AMENDMENTS 001-053
by the Committee on Employment and Social Affairs

Report
Marita Ulvskog

Protection of workers from the risks related to exposure to carcinogens or mutagens at work


Amendment 1

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Directive 2004/37/EC aims to protect workers against risks to their health and safety from exposure to carcinogens or mutagens at the workplace and lays down minimum requirements to that effect including limit values, on the basis of the available scientific and technical data.

Amendment

(1) Directive 2004/37/EC aims to protect workers against risks to their health and safety from exposure to carcinogens, mutagens and reprotoxic substances at the workplace and lays down minimum requirements to that effect including limit values, on the basis of the available scientific and technical data, economic feasibility, a thorough assessment of the socio-economic impact and availability of exposure measurement protocols and techniques in the workplace. The requirements contained in that directive aim to protect workers at Union level and have to be considered to be a minimum. More stringent binding occupational exposure limits can be set by Member States.
Amendment 2
Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

(1a) It is essential to take the precautionary principle into account, especially where there are uncertainties as to the impact of dealing with substances and their mixtures on workers’ health or where available scientific and technical data is not sufficient.

Amendment 3
Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The limit values should be revised when necessary in the light of scientific data.

Amendment

(2) In the light of new scientific and technical data and evidence-based best practices, techniques and protocols for exposure levels measurement in the workplace, Directive 2004/37/EC, including the binding occupational limit values provided for, should be reviewed regularly, at least every five years, and, where necessary, revised accordingly. Such revisions should take into account the recommendations and opinions of the Scientific Committee on Occupational Exposure Limits (SCOEL) and the Advisory Committee on Safety and Health at work (ACSH), which is composed of three full members from each Member State, representing national governments, trade unions and employers’ organisations, in cooperation with the International Agency for Research on Cancer (IARC). It is also necessary to obtain epidemiological data on the incidence of cancer and on diseases and conditions correlated with exposure to carcinogens, mutagens or reprotoxic substances among workers in the last
Amendment 4
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

(2a) It is necessary to highlight the importance of protecting workers against exposure to carcinogens, mutagens and reprotoxic substances. In the workplace, men and women are often exposed to a cocktail of substances, which can increase health risks, cause adverse effects on their reproductive systems and impaired fertility or infertility, and have a negative impact on foetal development and lactation. Substances which are toxic to reproduction are of very high concern and the organisation of workplace prevention should apply the same approach as for carcinogens and mutagens. The participation of women in the labour market is necessary to achieve the EU-2020 headline target that 75% of the population aged 20 to 64 be employed by 2020. As not all reprotoxic substances are threshold substances, it is of utmost importance to enlarge the scope of Directive 2004/37/EC to reprotoxic substances in order to bring it into line with Regulation (EC) No 1907/2006 of the European Parliament and of the Council\(^\text{1a}\) and to better protect workers and their offspring and ensure the safer participation of women in the workplace.

---

Amendment 5

Proposal for a directive
Recital 2 b (new)

*Text proposed by the Commission*

(2b) Due to the lack of consistent data on substance exposure, it is necessary to protect exposed workers or workers who are at risk of exposure by enforcing health surveillance, rather than conducting such surveillance only when it is deemed to be necessary. Therefore, health surveillance of workers for whom the results of the assessment referred to in Article 3(2) of Directive 2004/37/EC reveal a risk to health or safety should be resumed even at the end of working life and would be carried out by Member States. Article 14 of Directive 2004/37/EC should be amended to ensure life-long health surveillance for all exposed workers.

Amendment 6

Proposal for a directive
Recital 2 c (new)

*Text proposed by the Commission*

(2c) Appropriate and consistent data collection by Member States from employers is necessary to improve and ensure safety and proper care for workers. The Commission should support best practices with regard to data collection between Member States and propose how data collection can be improved. The Member States should provide the
Commission with information for the purposes of its reports on the implementation of Directive 2004/37/EC.

Amendment 7

Proposal for a directive
Recital 2 d (new)

Text proposed by the Commission

Amendment

(2d) There is no harmonised methodology for measuring workers' exposure to carcinogens, mutagens and repro toxic substances at Union level. The Commission should develop such a Union methodology speedily in order to ensure, on the one hand, similar and high-level protection for workers and, on the other, a level playing field.

Amendment 8

Proposal for a directive
Recital 2 e (new)

Text proposed by the Commission

Amendment

(2e) More transparency on health risks incurred by workers should be provided by including two new columns to Annex III of the Directive 2004/37/EC in order to indicate the residual carcinogenic risk associated with each Binding Occupational Exposure Limit and the date of the last estimation.

Amendment 9

Proposal for a directive
Recital 2 f (new)

Text proposed by the Commission

Amendment

(2f) Following the amendments to
Annex III to Directive 2004/37/EC provided for in this Directive, further limit values for additional substances, mixtures and processes will be proposed in early course. Between 50 and 70 substances have been identified by different agencies, stakeholders and the World Health Organization as a priority list of workplace carcinogens, mutagens and reprotoxic substances. Further amendments to the Annex III to Directive 2004/37/EC should include, but should not be limited to, substances, mixtures and processes such as diesel engine exhaust, formaldehyde, cadmium and its compounds, beryllium and its compounds, nickel compounds, arsenic and its compounds and acrylonitrile.

Amendment 10
Proposal for a directive
Recital 3

Text proposed by the Commission

(3) For some carcinogens and mutagens it is necessary to consider other absorption pathways, including the possibility of penetration through the skin, in order to ensure the best possible level of protection.

Amendment

(3) For all carcinogens, mutagens and reprotoxic substances it is necessary to consider other absorption pathways, including the possibility of penetration through the skin, in order to ensure the best possible level of protection.

Amendment 11
Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The Scientific Committee on Occupational Exposure Limits (‘the Committee’) assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limits for the protection of workers from chemical risks,

Amendment

(4) The Scientific Committee on Occupational Exposure Limits (‘the Committee’) assists the Commission, in particular, in identifying, evaluating and analysing in detail the latest available scientific data and in proposing occupational exposure limits for the
to be set at EU level pursuant to Council Directive 98/24/EC and Directive 2004/37/EC. For the chemical agents o-toluidine and 2-nitropropane, there were no Committee recommendations available and other sources of scientific information, adequately robust and in the public domain, were considered.\textsuperscript{47, 48, 49}


http://monographs.iarc.fr/ENG/Monographs/vol77/mono77-11.pdf
http://monographs.iarc.fr/ENG/Monographs/vol99/mono99-15.pdf and
http://monographs.iarc.fr/ENG/Monographs/vol100F/mono100F-11.pdf

http://monographs.iarc.fr/ENG/Monographs/vol1-42/mono29.pdf and
http://monographs.iarc.fr/ENG/Monographs/vol71/mono71-49.pdf

\textsuperscript{48} http://monographs.iarc.fr/ENG/Monographs/vol77/mono77-11.pdf
http://monographs.iarc.fr/ENG/Monographs/vol99/mono99-15.pdf and
http://monographs.iarc.fr/ENG/Monographs/vol100F/mono100F-11.pdf

\textsuperscript{49} http://monographs.iarc.fr/ENG/Monographs/vol1-42/mono29.pdf and
http://monographs.iarc.fr/ENG/Monographs/vol71/mono71-49.pdf


http://monographs.iarc.fr/ENG/Monographs/vol77/mono77-11.pdf
http://monographs.iarc.fr/ENG/Monographs/vol99/mono99-15.pdf and
http://monographs.iarc.fr/ENG/Monographs/vol100F/mono100F-11.pdf

Amendment 12

Proposal for a directive
Recital 6

\textit{Text proposed by the Commission}

(6) Guides and good practice developed through initiatives such as the Social Dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it" (NEPSi) are valuable instruments to complement regulatory measures and in particular to support the

\textit{Amendment}

(6) Guides and good practice developed through initiatives such as the Social Dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it" (NEPSi) are valuable \textbf{and necessary} instruments to complement regulatory measures and in particular to support the effective implementation of
effective implementation of limit values.

limit values and should therefore be given serious consideration.

Amendment 13
Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The limit values set out in Annex III to Directive 2004/37/EC for vinyl chloride monomer and hardwood dusts should be revised in the light of more recent scientific data.

Amendment

(7) The limit values set out in Annex III to Directive 2004/37/EC for vinyl chloride monomer and hardwood dusts should be revised in the light of more recent scientific data and the distinction between hardwood and softwood dust should be removed as regards the limit value in Annex III to Directive 2004/37/EC as recommended by the Scientific Committee on Occupational Exposure Limits and the IARC, which concludes in its risk assessment for wood dust (SCOEL/SUM/102 final) that, in light of the available data and with a view to protecting workers’ health, it is not pertinent to distinguish between softwood and hardwood dusts.

Amendment 14
Proposal for a directive
Recital 8

Text proposed by the Commission

(8) 1,2-Epoxypropane meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen within the meaning of Directive 2004/37/EC. On the basis of the available information, including scientific and technical data, it is possible to identify a clear exposure level below which exposure to this carcinogen is not expected to lead to adverse effects. It is therefore appropriate to establish such a limit value for 1,2-

Amendment

(8) 1,2-Epoxypropane meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen within the meaning of Directive 2004/37/EC. On the basis of the available information, including scientific and technical data, it is possible to identify an exposure level below which exposure to this carcinogen is not expected to lead to adverse effects. It is therefore appropriate to establish such a limit value for 1,2-
Amendment 15

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) This amendment strengthens the protection of workers' health at their workplace.

Amendment

(18) This amendment strengthens the protection of workers' health and safety at their workplace subject to the amendments to Directive 2004/37/CE being properly transposed and implemented by the Member States and applied by undertakings and workers. Member States should ensure that labour inspectorates have sufficient financial and human resources to carry out their duties while helping undertakings, in particular small and medium-sized enterprises (SMEs), to comply with the new rules and should closely collaborate with the European Agency for Safety and Health at Work and dedicate sufficient financial resources to support a proper implementation of this Directive while avoiding any job losses.

Amendment 16

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

(19a) In its opinions, the Advisory Committee on Safety and Health at Work (ACSH) refers to a review period for Binding Occupational Exposure limits for several substances. It is suggested that the Binding Occupational Exposure limits on respirable crystalline silica and hardwood dusts be revised within three to five years, acrylamide and 1,3-butadiene within three years, and chromium VI within an adequate review period. The Commission should therefore ask the ACSH to submit
up-to-date opinions with regard to those substances.

Amendment 17
Proposal for a directive
Recital 19 b (new)

Text proposed by the Commission

(19b) In its opinion on refractory ceramic fibres, ACSH agreed that a Binding Occupational Exposure Limit is necessary but failed to reach a common position on a threshold. The Commission should therefore encourage the ACSH to submit an opinion on a Binding Occupational Exposure Limit for refractory ceramic fibres.

Amendment 18
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) This Directive respects the fundamental rights and principles enshrined in the Charter of Fundamental Rights of the European Union, in particular Article 2 (right to life) and Article 31(1) (right to fair and just working conditions with respect to workers’ health, safety and dignity) thereof.

Amendment 19
Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The limit values set in this Directive will be kept under review in the light of the implementation of Regulation (EC) No
1907/2006, in particular to take account of the interaction between limit values set out under Directive 2004/37/EC and DNELs (Derived No Effect Levels) derived for hazardous chemicals under that Regulation.

**Amendment 20**

**Proposal for a directive**

**Recital 22**

*Text proposed by the Commission*

(22) Since the objectives of this Directive, which are to improve living and working conditions and to protect the health of workers from the specific risks arising from exposure to carcinogens, cannot be sufficiently achieved by the Member States, but can be better achieved at EU level, the EU may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5(3) of the Treaty on European Union. In accordance with the principle of proportionality, as set out in Article 5(4) of the TEU, this Directive does not go beyond what is necessary in order to achieve those objectives.

**Amendment**

(22) Since the objectives of this Directive, which are to improve living and working conditions and to protect the health of workers from the specific risks arising from exposure to carcinogens, *mutagens and reprotoxic substances* cannot be sufficiently achieved by the Member States, but can be better achieved at EU level, the EU may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5(3) of the Treaty on European Union. In accordance with the principle of proportionality, as set out in Article 5(4) of the TEU, this Directive does not go beyond what is necessary in order to achieve those objectives.

**Amendment 21**

**Proposal for a directive**

**Recital 23**

*Text proposed by the Commission*

(23) Given that the present act concerns the workers' health at their workplace, the deadline for transposition should *be* two years.

**Amendment**

(23) Given that the present act concerns the protection of workers' health *and safety* at their workplace, the deadline for transposition should *not be later than* two years *from the date of entry into force of this Directive.*
Amendment 22

Proposal for a directive
Article 1 – paragraph 1 – point -1 (new)
Directive 2004/37/EC
Title

Present text  
Amendment

(-1) The title is replaced by the following:


Amendment 23

Proposal for a directive
Article 1 – paragraph 1 – point -1 a (new)
Directive 2004/37/EC
Article 1 – paragraph 1 – subparagraph 1

Present text  
Amendment

(-1a) In Article 1(1), subparagraph 1 is replaced by the following:

“This Directive has as its aim the protection of workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise from exposure to carcinogens or mutagens at work.

Amendment 24

Proposal for a directive
Article 1 – paragraph 1 – point -1 b (new)
Directive 2004/37/EC
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission  
Amendment

“...mutagens at work.”
(-1b) In Article 2, the following point is inserted:

(ba) 'reprotoxic substance' means a substance or mixture which meets the criteria for being classified as toxic to reproduction category 1A or 1B in Part 3 of Annex VI to Regulation (EC) No 1272/2008;

Amendment 25
Proposal for a directive
Article 1 – paragraph 1 – point -1 c (new)
Directive 2004/37/EC
Article 2 – paragraph 1 – point c

Present text

(c) ‘limit value’ means, unless otherwise specified, the limit of the time-weighted average of the concentration for a ‘carcinogen or mutagen’ in the air within the breathing zone of a worker in relation to a specified reference period as set out in Annex III to this Directive.

Amendment

(-1c) In Article 2, point (c) is replaced by the following:

“(c) ‘limit value’ means, unless otherwise specified, the limit of the time-weighted average of the concentration for a 'carcinogen, mutagen or reprotoxic substance' in the air within the breathing zone of a worker in relation to a specified reference period as set out in Annex III to this Directive.”

Amendment 26
Proposal for a directive
Article 1 – paragraph 1 – point -1 d (new)
Directive 2004/37/EC
Article 3 – paragraph 1

Present text

1. This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work.

Amendment

(-1d) In Article 3, paragraph 1 is replaced by the following:

“1. This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens, mutagens or reprotoxic substances as a result of their work.”
work.”

Amendment 27
Proposal for a directive
Article 1 – paragraph 1 – point -1 e (new)
Directive 2004/37/EC
Article 3 – paragraph 2 – subparagraph 1

Present Text

2. In the case of any activity likely to involve a risk of exposure to carcinogens or mutagens, the nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken.

Amendment

(-1e) In Article 3(2), the first subparagraph is replaced by the following:

“2. In the case of any activity likely to involve a risk of exposure to carcinogens, mutagens or reprotoxic substances, the nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken.”

Amendment 28
Proposal for a directive
Article 1 – paragraph 1 – point -1 f (new)
Directive 2004/37/EC
Article 3 – paragraph 2 – subparagraph 2

Present Text

The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens.

Amendment

(-1f) In Article 3(2), the second subparagraph is replaced by the following:

“The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens, mutagens or reprotoxic substances.”

Amendment 29
Proposal for a directive
Article 1 – paragraph 1 – point -1 g(new)
Directive 2004/37/EC
Article 3 – paragraph 4

Present Text

4. When the risk assessment is carried out, employers shall give particular attention to any effects concerning the health or safety of workers at particular risk and shall, inter alia, take account of the desirability of not employing such workers in areas where they may come into contact with carcinogens or mutagens.

Amendment

(-lg) In Article 3, paragraph 4 is replaced by the following:

“4. When the risk assessment is carried out, employers shall give particular attention to any effects concerning the health or safety of workers at particular risk and shall, inter alia, take account of the desirability of not employing such workers in areas where they may come into contact with carcinogens, mutagens or reprotoxic substances.”

Amendment 30

Proposal for a directive
Article 1 – paragraph 1 – point -1 h (new)

Present Text

1. The employer shall reduce the use of a carcinogen or mutagen at the place of work, in particular by replacing it, in so far as is technically possible, by a substance, preparation or process which, under its conditions of use, is not dangerous or is less dangerous to workers' health or safety, as the case may be.

Amendment

(-lh) In Article 4, paragraph 1 is replaced by the following:

“1. The employer shall reduce the use of a carcinogen, mutagen or reprotoxic substance at the place of work, in particular by replacing it, in so far as is technically possible, by a substance, mixture or process which, under its conditions of use, is not dangerous or is less dangerous to workers' health or safety, as the case may be.”

Amendment 31

Proposal for a directive
Article 1 – paragraph 1 – point -1 i (new)

Present Text


2. Where it is not technically possible to replace the carcinogen or mutagen by a substance, preparation or process which, under its conditions of use, is not dangerous or is less dangerous to health or safety, the employer shall ensure that the carcinogen or mutagen is, in so far as is technically possible, manufactured and used in a closed system.

Amendment 32
Proposal for a directive
Article 1 – paragraph 1 – point -1 j (new)
Directive 2004/37/EC
Article 5 – paragraph 4

Present Text

(-lj) In Article 5, paragraph 4 is replaced by the following:
“4. Exposure shall not exceed the limit value of a carcinogen as set out in Annex III.”

Amendment 33
Proposal for a directive
Article 1 – paragraph 1 – point -1 k (new)
Directive 2004/37/EC
Article 5 – introductory part

Present Text

(-lk) In Article 5(5), the introductory part is replaced by the following:
“5. Wherever a carcinogen or mutagen or reprotoxic substance is used, the employer shall apply all the following measures:”
Amendment 34

Proposal for a directive
Article 1 – paragraph 1 – point -1 l (new)
Directive 2004/37/EC
Article 5 – paragraph 5 – point a

Present Text

(a) limitation of the quantities of a carcinogen or mutagen at the place of work;

Amendment

(-l) In Article 5(5), point (a) is replaced by the following:
“(a) limitation of the quantities of a carcinogen, mutagen or reprotoxic substance at the place of work;”

Amendment 35

Proposal for a directive
Article 1 – paragraph 1 – point -1 m (new)
Directive 2004/37/EC
Article 5 – paragraph 5 – point c

Present Text

(c) design of work processes and engineering control measures so as to avoid or minimise the release of carcinogens or mutagens into the place of work;

Amendment

(-1m) In Article 5(5), point (c) is replaced by the following:
“(c) design of work processes and engineering control measures so as to avoid or minimise the release of carcinogens, mutagens or reprotoxic substances into the place of work;”

Amendment 36

Proposal for a directive
Article 1 – paragraph 1 – point -1 n (new)
Directive 2004/37/EC
Article 5 – paragraph 5 – point d

Present Text

(d) evacuation of carcinogens or

Amendment

(-1n) In Article 5(5), point (d) is replaced by the following:
“(d) evacuation of carcinogens, mutagens
mutagens at source, local extraction system or general ventilation, all such methods to be appropriate and compatible with the need to protect public health and the environment; or reprotoxic substances at source, local extraction system or general ventilation, all such methods to be appropriate and compatible with the need to protect public health and the environment;”

**Amendment 37**

**Proposal for a directive**

**Article 1 – paragraph 1 – point -1 o (new)**

**Directive 2004/37/EC**

**Article 5 – paragraph 5 –point e**

<table>
<thead>
<tr>
<th>Present Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) use of existing appropriate procedures for the measurement of carcinogens or mutagens, in particular for the early detection of abnormal exposures resulting from an unforeseeable event or an accident;</td>
<td>“(e) use of existing appropriate procedures for the measurement of carcinogens, mutagens or reprotoxic substances, in particular for the early detection of abnormal exposures resulting from an unforeseeable event or an accident;”</td>
</tr>
</tbody>
</table>

**Amendment 38**

**Proposal for a directive**

**Article 1 – paragraph 1 – point -1 p (new)**

**Directive 2004/37/EC**

**Article 5 – paragraph 5 – point j**

<table>
<thead>
<tr>
<th>Present Text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(j) demarcation of risk areas and use of adequate warning and safety signs including ‘no smoking’ signs in areas where workers are exposed or likely to be exposed to carcinogens or mutagens;</td>
<td>“(j) demarcation of risk areas and use of adequate warning and safety signs including 'no smoking' signs in areas where workers are exposed or likely to be exposed to carcinogens, mutagens or reprotoxic substances;”</td>
</tr>
</tbody>
</table>
Amendment 39
Proposal for a directive
Article 1 – paragraph 1 – point - 1 q (new)
Directive 2004/37/EC
Article 6 – paragraph 1 – point a

**Present Text**
(a) the activities and/or industrial processes carried out, including the reasons for which carcinogens or mutagens are used;

**Amendment**
(-1q) In Article 6, point (a) is replaced by the following:
“(a) the activities and/or industrial processes carried out, including the reasons for which carcinogens, mutagens or reprotoxic substances are used;”

Amendment 40
Proposal for a directive
Article 1 – paragraph 1 – point - 1 r (new)
Directive 2004/37/EC
Article 6 – paragraph 1 – point b

**Present Text**
(b) the quantities of substances or preparations manufactured or used which contain carcinogens or mutagens;

**Amendment**
(-1r) In Article 6, point (b) is replaced by the following:
“(b) the quantities of substances or mixtures manufactured or used which contain carcinogens, mutagens or reprotoxic substances;”

Amendment 41
Proposal for a directive
Article 1 – paragraph 1 – point -1 s (new)
Directive 2004/37/EC
Article 6 a (new)

**Text proposed by the Commission**

**Amendment**
(-1s) The following article is inserted:
“Article 6a
Information for the Commission
The Member States shall provide the
Commission with information referred to in Article 6 of this Directive as part of the implementation reports referred to in Article 17a of Directive 89/391/EEC.”

Amendment 42
Proposal for a directive
Article 1 – paragraph 1 – point -1 t (new)
Directive 2004/37/EC
Article 10 – paragraph 1 – introductory part

Present Text

1. Employers shall be obliged, in the case of all activities for which there is a risk of contamination by carcinogens or mutagens, to take appropriate measures to ensure that:

Amendment

(-It) In Article 10(1), the introductory part is replaced by the following:

“1. Employers shall be obliged, in the case of all activities for which there is a risk of contamination by carcinogens, mutagens or reprotoxic substances, to take appropriate measures to ensure that:”

Amendment 43
Proposal for a directive
Article 1 – paragraph 1 – point -1 u (new)
Directive 2004/37/EC
Article 10 – paragraph 1 – point a

Present Text

(a) workers do not eat, drink or smoke in working areas where there is a risk of contamination by carcinogens or mutagens;

Amendment

(-1u) In Article 10(1), point (a) is replaced by the following:

“(a) workers do not eat, drink or smoke in working areas where there is a risk of contamination by carcinogens, mutagens or reprotoxic substances;”

Amendment 44
Proposal for a directive
Article 1 – paragraph 1 – point -1 v (new)
Directive 2004/37/EC
Article 11 – paragraph 2
2. Employers shall inform workers of installations and related containers containing carcinogens or mutagens, ensure that all containers, packages and installations containing carcinogens or mutagens are labelled clearly and legibly, and display clearly visible warning and hazard signs.

Amendment 45

Proposal for a directive
Article 1 – paragraph 1 – point -1 w (new)
Directive 2004/37/EC
Article 14 – paragraph 1

Present text

Amendment

(-1w) In Article 14, paragraph 1 is replaced by the following:

“1. The Member States shall establish, in accordance with national laws or practice, arrangements for carrying out relevant life-long health surveillance of workers for whom the results of the assessment referred to in Article 3(2) reveal a risk to health or safety.”

Amendment 46

Proposal for a directive
Article 1 – paragraph 1 – point -1 x (new)
Directive 2004/37/EC
Article 14 – paragraph 2

Present text

Amendment

(-1x) In Article 14, paragraph 2 is replaced by the following:

“2. The arrangements referred to in
paragraph 1 shall be such that each worker shall be able to undergo, if appropriate, relevant health surveillance:

- prior to exposure,
- at regular intervals thereafter.

Those arrangements shall be such that it is directly possible to implement individual and occupational hygiene measures.

**Amendment 47**

Proposal for a directive
Article 1 – paragraph 1 – point -1 y (new)
Directive 2004/37/EC
Article 14 – paragraph 3

**Present Text**

3. If a worker is found to be suffering from an abnormality which is suspected to be the result of exposure to carcinogens or mutagens, the doctor or authority responsible for the health surveillance of workers may require other workers who have been similarly exposed to undergo health surveillance. In that event, a reassessment of the risk of exposure shall be carried out in accordance with Article 3(2).

**Amendment**

(-1y) In Article 14, paragraph 3 is replaced by the following:

“3. If a worker is found to be suffering from an abnormality which is suspected to be the result of exposure to carcinogens, mutagens or reprotoxic substances, the doctor or authority responsible for the health surveillance of workers may require other workers who have been similarly exposed to undergo health surveillance. In that event, a reassessment of the risk of exposure shall be carried out in accordance with Article 3(2).”

**Amendment 48**

Proposal for a directive
Article 1 – paragraph 1 – point -1 z (new)
Directive 2004/37/EC
Article 14 – paragraph 8

**Present Text**

(-1z) In Article 14, paragraph 8 is
8. All cases of cancer identified in accordance with national laws and/or practice as resulting from occupational exposure to a carcinogen or mutagen shall be notified to the competent authority.

replaced by the following:

“8. All cases of cancer identified in accordance with national laws and/or practice as resulting from occupational exposure to a carcinogen, mutagen or reprotoxic substance shall be notified to the competent authority.”

Amendment 49

Proposal for a directive
Article 1 – paragraph 1 – point -1 aa (new)
Directive 2004/37/EC
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1aa) In Article 15, the following paragraph is added:

“2a. The Member States shall provide the Commission with the information referred to in Article 14(8) of this Directive as part of the implementation reports referred to in Article 17a of Directive 89/391/EEC.”

Amendment 50

Proposal for a directive
Article 1 – paragraph 1 – point -1 ab (new)
Directive 2004/37/EC
Article 16 – paragraph 1

Present Text

Amendment

(-1ab) In Article 16, paragraph 1 is replaced by the following:

“1. The Council shall, in accordance with the procedure laid down in Article 137(2) of the Treaty, set out limit values in Directives on the basis of the available information, including scientific and technical data, in respect of all those carcinogens, mutagens or reprotoxic substances for which this is possible, and, where necessary, other directly related provisions.”
Amendment 51

Proposal for a directive
Article 1 – paragraph 1 – point -1 ac (new)
Directive 2004/37/EC
Article 17 – paragraph 2

Present Text

2. Purely technical adjustments to Annex II in the light of technical progress, changes in international regulations or specifications and new findings in the field of carcinogens or mutagens shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

Amendment (-1ac) In Article 17, paragraph 2 is replaced by the following:

“2. Purely technical adjustments to Annex II in the light of technical progress, changes in international regulations or specifications and new findings in the field of carcinogens, mutagens or reprotoxic substances shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.”

Amendment 52

Proposal for a directive
Article 1 – paragraph 1 – point 1 a(new)
Directive 2004/37/EC
Annex II – point 1

Present Text

1. The doctor and/or authority responsible for the health surveillance of workers exposed to carcinogens or mutagens must be familiar with the exposure conditions or circumstances of each worker.

Amendment (1a) In Annex II, point 1 is replaced by the following:

“1. The doctor and/or authority responsible for the health surveillance of workers exposed to carcinogens, mutagens or reprotoxic substances must be familiar with the exposure conditions or circumstances of each worker.”

Amendment 53

Proposal for a directive
Annex
Directive 2004/37/EC
Annex III – Part A
### Text proposed by the Commission

<table>
<thead>
<tr>
<th>CAS No</th>
<th>EC No</th>
<th>NAME OF AGENT</th>
<th>LIMIT VALUES</th>
<th>Notation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>mg/m(^3)</td>
<td>ppm ((^6))</td>
</tr>
<tr>
<td>71-43-2</td>
<td>200-753-7</td>
<td>Benzenes</td>
<td>3.25</td>
<td>1</td>
</tr>
<tr>
<td>75-01-4</td>
<td>200-831-0</td>
<td>Vinyl chloride monomer</td>
<td>2.6</td>
<td>1</td>
</tr>
<tr>
<td>75-21-8</td>
<td>200-849-9</td>
<td>Ethylene oxide</td>
<td>1.8</td>
<td>1</td>
</tr>
<tr>
<td>75-56-9</td>
<td>200-879-2</td>
<td>1,2-Epoxypropane</td>
<td>2.4</td>
<td>1</td>
</tr>
<tr>
<td>79-06-1</td>
<td>201-173-7</td>
<td>Acrylamide</td>
<td>0.1</td>
<td>–</td>
</tr>
<tr>
<td>79-46-9</td>
<td>201-209-1</td>
<td>2-Nitropropane</td>
<td>18</td>
<td>5</td>
</tr>
<tr>
<td>95-53-4</td>
<td>202-429-0</td>
<td>o-Toluidine</td>
<td>0.5</td>
<td>0.1</td>
</tr>
<tr>
<td>106-99-0</td>
<td>203-450-8</td>
<td>1,3-Butadiene</td>
<td>2.2</td>
<td>1</td>
</tr>
<tr>
<td>302-01-2</td>
<td>206-114-9</td>
<td>Hydrazine</td>
<td>0.013</td>
<td>0.01</td>
</tr>
<tr>
<td>593-60-2</td>
<td>209-800-6</td>
<td>Bromoethylene</td>
<td>4.4</td>
<td>1</td>
</tr>
</tbody>
</table>
1 CAS No: Chemical Abstract Service Registry Number.

2 EC No, i.e. EINECS, ELINCS or NLP, is the official number of the substance within the European Union, as defined in section 1.1.1.2 in Annex VI, Part 1, of Regulation (EC) No 1272/2008.

3 Measured or calculated in relation to a reference period of eight hours.

4 Substantial contribution to the total body burden via dermal exposure possible.

5 mg/m³ = milligrams per cubic metre of air at 20°C and 101,3 kPa (760 mm mercury pressure).

6 ppm = parts per million by volume in air (ml/m³).

7 f/ml = fibres per millilitre.

8 Inhalable fraction: *if hardwood dusts are mixed with other wood dusts, the limit value shall apply to all wood dusts present in that mixture.*

9 Respirable fraction.

---

### Amendment

<table>
<thead>
<tr>
<th>CAS No (¹)</th>
<th>EC No (²)</th>
<th>NAME OF AGENT</th>
<th>LIMIT VALUES (³)</th>
<th>Notation (⁴)</th>
</tr>
</thead>
<tbody>
<tr>
<td>–</td>
<td>–</td>
<td>Wood dusts</td>
<td>2 (⁸)</td>
<td></td>
</tr>
<tr>
<td>–</td>
<td>–</td>
<td>Chromium (VI) compounds which are carcinogens within the meaning of Article 2 (a) (i) of the Directive (as Chromium)</td>
<td>0,001</td>
<td>–</td>
</tr>
</tbody>
</table>

**Hardwood dusts:** 3 mg/m³ until XXXX (5 years after entry into force)  
**Softwood dusts:** 5 mg/m³ until XXXX (5 years after entry into force)
- - Refractory Ceramic Fibres which are carcinogens within the meaning of Article 2 (a) (i) of the Directive - - 0,3 -

- - Respirable Crystalline Silica Dust 0,05 (9) - - Transition value of 0,1 mg/m³ until XXXX (10 years after entry into force) - to be reviewed 5 years after entry into force

<table>
<thead>
<tr>
<th>CAS No</th>
<th>EC No</th>
<th>Substance</th>
<th>8h</th>
<th>CAC</th>
<th>Skin</th>
</tr>
</thead>
<tbody>
<tr>
<td>71-43-2</td>
<td>200-753-7</td>
<td>Benzene</td>
<td>3,25</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>75-01-4</td>
<td>200-831-0</td>
<td>Vinyl chloride monomer</td>
<td>2,6</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>75-21-8</td>
<td>200-849-9</td>
<td>Ethylene oxide</td>
<td>1,8</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>75-56-9</td>
<td>200-879-2</td>
<td>1,2-Epoxypropane</td>
<td>2,4</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>79-06-1</td>
<td>201-173-7</td>
<td>Acrylamide</td>
<td>0,1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>79-46-9</td>
<td>201-209-1</td>
<td>2-Nitropropane</td>
<td>18</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>95-53-4</td>
<td>202-429-0</td>
<td>o-Toluidine</td>
<td>0,5</td>
<td>0,1</td>
<td>-</td>
</tr>
<tr>
<td>106-99-0</td>
<td>203-450-8</td>
<td>1,3-Butadiene</td>
<td>2,2</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>302-01-2</td>
<td>206-114-9</td>
<td>Hydrazine</td>
<td>0,013</td>
<td>0,01</td>
<td>-</td>
</tr>
<tr>
<td>593-60-2</td>
<td>209-800-6</td>
<td>Bromoethylene</td>
<td>4,4</td>
<td>1</td>
<td>-</td>
</tr>
</tbody>
</table>
5 mg/m$^3$ = milligrams per cubic metre of air at 20°C and 101.3 kPa (760 mm mercury pressure).

6 ppm = parts per million by volume in air (ml/m$^3$).

7 f/ml = fibres per millilitre.

8 Inhalable fraction.

9 Respirable fraction.