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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	12863/22
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

Following the Working Party on Social Questions of 12 May 2023, delegations will find attached the contributions received from the BE, CZ, DK, EL, FI, FR, IE, LU, PL and RO delegations.

Comments from the BE delegation

BE welcomes the EP's ambition to improve protection against asbestos, and can be flexible on many of the amendments, provided that (i) they remain within the scope of the OSH legislation and (ii) sufficient time is allowed for a proper development/implementation of the proposed requirements.

The position is included below, in the 'List of topics and the related rows of the four-column table', provided by the Presidency:

Definition of asbestos and scope

Row 13: flexible

13a: flexible

13b: flexible

13c: flexible, except for the parts of the recital that are outside the scope of OSH (in this recital, next to occupational exposure, some non-occupational exposures are mentioned).

13d: flexible, except for the parts of the recital that are outside the scope of OSH

25a flexible : this amendment is supported by scientific evidence: Anses (FR): *'In the current state of knowledge, cleavage fragments of minerals comparable to regulated forms of asbestos with the same dimensions as asbestos fibres, and also cleavage fragments of certain mineral species not currently regulated, can lead to health effects similar to those caused by asbestos. Against this background, the Agency recommends that these potential effects be taken into account in the applicable regulatory framework.'* (<https://www.anses.fr/en/content/what-are-health-effects-workers-cleavage-fragments-quarried-minerals>) see also 62af-62aj)

44a : flexible: this amendment is supported by scientific evidence: erionite is fibrous and is classified as a carcinogen 1A (<https://echa.europa.eu/information-on-chemicals/cl-inventory-database/-/discli/details/153557>), and it causes similar diseases as asbestos (a.o. mesothelioma) (see Anses report page. 22: <https://www.anses.fr/fr/system/files/SUBCHIM2012sa0199Ra.pdf> : *'En plus des 6 minéraux classés « amiante » du tableau 1, le Circ a ajouté l'érionite comme cancérigène avéré pour le risque de mésothéliome (IARC, 2012).'*). In order to avoid inaccuracies concerning classification of minerals ; next to the asbestos group, a second group, for example *'other minerals that can lead to health effects similar to those caused by asbestos'* could be introduced in the directive.

45a-45b: flexible

62af-62aj : flexible: see 25a

62ak: flexible, for as much as it does not go outside the OSH scope.

Sporadic and low intensity exposure

Rows 14a, 45c, 45d, 62u-62v, 62ac-62ad, 62ae, 62ap: flexible

BE agrees with the motivation of the EP that this concept should not be applied to a carcinogen without a safe threshold.

OEL / method / transition

Rows 14, 18: flexible

19: flexible concerning the principle that after a transition period, the target value of the asbestos OEL should be more ambitious than 0,01 f/cm³. For comparison: in the ACSH opinion, the GIG stated that: *'3-4 years after the entry into force of the BOEL, GIG recommends the European Commission to evaluate the feasibility of further reduction of limit value for asbestos based on the experience collected'*.

21, 56-57: flexible; with the remark that COM should have enough time to develop guidance of high quality (see title 'guidelines' below).

60, 60a: see 19

64h-64k: flexible

66a: flexible: for comparison: GIG: *'Based on the experience of the member states using EM, laboratories will need 2-3 years to be ready'*.

Notification system

Rows 24a, 45e-45f, 45g-45h: flexible

Removal and safe disposal of asbestos-containing materials

Rows 25b, 25c, 25d, 45i-45j: BE can support the principle of an accelerated removal of asbestos, but several amendments go beyond the OSH scope. It seems more appropriate to regulate this matter using environmental legislation. Furthermore, from a pragmatic point of view, temporarily encapsulation, if well documented, can be the best risk management option.

Protection measures for workers exposed to asbestos

Rows 17, 23, 25f, 26a, 50, 50a: flexible, provided some elaboration/clarification/adjustments in amendment 50a. (also, in this amendment, the unit of pressure should be added to the pressure difference) .

& Medical surveillance of workers and asbestos-related diseases

Rows 24, 64a-64b, 64c-64d, 64l-64n: flexible

Sampling

Rows 21a, 54a-54b, 54c-54d, 54e-54f : flexible. As the aim of these amendments is increasing the quality and representativeness of measurements; BE proposes the addition that *'measurements should be performed following the relevant workplace measurement standards'*.

Comments from the CZ delegation

As our position is still preliminary, we might come back with more comments in the upcoming days.

The Czech Republic welcomes most of the EP amendments as clarifying and ensuring better protection of workers from the risks of exposure to asbestos. We see the inclusion of passive exposure in the regulation in Article 3 as beneficial, while removing the concept of sporadic short-term exposure, and the clarification of reporting on asbestos work in Article 4.

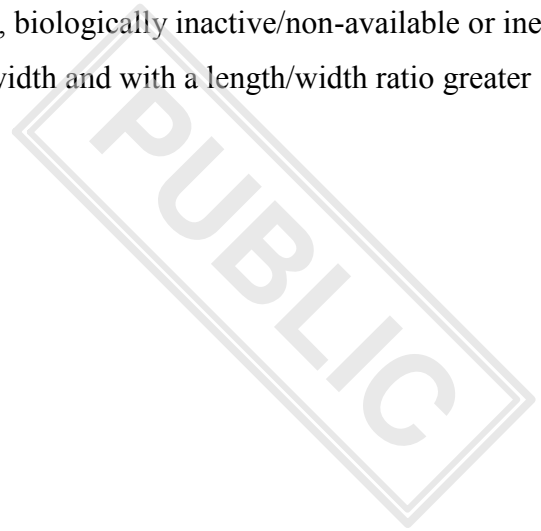
Moreover, we welcome the prohibition on encapsulation and sealing of asbestos-containing materials that can be technically removed, as set out in Article 5, including the registration of premises where asbestos removal has not been carried out for serious reasons. However, it is not clear who is to carry out the required periodic monitoring of such premises and how often.

We support the refinements to protect against asbestos exposure proposed in Articles 7 and 10. Also, we welcome the proposed clarifications and amendments to Articles 12 to 22 and Annex Ia.

We can support the transition period of 4 years as set out in Article 8. However, we have a reservation about further tightening the limit beyond this period to 0.001 fibres per cm^3 as an eight-hour time-weighted average. Firstly, the Directive draft does not specify which measurement output is related to the limit, whether a simple count or an estimate of the upper level of the Poisson confidence interval (95% level of the Poisson distribution). It is clear that the use of the upper level of the Poisson distribution will lead to a higher number of overlimit detections. The issue in the working environment will be the volume of air samples. For air sampling below 0.1 m^3 (personal sampling), the zero intercept on a simple count is the upper limit of the Poisson distribution estimate above 0.01 respirable asbestos fibres per cm^3 and for air sampling below 1.0 m^3 , the zero intercept on a simple count is the upper limit of the Poisson distribution estimate above 0.001 respirable asbestos fibres per cm^3 . Therefore, we do not recommend setting such a low limit (0.001 fibres per cm^3 as an eight-hour time-weighted average).

We also welcome the clarification in Article 11. However, the wording implies that asbestos screening is also required for new renovation work in buildings built before the asbestos ban, but which have already undergone complete asbestos removal before the amendment to the Directive came into force. We therefore recommend that the wording of the draft directive be amended to exempt buildings that have already undergone complete asbestos removal and that are accompanied by appropriate documentation.

On Recital 15: we recommend not to continuously expand the list of "asbestos". It is more appropriate to use a general definition for a particle (e.g., biologically inactive/non-available or inert particles greater than 5 µm in length, less than 3 µm in width and with a length/width ratio greater than 3:1).



Comments from the DK delegation

Definition of asbestos and scope

(Rows 13, 13a, 13b, 13c, 13d, 25a, 44a, 45a-45b, 62af-62ak)

Although the Parliaments proposal regarding the scope of the directive are primarily mentioned in the recitals, DK is hesitant to support them, because it is difficult to assess the extent and impact of extending the scope.

We may however, be able to support the proposals related to including other mineral fibers under the scope of the directive but it is important that the possible inclusion is based on a thorough scientific analysis.

Sporadic and low intensity exposure

(Rows 14a, 45c, 45d, 62u-62v, 62ac-62ad, 62ae, 62ap)

It is important to be aware that the exemptions discussed here, in many cases are necessary to make certain types of asbestos renovation possible in practice.

We are therefore concerned that this proposal will completely halt many types of asbestos work which in fact are of no risk.

It will be difficult for Denmark to accept the proposed changes without a thorough investigation of the proposal's consequences and impact.

OEL / method / transition

(Rows 14, 18, 19, 21, 56-57, 60, 60a, 64h-64k, 66a)

Since 2021 the Danish OEL for asbestos have been below the value of 0,01 fibres / m³. We are aware that this requires the use of electron microscopy. It is therefore likely that we can support the proposal from EP.

Notification system

(Rows 24a, 45e-45f, 45g-45h)

The Danish labor inspectorate's experience with the existing notification scheme is that it is primarily used to plan inspection efforts. In practice, control should take place in connection with inspection.

We are therefore skeptical about requesting very detailed information about the workplace and safety measures. Not least since the impact of this proposal haven't been assessed.

Removal and safe disposal of asbestos-containing materials

(Rows 25b, 25c, 25d, 45i-45j)

Encapsulation of asbestos are in some cases a safe and cost-effective way to handle asbestos during renovation of buildings. On the other hand the removal of asbestos should be a priority. We are hesitant to make a decision on this issue without an assessment of the economic, financial and health implications.

Protection measures for workers exposed to asbestos & Medical surveillance of workers and asbestos-related diseases

(Rows 17, 23, 25f, 26a, 50, 50a) & (Rows 24, 64a-64b, 64c-64d, 64l-64n)

Denmark agrees with the overall intention of the suggested protection measures for workers exposed to asbestos. We do however find that the proposed technical specifications at this level of detail are quite

excessive. This is the case particularly for the annex providing minimum training requirements, including specific requirements for workers in specialized asbestos removal undertakings. We are therefore hesitant to take a decision without an assessment of the impact on economy and health.

With regard to the proposal to update the annex on medical surveillance of workers and asbestos-related diseases, this should be coordinated with a similar initiative, which was announced in the message from the Commission in September last year.

Samplings

(Rows 21a, 54a-54b, 54c-54d, 54e-54f)

Denmark agrees with the overall intention of the proposal regarding sampling. However, we believe that the proposed provisions may already be in place. We therefore question the added value the proposal regarding sampling.

Protection measures in case of exceeded OEL and protection measures in case of likely exceeded OEL value

(Rows 60b-60c) and (Rows 62c-62d, 62e-62f, 62g-62h)

Denmark agrees with the overall intention of the proposed measures in case of exceedance of the OEL. However, we believe that the intention of the proposed provisions may already be fulfilled in practical life under the current regulation. We therefore question the need for such detailed specifications of measures, and we are concerned that they would be a challenge for inspection without actually improving working conditions.

Asbestos screening and information for emergency services

(Rows 25, 62, 62a, 62b) and (Rows 64e-64g)

Last year the Commission published a communication on working towards an asbestos-free future. One of the initiatives mentioned was a legislative proposal on mandatory screening and registration of asbestos in buildings. Screening of asbestos in buildings is already required and taking place across Europe. We question the added value of a register of asbestos in buildings and find it premature to consider this part of the EP-proposal, when we have not yet seen the proposal on screening and registration of asbestos in buildings.

Training of workers and work plan

(Rows 15a, 62k-62l, 62m-62n, 64o-64x) and (Rows 62i-62j)

This part of the Parliament's mandate raises several questions concerning whether the different parts of the proposal should be determined at EU level or at the level of the member states. Other questions relate to how and when workers training regarding health and safety could be recognized across EU.

Having said that, Denmark could see benefits in allowing member states to determine the content of education regarding safety and health during asbestos work involving demolition or asbestos removal.

Asbestos removal companies

(Rows 62o-62p, 62q-62r, 62s-62t)

Denmark find that the establishment of certification schemes in individual member states could strengthen protection in asbestos work. However, it should also be emphasized that there would be a need for a thorough assessment of the proposal – not at least to accommodate existing initiatives or initiatives that are being planned in individual countries.

Personal protective equipment

(Rows 62w-62x, 62y-62z, 62aa-62ab)

From a technical point of view, Denmark agree with the proposed obligations regarding respiratory protection equipment, breaks and a mandatory decontamination procedure.

These obligations are already intended in the existing regulation, although unfortunately not always complied with in real life. We do not believe that more technical detailed regulation is the solution to this problem. We are therefore hesitant to support the proposal.

Guidelines

(Rows 25e, 62al-62ao)

Denmark agrees that it is important to prepare guidance on this directive. We may therefore be able to support this proposal.

Comments from the EL delegation

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)	COMMENTS FOR EP MANDATE FROM GREECE
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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	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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				
12				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	(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	AGREEMENT

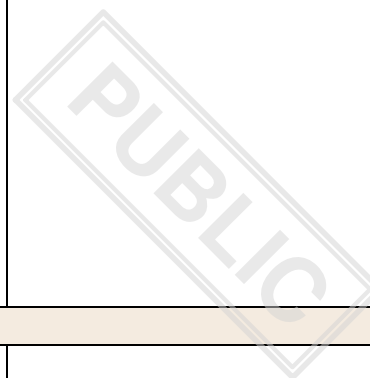
	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	manifest from the moment of exposure, ultimately leading to work-related deaths. 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling 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><i>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.</i></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.	OPEN POSITION
13a		<u><i>(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</i></u>		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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>		AGREEMENT
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>		DISAGREEMENT The gender discrimination issues are not under the auspices of our OSH Directorate. Although the cross contamination of persons other than those working with asbestos, is possible we suggest that this issue is better to be mentioned in a Guide rather than this Directive.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u>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.</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>The ERR derived by the European Chemicals Agency is based on phase-contrast microscopy (PCM) measurement, which lead to</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	OPEN POSITION

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	to reduce the risk by lowering exposure levels.	<u>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</u> by taking into account an acceptable level of excess risk. As a consequence, the OEL <u>and measurement methodology</u> for asbestos should be revised in order to reduce the risk by lowering exposure levels <u>to protect workers better from work-related cancer.</u>	to reduce the risk by lowering exposure levels.	
14a		<u>(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.</u>		DISAGREEMENT (Strong) If this exemption of 2009/148 Directive (art.3, par.3) is abolished every work involving asbestos material will be conducted following the same procedures no matter how small or risky it is. This is equal to more bureaucracy (prior notification), administrative and health costs (medical surveillance, data keeping), technical equipment costs etc for small undertakers and eventually poorer application of the legislation with less inspections. Instead, we support the importance of the role of an effective and thorough risk assessment as a vital precondition



				that can prevent the workers exposure to asbestos. Besides, this practice is also supported for many years by acknowledged OSH experts organizations like HSE, INRS and the Good practice guide of SLIC (2006).
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	

Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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 . Renovation Wave: doubling the renovation rate to cut emissions, boost recovery and reduce energy poverty, COM(2020) 662 final . Conference on the Future of Europe. Report on the final outcome (May 2022). https://prod-cofe-platform.s3.eu-central-1.amazonaws.com/8pl7jfc6ae3jy2doji28fni27a3?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 . Renovation Wave: doubling the renovation rate to cut emissions, boost recovery and reduce energy poverty, COM(2020) 662 final . Conference on the Future of Europe. Report on the final outcome (May 2022). https://prod-cofe-platform.s3.eu-central-1.amazonaws.com/8pl7jfc6ae3jy2doji28fni27a3?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 . Renovation Wave: doubling the renovation rate to cut emissions, boost recovery and reduce energy poverty, COM(2020) 662 final . Conference on the Future of Europe. Report on the final outcome (May 2022). https://prod-cofe-platform.s3.eu-central-1.amazonaws.com/8pl7jfc6ae3jy2doji28fni27a3?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.</u> <u>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>		OPEN POSITION
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.	OPEN POSITION
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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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 2003¹². <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> <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>	AGREEMENT
Recital 9				
19	(9) Taking into account the relevant	(9) Taking into account the relevant	(9) Taking into account the relevant	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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 approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos.</u> Consideration has also been given to proposing an OEL that takes and the need to take <u>into account economic and technical considerations to allow an effective removal 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.	DISAGREEMENT We strongly disagree with an even lower limit regardless of the transition period considering that: The Impact assessment study and the initial proposal of the Commission suggested the limit of 0.01 fibres/cm³ and the use of both measurement methods alternatively. During the course of the negotiations in the Council, the proposal changed regarding the measurement method by adopting solely the electron microscopy method after 7 years of transitional period, without taking into account the suggestions of the impact assessment study. We disagreed on the later amendment for reasons of cost, time, training and availability of equipment especially taking into account the economic potential of our country to support enterprises. A new lowering of the limit to 0.001 fibres/cm³ would suggest also the use of the electron microscopy method exclusively after 4 years because this value cannot be measured otherwise, so for the already mentioned reasons it is unacceptable.
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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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	DISAGREEMENT We support the 7 years of transitional period and the active role of the Commission in the financial and technical support of the member states.

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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</u> different <u>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>		AGREEMENT

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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.	DISAGREEMENT The exact measures should be included in a relevant guide and not in this clause. There is no need for so much detail and bureaucracy since the asbestos removal companies are licensed to work with such equipment and means in Greece.

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		<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</u> asbestos <u>enclosures and surroundings, fresh air supply and HEPA filters.</u> such as Subjecting workers to a decontamination procedure and <u>strengthening the</u> related training, <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>		AGREEMENT ONLY WITH THE ABSTRACT: “Subjecting workers to a decontamination procedure and <u>strengthening the</u> related training, <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.	OPEN POSITION

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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>		AGREEMENT BUT KEEPING THE PROVISIONS OF ARTICLE 3(3) OF THE DIRECTIVE 2009/148/EC

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		<u>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.</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>prior to the start of new work</u> , take all necessary steps to identify presumed asbestos-containing materials, if appropriate by obtaining information from the owners of the premises <u>or from other employers</u> as well as other sources of information, including relevant registers. They <u>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</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.	DISAGREEMENT Mandatory screening of asbestos in every building is in the correct direction but still not an easy procedure since many times asbestos is "hidden" e.g. in walled pipes. This equals to very high costs of sampling and measurement for the employer and at the same time the need for available certified operators to cover all needs. In any case the matter concerns mainly the environment policies in coordination with OSH policies.

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		<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>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		DISAGREEMENT This proposal is not in line with the general practice and legislation in most European countries as well as ours, because it involves increased risk for even more workers and increased costs.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		OPEN POSITION
25d				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		AGREEMENT
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>		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u>should also be established for that purpose.</u>		
25f		<u>(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.</u>		DISAGREEMENT We could also keep an OPEN POSITION according to the general feeling.
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)	COMMENTS FOR EP MANDATE FROM GREECE
	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>(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.</u>		OPEN POSITION
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	

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	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 followingthird subparagraph is added:	(1) in Article 1(1), the followingthird subparagraph is added:	(1) in Article 1(1), the followingthird subparagraph is added:	
Article 1, first paragraph, point (1), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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)	COMMENTS FOR EP MANDATE FROM GREECE
	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 (OJL 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 (OJL 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 (OJL 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;	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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>		DISAGREEMENT The standard EC procedure (with impact assessment) for introducing new hazardous substances has not been followed for this one.
Article 1, first paragraph, point (2), amending provision, third paragraph				

45	*CAS: ChemicalAbstract Service Number.;	*CAS: ChemicalAbstract Service Number.;	** CAS: ChemicalAbstract Service Number.;	
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	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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 <u>subject to active or passive exposure</u>, in the course of their work, to dust arising from asbestos or materials containing asbestos."</u>		AGREEMENT
Article 1, first paragraph, point (2b)				
45c		<u>(2b) in Article 3, paragraph 3 is deleted.</u>		DISAGREEMENT See comment in 14a
Article 1, first paragraph, point (2c)				
45d		<u>(2c) in Article 3, paragraph 4 is deleted.</u>		DISAGREEMENT See comment in 14a
Article 1, first paragraph, point (2d), first subparagraph				
45e		<u>(2d) in Article 4(3), the second subparagraph is replaced by the following:</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
Article 1, first paragraph, point (2d), second subparagraph				
45f		<u>"The notification mustshall include at least a brief description of:</u> <u>) the location of the worksite and the specific areas in which the work is to be carried out;</u> <u>) the type and quantities of asbestos used or handled;</u> <u>) the activities and processes involved;</u> <u>) the number of workers involved, a - <u>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> <u>) the starting date and, duration of the work <u>and the planned working hours</u>;</u> <u>) 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>		AGREEMENT BUT KEEPING THE PROVISIONS OF ARTICLE 3(3) OF THE DIRECTIVE 2009/148/EC d)OPEN POSITION e)OPEN POSITION f)DISAGREEMENT There is no need for so much detail and bureaucracy since the asbestos removal companies are licensed to work with such equipment and means in Greece.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u>waste disposal, including with regard to the destination of any asbestos-containing waste."</u>		<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>		OPEN POSITION
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>		DISAGREEMENT See comment in 25b

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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;	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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>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;	DISAGREEMENT It is useful information which is better to be included in a guide which can easily be updated. There is no need for so much detail and bureaucracy since the asbestos removal companies are licensed to work with such equipment and means in Greece.
50a		<u>(ba) for work carried out under confinement, the work area shall be protected by implementing at least the following measures:</u> <u>setting a minimum pressure difference of minus 10;</u> <u>supplying clean replacement air from a point further away;</u> <u>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>		DISAGREEMENT See comment in 50

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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>		AGREEMENT
54c		<u>(3b) in Article 7, paragraph 2 is replaced by the following:</u>		
54d		<u>"2. Sampling must be representative</u>		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		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		"5. The duration of sampling must <u>shall</u> be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or time-weighted calculations."		AGREEMENT
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,	DISAGREEMENT See comment in 19

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	other method giving equivalent or better results, such as a method based on electron microscopy (EM).	<u>results.</u> <u>Until ... If 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). ;	AGREEMENT with: <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>

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u><i>funds which can be used to support the transition to electron microscopy (EM).</i></u>		
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).;	<i>* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).;</i>	
Article 1, first paragraph, point (4a)				
57a			<u><i>In Article 7, the following paragraph is added:</i></u>	
Article 1, first paragraph, point (4a), amending provision, first paragraph				
57b			<u><i>‘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).</i></u>	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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). 2;</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). <u>2;</u>	DISAGREEMENT See comment in 19

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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>	PUBLIC	DISAGREEMENT See comment in 19
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		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		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."	DISAGREEMENT See comment in 25

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>	PUBLIC	
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>		DISAGREEMENT See comment in 25
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>		DISAGREEMENT See comment in 25

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		AGREEMENT
62e		<u>(6b) in Article 12(1). point (c) is replaced by the following:</u>		
62f				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u>"(c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented, and for work performed under confinement, the enclosure and airlocks shall be airtight and undermechanical extraction ventilation."</u>		OPEN POSITION
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>		OPEN POSITION
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>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		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."		DISAGREEMENT See comment in 14a
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:) the properties of asbestos and its effects on health, including the synergistic effect of smoking;) the types of products or materials likely to contain asbestos;) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;) safe work practices, controls and protective equipment;) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		(f) emergency procedures; (g) decontamination procedures; (h) waste disposal; (i) medical surveillance <u>requirements in accordance with the</u> <u>national law and practice applicable</u> <u>where the work takes place.”</u>		
62m		<u>(6f) in Article 14, paragraph 3 is</u> <u>replaced by the following:</u>		
62n		<u>“3. The minimum requirements</u> <u>with regard to the content, duration,</u> <u>intervals and documentation of the</u> <u>training provided pursuant to this</u> <u>Article are set out in Annex Ia</u> 3- Practical guidelines for the training of asbestos removal workers shall be developed at Community level.”		AGREEMENT
62o		<u>(6g) in Article 15, paragraph 1 is</u> <u>replaced by the following:</u>		AGREEMENT
62p				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		Before carrying "1. <u>Undertakings which intend to carry</u> out demolition or asbestos removal work <u>shall be required to obtain,</u> <u>before the start of the work, a permit</u> <u>from the competent authority.</u> <u>Competent authorities shall grant</u> <u>such permits only if the applicant</u> <u>undertaking provides proof of</u> <u>adequate state-of-the-art technical</u> <u>equipment for emission- free or,</u> <u>where this is not yet technically</u> <u>possible, low-emission work</u> <u>procedures in accordance with</u> <u>Article 6, and training certificates</u> <u>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</u> <u>14 and Annex Ia."</u>	PUBLIC	AGREEMENT
62q		<u>(6h) in Article 15, the following</u> <u>paragraph is added:</u>		
62r		<u>"1a. Competent authorities shall</u> <u>grant permits to the undertakings</u> <u>referred to in paragraph 1 only if</u> <u>they have no doubt as to the</u> <u>reliability of the undertaking and its</u>		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		AGREEMENT
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>		AGREEMENT
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>		DISAGREEMENT See comment in 14a

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
62w		<u>(6k) in Article 16(1), point (c) is replaced by the following:</u>		AGREEMENT
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;"		AGREEMENT
Article 1, first paragraph, point (6l), first subparagraph				
62y		<u>(6l) in Article 16(1), the following point is inserted:</u>		AGREEMENT
Article 1, first paragraph, point (6l), second subparagraph				
62z		<u>"(ca) regular compulsory breakswith sufficient time for rest are provided for workers wearing respiratory equipment;"</u>		AGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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, 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."</u>		OPEN POSITION
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>		DISAGREEMENT See comment in 14a

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
Article 1, first paragraph, point (6o)				
62ae		<u>(6o) in Article 18, paragraph 1 is deleted;</u>		DISAGREEMENT See comment in 14a
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>		OPEN POSITION
Article 1, first paragraph, point (6p), fourth subparagraph				
62ai		<u>2. By ... /five years after the date</u>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u>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.</u>	PUBLIC	
Article 1, first paragraph, point (6p), fifth subparagraph				
62aj		<u>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.</u>		OPEN POSITION
Article 1, first paragraph, point (6p), sixth subparagraph				
62ak		<u>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</u>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		AGREEMENT
Article 1, first paragraph, point (6r)				
62ap		<u>(6r) in Article 19, paragraph 1 is deleted;</u>		DISAGREEMENT See comment in 14a
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:	AGREEMENT
Article 1, first paragraph, point (7), first subparagraph, amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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.	AGREEMENT
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>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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> "		AGREEMENT
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>		DISAGREEMENT

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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>		DISAGREEMENT Not necessary considering that all Directives are being monitored every 5 years by the Commission.
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>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<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.</u> <u>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 upskilling 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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<i>(7e) in Annex I, point 1 is replaced by the following:</i>		
Article 1, first paragraph, point (7e), second subparagraph				
64m		"1. Current knowledge indicates that exposure to free asbestos fibres can give rise to <u>at least</u> the following diseases: — asbestosis, — mesothelioma, — bronchiallung carcinoma, — gastro-intestinal carcinoma, — <u>carcinoma of the larynx,</u> — <u>carcinoma of the ovary,</u> <u>non-malignant pleural diseases.</u>		OPEN POSITION
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>		OPEN POSITION
Article 1, first paragraph, point (7f), first subparagraph				
64o		<i>(7f) the following annex is inserted:</i>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
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>		OPEN POSITION
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>		OPEN POSITION
Article 1, first paragraph, point (7f), sixth subparagraph				
64t		<u>2. Each training course shall have a minimum duration of three working days.</u>		OPEN POSITION
Article 1, first paragraph, point (7f), seventh subparagraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
64u		<u>3. The training shall be provided either by an instructor whose qualification is recognized by a national authority, by a certified institution, or by both, in accordance with national law and practice.</u>		OPEN POSITION
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>the duration of the training;</u> <u>(c)</u> <u>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>		OPEN POSITION
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>		OPEN POSITION

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
		<u>Member State in which the work is carried out:</u> <u>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>the types of products or materials likely to contain asbestos;</u>(d) <u>the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;</u> <u>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>the appropriate role, choice, selection, limitations and proper use of protective equipment, with particular regard to respiratory equipment;</u> <u>(g) emergency procedures; decontamination procedures;</u>(i) <u>waste disposal;</u> <u>(i) 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)	COMMENTS FOR EP MANDATE FROM GREECE
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: (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>		OPEN POSITION
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 <u>10.1</u>	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	COMMENTS FOR EP MANDATE FROM GREECE
	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.	AGREEMENT
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 [O.J. 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>	DISAGREEMENT See comment in 19
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)	COMMENTS FOR EP MANDATE FROM GREECE
	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)	COMMENTS FOR EP MANDATE FROM GREECE
	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	

Comments from the FI delegation

19, 60, 60a,

FI strongly supports the adopted General Approach with the limit value of 0,01 fibres/cm³. To our understanding, the limit value 0,001 fibres/cm³ proposed by the European Parliament is not feasible.

The EP stresses that thin asbestos fibres (less than 0,2 µm) are also carcinogenic and should therefore be taken into account when measuring exposure. However, both setting the limit value to 0,001 fibres/cm³ and counting also thin fibres is not practically achievable. If the limit value would be set to 0,001 fibres/cm³, those operators currently measuring thinner fibres may need to start ignoring the thin fibres. This kind of development would be against the recommendation of the Risk Assessment Committee (RAC), which stressed the importance of measuring the thin fibres.

Furthermore, the measurement techniques do not allow measurements at such very low concentrations proposed by the EP especially in dusty environments like mines. The reason is that in order to be able to detect such low concentrations, it is necessary to collect large air samples by pumping air into the collectors. If there is a lot of other types of dust in the workplace air, sampling these large air volumes may cause the dust to clog the sampling filter.

Some Member States may have set the low limit value of 0.002 fibres/cm³ for asbestos. However, it should be noted that the thin fibres (fibres thinner than 0,2 µm) are not counted in those Member States. The challenges associated with asbestos exposure in mines is also not a problem in those Member States. These two factors make it easier/possible to apply such a low limit value.

56, 66a

FI can accept the shorter transition period of 4 years to apply EM methods as proposed by the EP.

25b, 45i-45j

FI finds problematic the Parliament's proposal stating that asbestos-containing materials must be removed when technically feasible and that they shall not be repaired, encapsulated or covered. To our understanding this requirements refers here only to situations where renovation work is being carried out and does not imply to systematic removal of all asbestos in all buildings.

Even though in many cases it is advisable to remove the asbestos during the renovation work a strict obligation on mandatory asbestos removal may in some cases lead to situations where economic costs become extremely high ranging to millions of euros per building. Finland considers that the removal of asbestos should continue to be performed in an appropriate manner so that the obligations do not cause unreasonable financial consequences.

Asbestos is quite often embedded inside the structures and does not cause exposure if left untouched. Exposure to asbestos in buildings usually takes place in situations where asbestos is interfered with and, therefore, a mandatory obligation to brake structures to remove asbestos may rather increase exposure.

FI is in the opinion that such changes with major economic effects should not be introduced without impact assessment.

As this EP amendment appears to extend the scope of this OSH directive it should be noted that DG GROW is at the moment preparing a directive, where the focus is at screening of asbestos in buildings, national registries documenting presence of asbestos in buildings. It is crucial to coordinate the preparation of these two directives.

25, 62

FI would like to point out that the requirements of article 11 are targeted to the employer who in this case would appear to be the employer of the company, which has been hired to carry out the renovation of the premises. It seems that the EP is setting to these employers such requirements, which should rather be set to the owner of the premises (or any other natural or legal person for whom a project is carried out). For example the duty to commission the mandatory asbestos screening should be set to e.g. the owner of the premises, not to the employer of the renovation company. Also the responsibility to make available the information concerning the presence of asbestos in the premises should rely on the owner of the premises, not on the renovation company.

These ambiguities indicate the the place of such legislation might rather be in the legislation currently under preparation in the DG GROW, where the focus is specifically on asbestos screening.

64e-64g

Regarding the information made available to firefighters and emergency services it is not clear to whom this requirement is addressed. The text is in a passive format. This should be a duty of the owner of the premises/building, not the employer from the renovation company.

62o-62p, 62s-62t

FI can accept that a permits are required from the asbestos removal companies. We can also accept the requirement to establish public registers of the companies that have been granted such permits. Even though we can accept the principles of these amendments, we would like to provide comments on the details of the proposed texts later on. For example, we think that the requirement to renew the permits every five years does not seem appropriate.

We would also like to remind that DG GROW is at the moment preparing a directive concerning asbestos in buildings. It is important to make sure that coherency between these two directives is maintained.

14a, 45 c, 45d, 62u-v, 62ac-ad, 62 ap

FI does not support deletion of the paragraphs concerning exposure, which is both sporadic and low-intensity. In such cases it is in our opinion justified to waive Articles 4, 18 and 19. If exposure and thus also risks are low there is not that much need for notification requirements. Also clinical

surveillance as well as registration of workers and the requirement to keep this information for 40 years can be considered excessive. FI can, however, show flexibility with these amendments.

21a, 54c-54d

It is not clear to us what is meant here with the statement that the sampling should be representative of the worker's real personal exposure? Does this intend to say that measurements should be performed inside of the respiratory protective equipment? This is not supported and not appropriate. The sampling must be allowed to be done outside the respiratory protective equipment in the breathing zone of the worker. The adaptability and functionality of personal protective equipment used by the workers need to be tested separately by using available reliable testing methods.

24, 64a-64b, 64l-64n

We can accept the proposed change to include in the Annex I carcinomas of the larynx and ovary as well as non-malignant pleural diseases. However, the inclusion of a separate point 1a concerning positive associations (but without enough evidence of the causal relationship) between asbestos exposure and pharyngeal, colorectal and stomach cancers could be confusing. However, we can be flexible here.

25a, 62af-62ak

FI can support the EP proposal of launching a consultation of the social partners which would assess whether riebeckite, winchite, richterite and fluoro-edenite should be included into the scope of the asbestos directive. However, we do not think that the consultation should be exclusively limited to any predetermined fibrous silicates. The call of the consultation should rather be formulated in a way that information on other fibrous silicates would be gathered as well.

21, 25e, 56, 62al-62ao

FI support the development of guidance as agreed already also in the Council's General Approach. The guidance should also 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 as proposed by the EP.

We do not support an every five year occurring mandatory and indefinite reviewing of the guidelines. The need to review the guidelines should be based on the identified need. Also review after five years after entry into force of the directive is too soon. More time is needed in order to see how EU MSs have coped with the new legislation and what kind of new guidelines are needed. We would prefer not to set any exact deadlines for the review period of the guidance but if necessary in order to achieve a compromise we would suggest to prolong the review time so that the guidance could be reviewed e.g. 7-10 years after entry into force of this directive.

We would also like to remind that it is important to support the development and harmonization of the EN standards as in practice the measurements are done by following the standards.

62w-62x, 62aa-62ab

Regarding proposals concerning PPE, FI would like to know what is meant with the fitting “check”. We think that it would be very good to require fitting tests. Such professional tests should assess the tightness of the respiratory equipment by really measuring the retention of pressure inside the PPE or the particle content inside and outside the respiratory equipment. Reliable testing systems for such testing are available.

23, 50

The EP proposes to amend the directive with a list of special control measures that need to be implemented to avoid the release of asbestos dust into the air. The list contains measures, which are not applicable to mining environment and the text needs to be modified to reflect this.

62k-62l, 62m-62n

FI is open for discussions on more detailed training requirements. It is necessary to go through all of proposed new requirements in detail.

62b

With respect to establishing public registers of certified operators authorized to carry out asbestos screening we would like to remind that coordination between this OSH directive and the directive under preparation in the GD GROW is necessitated.

15a

This recital states to that *“The purpose of that training should be to enable workers to identify asbestos and remove it under the safest possible conditions ...”*. This text is obviously not applicable to mining.

13a, 13b, 13c, 13d, 25f, 26a

In general, the recitals should be limited to texts related to the articles/binding legal text and serve as explanatory texts to the articles. Overall, FI does not support inclusion of lengthy recitals, which focus rather on environmental and non-occupational exposures, asbestos waste and other matters not directly related to the occupational exposure and not linked to the articles. The OSH directives should focus on the obligations of employer regarding protection of their workers.

Comments from the FR delegation

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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2), point (b), in conjunction with paragraph 1, point (a), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2), point (b), in conjunction with paragraph 1, point (a), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2), point (b), in conjunction with 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,	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Citation 6				
9	Acting in accordance with the ordinary legislative procedure¹, 1. Position of the European Parliament of XXXXX (not yet published in the Official Journal) and Decision of the Council of XXXXX.	Acting in accordance with the ordinary legislative procedure¹, 1. Position of the European Parliament of XXXXX (not yet published in the Official Journal) and Decision of the Council of XXXXX.	Acting in accordance with the ordinary legislative procedure¹, 1. Position of the European Parliament of XXXXX (not yet published in the Official 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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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.	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.	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				
12	(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	(3) Asbestos is a highly dangerous carcinogenic agent, still affecting	(3) Asbestos is a highly dangerous carcinogenic agent, still affecting	Even if they are important, passive exposure are out of the scope of

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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 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.	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><i>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 asbestos.</i></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><i>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.</i></u> 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of	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 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.	this directive. This directive should focus on worker exposure to asbestos linked to their activities. To avoid any confusion for the transposition and enforcement of this directive, we consider that the last sentence added to this recital 3 should only focus on situations where the activity carried out by workers directly or indirectly emits dust which main contain asbestos fibres.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		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><i>(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 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</i></u>		concerning the synergies with the other measures planned by the commission in its communication of 28th september 2022, in particular the legislative evolution relating to the identification, registration and strategies for asbestos removal in the building sector, we question the relevance of the measures relating to asbestos removal and the end of encapsulation in this directive in buildings since the Member States will be invited to draw up national strategies within the framework of a specific directive taking into account the specificities of this sector (see 25b for the argument relating to the measure proposing to ban or limit the use of encapsulation).

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u><i>approach to addressing the health risks of asbestos.</i></u>		
13b		<u><i>(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.</i></u>		Even if they are important, passive and secondary exposure are out of the scope of this directive. This directive should focus on worker exposure to asbestos linked to their activities. To avoid any confusion for the transposition and enforcement of this directive we consider that recital proposal 3b, 3c and 3d from EP should be removed.
13c		<u><i>(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</i></u>		See our comment on recital 3b.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 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</u>		See our comment on recital 3b.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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.</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 to reduce the risk by lowering exposure levels.	(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>The ERR derived by the European Chemicals Agency is based on phase-contrast microscopy (PCM) measurement, which lead to 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</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 to reduce the risk by lowering exposure levels.	We welcome the addition about the importance of measuring thin fibres. Then it is important to state in this recital that TEM is the best technology to measure thin fibres with diameter up to 0.02µm. Actually, it seems that classical SEM is not in capacity to count fibres with diameter inferior to 0.2µm and only high resolution SEM (which is not used for routine analysis) can identify fibres up to 0.05 µm If thin fibres are counted during exposure monitoring with an EM method, there is no need to lower the OEL proposed by COM.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>to count those thin asbestos fibres detrimental to health would be an important step to protect workers better</u> by taking into account an acceptable level of excess risk. As a consequence, the OEL <u>and measurement methodology</u> for asbestos should be revised in order to reduce the risk by lowering exposure levels <u>to protect workers better from work-related cancer</u>.		
14a		<u>(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.</u>		We can accept this proposal from EP.
Recital 5				
15	(5) The Europe's Beating Cancer Plan¹ supports the need for action in the field of protection of workers against carcinogenic substances. Improved protection of workers exposed to asbestos will also be important in the context of the green transition and the implementation of the European	(5) The Europe's Beating Cancer Plan¹ supports the need for action in the field of protection of workers against carcinogenic substances. Improved protection of workers exposed to asbestos will also be important in the context of the green transition and the implementation of the European	(5) The Europe's Beating Cancer Plan¹ supports the need for action in the field of protection of workers against carcinogenic substances. Improved protection of workers exposed to asbestos will also be important in the context of the green transition and the implementation of the European	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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/8pl7jfc6ae3jy2doji28fni27a3?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%2Fcentral-1%2Fs3%2Faws4_request&X-Amz-Date=20220917T104038Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=6806caf5fd75a86ad4e907b934b2194de4c3c0c756a8d2a34c5e8b68985ffbd e	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/8pl7jfc6ae3jy2doji28fni27a3?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%2Fcentral-1%2Fs3%2Faws4_request&X-Amz-Date=20220917T104038Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=6806caf5fd75a86ad4e907b934b2194de4c3c0c756a8d2a34c5e8b68985ffbd e	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/8pl7jfc6ae3jy2doji28fni27a3?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%2Fcentral-1%2Fs3%2Faws4_request&X-Amz-Date=20220917T104038Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=6806caf5fd75a86ad4e907b934b2194de4c3c0c756a8d2a34c5e8b68985ffbd e	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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>		We welcome the focus on the training of workers but it should be restricted to workers who personally carry out an activity which exposes them or is likely to expose them to asbestos (see comments on recital 3 and 3 b))

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Recital 6				
16	(6) A binding occupational 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.	(6) A binding occupational 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.	(6) A binding occupational 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</u> revision <u>of that limit value</u> is also an effective way to ensure that preventive and protective measures are updated accordingly in all Member States.	We can accept this proposal from EP.
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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 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).	(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 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).	(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 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</u>	Public health impacts are out of the scope of this directive. see line 13b on recital 3

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
			Directives 91/155/EEC, 93/67/EEC, 93/105/EC et 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 2. 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).	
Recital 9				
19	(9) Taking into account the relevant 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.	(9) Taking into account the relevant scientific expertise and a balanced approach ensuring at the same time adequate <u>the need to increase the</u> protection of workers at Union level, <u>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 0.010,01 fibres/cm³ as an 8-hour time-weighted average (TWA) TWA, should be established. This balanced</u> <u>apply. Such an</u> approach is underpinned by a public health objective aiming at the necessary safe removal of	(9) Taking into account the relevant 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.	French authorities are of the opinion that the OEL proposed by COM and agreed in the council mandate is a good equilibrium between protection of worker and the capacity of companies to integrate the needed reinforcement of protection measures. If there is consensus to have a lower OEL, it will be mandatory to discuss the counting of thin fibres like in France, as an OEL that integrates thin fibres is equivalent to an OEL 3-5 time lower. We recall that only TEM is capable of accurately counting thin asbestos fibres (see comment on recital 4) This discussion is unavoidable for the French authorities because reducing the OEL under 0,01 f/cm3 associated with the use of TEM will impede a large part of asbestos removal works even if the best

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		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> .		practices and protection equipment are applied.
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 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.)	(10) The Commission has carried out a two-stage consultation of management and labour at Union level in accordance with Article 154 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.)	(10) The Commission has carried out a two-stage consultation of management and labour at Union level in accordance with Article 154 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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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 different electron microscopy methodologies.	(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/cm<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 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 harmonisation of 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</u>	(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 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</u>	We are still in line with the Council mandate that the statement indicating that PCM method is adequate to measure an OEL of 0.01 f/cm³ should be removed, as it is wrong. It will be really difficult for laboratories to validate a measurement below 0.01 f/cm³ for long sampling time (4-8h) and impossible for short sampling time using PCM. We agree that coherence is needed so that results should be comparable between MSs. But harmonisation goal should not prevent member states to apply a methodology more favourable to the protection of the workers. If no agreement is reached on the counting of thin fibres, rules to compare measurements with and

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>2009/148/EC. The Commission should support and facilitate Member States with regard to the transition to electron microscopy, 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-methodologies.</u>	<u>States in such replacement, in particular through the development of guidelines.</u>	without thin fibres should be proposed within the guidance. We also recall that only TEM is capable of accurately counting thin asbestos fibres (see our comment on recital 4)
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 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>		We can accept this proposal from EP.
Recital 12				
22	(12) Taking into account the	(12) Taking into account the	(12) Taking into account the	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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.	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.	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 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	(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.	We can accept this proposal from EP with some reservations about the content of annex 1 a) (see our comments on annex I a).

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		decontamination procedure and <u>strengthening the 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 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</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.	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 national law and practice, including through a support of the labour inspectorates, taking into account</u>		We agree with the reinforcement of the notification system. From our experience, this system is a key stone to ease the work of the labour. inspection

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u><i>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</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.	1/ The availability for the employer of the asbestos screening prior to the start of the work is key to the analysis of the risk to define the relevant prevention measures. However, we have at national since 2016 an obligation for the sponsor of the work to make the asbestos screening and to provide it to the companies that will do the work. The actual proposal from EP puts this obligation on the employer of the workers in charge of the work. For French authorities, this obligation can only be incumbent on the sponsor of the work, since the latter must organise his operation according to the results of this screening and, in particular, if the presence of asbestos is confirmed, ensure that the work is entrusted to a company with the specific skills to carry it out. We consider that it must be decided at national level who must

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>detailed description of the nature of any contamination, its precise location and estimated quantities.</u> <u>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</u> the presence or presumed presence of asbestos in buildings, <u>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>		provide this screening to the employer in charge of the work and who must register the result of the asbestos removal work and communicate that information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities. 2/ We also welcome the requirement for asbestos surveys to be carried out by competent operators who must follow minimum quality standards. However, we consider that the certification requirement mentioned in the EP proposal may refer to several hypotheses (certification of person, obtaining a certification training), and should therefore fall within the scope of national legislation.
25a		<u>(15a) Directive 2009/148/EC should be regularly updated to take into account the latest scientific knowledge and technical developments including an</u>		We consider that prior to consult the social partners it is necessary to have a scientific assessment at European level on the addition of other fibrous silicates to the scope

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>assessment of different types of asbestos fibres and their adverse health effects. No later than six months after the entry into force of 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>		of Directive 2009/148/EC. A study on the characterisation and emissivity level of these fibrous silicates is currently underway in France and should be reported to us by the second half of 2023. It will take time to exploit these technical and scientific data in order to assess if any regulatory consequences are needed.
25b		<u>(15b) The safe removal and disposal of asbestos-containing materials should be a priority, because repair, maintenance, encapsulation or sealing lead to</u>		While we consider removal to be the best solution for treating the asbestos in place, we believe that systematic removal of all identified asbestos cannot be imposed. Such a

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 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>	PUBLIC	position would entail major logistical difficulties, in terms of the availability of the companies in charge of asbestos removal work, or in terms of the capacity of the outlets to collect this asbestos waste. The French authorities are therefore proposing to amend this recital and article 5 to provide a strong incentive for the removal of asbestos <u>as soon as the principle of its treatment has been decided</u> (by the owner of the building or the sponsor of the work), while limiting recourse to encapsulation as far as possible. This proposal should not lead to prohibiting repair or maintenance work on construction components containing asbestos (in line with the provisions of Annex XVII of the REACH Regulation) or the simple covering of asbestos in place. On the basis of feedback at national level, too ambitious European asbestos removal targets imposed in a limited time would involve significant risks, including : -A problem of availability of

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
				competent and certified companies to carry out asbestos removal work: in France today, there are 1,100 certified companies employing between 30,000 and 35,000 workers working on about 25,000 sites per year, 80% of which concern buildings; -The additional costs and delays induced by asbestos removal work, particularly for energy renovation projects (nearly 80% of "buildings that are particularly inefficient are in housing built before 1997, according to data recorded in France), with the risk of significantly delaying the completion of energy renovation work and the achievement of regulatory objectives; -Perverse effects likely to work against the objective of protecting the population and workers are to be feared because of the unavailability of asbestos removal companies and the increase in costs and time for energy renovation work; -The difficulties of handling asbestos waste in existing facilities, particularly given the problems of collection, the territorial distribution of storage facilities and the costs of treatment.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
				NB : in France the asbestos treatment obligations are only imposed for list A materials considered the most dangerous (flocking.s, false ceilings, insulation), but this proposal goes further as it potentially concerns list B materials. It also goes further the guidelines envisaged in France following the report of the National Working Group on Asbestos and Fibres (GTNAF) related to encapsulation of asbestos materials. .
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>		The French authorities agree with the principle of banning the recycling of asbestos or components containing it. However, in line with the comment on recital 15b, it stresses the importance of a rational position with regard to existing asbestos processing policies, so as to prevent the development of parallel or even mafia-like channels and to ensure the capacity of the outlets set up for asbestos waste to receive it.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
25d		<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>		We can accept this proposal from EP. In France, work to develop standardised work procedures, both for asbestos removal work and for interventions likely to cause the emission of asbestos fibres, has been underway since 2018. The results of this work could be shared at European level.
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</u>		We can accept this proposal from EP.

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		<u>identification, measurement and warning technology. A more systematic exchange of best practices across Member States should also be established for that purpose.</u>		
25f		<u>(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.</u>		
Recital 16				
26	(16) Since the objective of this	(16) Since the objective of this	(16) Since the objective of this	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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 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.	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 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.	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 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.</i></u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>measurement, removal and safe waste management.</u>		
Recital 17				
27	(17) Since this Directive concerns the protection of the health and safety of workers at the place of work, it should be transposed within two years of the date of its entry into force.	(17) Since this Directive concerns the protection of the health and safety of workers at the place of work, it should be transposed within two years of the date of its entry into force.	(17) Since this Directive concerns the protection of the health and safety of workers at the place of 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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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				
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	* 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	* 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	

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	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).;	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).;	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	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	* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008	* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008	

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	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).;	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).;	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 _i	
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;	
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				

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	(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>		The French authorities recall that the evidence of the harmfulness of this mineral for human health is currently not demonstrated, and underline that they have launched a major study to provide them with details on the characterisation of materials containing these mineral species as well as on their emissivity level, the results of which are not expected before the second half of 2023 (see our comment on recital 15 a). It is therefore premature to extend the scope of this directive by including this mineral, which is why the French authorities are requesting the withdrawal of this proposal.
Article 1, first paragraph, point (2), amending provision, third paragraph				
45	*CAS: Chemical	*CAS: Chemical	*** CAS: Chemical	

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	Abstract Service Number.;	Abstract Service Number.;	Abstract Service Number.;	
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>		We consider that subject to passive exposure should not be in the scope of this directive. The scope of this directive should remain the same (see our comment on recital3b))
Article 1, first paragraph, point (2b)				
45c		<u>(2b) in Article 3, paragraph 3 is deleted.</u>		We can accept this proposal from EP.
Article 1, first paragraph, point (2c)				
45d		<u>(2c) in Article 3, paragraph 4 is deleted.</u>		We can accept this proposal from EP.
Article 1, first paragraph, point (2d), first subparagraph				
45e				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>(2d) in Article 4(3), the second subparagraph is replaced by the following:</u>		We can accept this proposal from EP.
Article 1, first paragraph, point (2d), second subparagraph				
45f		"The notification must<u>shall</u> include at least a brief description of: (a) the location of the worksite <u>and the specific areas in which the work is to be carried out</u>; (b) the type and quantities of asbestos used or handled; (c) the activities and processes involved; (d) the number of workers involved, <u>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>; (e) the starting date and duration of the work <u>and the planned working hours</u>; (f) measures taken to limit the exposure of workers to asbestos; <u>(fa) the characteristics of the equipment used for the protection and decontamination of the workers;</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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 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>		We can accept this proposal from EP.
Article 1, first paragraph, point (2f), first subparagraph				
45i		<u>(2f) in Article 5, the following paragraph is added:</u>		

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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 monitored."</u>		See comment on row 25b on recital 15 b. Removal should be strongly recommended <u>as soon as the principle of the treatment of asbestos has been decided</u> (by the owner of the building or the sponsor of the work), while limiting recourse to encapsulation as far as possible. This proposal should not lead to prohibiting repair or maintenance work on construction components containing asbestos (in line with the provisions of Annex XVII of the REACH Regulation) or the simple covering of asbestos in place. On the basis of feedback at national level, too ambitious European asbestos removal targets imposed in a limited time would involved significant risks, including : -A problem of availability of competent and certified companies to carry out asbestos removal work: in France today, there are 1,100 certified companies employing

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				between 30,000 and 35,000 workers working on about 25,000 sites per year, 80% of which concern buildings; -The additional costs and delays induced by asbestos removal work, particularly for energy renovation projects (nearly 80% of "buildings that are particularly inefficient are in housing built before 1997, according to data recorded in France), with the risk of significantly delaying the completion of energy renovation work and the achievement of regulatory objectives; -Perverse effects likely to work against the objective of protecting the population and workers are to be feared because of the unavailability of asbestos removal companies and the increase in costs and time for energy renovation work; -The difficulties of handling asbestos waste in existing facilities, particularly given the problems of collection, the territorial distribution of storage facilities and the costs of treatment. NB : in France the asbestos treatment obligations are only imposed for list A materials considered the most dangerous

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
				(flockings, false ceilings, insulation), but this proposal goes further as it potentially concerns list B materials. It also goes further the guidelines envisaged in France following the report of the National Working Group on Asbestos and Fibres (GTNAF) related to encapsulation of asbestos materials.
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	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	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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	measures:	measures:	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;	
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;	No opposition on the addition of a non-exhaustive list of the principal technics to reduce emission of fibres.
50a		<u>(ba) for work carried out under confinement, the work area shall</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 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)				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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 European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;	* Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;	* Directive 2008/98/EC of the 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</u>		It is not clear how “throughout the work process” has to be interpreted. The wording should change like

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		the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out regularly <u>during the specific operational phases and at regular intervals throughout the work process.</u> "		follow: "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, at regular intervals and on the occasion of different worksite ."
54c		<u>(3b) in Article 7, paragraph 2 is replaced by the following:</u>		
54d		<u>"2. Sampling must be representative of the real personal exposure of the worker to dust arising from asbestos or materials containing asbestos."</u>		We are not sure that "real" should be used in this situation as it can be understood that air should be sampled within the respiratory protection. Proposal of wording "Sampling must be representative of the real personal exposure of the worker to dust arising from asbestos or materials containing asbestos covering the operational phase(s) in which he is involved. "
54e				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>		We can accept this proposal from EP.
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 other method giving equivalent or better results, such as a method based on electron microscopy (EM).	<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 results.</u> <u>Until ... [four years after the date of entry into force of this</u>	<u>Fibre counting shall be carried out by phase-contrast microscope (PCM)electron microscopy (EM) in accordance with the method recommended in 1997 by the World Health Organization (WHO)* or, wherever possible, or by any other methodalternative technology giving equivalent or bettermore accurate results, such</u>	We prefer to stick to the wording of the council mandate, which clearly indicate that EM (TEM or SEM) is the best technology to measure fibres. Furthermore, if we can consider positively the fact of underlining in this directive the importance of counting thin asbestos fibres, this

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 funds which can be used to</u>	as a method based on electron microscopy (EM).	should then, in our view, be accompanied by the clarification that only TEM can be used to accurately count them (see our comments on recitals 4, 9 and 11)

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		<u>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</u>	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
			<u>(WHO)*, to Electron microscopy (EM).</u>	
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	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>2.</u>	See our comment on recital 9, row 19. French authorities are of the opinion that the OEL proposed by COM and agreed in the council

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		of 0.01 <u>0,001</u> fibres per cm ³ as an 8-hour time-weighted average (TWA).		mandate is a good equilibrium between protection of worker and the capacity of companies to integrate the needed reinforcement of protection measures. If there is consensus to have a lower OEL, it will be mandatory to discuss the counting of thin fibres like in France, as an OEL that integrates thin fibres is equivalent to an OEL 3-5 time lower. We recall that only TEM is capable of accurately counting thin asbestos fibres (see our comment on recital 4); This discussion is unavoidable for the French authorities because reducing the OEL under 0,01 f/cm³ associated with the use of TEM will impede a large part of asbestos removal works even if the best practices and protection equipment are applied.
60a		<u><i>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</i></u>		This paragraph should be removed as explain in our comments on recital 11 row 21, PCM is not sufficiently accurate to measure exposure close or below 0.01 fibres per cm ³ .

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>(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 measures have been taken for the protection of the workers concerned."		This addition equates the exceeding of the OEL with the discovery of suspect materials, without any certainty at this stage that the latter are asbestos containing. Although the French authorities admit that the two situations are likely to lead to a cessation of activities, they consider that they refer to different hypotheses and entail different responsibilities (only the employer in the first case, the empl.oyer and the sponsor of the work in the second). The addition proposed by the EP should therefore either be moved to another article or deleted from this

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
				one because of their different purposes.
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 re, 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</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. <u>’</u> ’	1/ The responsibility of the screening, the traceability of its data and the diffusion of the information should be set at national level. See our comment on recital 15 (line 25). 2/ The certification requirement mentioned in the EP proposal may refer to several hypotheses (certification of person, obtaining a certification training) and should therefore fall within the scope of national legislation. See our comment on recital 15 (line 25)

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>asbestos screening and receive the result 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>	PUBLIC	
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>		We can accept this proposal from EP.
62b		<u>Member States shall establish public registers of the certified</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>operators authorised to carry out asbestos screening in accordance with their national law and 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 all possible 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>		We can accept this proposal from EP.
62e				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>(6b) in Article 12(1), point (c) is replaced by the following:</u>		
62f		<u>"(c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented, and for work performed under confinement, the enclosure and airlocks shall be airtight and under mechanical extraction ventilation."</u>		We can accept this proposal from EP.
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>		Measurement of fibres to ensure that re-entry in the vicinity where work was done on asbestos should be restricted to tasks generating high concentration of fibres in the air like when a containment is needed.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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 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."</u>		We welcome this proposal from EP. Article 13 paragraph 2 should be changed to take into account that "any work involving the handling of asbestos" is concerned by the establishment of the plan.
62k		<u>(6e) in Article 14, paragraph 2 is replaced by the following:</u>		See our comments on annex I (line64 o to 64x)
62l		<u>"2. The content of the training mustshall be easily understandable for workers. It mustshall 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;</u>		See our comments on annex I (line64 o to 64x)

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		(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; (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>	PUBLIC	
62m		<u>(6f) in Article 14, paragraph 3 is replaced by the following:</u>		See our comments on annex I (line64 o to 64x)
62n		<u>"3. The minimum requirements with regard to the content, duration, intervals and documentation of the training provided pursuant to this Article</u>		See our comments on annex I (line64 o to 64x)

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		are set out in Annex Ia3- Practical guidelines for the training of asbestos removal workers shall be developed at Community level."		
62o		<u>(6g) in Article 15, paragraph 1 is replaced by the following:</u>		
62p		Before carrying "1. 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, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with		We welcome this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		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 management. The permits shall be renewable every five years, in accordance with national law and practice."</u>		We can accept this proposal from EP.
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</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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>		We can accept this proposal from EP.
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		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		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>		We can accept this proposal from EP.
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</u>		We can accept this proposal from

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations, <u>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;</u> "		EP.
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>		We can accept this proposal from EP.
Article 1, first paragraph, point (6o)				
62ae		<u>(6o) in Article 18, paragraph 1 is deleted;</u>		We can accept this proposal from EP.
Article 1, first paragraph, point (6p), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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-edinite within the scope of this Directive.</u>		See our comment on recital 15a (line 25a) We consider that prior to consult the social partners it is necessary to have a scientific assessment at European level on the addition of other fibrous silicates to the scope of Directive 2009/148/EC. A study on the characterisation and emissivity level of these fibrous silicates is currently underway and should be reported to us by the second half of 2023. It will take time to exploit these technical and scientific data in order to assess if any regulatory consequences are needed.
Article 1, first paragraph, point (6p), fourth subparagraph				
62ai		<u>2. By ... [five years after the</u>		See our comment line 62ah

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 the assessment referred to in paragraph 1. That report shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.</u>		
Article 1, first paragraph, point (6p), fifth subparagraph				
62aj		<u>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.</u>		See our comment line 62ah
Article 1, first paragraph, point (6p), sixth subparagraph				
62ak		<u>4. By... [six months after the date of entry into force of this amending Directive], the Commission shall launch a</u>		Even if they are important, passive and secondary exposure are out of the scope of this directive. This directive should focus on worker exposure to asbestos linked

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>consultation of relevant stakeholders on the need for 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>		to their activities.
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</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>supporting the implementation of this Directive and publish them on the website of EU-OSHA. Those guidelines shall provide, where appropriate, sector-specific 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>		We can accept this proposal from EP.
Article 1, first paragraph, point (6r)				
62ap		<u>(6r) in Article 19, paragraph 1 is deleted;</u>		
Article 1, first paragraph, point (7)				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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				
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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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 by asbestos exposure is set out in Annex I."</u>		See our comments on annexe I point 1 (line 64 n)
Article 1, first paragraph, point (7b)				
64c		<u>(7b) in Article 21, the following paragraph is added:</u>		
Article 1, first paragraph, point (7b), amending provision, first paragraph				
64d		" <u>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.</u> "		
Article 1, first paragraph, point (7c), first subparagraph				
64e		<u>(7c) the following article is inserted:</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	Article 1, first paragraph, point (7c), second subparagraph			
64f		<u>"Article 21a</u>		
	Article 1, first paragraph, point (7c), third subparagraph			
64g		<u>All existing information, including from relevant registers, regarding the presence and location of asbestos shall be made available to firefighters and the emergency services."</u>		
	Article 1, first paragraph, point (7d), first subparagraph			
64h		<u>(7d) the following article is inserted:</u>		
	Article 1, first paragraph, point (7d), second subparagraph			
64i		<u>"Article 22a</u>		
	Article 1, first paragraph, point (7d), third subparagraph			
64j		<u>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.</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Article 1, first paragraph, point (7d), fourth subparagraph				
64k		<u>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, 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</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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				
64l		<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, — bronchial lung carcinoma, — gastro-intestinal carcinoma, — <u>carcinoma of the larynx,</u> — <u>carcinoma of the ovary,</u> — <u>non-malignant pleural diseases.</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Article 1, first paragraph, point (7e), third subparagraph				
64n		<u><i>1a. Positive associations have been noted by the International Agency for Research on Cancer between asbestos exposure and the following diseases:</i></u> <u><i>— pharyngeal cancer,</i></u> <u><i>— colorectal cancer,</i></u> <u><i>— stomach cancer."</i></u>		We consider that it is premature to add the positive association from IARC. Further investigations are needed.
Article 1, first paragraph, point (7f), first subparagraph				
64o		<u><i>(7f) the following annex is inserted:</i></u>		
Article 1, first paragraph, point (7f), second subparagraph				
64p		<u><i>"ANNEX Ia</i></u>		
Article 1, first paragraph, point (7f), third subparagraph				
64q		<u><i>Minimum requirements for training</i></u>		
Article 1, first paragraph, point (7f), fourth subparagraph				
64r		<u><i>Workers who are, or who are likely to be, exposed to dust from asbestos or asbestos-containing materials shall receive mandatory</i></u>		This directive should focus on worker exposure to asbestos linked to their activities (see our comments on Recital 3 b)

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>training, encompassing at least the following minimum requirements:</u>		The French authorities therefore recommend this clarification, in order to clarify the scope of application of this prevention training obligation : “ <i>workers who are, or who are likely to be, as a result of their personal activities, exposed to dust from asbestos or asbestos containing materials shall receive mandatory training, encompassing at least the following minimum requirements :</i> ”
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>		We can accept this proposal from EP.
Article 1, first paragraph, point (7f), sixth subparagraph				
64t		<u>2. Each training course shall have a minimum duration of three working days.</u>		The duration of the training course should not be set in the directive. But the duration should be adapted to each specific cases. For example, refresher trainings are in general shorter than the initial training.
Article 1, first paragraph, point (7f), seventh subparagraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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>		The qualifications of trainers should not fall within the scope of this Directive. In France, it is accepted that the employers may carry out the prevention training provided to operators in charge of activities other than asbestos removal (provided that they comply with several regulatory requirements in terms of platform and pedagogical references and assessment at the end of the training). Actually, those employers may be, in some situations, in the best position to determine the content of the training adapted to the specific nature of the work undertaken by their workers.
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</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 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,</u>		The French authorities recommend to clarify the scope of application of this prevention training obligation : “workers who are, or who are likely to be, as a result of their personal activities, exposed to dust from asbestos or asbestos containing materials shall receive at least theoretical and practical training concerning the following :”

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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>	PUBLIC	
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</u>		We can accept this proposal from EP.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>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 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.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 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.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by <u>[OJ : 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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>	See comments on recitals 4, 9, 11 and the article 7 par. 6 and 8
Article 2(1a) second subparagraph				
67	When Member States adopt those 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.	When Member States adopt those 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.	When Member States adopt those <u>the</u> 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.	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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	Article 4	Article 4	Article 4	
Article 4, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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	

Comments from the IE delegation

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	
	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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	
	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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				
12				
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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).	Can support Council wording <i>whenever the latter provides for more favourable provisions to health and safety at work.</i>
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	Can support EP additional text regarding % of occupational cancers and scope Can support Council addition i.e. 'category'
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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><i>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.</i></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><i>(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</i></u>		

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		<i>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.</i>		No objections to this text
13b		<i>(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 on asbestos-containing materials.</i>		The primary focus of the Directive is to protect workers from exposure to asbestos. The focus should remain on achieving this to the highest standards which will in turn minimize potential for environmental/ secondary exposure. Therefore, would not recommend inclusion of specific references to secondary exposure in this proposal.

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13c		<i>(3c) <u>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></i>		See 13b comment above
13d		<i>(3d) <u>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></i>		See 13b comment above

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		<i><u>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.</u></i>		
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'). <i><u>The ERR derived by the European Chemicals Agency is based on phase-contrast microscopy (PCM) measurement, which lead to</u></i>	(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	Support Council position

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	to reduce the risk by lowering exposure levels.	<u>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 by taking into account an acceptable level of excess risk.</u> As a consequence, the OEL <u>and measurement methodology</u> for asbestos should be revised in order to reduce the risk by lowering exposure levels <u>to protect workers better from work-related cancer.</u>	to reduce the risk by lowering exposure levels.	
14a		<u>(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.</u>		The concept of low and sporadic exposure does allow for a pragmatic approach to lower risk asbestos containing materials. The removal of this concept in conjunction with a lower OEL would have significant implications for employers and enforcing authorities e.g. majority of lower risk asbestos removal work may be notifiable 14 days in advance to the enforcing authority. An impact assessment should be carried to fully determine the implications of the removal of the low and sporadic concept in the Directive.

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/8pl7jfc6ae3jy2doji28fni27a3?response-content-disposition=inline%3B%20filename%3D%202CoFE_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=AKIA3LJJXGZPDFYVOW5V%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/8pl7jfc6ae3jy2doji28fni27a3?response-content-disposition=inline%3B%20filename%3D%202CoFE_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=AKIA3LJJXGZPDFYVOW5V%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/8pl7jfc6ae3jy2doji28fni27a3?response-content-disposition=inline%3B%20filename%3D%202CoFE_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=AKIA3LJJXGZPDFYVOW5V%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>		Question if this statement (5(a)) is necessary in the specific context of the General approach
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. <i>Its revision is also an effective way to ensure that preventive and protective measures are updated accordingly</i> <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 <i>and</i> , recent scientific evidence and technical data. <i>Its</i> <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.	Support Council position
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 2003¹². 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>	Support Council position. Reference to public health is made in Recital 9
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 0.010,01 fibres/cm³ as an 8-hour time-weighted average (TWA) 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 and the need to take into account economic and technical considerations to allow an effective removal 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.	Support Council position. The EPs proposal for a reduction of the OEL to 0.001 fibres/cm³ as an 8-hour time-weighted average (TWA f/ml) would be extremely challenging for employers and enforcing Authorities, especially verifying asbestos removal works, as it would be very close to background levels of asbestos in the environment/ older buildings. The current proposal of 0.01 fibres/cm³ as an 8-hour time-weighted average (TWA) 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 should be used</u>gradually replace optical microscopy, while	Support Council position

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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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		<i>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.</i>		
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.	No specific comment
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, <i>including by using state-of-the-art technology</i> , are needed for workers exposed or likely to be exposed to <i>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</i>	(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.	Support Council position. The level of suggested detail in the EP amendments is unnecessary. The measures relate to higher risk asbestos removal. Such measures such as HEPA filtration are not required for lower risk asbestos removal e.g. cement roof removal. Higher risk asbestos removal is a complex activity and has many more requirements than what is listed

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><i>The annex to Directive 2009/148/EC related to the medical surveillance of workers should be</i></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.	No objection to EP suggested additional text. Updating the EOD list for additional asbestos diseases is an ongoing task by the Commission
Commission Proposal		EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u><i>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.</i></u>		

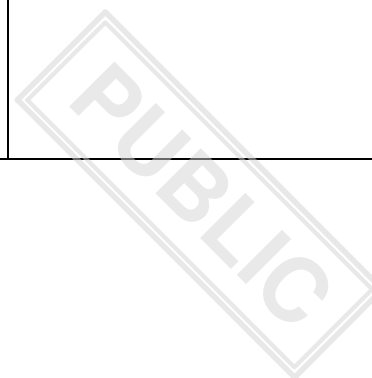
24a		<i>(14a) A notification system is important in order to enable the responsible authorities of Member States to supervise works during which asbestos may be disturbed. The information in the notification should include the following additional elements to better inform the responsible authority of 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</i>		This is outside scope of original proposal. An impact assessment should be carried.. Comment The EP wants the following additional information added to the Directive • 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. Article 13 of 2009/148/EC already includes the first two points. Waste is dealt with in Article 6 of 2009/148/EC. In Ireland waste disposal arrangements must be detailed in the plan of work. The proposed EU guidance to support this new Directive could recommend that the waste arrangements are included in the Plan of work.
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	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>		
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>prior to the start of new work</u> , take all necessary steps to identify presumed asbestos-containing materials, if appropriate by obtaining information from the owners of the premises <u>or from other employers</u> as well as other sources of information, including relevant registers. They <u>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</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.	Support Council position for the moment. The Commission are currently working on a new proposal for asbestos screening so these suggestions are best dealt within that work stream.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i>description of the nature of any_ contamination, its precise location_ and estimated quantities. On the basis of the information received, the employer should record, before the start of any asbestos removal project, demolition, maintenance or renovation, information relating to the presence or presumed presence of asbestos in buildings, ships, aircrafts or other, or installations that were built before the entry into force of the national asbestos ban and should and communicate this that information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities. 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 in or on— buildings.</i>		
25a		<i>(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</i>		Not in a position to comment on the inclusion of these additional fibrous silicates. However, fibrous riebeckite = crocidolite which is covered by the Directive so why would this also be included.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i><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></i>		
25b		<i><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></i>		An impact assessment should be carried as this is outside the scope of the original proposal. Comment Our current policy is that ACMS should be managed based on the outcome of a risk assessment which may include removal or retain and manage etc. We have noticed an increase of overcladding asbestos cement roofs on industrial premises. The legislation does not prohibit this remedial measure but these roofs should ideally be removed rather than enclosed. Availability of funding

			would encourage a decision to remove rather than leave in-situ. The Screening proposal may be better placed to address this aspect of asbestos management.
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	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>removed should be prohibite, 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>		We could support such a proposal but the Screening proposal may be a better option to address this matter.
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>		Agree but outside scope of original proposal
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>		No objections to this

Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	<i>should also be established for that purpose.</i>		
(15f) <i>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</i> 25f <i>utmost importance that, they employ workers from a Member State or not, companies</i> <i>rebuilding Ukraine take every</i> <i>workers' exposure to asbestos.</i> Recital 16 (16) Since the objective of this Directive, namely to protect workers	<i>asbestos until 2017, the forthcoming reconstruction of the country poses a significant workers, particularly those that handle rubble. It is therefore of the</i> <i>from the Union involved</i> <i>possible measure to</i>	(16) Since the objective of this Directive, namely to protect workers	(16) Since the objective of this Directive, namely to protect workers
26 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	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	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	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		<i><u>(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.</u></i>		The proposed Screening directive could address such aspects rather than this Directive.
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;	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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>		Do not agree. This should be subject to full impact assessment
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>		Do not agree. Introducing passive exposure has not been properly impact assessed and may have unintentional outcomes. Primary objective of the Directive is to protect workers engaging in asbestos work and if done correctly would address any passive exposure concerns.
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>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Article 1, first paragraph, point (2d), second subparagraph				
45f		<i>"The notification mustshall include at least a brief description of:</i> <i>(a) the location of the worksite <u>and the specific areas in which the work is to be carried out</u>;</i> <i>(b) the type and quantities of asbestos used or handled;</i> <i>(c) the activities and processes involved;</i> <i>(d) the number of workers involved, <u>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>;</i> <i>(e) the starting date and, duration of the work <u>and the planned working hours</u>;</i> <i>(f) measures taken to limit the exposure of workers to asbestos;</i> <i>(fa) <u>the characteristics of the equipment used for the protection and decontamination of the workers</u>;</i> <i>(fb) <u>the procedure, duration and working hours relating to the decontamination of workers</u>;</i> <i>(fc) <u>the characteristics of the equipment used for waste disposal</u>;</i> <i>(fd) <u>a provisional aeraulic balance for work carried out under confinement</u>;</i> <i>(fe) <u>a plan for safe and sustainable</u></i>		These new requirements are outside scope of original proposal and would require further discussion and impact assessment

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i>waste disposal, including with regard to the destination of any asbestos-containing waste."</i>		
Article 1, first paragraph, point (2e), first subparagraph				
45g		<i>(2e) in Article 4(3), the following subparagraph is added:</i>		
Article 1, first paragraph, point (2e), second subparagraph				
45h		<i>"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."</i>		These new requirements are outside scope of original proposal and would require further discussion and impact assessment. There is already a requirement to hold exposure and health records by employers/ Authorities
Article 1, first paragraph, point (2f), first subparagraph				
45i		<i>(2f) in Article 5, the following paragraph is added:</i>		
Article 1, first paragraph, point (2f), second subparagraph				
45j		<i>"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</i>		These new requirements are outside scope of original proposal and would require further discussion and impact assessment

	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;	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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;	These new requirements are outside scope of original proposal and would require further discussion and impact assessment. Best practice techniques are best included in technical guidance/ standards as there is always progression/ new technologies .
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	

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
	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>		These new requirements are outside scope of original proposal and would require further discussion and impact assessment
54c		<u>(3b) in Article 7, paragraph 2 is replaced by the following:</u>		
54d		<u>"2. Sampling must be representative</u>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		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		"5. The duration of sampling must <u>shall</u> be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or time-weighted calculations."		
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]</u> <u>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).	Support council position

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		<u><i>funds which can be used to support the transition to electron microscopy (EM).</i></u>		
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).;	<i>* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).;</i>	
Article 1, first paragraph, point (4a)				
57a			<u><i>In Article 7, the following paragraph is added:</i></u>	
Article 1, first paragraph, point (4a), amending provision, first paragraph				
57b			<u><i>‘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).</i></u>	Support

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Article 1, first paragraph, point (4a), amending provision, first paragraph				
57c			<u><i>* Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).</i></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><i>1. From ... [four years after the date of entry into force of this amending Directive],</i></u> employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of <u><i>0.010.001</i></u> fibres per cm³ 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). <u>;</u>	Support General approach on limit value.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
60a		<i>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].</i>	PUBLIC	
60b		<i>(5a) in Article 10, paragraph 1 is replaced by the following:</i>		
60c		<i>"1. Where the limit value laid down in Article 8 is exceeded, <u>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></i> The reasons for the limit being exceeded <i>must</i> shall be identified and appropriate measures to remedy the situation <i>must</i> shall be taken as soon as possible. Work <i>may</i> shall not be continued in the affected area until adequate		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		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.;	Support council position. The EP amendments could be discussed in the context of the Screening process.

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>	PUBLIC	Support council position. The EP amendments could be discussed in the context of the Screening process.
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>		Support council position. The EP amendments could be discussed in the context of the Screening process.
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>		Can support
62e		<u>(6b) in Article 12(1), point (c) is replaced by the following:</u>		
62f				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed. Airlock systems are not generally airtight as they must allow air ingress when the enclosure is placed under negative pressure
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
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>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		on removing <u>any work involving the handling of</u> 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;		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		(f) emergency procedures; (g) decontamination procedures; (h) waste disposal; (i) medical surveillance requirements <u>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.</u> Practical guidelines for the training of asbestos removal workers shall be developed at Community level."		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
62o		<u>(6g) in Article 15, paragraph 1 is replaced by the following:</u>		
62p				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i>Before carrying "1. 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, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice Article 14 and Annex Ia."</i>	PUBLIC	Outside scope of original proposal. This would need to be discussed further and fully impact assessed
62q		<i>(6h) in Article 15, the following paragraph is added:</i>		
62r		<i>"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</i>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
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>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
62w		<u>(6k) in Article 16(1), point (c) is replaced by the following:</u>		
62x		“(c) workers are provided with appropriate working or protective clothing; <u>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;”		Outside scope of original proposal. This would need to be discussed further and fully impact assessed Fit checking alone is inadequate. Independent fit testing is critical with regular fit checking by individuals upon each use of the RPE thereafter.
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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, 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."</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
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>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (6p), fourth subparagraph				
62ai		<u>2. By ... [five years after the date</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement	
		<u>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 _</u> <u>1. That report shall be accompanied, if appropriate, by a legislative proposal to amend this Directive.</u>	PUBLIC		
Article 1, first paragraph, point (6p), fifth subparagraph					
62aj		<u>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.</u>			
Article 1, first paragraph, point (6p), sixth subparagraph					
62ak		<u>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</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed	

	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>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<u>by asbestos exposure is set out in Annex I."</u>		
Article 1, first paragraph, point (7b)				
64c		<u>(7b) in Article 21, the following paragraph is added:</u>		
Article 1, first paragraph, point (7b), amending provision, first paragraph				
64d		" <u>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.</u> "		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7c), first subparagraph				
64e		<u>(7c) the following article is inserted:</u>		
Article 1, first paragraph, point (7c), second subparagraph				
64f		<u>"Article 21a</u>		
Article 1, first paragraph, point (7c), third subparagraph				
64g		<u>All existing information, including from relevant registers, regarding</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i><u>the presence and location of asbestos shall be made available to firefighters and the emergency services."</u></i>		
Article 1, first paragraph, point (7d), first subparagraph				
64h		<i><u>(7d) the following article is inserted:</u></i>		
Article 1, first paragraph, point (7d), second subparagraph				
64i		<i><u>"Article 22a</u></i>		
Article 1, first paragraph, point (7d), third subparagraph				
64j		<i><u>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.</u></i>		
Article 1, first paragraph, point (7d), fourth subparagraph				
64k		<i><u>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.</u></i>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<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.</u> <u>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 upskilling 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				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i><u>(7e) in Annex I, point 1 is replaced by the following:</u></i>		
Article 1, first paragraph, point (7e), second subparagraph				
64m		<i><u>"1. Current knowledge indicates that exposure to free asbestos fibres can give rise to <u>at least</u> the following diseases:</u></i> <i><u>— asbestosis,</u></i> <i><u>— mesothelioma,</u></i> <i><u>— bronchiallung carcinoma,</u></i> <i><u>— gastro-intestinal carcinoma,</u></i> <i><u>— carcinoma of the larynx,</u></i> <i><u>— carcinoma of the ovary,</u></i> <i><u>— non-malignant pleural diseases.</u></i>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7e), third subparagraph				
64n		<i><u>1a. Positive associations have been noted by the International Agency for Research on Cancer between asbestos exposure and the following diseases:</u></i> <i><u>— pharyngeal cancer,</u></i> <i><u>— colorectal cancer,</u></i> <i><u>— stomach cancer."</u></i>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7f), first subparagraph				
64o		<i><u>(7f) the following annex is inserted:</u></i>		

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7f), sixth subparagraph				
64t		<u>2. Each training course shall have a minimum duration of three working days.</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7f), seventh subparagraph				

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
64u		3. <u>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>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7f), eighth subparagraph				
64v		4. <u>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> (a) <u>the date of the training;</u> (b) <u>the duration of the training;</u> (c) <u>the content of the training;</u> (d) <u>the language of the training;</u> (e) <u>the name, qualification, and contact details of the instructor or the institution providing the training, or both.</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
Article 1, first paragraph, point (7f), ninth subparagraph				
64w		5. <u>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> (a) <u>the applicable law of the</u>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed

Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
		<i>Member State in which the work is carried out;</i> <i>(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;</i> <i>(c) the types of products or materials likely to contain asbestos;</i> <i>(d) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;</i> <i>(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;</i> <i>(f) the appropriate role, choice, selection, limitations and proper use of protective equipment, with particular regard to respiratory equipment;</i> <i>(g) emergency procedures;</i> <i>(h) decontamination procedures;</i> <i>(i) waste disposal;</i> <i>(j) medical surveillance requirements.</i> <i>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.</i>	Outside scope of original proposal. This would need to be discussed further and fully impact assessed

	Commission Proposal	EP Mandate	Council Mandate (ST14988/22)	Draft Agreement
Article 1, first paragraph, point (7f), tenth subparagraph				
64x		<i>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:</i> <i>(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;</i> <i>(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."</i>		Outside scope of original proposal. This would need to be discussed further and fully impact assessed
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 <u>10.1</u>	

	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.	<i>: please insert two years after the date of entry into force of this Directive</i> 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		<i>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.</i>	<i>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.</i>	IE strongly support retention of 7 year transition period to EM. No flexibility here.
Article 2(1a) second subparagraph				
67	When Member States adopt those	When Member States adopt those	When Member States adopt those <i>the</i>	

	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	

Comments from the LU delegation

- **Definition of asbestos and scope (Rows 13, 13a, 13b, 13c, 13d, 25a, 44a, 45a-45b, 62af-62ak)**

Row 13

Luxembourg supports the more explicit text of the EPM, as this supports the information of workers about the risks of an asbestos exposure.

The proposal by the CM to add “category” is in line with the CLP terminology and as such an acceptable change.

Row 13a

Luxembourg agrees

Row 13b

Luxembourg agrees, as there are already measures in place in LU to avoid a contamination at the end of the work activities.

Row 13c + 13b

The EPM proposal is interesting but this directive aims to protect workers at their workplace, adding the protection of third parties, which are not working in asbestos, is not within the framework of this proposal.

Row 25a

EPM Ok for LU

Row 44a

EPM Ok for LU

Row 45b

Does “passive” include workers working in a building for which asbestos containing material were used, but workers principal work is not at all related to asbestos, like schools or administrative buildings?

Row 62af-62ak

62ak non-occupational is not in the focus of this directive

- **Sporadic and low intensity exposure (Rows 14a, 45c, 45d, 62u-62v, 62ac-62ad, 62ae, 62ap)**

Row 14a

Luxembourg supports the proposal of the EPM to revise the OEL and the measurement methodology.

Row 45c - 45d

LU agrees, because a sporadic exposure is irrelevant for a carcinogen

Row 62u-62v

LU ok EPM

Row 62ac-62ad

LU ok EPM

Row 62ae

LU ok EPM

Row 62ap

LU ok EPM

• **OEL / method / transition (Rows 14, 18, 19, 21, 56-57, 60, 60a, 64h-64k, 66a)**

Row 14

Luxembourg supports the proposal of the EPM to revise the OEL and the measurement methodology.

Row 18

The combination of EPM and CM proposal text is acceptable.

Row 19

LU supports EPM proposal to further lower the OEL from 0.1 to 0.001 fibers/cm³ after a transitional phase of 0.01 fibres/cm³ of 4 years.

Row 21

Luxembourg supports the EPM proposal.

Row 56-57

LU agrees with EPM proposal

Row 60 + 60a

LU agrees with EPM (coherence with row 19)

Row 64h – 64k

LU ok with EPM about funding

Row 66a

LU agrees with EPM

• **Notification system (Rows 24a, 45e-45f, 45g-45h)**

Row 24a

Such a notification system is in place in Luxembourg and therefore supported by Luxembourg.

Row 45e – 45f

LU agrees with EPM to facilitate the assessment of exposure of each worker

Row 45g - 45h

In accordance with data preservation period in the CMR directive /RGD.

• **Removal and safe disposal of asbestos-containing materials (Rows 25b, 25c, 25d, 45i-45j)**

Row 25b

To support enforced removal over encapsulated asbestos, households should receive funds to do so. LU agrees with EPM.

Row 25c

LU ok with EPM

Row 25d

Lu agrees with EPM

Row 45i – 45j

LU agrees with EPM

• **Protection measures for workers exposed to asbestos (Rows 17, 23, 25f, 26a, 50, 50a) & Medical surveillance of workers and asbestos-related diseases (Rows 24, 64a-64b, 64c-64d, 64l-64n)**

Row 17

No preference

Row 23

The more elaborated EPM text clarifies methods to reduce dust in the asbestos enclosure, avoiding like this uncertainties about possible methods and promotes the protection of the workers.

The proposed requirements for training should be basic and should leave space for member states to adjust the training to their situation.

Row 24

The medical surveillance of workers should be updated as the EPM proposal suggests.

Row 25f

LU agrees with EPM

Row 26a

LU agrees with EPM

Row 50 - 50a

LU agrees with EPM

Row 64a - 64b

LU agrees with EPM

Row 64c – 64d

LU agrees with EPM

Row 64l – 64n

LU agrees with EPM

• **Samplings (Rows 21a, 54a-54b, 54c-54d, 54e-54f)**

Row 21a

Luxembourg agrees with EPM

Row 54a - 54b

LU agrees with EPM

Row 54c - 54d

LU agrees with EPM

Row 54e – 54f

LU agrees with EPM

• **Protection measures in case of exceeded OEL (Rows 60b-60c) and protection measures in case of likely exceeded OEL value (Rows 62c-62d, 62e-62f, 62g-62h)**

Row 60b – 60c

LU agrees with EPM

Row 62c-62d

LU agrees with EPM

Row 62g – 62h

LU agrees with EPM

• **Asbestos screening (Rows 25, 62, 62a, 62b) and information for emergency services (Rows 64e-64g)**

Row 25

EPM's text is more precise about the asbestos screening which avoids uncertainty, therefore Luxembourg supports the more detailed text of EPM.

Row 62

LU agrees with EPM

Row 62a

LU agrees with EPM

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Row 62b

LU agrees with EPM

Row 64e – 64g

LU agrees with EPM

• **Training of workers (Rows 15a, 62k-62l, 62m-62n, 64o-64x) and work plan (Rows 62i-62j)**

Row 15a

LU agrees with EPM

Row 62k – 62l

Lu does not agree with the deletion of the minimum content of the formation

Row 64o – 64x

LU agrees completely with EPM, information on certificates should be harmonized in EU, makes recognition of other EU certificates easier

Row 62i – 62j

LU agrees with EPM

• **Asbestos removal companies (Rows 62o-62p, 62q-62r, 62s-62t)**

Row 62o – 62p

LU agrees with EPM

Row 62q-62r

LU agrees that a permit should be delivered but the frequency for renewing such a permit should be left to the countries.

Row 62s – 62t

LU agrees with EPM

• **Personal protective equipment (Rows 62w-62x, 62y-62z, 62aa-62ab)**

Row 62w - 62x :

LU agrees with EPM

Row 62y – 62z

LU agrees with EPM

Row 62aa – 62ab

LU agrees with EPM

• **Guidelines (Rows 25e, 62al-62ao)**

Row 25e

LU agrees with EPM

Row 62al – 62ap

LU agrees with EPM



Comments from the PL delegation

The Polish experts have analysed the French and Finnish comments **on lines 19, 60, 60a** and have updated our position in this respect. Therefore, we fully support the general approach and the justifications prepared by FR and FI with regard to these lines.

Our other comments remain unchanged.

- **row 19** – we support General Approach. However in the spirit of compromise we would like to propose following modification: "scientific expertise and 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~~ **ten** years after the date of entry into force of this Directive, a transitional OEL [...]";

- **row 60** – we support General Approach, but as above, we could agree on the following wording: "1. From ... [~~four~~ **ten** years after the date of entry into force of this amending Directive], employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of ~~0.01~~ 0,001 fibres per cm³ as an 8-hour time-weighted average (TWA)".;

- **row 60a** –the seven-year transition period that was agreed at the Council is optimal. **We are against the EP proposal.**

We propose to delete the provisions in rows 62, 62a, 62b and 62p, 62r.

Comments from the RO delegation

- **General**

RO considers that a number of EP proposals are medically and socially justified, including the exposure limit value (VLE) of 0.001 fibres/cm³ or the non-application of the concept of sporadic and low-intensity exposure to a carcinogen such as asbestos, for which there is no safe exposure level, to justify their derogations from the protective measures provided for in the text.

- **Definition of asbestos and scope**

RO is flexible regarding the inclusion in the scope of other fibrous silicates according to the classification 1A of carcinogens.

- **Sporadic and low intensity exposure**

RO supports the EP's proposal from row 14a.

- **OEL/method/transition**

RO considers that the phrase "acceptable level of excess risk" needs to be clarified and supports the EP proposal on the use of a more modern technique for measuring asbestos fibers (EM).

We support the EP's proposal to notify exposure to asbestos, but it will have to include data on the type of asbestos and the concentrations measured.

- **Safe removal and disposal of asbestos-containing materials**

RO proposes replacing the wording 'materials which can technically be removed', in row 25b, with 'materials which can technically be removed without any harm for the workers', since in some cases asbestos removal may become a greater risk than maintaining it.

- **Protective measures for workers exposed to asbestos and Medical surveillance of workers and asbestos-related diseases**

RO confirms the support for these measures, although it is noted that they could create certain additional costs. RO also supports the EP proposal of row 64b but believes that it is preferable to harmonise the criteria for the recognition of diseases caused by exposure to asbestos (latency time, exposure time, economic sectors) so that recognition is not conditioned by explicit proof of occupational exposure.

- **Samples**

RO considers that the phrase "regular intervals" should be clarified.
