platform.s3.eu-central-1.amazonaws.com/8pl7jfzc6ae3jy2doji28fni27a3?response-content-disposition=inline%3B%20filename%3D%22CoFE_Report_with_annexes_EN.pdf%22%3B%20filename%2A%3DUTF-8%27%27CoFE_Report_with_annexes_EN.pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA3LJXGZPDFYVOW5V%2F20220917%2Feu-central-1%2Fs3%2Faws4_request&X-Amz-Date=20220917T104038Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=6806caf5fd75a86ad4e907b934b2194de4c3c0c756a8d2a34c5e8b68985ffbde	exposed to asbestos will also be important in the context of the green transition and the implementation of the European Green Deal, including in particular the renovation wave for Europe². Citizens' recommendations in the framework of the Conference on the Future of Europe³ also highlighted the importance of fair working conditions, in particular the revision of Directive 2009/148/EC. 1. https://ec.europa.eu/health/system/files/2022-02/eu_cancer-plan_en_0.pdf 2. Renovation Wave: doubling the renovation rate to cut emissions, boost recovery and reduce energy poverty, COM(2020) 662 final 3. Conference on the Future of Europe. Report on the final outcome (May 2022). https://prod-cofe-platform.s3.eu-central-1.amazonaws.com/8pl7jfzc6ae3jy2doji28fni27a3?response-content-disposition=inline%3B%20filename%3D%22CoFE_Report_with_annexes_EN.pdf%22%3B%20filename%2A%3DUTF-8%27%27CoFE_Report_with_annexes_EN.pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA3LJXGZPDFYVOW5V%2F20220917%2Feu-central-1%2Fs3%2Faws4_request&X-Amz-Date=20220917T104038Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=6806caf5fd75a86ad4e907b934b2194de4c3c0c756a8d2a34c5e8b68985ffbde	

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15a		<u>(5a) Within the framework of the Union's 'Renovation wave for Europe' initiative, the goal of which is to decarbonise buildings, tackle energy poverty and boost the Union's sovereignty by means of energy efficiency, workers potentially exposed to asbestos urgently need to be trained. Member States should ensure that workers are adequately trained to prevent asbestos exposure, including secondary exposure. The purpose of that training should be to enable workers to identify asbestos and remove it under the safest possible conditions for their health and for the health of anyone who may be exposed to it, for example, in the vicinity of building renovation or demolition sites. The national training plans should rely on necessary training infrastructure and technical support, in order to facilitate the asbestos removal in the safest possible way and be complemented by awareness campaigns for the general public on the risks of asbestos exposure, in particular in the context of renovation.</u>		
Recital 6				
16	(6) A binding occupational	(6) A binding occupational	(6) A binding occupational	

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	exposure limit value for asbestos, which must not be exceeded, is an important component of the general arrangements for the protection of workers established by Directive 2009/148/EC, in addition to the appropriate risk management measures (RMMs) and to the provision of adequate respiratory and other personal protective equipment.	exposure limit value for asbestos, which must not be exceeded, is an important component of the general arrangements for the protection of workers established by Directive 2009/148/EC, in addition to the appropriate risk management measures (RMMs) and to the provision of adequate respiratory and other personal protective equipment.	exposure limit value for asbestos, which must not be exceeded, is an important component of the general arrangements for the protection of workers established by Directive 2009/148/EC, in addition to the appropriate risk management measures (RMMs) and to the provision of adequate respiratory and other personal protective equipment.	
Recital 7				
17	(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. Its revision is also an effective way to ensure that preventive and protective measures are updated accordingly in all Member States.	(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. Its revision is also an effective way to ensure that preventive and protective measures are updated accordingly <u>Strengthened preventive and protective measures are needed to implement that revised limit value</u> in all Member States.	(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and , recent scientific evidence and technical data. Its <u>The revision of that limit value</u> is also an effective way to ensure that preventive and protective measures are updated accordingly in all Member States.	
Recital 8				
18	(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough	(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough	(8) A revised limit value should be set out in this Directive in light of available information, including up-to-date scientific evidence and technical data, based on a thorough	

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	assessment of the socioeconomic impact and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003¹. 1. Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).	assessment of the socioeconomic impact<u>and public health impacts</u> and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003¹. 1. Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).	assessment of the socioeconomic impact and availability of exposure measurement protocols and techniques at the place of work. That information should be based on opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), established by Regulation (EC) No 1907/2006 <u>of the European Parliament and of the Council</u>¹ and opinions of the Advisory Committee on Safety and Health at Work (ACSH) established by a Council Decision of 22 July 2003^{1,2}. 1. <u>Regulation (EC) n° 1907/2006 of the European Parliament and of the Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003 of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending directive 1999/45/EC and repealing Council Regulation (EEC) n° 793/93 and Commission Regulation (EC) n° 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC et 2000/21/EC (OJ L 396, 30.12.2006, p. 1).</u> 2. <u>Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).</u>	
Recital 9				
19	(9) Taking into account the relevant	(9) Taking into account the relevant	(9) Taking into account the relevant	

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	scientific expertise and a balanced approach ensuring at the same time adequate protection of workers at Union level and avoiding disproportionate economic disadvantages and burdens for the affected economic operators (including SMEs), a revised OEL equal to 0.01 fibres/cm³ as an 8-hour time-weighted average (TWA) should be established. This balanced approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos. Consideration has also been given to proposing an OEL that takes into account economic and technical considerations to allow an effective removal.	scientific expertise and a balanced approach ensuring at the same time adequate <u>the need to increase the protection of workers at Union level, a revised OEL, equal to 0,001 fibres/cm³ as an 8-hour time-weighted average (TWA), should be established. That revised OEL should apply after a transitional period. Until four years after the date of entry into force of this Directive, a transitional OEL, and avoiding disproportionate economic disadvantages and burdens for the affected economic operators (including SMEs), a revised OEL equal to 0.01 0,01 fibres/cm³ as an 8-hour time-weighted average (TWA) TWA, should be established. This balanced</u> approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos. Consideration has also been given to proposing an OEL that takes <u>and the need to take</u> into account economic and technical considerations to allow an effective removal <u>with regard to monitoring compliance.</u>	scientific expertise and a balanced approach ensuring at the same time adequate protection of workers at Union level and avoiding disproportionate economic disadvantages and burdens for the affected economic operators (including SMEs), a revised OEL equal to 0.01 fibres/cm³ as an 8-hour time-weighted average (TWA) should be established. This balanced approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos. Consideration has also been given to proposing an OEL that takes into account economic and technical considerations to allow an effective removal.	
Recital 10				
20	(10) The Commission has carried out a two-stage consultation of management and labour at Union level in accordance with Article 154	(10) The Commission has carried out a two-stage consultation of management and labour at Union level in accordance with Article 154	(10) The Commission has carried out a two-stage consultation of management and labour at Union level in accordance with Article 154	

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	of the Treaty. It has also consulted the ACSH, which has adopted an opinion providing also information for the successful implementation of the revised OEL options. The European Parliament adopted a resolution¹ calling for a proposal to update Directive 2009/148/EC in order to strengthen Union measures for protecting workers from the threat of asbestos. ¹. European Parliament resolution of 20 October 2021 with recommendations to the Commission on protecting workers from asbestos (2019/2182(INL)) (OJ C 184, 5.5.2022, p. 45.)	of the Treaty. It has also consulted the ACSH, which has adopted an opinion providing also information for the successful implementation of the revised OEL options. The European Parliament adopted a resolution¹ calling for a proposal to update Directive 2009/148/EC in order to strengthen Union measures for protecting workers from the threat of asbestos. ¹. European Parliament resolution of 20 October 2021 with recommendations to the Commission on protecting workers from asbestos (2019/2182(INL)) (OJ C 184, 5.5.2022, p. 45.)	of the Treaty. It has also consulted the ACSH, which has adopted an opinion providing also information for the successful implementation of the revised OEL options. The European Parliament adopted a resolution¹ calling for a proposal to update Directive 2009/148/EC in order to strengthen Union measures for protecting workers from the threat of asbestos. ¹. European Parliament resolution of 20 October 2021 with recommendations to the Commission on protecting workers from asbestos (2019/2182(INL)) (OJ C 184, 5.5.2022, p. 45.)	
Recital 11				
21	(11) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to 0.01 f/cm³ with phase-contrast microscope (PCM), no transition period is needed for the implementation of the revised OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used, while taking into account the need for an adequate period of adaptation and for more EU level harmonisation of	(11) Optical microscopy, although it does not allow a counting of the smallest<u>thinnest</u> fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to 0.01 f/cm³<u>0,01 fibres/cm³</u> with phase-contrast microscope (PCM), no transition<u>transitional</u> period is needed for the implementation of the revised <u>transitional</u> OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used, while taking into account the need for an	(11) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. As it is possible to measure an OEL equal to 0.01 f/cm³ with phase-contrast microscope (PCM), no transition period is needed for the implementation of the revised OEL. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy <u>or any other method giving equivalent or more sensitive results</u> should be used<u>gradually replace optical microscopy</u>, while	

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	different electron microscopy methodologies.	adequate period of adaptation and for more EU level <u>a higher coherence among the different methodologies currently applied within the Union in order to allow comparability of results. Such</u> harmonisation of <u>counting rules for different types of electron microscopies should, in particular, reflect the fact that thin asbestos fibres (less than 0,2 µm) are also carcinogenic and should therefore be taken into account when measuring exposure in the workplace in accordance with Article 7(6) of Directive 2009/148/EC. The Commission should support and facilitate Member States with regard to the transition to</u> electron microscopy, <u>in particular by means of the development of guidance and by providing information on the relevant Union funds that can be used for that purpose in order to help Member States make the best use of, and facilitate access to, those funds</u> methodologies .	taking into account the need for an adequate period of <u>technical</u> adaptation and for more EU level harmonisation of different electron microscopy methodologies <u>a higher coherence among different methodologies currently applied within the Union. In order to allow for sufficient time to comply with the new requirements related to fibre measurement, it is appropriate that a longer transposition period of 7 years for such measures is provided. The Commission should support and facilitate Member States in such replacement, in particular through the development of guidelines.</u>	
21a		<u>(11a) Asbestos sampling should be representative of the worker's personal exposure to asbestos. Samples should therefore be taken at regular intervals during specific</u>		

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		<u>operational phases in representative and realistic situations in which workers are exposed to asbestos dust. If it is not possible for sampling to be representative of the worker's personal exposure to asbestos, all appropriate protective measures should be applied.</u>		
Recital 12				
22	(12) Taking into account the exposure minimisation requirements set out in Directive 2009/148/EC of the European Parliament and the Council and Directive 2004/37/EC of the European Parliament and of the Council, employers should ensure that the risk related to the exposure of workers to asbestos at the place of work is reduced to a minimum and in any case to as low a level as is technically possible.	(12) Taking into account the exposure minimisation requirements set out in Directive 2009/148/EC of the European Parliament and the Council and Directive 2004/37/EC of the European Parliament and of the Council, employers should ensure that the risk related to the exposure of workers to asbestos at the place of work is reduced to a minimum and in any case to as low a level as is technically possible.	(12) Taking into account the exposure minimisation requirements set out in Directive 2009/148/EC of the European Parliament and the Council and Directive 2004/37/EC of the European Parliament and of the Council , employers should ensure that the risk related to the exposure of workers to asbestos at the place of work is reduced to a minimum and in any case to as low a level as is technically possible.	
Recital 13				
23	(13) Special control measures and precautions are needed for workers exposed or likely to be exposed to asbestos, such as subjecting workers to a decontamination procedure and related training, in order to significantly contribute to reducing the risks related to such exposure.	(13) Special control measures and precautions, <u>including by using state-of-the-art technology</u> , are needed for workers exposed or likely to be exposed to <u>to lower the concentration of asbestos fibres in the air to as low a level as is technically possible below the limit value, including through dust</u>	(13) Special control measures and precautions are needed for workers exposed or likely to be exposed to asbestos, such as subjecting workers to a decontamination procedure and related training, in order to significantly contribute to reducing the risks related to such exposure.	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>suppression and the suction of dust at the source, continuous sedimentation, and the means of decontamination, combined with minimum requirements for the pressure difference between asbestos enclosures and surroundings, fresh air supply and HEPA filters.</u> such as Subjecting workers to a decontamination procedure and <u>strengthening the related training.</u> <u>requirements are important elements</u> in order to significantly contribute to reducing the risks related to such exposure. <u>In order to ensure a level playing field, an annex to this Directive should provide for minimum training requirements, including specific requirements for workers in specialised asbestos removal undertakings.</u>		
Recital 14				
24	(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure.	(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure. <u>The annex to Directive 2009/148/EC related to the medical surveillance of workers should be</u>	(14) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important, in particular the continuation of health surveillance after the end of exposure.	

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		<u>updated in light of current knowledge on diseases that can be caused by asbestos exposure. The revision of the Commission Recommendation concerning the European schedule of occupational diseases should also reflect such new scientific evidences in order to facilitate the recognition and compensation procedures for victims of asbestos exposure.</u>		
24a		<u>(14a) A notification system is important in order to enable the responsible authorities of Member States to supervise works during which asbestos may be disturbed. The information in the notification should include the following additional elements to better inform the responsible authority of the Member State: the areas in which the work is to be carried out, the equipment which is to be used for the protection and decontamination of workers, and a plan for waste disposal. Such additional information would allow, where appropriate, the intervention of the responsible authority to ensure the protection of those involved. In that regard, the necessary measures should be taken to ensure the enforcement of the applicable</u>		

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		<u><i>national law and practice, including through a support of the labour inspectorates, taking into account the International Labour Organization's benchmark of one inspector for every 10 000 workers in industrial market economies.</i></u>		
Recital 15				
25	(15) Employers should take all necessary steps to identify presumed asbestos-containing materials, if appropriate by obtaining information from the owners of the premises as well as other sources of information, including relevant registers. They should record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings or installations and communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities in or on buildings.	(15) Employers should, <u><i>prior to the start of new work,</i></u> take all necessary steps to identify presumed asbestos-containing materials, <i>if appropriate</i> by obtaining information from the owners of the premises <u><i>or from other employers</i></u> as well as other sources of information, including relevant registers. <i>They</i> <u><i>In premises built before the national asbestos ban, such information should be based on mandatory asbestos screening adapted to the workplace, carried out by a certified operator and subject to minimum quality standards, in accordance with relevant Union and national law. If such information is not available, the employer should commission such mandatory asbestos screening and receive the result before the start of the work. A report containing the result of that screening should state whether asbestos or asbestos fibres are absent or present, with a detailed</i></u>	(15) Employers should take all necessary steps to identify presumed asbestos-containing materials, if appropriate by obtaining information from the owners of the premises as well as other sources of information, including relevant registers. They should record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings or installations and communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities in or on buildings.	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>description of the nature of any contamination, its precise location and estimated quantities. On the basis of the information received, the employer</u> should record, before the start of any asbestos removal project, <u>demolition, maintenance or renovation, information relating to the presence or presumed presence of asbestos in buildings, ships, aircrafts or other</u> or installations <u>that were built before the entry into force of the national asbestos ban and should</u> and communicate this <u>that</u> information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities. <u>The identification of asbestos-containing materials should not replace the necessity for the employer to undertake a risk assessment as provided for in Directive 89/391/EEC</u> in or on <u>buildings.</u>	PUBLIC	
25a		<u>(15a) Directive 2009/148/EC should be regularly updated to take into account the latest scientific knowledge and technical developments including an assessment of different types of asbestos fibres and their adverse health effects. No later than six months after the entry into force of</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>this Directive, the Commission should launch a consultation of the social partners for the purpose of updating the list of fibrous silicates that fall within the scope of Directive 2009/148/EC. The consultation should, in particular, assess whether riebeckite, winchite, richterite and fluoro-edenite should be included within the scope thereof. Within five years of the date of entry into force of this Directive, the Commission should submit a report to the European Parliament and to the Council, setting out the results of its assessment following the consultation of the social partners, accompanied, if appropriate, by a legislative proposal to amend Directive 2009/148/EC accordingly.</u>		
25b		<u>(15b) The safe removal and disposal of asbestos-containing materials should be a priority, because repair, maintenance, encapsulation or sealing lead to the postponement of removal, which can perpetuate the risks to the workers and occupants of the buildings concerned for many years. The encapsulation and sealing of asbestos-containing materials which can technically be</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>removed should be prohibited, while not putting poorer households at a disadvantage because of their inability to afford necessary renovations. Appropriate accompanying measures are therefore needed. In that regard, the Union provides significant funding, in particular through the Recovery and Resilience Facility, to be used to support national measures for the removal of asbestos in the context of renovations. Where asbestos is not removed, the relevant structures should be identified, registered and regularly monitored.</u>		
25c		<u>(15c) Asbestos should be kept out of the circular economy to protect workers from unknowingly reusing dangerous materials. Life-cycle management of building materials is an important part of the circular economy in the framework of the Union's new circular economy action plan. Member States should therefore ensure availability of suitable and safe waste treatment facilities.</u>		
25d				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>(15d) There is a need to provide sufficient and focused administrative support to help employers, in particular small and medium-sized enterprises, implement this Directive. In particular, standardised processes for the removal of asbestos-containing materials would help to reduce the levels of asbestos dust, the cost of those operations and facilitate the fulfilment of the notification requirements.</u>		
25e		<u>(15e) Within one year of the date of entry into force of this Directive, the Commission should, in cooperation with the ACSH, develop and issue guidelines in order to support the implementation of this Directive. Those guidelines should, where appropriate, include sector-specific solutions. In order to keep pace with technological developments, the Commission should, at least every five years after issuing those guidelines, review them in light, in particular, of technological and scientific developments on asbestos identification, measurement and warning technology. A more systematic exchange of best practices across Member States</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u><i>should also be established for that purpose.</i></u>		
25f		<u><i>(15f) The Russia's war of aggression against Ukraine is not only causing suffering for the Ukrainian people but also considerable damage to infrastructure, housing and the built environment more generally. As Ukraine did not ban the use of asbestos until 2017, the forthcoming reconstruction of the country poses a significant risk to workers, particularly those that handle rubble. It is therefore of the utmost importance that, whether they employ workers from a Member State or not, companies from the Union involved in rebuilding Ukraine take every possible measure to prevent workers' exposure to asbestos.</i></u>		
Recital 16				
26	(16) Since the objective of this Directive, namely to protect workers against risks to their health and safety arising from or likely to arise from exposure to asbestos at work, including the prevention of such risks, cannot be sufficiently achieved	(16) Since the objective of this Directive, namely to protect workers against risks to their health and safety arising from or likely to arise from exposure to asbestos at work, including the prevention of such risks, cannot be sufficiently achieved	(16) Since the objective of this Directive, namely to protect workers against risks to their health and safety arising from or likely to arise from exposure to asbestos at work, including the prevention of such risks, cannot be sufficiently achieved	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	
26a		<u><i>(16a) In view of the upcoming increase in thermal renovations of buildings, there is a crucial need to support research and development in order to ensure the highest possible level of protection for workers and the local population exposed to asbestos during demolition and renovation operations, and to improve the reliability and speed of asbestos screening, measurement, removal and safe waste management.</i></u>		
Recital 17				
27	(17) Since this Directive concerns the protection of the health and safety of workers at the place of	(17) Since this Directive concerns the protection of the health and safety of workers at the place of	(17) Since this Directive concerns the protection of the health and safety of workers at the place of	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	work, it should be transposed within two years of the date of its entry into force.	work, it should be transposed within two years of the date of its entry into force.	work, it should be transposed within two years of the date of its entry into force.	
Recital 18				
28	(18) Directive 2009/148/EC should therefore be amended accordingly,	(18) Directive 2009/148/EC should therefore be amended accordingly,	(18) Directive 2009/148/EC should therefore be amended accordingly,	
Formula				
29	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Article 1				
30	Article 1 Amendments to Directive 2009/148/EC	Article 1 Amendments to Directive 2009/148/EC	Article 1 Amendments to Directive 2009/148/EC	
Article 1, first paragraph				
31	Directive 2009/148/EC is amended as follows:	Directive 2009/148/EC is amended as follows:	Directive 2009/148/EC is amended as follows:	
Article 1, first paragraph, point (1)				
32	(1) in Article 1(1), the following third subparagraph is added:	(1) in Article 1(1), the following third subparagraph is added:	(1) in Article 1(1), the following third subparagraph is added:	
Article 1, first paragraph, point (1), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
33	‘ The provisions of Directive 2004/37/EC of the European Parliament and of the Council* shall apply whenever they are more favourable to health and safety of workers at work.’	‘ The provisions of Directive 2004/37/EC of the European Parliament and of the Council* shall apply whenever they are more favourable to health and safety of workers at work.’	‘ The provisions of Directive 2004/37/EC of the European Parliament and of the Council* shall apply whenever they are more favourable to health and safety of workers at work.’	
Article 1, first paragraph, point (1), amending provision, first paragraph				
34	* Directive 2004/37 of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (Sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC (OJ L 158, 30.04.2004, p. 50), as last amended by Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 (OJ L 88, 16.3.2022, p. 1–14).;	* Directive 2004/37 of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (Sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC (OJ L 158, 30.04.2004, p. 50), as last amended by Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 (OJ L 88, 16.3.2022, p. 1–14).;	* Directive 2004/37 of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (Sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC (OJ L 158, 30.04.2004, p. 50), as last amended by Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 (OJ L 88, 16.3.2022, p. 1–14).;	
Article 1, first paragraph, point (2)				
35	(2) Article 2 is replaced by the following:	(2) Article 2 is replaced by the following:	(2) Article 2 is replaced by the following:	
Article 1, first paragraph, point (2), amending provision, first paragraph				
36				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	Article 2	Article 2	Article 2	
Article 1, first paragraph, point (2), amending provision, second paragraph				
37	For the purposes of this Directive, 'asbestos' means the following fibrous silicates, which are classified as carcinogens 1A according to Regulation (EC) 1272/2008*:	For the purposes of this Directive, 'asbestos' means the following fibrous silicates, which are classified as carcinogens 1A according to Regulation (EC) 1272/2008*:	For the purposes of this Directive, 'asbestos' means the following fibrous silicates, which are classified as carcinogens 1A according to Regulation (EC) 1272/2008*:	
Article 1, first paragraph, point (2), amending provision, second paragraph				
38	* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355).;	* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355).;	* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355).;	
Article 1, first paragraph, point (2), amending provision, third paragraph				
39	(a) asbestos, actinolite, CAS* 77536-66-4	(a) asbestos, actinolite, CAS* 77536-66-4	(a) asbestos, actinolite, CAS* 77536-66-4 ;	
Article 1, first paragraph, point (2), amending provision, fourth paragraph				
40	(b) asbestos, amosite (grunerite), CAS 12172-73-5;	(b) asbestos, amosite (grunerite), CAS 12172-73-5;	(b) asbestos, amosite (grunerite), CAS 12172-73-5;	

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Article 1, first paragraph, point (2), amending provision, fifth paragraph				
41	(c) asbestos, anthophyllite, CAS 77536-67-5;	(c) asbestos, anthophyllite, CAS 77536-67-5;	(c) asbestos, anthophyllite, CAS 77536-67-5;	
Article 1, first paragraph, point (2), amending provision, sixth paragraph				
42	(d) asbestos, chrysotile, CAS 12001-29-5;	(d) asbestos, chrysotile, CAS 12001-29-5;	(d) asbestos, chrysotile, CAS 12001-29-5;	
Article 1, first paragraph, point (2), amending provision, seventh paragraph				
43	(e) asbestos, crocidolite, CAS 12001-28-4;	(e) asbestos, crocidolite, CAS 12001-28-4;	(e) asbestos, crocidolite, CAS 12001-28-4;	
Article 1, first paragraph, point (2), amending provision, eighth paragraph				
44	(f) asbestos, tremolite, CAS 77536-68-6.'	(f) asbestos, tremolite, CAS 77536-68-6.'	(f) asbestos, tremolite, CAS 77536-68-6.'	
44a		<u>(fa) erionite, CAS No 66733-21-9 and 1250-42-8.</u>		
Article 1, first paragraph, point (2), amending provision, third paragraph				
45	*CAS: Chemical Abstract Service Number.;	*CAS: Chemical Abstract Service Number.;	*CAS: Chemical Abstract Service Number.;	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
45a		<u>(2a) in Article 3, paragraph 1 is replaced by the following:</u>		
45b		<u>"This Directive shall apply to activities in which workers are or may be exposed subject to active or passive exposure, in the course of their work, to dust arising from asbestos or materials containing asbestos."</u>		
Article 1, first paragraph, point (2b)				
45c		<u>(2b) in Article 3, paragraph 3 is deleted.</u>		
Article 1, first paragraph, point (2c)				
45d		<u>(2c) in Article 3, paragraph 4 is deleted.</u>		
Article 1, first paragraph, point (2d), first subparagraph				
45e		<u>(2d) in Article 4(3), the second subparagraph is replaced by the following:</u>		

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	Article 1, first paragraph, point (2d), second subparagraph			
45f		<u>"The notification mustshall include at least a brief description of:</u> <u>(a) the location of the worksite and the specific areas in which the work is to be carried out;</u> <u>(b) the type and quantities of asbestos used or handled;</u> <u>(c) the activities and processes involved;</u> <u>(d) the number of workers involved, a list of the workers likely to be assigned to the site, individual certificates demonstrating the competence of the workers and setting out the training that they have received, and the dates of the workers' mandatory medical visits;</u> <u>(e) the starting date and, duration of the work and the planned working hours;</u> <u>(f) measures taken to limit the exposure of workers to asbestos;</u> <u>(fa) the characteristics of the equipment used for the protection and decontamination of the workers;</u> <u>(fb) the procedure, duration and working hours relating to the decontamination of workers;</u> <u>(fc) the characteristics of the equipment used for waste disposal;</u> <u>(fd) a provisional aeraulic balance for work carried out under confinement;</u> <u>(fe) a plan for safe and sustainable</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>waste disposal, including with regard to the destination of any asbestos-containing waste."</u>		
Article 1, first paragraph, point (2e), first subparagraph				
45g		<u>(2e) in Article 4(3), the following subparagraph is added:</u>		
Article 1, first paragraph, point (2e), second subparagraph				
45h		<u>"The notifications shall be kept by the responsible authority of the Member State for a minimum of 40 years, in accordance with national law and practice."</u>		
Article 1, first paragraph, point (2f), first subparagraph				
45i		<u>(2f) in Article 5, the following paragraph is added:</u>		
Article 1, first paragraph, point (2f), second subparagraph				
45j		<u>"Asbestos-containing materials that are already in use shall be safely removed and disposed of when technically feasible. They shall not be repaired, maintained, sealed, encapsulated or covered. Asbestos-containing materials that are not removed shall be identified, registered and regularly</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>monitored."</u>		
Article 1, first paragraph, point (3)				
46	(3) Article 6 is replaced by the following:	(3) Article 6 is replaced by the following:	(3) Article 6 is replaced by the following:	
Article 1, first paragraph, point (3), amending provision, first paragraph				
47	Article 6	Article 6	Article 6	
Article 1, first paragraph, point (3), amending provision, second paragraph				
48	For all activities referred to in Article 3(1), the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work shall be reduced to a minimum and in any case to as low a level as is technically possible below the limit value laid down in Article 8, in particular through the following measures:	For all activities referred to in Article 3(1), the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work shall be reduced to a minimum and in any case to as low a level as is technically possible below the limit value laid down in Article 8, in particular through the following measures:	For all activities referred to in Article 3(1), the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work shall be reduced to a minimum and in any case to as low a level as is technically possible below the limit value laid down in Article 8, in particular through the following measures:	
Article 1, first paragraph, point (3), amending provision, second paragraph, point (a)				
49	(a) the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos shall be limited to the lowest possible figure;	(a) the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos shall be limited to the lowest possible figure;	(a) the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos shall be limited to the lowest possible figure;	

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Article 1, first paragraph, point (3), amending provision, second paragraph, point (b)				
50	(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;	(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air <u>by implementing at least the following measures:</u> <u>(i) asbestos dust suppression;</u> <u>(ii) the suction of asbestos dust at source;</u> <u>(iii) the continuous sedimentation of asbestos fibres suspended in the air;</u> <u>(iv) appropriate decontamination;</u>	(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;	
50a		<u>(ba) for work carried out under confinement, the work area shall be protected by implementing at least the following measures:</u> <u>(i) setting a minimum pressure difference of minus 10;</u> <u>(ii) supplying clean replacement air from a point further away;</u> <u>(iii) checking the performance of negative pressure units and portable vacuums of local exhaust ventilation systems after the change of a HEPA filter and before the start of asbestos removal and in any event at least once a year, by measuring the removal efficiencies of filters with a direct-reading</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>particle counter;</u>		
Article 1, first paragraph, point (3), amending provision, second paragraph, point (c)				
51	(c) all premises and equipment involved in the treatment of asbestos shall be capable of being regularly and effectively cleaned and maintained;	(c) all premises and equipment involved in the treatment of asbestos shall be capable of being regularly and effectively cleaned and maintained;	(c) all premises and equipment involved in the treatment of asbestos shall be capable of being regularly and effectively cleaned and maintained;	
Article 1, first paragraph, point (3), amending provision, second paragraph, point (d)				
52	(d) asbestos or dust-generating asbestos-containing material shall be stored and transported in suitable sealed packing;	(d) asbestos or dust-generating asbestos-containing material shall be stored and transported in suitable sealed packing;	(d) asbestos or dust-generating asbestos-containing material shall be stored and transported in suitable sealed packing;	
Article 1, first paragraph, point (3), amending provision, second paragraph, point (e)				
53	(e) waste shall be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos; this measure shall not apply to mining activities; such waste shall then be dealt with in accordance with Directive 2008/98/EC of the European Parliament and of the Council*.	(e) waste shall be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos; this measure shall not apply to mining activities; such waste shall then be dealt with in accordance with Directive 2008/98/EC of the European Parliament and of the Council*.	(e) waste shall be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos; this measure shall not apply to mining activities; such waste shall then be dealt with in accordance with Directive 2008/98/EC of the European Parliament and of the Council*.	
Article 1, first paragraph, point (3), amending provision, second paragraph, point (e)				
54	* Directive 2008/98/EC of the	* Directive 2008/98/EC of the	* Directive 2008/98/EC of the	

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	European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;	European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;	European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;	
54a		<u>(3a) in Article 7, paragraph 1 is replaced by the following:</u>		
54b		<u>"1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out regularly during the specific operational phases and at regular intervals throughout the work process."</u>		
54c		<u>(3b) in Article 7, paragraph 2 is replaced by the following:</u>		
54d		<u>"2. Sampling must be representative</u>		

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		of the <u>real</u> personal exposure of the worker to dust arising from asbestos or materials containing asbestos."		
54e		<u>(3c) in Article 7, paragraph 5 is replaced by the following:</u>		
54f		<u>"5. The duration of sampling mustshall be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or time-weighted calculations."</u>		
Article 1, first paragraph, point (4)				
55	(4) in Article 7(6) the first subparagraph is replaced by the following:	(4) in Article 7(6) the first subparagraph is replaced by the following:	(4) in Article 7(6) the first subparagraph is replaced by the following:	
Article 1, first paragraph, point (4), amending provision, first paragraph				
56	Fibre counting shall be carried out by phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO)* or, wherever possible, any	<u>From ... [four years after the date of entry into force of this amending Directive], fibre counting shall be carried out by electron microscopy or, wherever possible, any other method giving equivalent or better</u>	Fibre counting shall be carried out by phase-contrast microscope (PCM) <u>electron microscopy (EM)</u> in accordance with the method recommended in 1997 by the World Health Organization (WHO)* or,	

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	other method giving equivalent or better results, such as a method based on electron microscopy (EM).	<u>results.</u> <u>Until ... [four years after the date of entry into force of this amending Directive],</u> fibre counting shall be carried out by phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO)* or, wherever possible, any other method giving equivalent or better results, such as a method based on electron microscopy. <u>For the purposes of ensuring compliance with the measures on fibre counting referred to in this Article, the Commission shall support Member States by providing, no later than ... [one year after the entry into force of this amending Directive], after consultation of relevant stakeholders, appropriate technical guidance on the technical transition from phase-contrast microscopy to electron microscopy. Such technical guidance shall include harmonised counting rules that take into account the fact that thin asbestos fibres that are currently not detectable by means of phase-contrast microscopy are carcinogenic and are therefore to be taken into consideration, and information about relevant Union</u>	wherever possible, or by any other method<u>alternative technology</u> giving equivalent or better<u>more accurate</u> results, such as a method based on electron microscopy (EM).	

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		<u>funds which can be used to support the transition to electron microscopy</u> (EM) .		
Article 1, first paragraph, point (4), amending provision, second paragraph				
57	* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).;	* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).;	* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).;	
Article 1, first paragraph, point (4a)				
57a			<u>In Article 7, the following paragraph is added:</u>	
Article 1, first paragraph, point (4a), amending provision, first paragraph				
57b			<u>'7. For the purposes of ensuring compliance with the measures on fibre counting referred to in this Article, the Commission shall support Member States by providing appropriate technical guidance, including on the technical transition from phase-contrast microscopy (PCM), as applied in accordance with the method recommended in 1997 by the World Health Organization (WHO)*, to Electron microscopy (EM).</u>	

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	Article 1, first paragraph, point (4a), amending provision, first paragraph			
57c			<u>* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1). ’;</u>	
	Article 1, first paragraph, point (5)			
58	(5) Article 8 is replaced by the following:	(5) Article 8 is replaced by the following:	(5) Article 8 is replaced by the following:	
	Article 1, first paragraph, point (5), amending provision, first paragraph			
59	‘ Article 8	‘ Article 8	‘ Article 8	
	Article 1, first paragraph, point (5), amending provision, second paragraph			
60	Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0.01 fibres per cm ³ as an 8-hour time-weighted average (TWA). ’	<u>1. From ... [four years after the date of entry into force of this amending Directive],</u> employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0.01 <u>0,001</u> fibres per cm ³ as an 8-hour time-weighted average (TWA).	Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0.01 fibres per cm ³ as an 8-hour time-weighted average (TWA).’;	

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60a		<u>1a. As monitoring compliance with the OEL set out in paragraph 1 requires a method based on electron microscopy, an OEL equal to 0,01 fibres per cm³ as an 8-hour time-weighted average (TWA) shall apply for a transitional period until ... [four years after the date of entry into force of this amending Directive].</u>		
60b		<u>(5a) in Article 10, paragraph 1 is replaced by the following:</u>		
60c		<u>"1. Where the limit value laid down in Article 8 is exceeded, or if there is reason to believe that asbestos-containing materials which are not identified prior to the work have been disturbed so as to generate dust, work shall stop immediately.</u> The reasons for the limit being exceeded must<u>shall</u> be identified and appropriate measures to remedy the situation must<u>shall</u> be taken as soon as possible. Work may<u>shall</u> not be continued in the affected area until adequate		

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		measures have been taken for the protection of the workers concerned."		
Article 1, first paragraph, point (6)				
61	(6) in Article 11, the first subparagraph is replaced by the following:	(6) in Article 11, the first subparagraph is replaced by the following:	(6) in Article 11, the first subparagraph is replaced by the following:	
Article 1, first paragraph, point (6), amending provision, first paragraph				
62	Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials.	Before beginning demolition, <u>maintenance work or renovation works on premises built before the entry into force of the national asbestos ban</u> or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises <u>or from other employers</u> as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials. <u>Such information shall be based on mandatory asbestos screening carried out by a certified operator, adapted to the workplace and subject to minimum quality standards. If such information is not available, the employer shall commission the mandatory asbestos screening and receive the result</u>	Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises as well as from other sources of information, including relevant registers, all necessary steps to identify presumed asbestos-containing materials.⸱	

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		<u>before the start of the work. The requirement on employers to obtain information pursuant to this paragraph shall not replace the requirement on employers to undertake a risk assessment pursuant to Directive 89/391/EEC.</u> <u>The employer shall make available to another employer, upon request and solely for the purpose of complying with the obligation laid down in the first subparagraph, any information obtained in the performance of the aforementioned obligation.</u>		
62a		<u>For the purpose of defining the minimum quality standards referred to in the first paragraph, Member States shall regulate the details of actions needed for the detection of asbestos-containing materials, in accordance with relevant Union and national law.</u>		
62b		<u>Member States shall establish public registers of the certified operators authorised to carry out asbestos screening in accordance with their national law and</u>		

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		<u>practice.</u>		
62c		<u>(6a) in Article 12(1), the introductory part is replaced by the following:</u>		
62d		<u>"In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of <u>all possible</u> technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:<u>"</u></u>		
62e		<u>(6b) in Article 12(1), point (c) is replaced by the following:</u>		
62f				

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		<u>"(c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented, <i>and for work performed under confinement, the enclosure and airlocks shall be airtight and under mechanical extraction ventilation.</i>"</u>		
62g		<u>(6c) in Article 12, the following paragraph is added:</u>		
62h		<u>"A measurement of asbestos fibres concentration in the air shall be carried out after activities referred to in the first paragraph have been concluded in order to ensure that workers can safely re-enter the workplace."</u>		
62i		<u>(6d) in Article 13, paragraph 1 is replaced by the following:</u>		
62j		<u>"1. A plan of work shall be drawn up before demolition work or work</u>		

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		on removing any work involving the handling of asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships is started."		
62k		<u>(6e) in Article 14, paragraph 2 is replaced by the following:</u>		
62l		"2. The content of the training must<u>shall</u> be easily understandable for workers. It must<u>shall</u> enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: (a) the properties of asbestos and its effects on health, including the synergistic effect of smoking; (b) the types of products or materials likely to contain asbestos; (c) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; (d) safe work practices, controls and protective equipment; (e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;		

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		(f) emergency procedures; (g) decontamination procedures; (h) waste disposal; (i) medical surveillance <u>requirements in accordance with the national law and practice applicable where the work takes place."</u>		
62m		<u>(6f) in Article 14, paragraph 3 is replaced by the following:</u>		
62n		<u>"3. The minimum requirements with regard to the content, duration, intervals and documentation of the training provided pursuant to this Article are set out in Annex Ia3. Practical guidelines for the training of asbestos removal workers shall be developed at Community level."</u>		
62o		<u>(6g) in Article 15, paragraph 1 is replaced by the following:</u>		
62p				

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		Before carrying "1. <u>Undertakings which intend to carry out demolition or asbestos removal work shall be required to obtain, before the start of the work, a permit from the competent authority. Competent authorities shall grant such permits only if the applicant undertaking provides proof of adequate state-of-the-art technical equipment for emission-free or, where this is not yet technically possible, low-emission work procedures in accordance with Article 6, and training certificates for the individual workers.</u> firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice <u>Article 14 and Annex Ia."</u>		
62q		<u>(6h) in Article 15, the following paragraph is added:</u>		
62r		<u>"1a. Competent authorities shall grant permits to the undertakings referred to in paragraph 1 only if they have no doubt as to the reliability of the undertaking and its</u>		

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		<u>management. The permits shall be renewable every five years, in accordance with national law and practice."</u>		
62s		<u>(6i) in Article 15, the following paragraph is added:</u>		
62t		<u>"1b. Member States shall establish public registers of the undertakings that have been granted permits to remove asbestos pursuant to paragraph 1."</u>		
62u		<u>(6j) in Article 16(1), the introductory part is replaced by the following:</u>		
62v		<u>"1. In the case of all activities referred to in Article 3(1), and subject to Article 3(3), appropriate measures shall be taken to ensure that:"</u>		

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62w		<u>(6k) in Article 16(1), point (c) is replaced by the following:</u>		
62x		<u>"(c) workers are provided with appropriate working or protective clothing; this as well as protective equipment, in particular respiratory equipment, which is subject to a mandatory individual fitting check, and all such</u> working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;"		
Article 1, first paragraph, point (6l), first subparagraph				
62y		<u>(6l) in Article 16(1), the following point is inserted:</u>		
Article 1, first paragraph, point (6l), second subparagraph				
62z		<u>"(ca) regular compulsory breaks with sufficient time for rest are provided for workers wearing respiratory equipment;"</u>		

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	Article 1, first paragraph, point (6m), first subparagraph			
62aa		<u>(6m) in Article 16(1), point (e) is replaced by the following:</u>		
	Article 1, first paragraph, point (6m), second subparagraph			
62ab		<u>"(e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations, <i>and workers are subject to a mandatory decontamination procedure, which is designed with the involvement of the relevant sectoral social partners to cover sector specific needs,</i>"</u>		
	Article 1, first paragraph, point (6n), first subparagraph			
62ac		<u>(6n) in Article 17(2), the introductory part is replaced by the following:</u>		
	Article 1, first paragraph, point (6n), second subparagraph			
62ad		<u>"2. In addition to the measures referred to in paragraph 1, and subject to Article 3(3), appropriate measures shall be taken to ensure that:"</u>		

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Article 1, first paragraph, point (6o)				
62ae		<u>(6o) in Article 18, paragraph 1 is deleted;</u>		
Article 1, first paragraph, point (6p), first subparagraph				
62af		<u>(6p) the following article is inserted:</u>		
Article 1, first paragraph, point (6p), second subparagraph				
62ag		<u>"Article 18ba</u>		
Article 1, first paragraph, point (6p), third subparagraph				
62ah		<u>1. By ... [six months after the date of entry into force of this amending Directive], the Commission shall launch a consultation of the ACSH for the purpose of updating the list of fibrous silicates that fall within the scope of this Directive and, in that context, assess whether it would be appropriate to include riebeckite, winchite, richterite and fluoro-edenite within the scope of this Directive.</u>		
Article 1, first paragraph, point (6p), fourth subparagraph				
62ai		<u>2. By ... [five years after the date</u>		

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		<u><i>of entry into force of this amending Directive], the Commission shall submit a report to the European Parliament and to the Council, setting out the results of the assessment referred to in paragraph 1. That report shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.</i></u>	PUBLIC		
Article 1, first paragraph, point (6p), fifth subparagraph					
62aj		<u><i>3. Every five years after the date referred to in paragraph 2 of this Article, the Commission shall assess whether there is a need to further update the list of fibrous silicates referred to in Article 2 and shall submit a report to the European Parliament and to the Council, setting out its assessment. Those reports shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.</i></u>			
Article 1, first paragraph, point (6p), sixth subparagraph					
62ak		<u><i>4. By... [six months after the date of entry into force of this amending Directive], the Commission shall launch a consultation of relevant stakeholders on the need for</i></u>			

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>additional measures to ensure protection against secondary exposure to asbestos in non-occupational settings. By ... [five years after the date of entry into force of this amending Directive], the Commission shall submit a report to the European Parliament and to the Council, setting out the results of that consultation, accompanied, if appropriate, by a legislative proposal."</u>		
Article 1, first paragraph, point (6q), first subparagraph				
62al		<u>(6q) the following article is inserted:</u>		
Article 1, first paragraph, point (6q), second subparagraph				
62am		<u>"Article 18bb</u>		
Article 1, first paragraph, point (6q), third subparagraph				
62an		<u>1. By ... [one year after the date of entry into force of this amending Directive], the Commission shall, in cooperation with the ACSH, develop guidelines for the purpose of supporting the implementation of this Directive and publish them on the website of EU-OSHA. Those guidelines shall provide, where appropriate, sector-specific</u>		

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		<u>solutions.</u>		
Article 1, first paragraph, point (6q), fourth subparagraph				
62ao		<u>2. At least every five years after the date referred to in paragraph 1, the Commission shall, after consulting the social partners, review the guidelines referred to in that paragraph, taking into account, in particular, technological and scientific developments with regard to asbestos identification, measurement or warning technology. The Commission shall include, in the revised guidelines, information about when a new technology is to be used in order to protect workers from exposure to asbestos."</u>		
Article 1, first paragraph, point (6r)				
62ap		<u>(6r) in Article 19, paragraph 1 is deleted;</u>		
Article 1, first paragraph, point (7)				
63	(7) in Article 19, paragraph 2 is replaced by the following:	(7) in Article 19, paragraph 2 is replaced by the following:	(7) in Article 19, paragraph 2 is replaced by the following:	
Article 1, first paragraph, point (7), first subparagraph, amending provision, first paragraph				

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64	The employer shall enter the information on the workers engaged in the activities referred to in Article 3(1) in a register. That information shall indicate the nature and duration of the activity and the exposure to which they have been subjected. The doctor and/or the authority responsible for medical surveillance shall have access to this register. Each worker shall have access to the results in the register which relate to him or her personally. The workers and/or their representatives shall have access to anonymous, collective information in the register.	The employer shall enter the information on the workers engaged in the activities referred to in Article 3(1) in a register. That information shall indicate the nature and duration of the activity and the exposure to which they have been subjected. The doctor and/or the authority responsible for medical surveillance shall have access to this register. Each worker shall have access to the results in the register which relate to him or her personally. The workers and/or their representatives shall have access to anonymous, collective information in the register.	The employer shall enter the information on the workers engaged in the activities referred to in Article 3(1) in a register. That information shall indicate the nature and duration of the activity and the exposure to which they have been subjected. The doctor and/or the authority responsible for medical surveillance shall have access to this register. Each worker shall have access to the results in the register which relate to him or her personally. The workers and/or their representatives shall have access to anonymous, collective information in the register.	
Article 1, first paragraph, point (7a), first subparagraph, amending provision, first paragraph a				
64a		<u>(7a) in Article 21, paragraph 1 is replaced by the following:</u>		
Article 1, first paragraph, point (7a), second subparagraph				
64b		<u>"1. Member States shall keep a register of all recognised cases of asbestosis and mesothelioma asbestos-related occupational diseases. An indicative list of diseases that can be caused</u>		

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		<u><i>by asbestos exposure is set out in Annex I."</i></u>		
Article 1, first paragraph, point (7b)				
64c		<u><i>(7b) in Article 21, the following paragraph is added:</i></u>		
Article 1, first paragraph, point (7b), amending provision, first paragraph				
64d		<u><i>" 1a. Recognised cases as referred to in paragraph 1 shall not be limited to cases in which compensation has been granted, but shall refer to all cases of medically diagnosed asbestos-related diseases. "</i></u>		
Article 1, first paragraph, point (7c), first subparagraph				
64e		<u><i>(7c) the following article is inserted:</i></u>		
Article 1, first paragraph, point (7c), second subparagraph				
64f		<u><i>"Article 21a</i></u>		
Article 1, first paragraph, point (7c), third subparagraph				
64g		<u><i>All existing information, including from relevant registers, regarding</i></u>		

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		<u><i>the presence and location of asbestos shall be made available to firefighters and the emergency services."</i></u>		
Article 1, first paragraph, point (7d), first subparagraph				
64h		<u><i>(7d) the following article is inserted:</i></u>		
Article 1, first paragraph, point (7d), second subparagraph				
64i		<u><i>"Article 22a</i></u>		
Article 1, first paragraph, point (7d), third subparagraph				
64j		<u><i>1. The Commission shall regularly monitor and assess the implementation of this Directive, after consulting the social partners, in order to ensure a high level of health protection for all workers.</i></u>		
Article 1, first paragraph, point (7d), fourth subparagraph				
64k		<u><i>2. The Commission shall provide sufficient administrative and financial support to employers, in particular SMEs and microenterprises, in order to ensure adequate protection of workers. For the purpose of fulfilling the requirements of this Directive,</i></u>		

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		<u>including accessing and developing measurement technology, protective equipment, and the training, upskilling and reskilling of workers, the Union provides significant funding through the Recovery and Resilience Facility (RRF), in particular under the 'Renovate' flagship initiative. Member States can also use RRF funds, in particular under pillar 6 (policies for the next generation) and flagship 7 ('Reskill and Upskill') to promote skilling and up-skilling of workers handling asbestos. In addition, the Union structural and investment funds, including the European Social Fund + and the European regional development fund can support a range of measures related to renovations, including upskilling, reskilling and lifelong learning for all, and the adaptation of workers, enterprises and entrepreneurs to the needs of the green transition. The Commission shall provide appropriate information on the relevant Union funds which can be used in order to help Member States make the best use of, and facilitate access to, those funds, notably to SMEs and microenterprises."</u>		
Article 1, first paragraph, point (7e), first subparagraph				
641				

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		<u>(7e) in Annex I, point 1 is replaced by the following:</u>		
Article 1, first paragraph, point (7e), second subparagraph				
64m		<u>"1. Current knowledge indicates that exposure to free asbestos fibres can give rise to <u>at least</u> the following diseases:</u> — asbestosis, — mesothelioma, — <u>bronchiallung carcinoma,</u> — gastro-intestinal carcinoma, — <u>carcinoma of the larynx,</u> — <u>carcinoma of the ovary,</u> — <u>non-malignant pleural diseases.</u>		
Article 1, first paragraph, point (7e), third subparagraph				
64n		<u>1a. Positive associations have been noted by the International Agency for Research on Cancer between asbestos exposure and the following diseases:</u> — <u>pharyngeal cancer,</u> — <u>colorectal cancer,</u> — <u>stomach cancer."</u>		
Article 1, first paragraph, point (7f), first subparagraph				
64o		<u>(7f) the following annex is inserted:</u>		

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Article 1, first paragraph, point (7f), second subparagraph				
64p		<u>"ANNEX Ia</u>		
Article 1, first paragraph, point (7f), third subparagraph				
64q		<u>Minimum requirements for training</u>		
Article 1, first paragraph, point (7f), fourth subparagraph				
64r		<u>Workers who are, or who are likely to be, exposed to dust from asbestos or asbestos-containing materials shall receive mandatory training, encompassing at least the following minimum requirements:</u>		
Article 1, first paragraph, point (7f), fifth subparagraph				
64s		<u>1. The training shall be provided at the start of an employment relationship and then at intervals not exceeding four years.</u>		
Article 1, first paragraph, point (7f), sixth subparagraph				
64t		<u>2. Each training course shall have a minimum duration of three working days.</u>		
Article 1, first paragraph, point (7f), seventh subparagraph				

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64u		<u>3. The training shall be provided either by an instructor whose qualification is recognised by a national authority, by a certified institution, or by both, in accordance with national law and practice.</u>		
Article 1, first paragraph, point (7f), eighth subparagraph				
64v		<u>4. Every worker who has attended training in a satisfactory manner and has passed the required final test shall receive a training certificate indicating all of the following:</u> <u>(a) the date of the training;</u> <u>(b) the duration of the training;</u> <u>(c) the content of the training;</u> <u>(d) the language of the training;</u> <u>(e) the name, qualification, and contact details of the instructor or the institution providing the training, or both.</u>		
Article 1, first paragraph, point (7f), ninth subparagraph				
64w		<u>5. Workers who are, or who are likely to be, exposed to dust from asbestos or asbestos-containing materials shall receive at least theoretical and practical training concerning the following:</u> <u>(a) the applicable law of the</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>Member State in which the work is carried out;</u> <u>(b) the properties of asbestos and its effects on health, including the synergistic effect of smoking, as well as the risks linked to secondary, passive and environmental exposure;</u> <u>(c) the types of products or materials likely to contain asbestos;</u> <u>(d) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;</u> <u>(e) safe working practices, including workplace preparation, the choice of working methods and planning of work execution, ventilation, point extraction, measurement and control, and regular breaks;</u> <u>(f) the appropriate role, choice, selection, limitations and proper use of protective equipment, with particular regard to respiratory equipment;</u> <u>(g) emergency procedures;</u> <u>(h) decontamination procedures;</u> <u>(i) waste disposal;</u> <u>(j) medical surveillance requirements.</u> <u>The training shall be adapted as closely as possible to the characteristics of the profession and the specific tasks and work methods that the profession involves.</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Article 1, first paragraph, point (7f), tenth subparagraph				
64x		<u>6. Workers who engage in demolition or asbestos-removal work shall be required to receive training, in addition to the training provided for pursuant to paragraph 5, regarding both of the following:</u> <u>(a) the use of technological equipment and machines to contain the release and spreading of asbestos fibres during the work processes, in accordance with this Directive;</u> <u>(b) the latest available technologies and machines for emission-free or, where this is not technically possible, low-emission working procedures, to contain the release and spreading of asbestos fibres."</u>		
Article 2				
65	Article 2	Article 2	Article 2	
Article 2(1), first subparagraph				
66	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by two	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by two	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 10J	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	years after the date of entry into force of this Directive at the latest. They shall immediately communicate the text of those measures to the Commission.	years after the date of entry into force of this Directive at the latest. They shall immediately communicate the text of those measures to the Commission.	<u>: please insert two years after the date of entry into force of this Directive</u> [two years after the date of entry into force of this Directive] at the latest. They shall immediately communicate the text of those measures to the Commission.	
Article 2(1a) first subparagraph				
66a		<u>By way of derogation from the first subparagraph of this paragraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the first paragraph of Article 1, point 4, and the first paragraph of Article 1, point 5 by ... [four years after the date of entry into force of this amending Directive]. They shall immediately communicate the text of those measures to the Commission.</u>	<u>Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point 4 of this Directive by [OJ: please insert 7 years after the date of entry into force of this Directive] at the latest. They shall immediately communicate the text of those measures to the Commission. Member States shall, before having brought into force the laws, regulations and administrative provisions in accordance with this paragraph, carry out fibre counting wherever possible by phase-contrast microscopy (PCM), in accordance with the method recommended in 1997 by the World Health Organisation, or by any other method giving equivalent results.</u>	
Article 2(1a) second subparagraph				
67	When Member States adopt those	When Member States adopt those	When Member States adopt those <u>the</u>	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	measures <u>referred to in paragraphs 1 and 1a</u> , they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
Article 2(2)				
68	2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main measures <u>provisions</u> of national law which they adopt in the field covered by this Directive.	
Article 3				
69	Article 3	Article 3	Article 3	
Article 3, first paragraph				
70	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the <u>Official Journal of the European Union</u> Official Journal of the European Union .	
Article 4				
71				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	Article 4	Article 4	Article 4	
Article 4, first paragraph				
72	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
73	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
74	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
75	The President	The President	The President	
Formula				
76	For the Council	For the Council	For the Council	
Formula				
77	The President	The President	The President	



Council of the European Union
General Secretariat

**Interinstitutional files:
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Brussels, 03 May 2023

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	COM(2022)489 final
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

Delegations will find enclosed an initial draft of the four column table on the abovementioned proposal. This draft is based on the report adopted in the Employment and Social Affairs Committee (EMPL) of the European Parliament and is subject to plenary endorsement.