



2016/0130(COD)

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AMENDMENTS

22 - 74

Draft opinion

Joëlle Mélin

(PE587.715v01-00)

Amendment to Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

Proposal for a directive

(COM(2016)0248 – C8-0181/2016 – 2016/0130(COD))

Amendment 22
Notis Marias

Proposal for a directive
Citation 4 a (new)

Text proposed by the Commission

Amendment

Having regard to the Protocol (No 1) of the Treaty on the Functioning of the European Union on the role of national parliaments in the European Union,

Or. el

Amendment 23
Notis Marias

Proposal for a directive
Citation 4 b (new)

Text proposed by the Commission

Amendment

Having regard to Protocol (No 2) of the Treaty on the Functioning of the European Union (TFEU) on the application of the principles of subsidiarity and proportionality,

Or. el

Amendment 24
Julie Girling

Proposal for a directive
Recital 1

Text proposed by the Commission

Amendment

(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

(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.

including limit values, on the basis of the available scientific and technical data ***and of suitable measurement techniques.***

Or. en

Amendment 25

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 ***or substances which may be toxic to reproduction*** at the workplace and lays down minimum requirements to that effect including limit values, on the basis of the available scientific and technical data.

Or. fr

Amendment 26

Notis Marias

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 ***should effectively aim*** 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.

Or. el

Amendment 27
Julie Girling

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The limit values are not the sole means by which to protect workers from the risks related to exposure to carcinogens and mutagens at work. Pursuant to Directive 2004/37/EC, the primary duty of an employer is to substitute the use of a carcinogen or mutagen in the workplace where this is technically possible, followed by an obligation to reduce exposure to as low a level as is technically possible.

Or. en

Justification

It should be noted that Directive 2004/37/EC includes a hierarchy of actions which should be taken by employers, which begins with substitution of carcinogens and mutagens, followed by a reduction of exposure as low as is technically possible. The application of the limit values should be seen only as a last resort, where all other actions have been exhausted or are not technically possible, rather than the sole means to protect worker safety.

Amendment 28
György Hölvényi

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Carcinogens, mutagens and reprotoxic substances differ significantly from the point of view of their characteristics, impact, the persons affected and the quantity of scientific data available.

Amendment 29
Margrete Auken

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) *As scientific knowledge and best practice are developing constantly, Directive 2004/37/EC should be revised regularly. The Commission should issue a report, every five years, on the implementation of Directive 2004/37/EC, to be accompanied, if appropriate, by a legislative proposal.*

Or. en

Justification

The Commission has been dragging its feet with regard to the amendment of this Directive for many years. There are many more substances that are not yet included on the lists, and science develops rapidly. Without prejudice to the need for a complementary proposal which is pending, a regular review of the Directive needs to take place at least every five years to ensure that EU law is up-to-date and comprehensive with regard to workers' protection against CMR substances, and to avoid undue delays in the future.

Amendment 30
Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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) The limit values should be revised when necessary in the light of scientific data. *The limit values should be revised systematically every two years in the light of modern, updated scientific data.*

Amendment 31

Julie Girling

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) The limit values should be revised *to take into account new scientific and technical data, and new developments in controlling workplace exposure*.

Or. en

Amendment 32

Angel Dzhambazki

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) The limit values should be revised when necessary in the light of scientific *and technical* data.

Or. en

Amendment 33

Margrete Auken

Proposal for a directive

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Union law on chemicals, such as Regulation (EC) No 1907/2006 of the European Parliament and of the Council^{1a} is addressing substances that

are toxic to reproduction in the same way as carcinogens or mutagens. Many workers are exposed to such substances at their workplace. It is necessary to align the scope of this Directive with that of Regulation (EC) No 1907/2006 to ensure that workers are not only protected against exposure to carcinogens or mutagens, but also to substances that are toxic to reproduction.

^{1a} Regulation (EC) No 1907/2006 of the European Parliament and of the Council 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) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p.1).

Or. en

Justification

It is no longer appropriate to limit the scope of this Directive to carcinogens and mutagens only. In its Resolution on the EU Strategic Framework on Health and Safety at Work 2014-2020 of 25 November 2015, the European Parliament highlighted the importance of protecting workers against exposure to carcinogens, mutagens AND substances that are toxic to reproduction. Thus, the opportunity of this review needs to be seized to add substances that are toxic to reproduction to the scope of the Directive, as also called for by the European trade unions.

Amendment 34

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) *It should be borne in mind, nonetheless, that limit values protect workers only very partially; exposure times, both daily and over a career, even at very low rates, remain a preponderant factor.*

Or. fr

Amendment 35
Julie Girling

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) *Where a limit value has been established for a carcinogen or mutagen, workers' exposure should be reduced so far as is technically possible below that value, in accordance with Article 5 of Directive 2004/37/EC.*

Or. en

Amendment 36
Margrete Auken

Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) *It is necessary to amend Directive 2004/37/EC in order to address the lack of transparency relating to the risk of disease arising from carcinogens, mutagens and reproductive toxicants. The risk level for the occupational exposure limit of each substance and the date of the last estimate should therefore be indicated*

*in the table in Annex III to Directive
2004/37/EC.*

Or. en

Justification

It is important that the Directive spells out the risk level associated with the limit values set to make the level of protection transparent. This information should be dated.

Amendment 37

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) It should also be borne in mind that the best protection, other than substitution, is still the equipment and training of workers.

Or. fr

Amendment 38

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 3

Text proposed by the Commission

Amendment

(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.

(3) For some carcinogens, mutagens *or substances which may be toxic to reproduction*, 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, *and therefore to revise the exposure times and the protection equipment in the light of the minimum limit value indicated for each substance, where substitution is not possible.*

Amendment 39
Aldo Patriciello

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

Or. it

Amendment 40
Notis Marias

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 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.

Or. el

Amendment 41
György Hölvényi

Proposal for a directive
Recital 3 a (new)

(3a) *Protecting workers is also an important issue, and in the case of certain substances regulation must take into account the gender of the worker and, in the case of women, their age (reproductive age) and physiological condition (pregnancy, breastfeeding). Protection against reprotoxic substances requires a more comprehensive approach than protection against carcinogens. In the case of reprotoxic substances, it is also very important to set appropriate limits on occupational exposure. In the case of most reprotoxic substances, an exposure level (health-based limit value) can be established below which no harm is to be expected, but not for example in the case of endocrine disrupters. It may be justified to set two limit values for some substances (for women of reproductive age and for other workers). In the case of reprotoxic substances, far less human epidemiological data is currently available than in the case of carcinogens, but knowledge is likely to increase because interest has increasingly been focused on these substances.*

Or. hu

Amendment 42

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 3 a (new)

(3a) *It should be borne in mind that the dermal route is a major penetration pathway, which must de facto rule out the possibility of pregnant women manipulating carcinogens, mutagens and/or substances which may be toxic to*

reproduction.

Or. fr

Amendment 43
György Hölvényi

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) *Reprotoxic substances which are simultaneously carcinogens/mutagens at all events fall under Directive 2004/37/EC, and only binding occupational exposure limit values (BOELVs) are possible for them.*

Or. hu

Amendment 44
Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Recital 4

Text proposed by the Commission

Amendment

(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, to be set at EU level pursuant to Council Directive 98/24/EC⁴⁷ 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^{48 49}.

(4) The Scientific Committee on Occupational Exposure Limits (‘the Committee’), ***comprising independent international experts from multiple sources***, 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, to be set at EU level pursuant to Council Directive 98/24/EC⁴⁷ 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^{48 49}.

⁴⁷ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 05.05.1998, p. 11).

48

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

49

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

⁴⁷ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 05.05.1998, p. 11).

48

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

49

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

Or. fr

Amendment 45 Notis Marias

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, to be set at EU level pursuant to Council Directive 98/24/EC⁴⁷ 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,

Amendment

(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, to be set at EU level pursuant to Council Directive 98/24/EC⁴⁷ and Directive 2004/37/EC. **Regarding** the chemical agents o-toluidine and 2-nitropropane, there were no Committee recommendations available and other

adequately robust and in the public domain, were considered^{48 49}.

sources of scientific information, adequately robust and in the public domain, were considered^{48 49}.

⁴⁷ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 05.05.1998, p. 11).

⁴⁷ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 05.05.1998, p. 11).

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>

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>

49

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

49

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

Or. el

Amendment 46 **Margrete Auken**

Proposal for a directive **Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) The Commission should be assisted in evaluating the latest scientific data and in proposing occupational exposure limits for the protection of workers from chemical risks by the Committee for Risk Assessment established pursuant to Article 76(1)(c) of Regulation (EC) No 1907/2006. The Commission should propose extending the mandate of that committee accordingly.

Justification

The Risk Assessment Committee (RAC) pursuant to REACH deals with the classification of CMR substances. To ensure better efficiency and coherence, it is more appropriate to request RAC rather than SCOEL to provide scientific support to the Commission with regard to the setting of occupational exposure limit values.

Amendment 47

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) There is sufficient evidence of the carcinogenicity of respirable crystalline silica dust. On the basis of available information, including scientific and technical data, a limit value for respirable crystalline silica dust should be established. Respirable crystalline silica dust generated by a work process is not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁰. It is therefore appropriate to include work involving exposure to respirable crystalline silica dust generated by a work process in Annex I to Directive 2004/37/EC and to establish a limit value for respirable crystalline silica dust ('respirable fraction')

⁵⁰ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of

Amendment

(5) There is sufficient evidence of the carcinogenicity of respirable crystalline silica dust. On the basis of available information, including scientific and technical data, a limit value for respirable crystalline silica dust should be established. Respirable crystalline silica dust generated by a work process, ***with the exception of processes covered by the social dialogue on Workers' Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it^{49a}***, is not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁰. It is therefore appropriate to include work involving exposure to respirable crystalline silica dust generated by a work process in Annex I to Directive 2004/37/EC and to establish a limit value for respirable crystalline silica dust ('respirable fraction'), ***with a range of values from 0.1mg/m³ for quartz silica to 0.05mg/m³ for cristobalite.***

^{49 a} ***OJ C279, 17.11.2006, p.2-8***

⁵⁰ 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 (OJ L 353, 31.12.2008, p. 1).

16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

Or. fr

Amendment 48

Notis Marias

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) There is sufficient evidence of the carcinogenicity of respirable crystalline silica dust. On the basis of available information, including scientific and technical data, a limit value for respirable crystalline silica dust should be established. Respirable crystalline silica dust generated by a work process is not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁰. It is therefore *appropriate* to include work involving exposure to respirable crystalline silica dust generated by a work process in Annex I to Directive 2004/37/EC and to establish a limit value for respirable crystalline silica dust ('respirable fraction')

⁵⁰ 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 (OJ L 353, 31.12.2008, p. 1).

Amendment

(5) There is sufficient evidence of the carcinogenicity of respirable crystalline silica dust. On the basis of available information, including scientific and technical data, a limit value for respirable crystalline silica dust should be established. Respirable crystalline silica dust generated by a work process is not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁰. It is therefore *necessary* to include work involving exposure to respirable crystalline silica dust generated by a work process in Annex I to Directive 2004/37/EC and to establish a limit value for respirable crystalline silica dust ('respirable fraction')

⁵⁰ 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 (OJ L 353, 31.12.2008, p. 1).

Or. el

Amendment 49

Margrete Auken, Michèle Rivasi, Karima Delli

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) There is sufficient evidence of the carcinogenicity of diesel engine exhaust emissions. On the basis of available information, including scientific and technical data, a limit value for diesel engine exhaust emissions should be established. Diesel engine exhaust emissions generated by a work process are not subject to classification in accordance with Regulation (EC) No 1272/2008. It is therefore appropriate to include work involving exposure to diesel engine exhaust emissions generated by a work process in Annex I to Directive 2004/37/EC and to establish a limit value for diesel engine exhaust emissions.

Or. en

Justification

Diesel engine exhaust emissions are complex and inhomogeneous mixtures of gases, aerosols and particles resulting from the combustion of diesel fuel. There is sufficient evidence of the carcinogenicity of diesel engine exhaust emissions (DEEE). According to a study by RIVM based on 6 databases, DEEE rank amongst the top 5 most prevalent process-related carcinogens. They should therefore be addressed in this Directive.

Amendment 50

Joëlle Mélin, Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Recital 6

Text proposed by the Commission

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

(6) Guides and good practice developed through initiatives ***by or peculiar to each Member State***, such as the Social Dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline

valuable instruments to complement regulatory measures and in particular to support the effective implementation of limit values.

Silica and Products Containing it" (NEPSi), are valuable **and necessary** instruments to complement regulatory measures and in particular to support the effective implementation of limit values.

Or. fr

Amendment 51 **Notis Marias**

Proposal for a directive **Recital 6**

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 effective implementation of limit values.

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 instruments to complement regulatory measures and in particular to support the effective implementation of limit values **and should therefore be given serious consideration**.

Or. el

Amendment 52 **Margrete Auken**

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. **According to the International Agency for Research on Cancer, excesses of sinonasal cancer were observed among workers primarily**

exposed to softwood in case-control studies carried out in several countries. The limit value should therefore be revised to apply to all wood dusts.

Or. en

Amendment 53
Marijana Petir

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, ***and softwood dust included***, in the light of more recent scientific data ***and of the practice of laying down limit values for softwood in individual Member States***.

Or. hr

Amendment 54
Notis Marias

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

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 a clear exposure level below which exposure to this carcinogen is not expected to lead to adverse effects. It is therefore ***necessary*** to establish such a

limit value for 1,2-epoxypropane .

limit value for 1,2-epoxypropane .

Or. el

Amendment 55

Notis Marias

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) 1,3-Butadiene meets the criteria for classification as carcinogenic (category 1A) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen within the meaning of Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore **appropriate** to establish a limit value for 1,3-butadiene .

Amendment

(9) 1,3-Butadiene meets the criteria for classification as carcinogenic (category 1A) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen within the meaning of Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore **necessary** to establish a limit value for 1,3-butadiene .

Or. el

Amendment 56

Notis Marias

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Nitropropane 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore **appropriate** to establish a limit value for 2-nitropropane.

Amendment

(10) Nitropropane 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore **necessary** to establish a limit value for 2-nitropropane.

Amendment 57**Notis Marias****Proposal for a directive****Recital 11***Text proposed by the Commission*

(11) Acrylamide 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. It is possible, on the basis of the available information, including scientific and technical data, to set a limit value for acrylamide. The Committee identified for acrylamide the possibility of significant uptake through the skin. It is therefore *appropriate* to establish a limit value for acrylamide and to assign to it a notation indicating the possibility of significant dermal uptake.

Amendment

(11) Acrylamide 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. It is possible, on the basis of the available information, including scientific and technical data, to set a limit value for acrylamide. The Committee identified for acrylamide the possibility of significant uptake through the skin. It is therefore *imperative* to establish a limit value for acrylamide and to assign to it a notation indicating the possibility of significant dermal uptake.

Or. el

Amendment 58**Notis Marias****Proposal for a directive****Recital 12***Text proposed by the Commission*

(12) Certain chromium (VI) compounds meet the criteria for classification as carcinogenic category 1A or 1B in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens within the meaning of Directive 2004/37/EC. It is possible, on the basis of the available information, including scientific and technical data, to set out a

Amendment

(12) Certain chromium (VI) compounds meet the criteria for classification as carcinogenic category 1A or 1B in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens within the meaning of Directive 2004/37/EC. It is possible, on the basis of the available information, including scientific and technical data, to set out a

limit value for these chromium VI compounds. It is therefore *appropriate* to establish a limit value for chromium (VI) compounds that are carcinogens within the meaning of Directive 2004/37/EC.

limit value for these chromium VI compounds. It is therefore *imperative* to establish a limit value for chromium (VI) compounds that are carcinogens within the meaning of Directive 2004/37/EC.

Or. el

Amendment 59

Notis Marias

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Ethylene oxide 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. The Committee identified for ethylene oxide the possibility of significant uptake through the skin. It is therefore *appropriate* to establish a limit value for ethylene oxide and to assign to it a notation indicating the possibility of significant dermal uptake.

Amendment

(13) Ethylene oxide 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. The Committee identified for ethylene oxide the possibility of significant uptake through the skin. It is therefore *necessary* to establish a limit value for ethylene oxide and to assign to it a notation indicating the possibility of significant dermal uptake.

Or. el

Amendment 60

Notis Marias

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) o-Toluidine meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC)

Amendment

(14) o-Toluidine 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore *appropriate* to establish a limit value for o-toluidine.

No 1272/2008 and therefore is a carcinogen within the meaning of Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore *necessary* to establish a limit value for o-toluidine.

Or. el

Amendment 61 **Notis Marias**

Proposal for a directive **Recital 15**

Text proposed by the Commission

(15) Certain refractory ceramic fibres meet the criteria for classification as carcinogenic category 1B in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens within the meaning of Directive 2004/37/EC. It is possible, on the basis of the available information, including scientific and technical data, to set a limit value for the refractory ceramic fibres which are carcinogens within the meaning of Directive 2004/37/EC. It is therefore *appropriate* to establish a limit value for these refractory ceramic fibres.

Amendment

(15) Certain refractory ceramic fibres meet the criteria for classification as carcinogenic category 1B in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens within the meaning of Directive 2004/37/EC. It is possible, on the basis of the available information, including scientific and technical data, to set a limit value for the refractory ceramic fibres which are carcinogens within the meaning of Directive 2004/37/EC. It is therefore *urgently necessary* to establish a limit value for these refractory ceramic fibres.

Or. el

Amendment 62 **Notis Marias**

Proposal for a directive **Recital 16**

Text proposed by the Commission

(16) Bromoethylene meets the criteria for classification as carcinogenic (category

Amendment

(16) Bromoethylene 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore *appropriate* to establish a limit value for bromoethylene.

1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen within the meaning of Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for this carcinogen. It is therefore *urgently necessary* to establish a limit value for bromoethylene.

Or. el

Amendment 63 **Notis Marias**

Proposal for a directive **Recital 17**

Text proposed by the Commission

(17) Hydrazine 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for hydrazine. The Committee identified for this carcinogen the possibility of significant uptake through the skin. It is therefore *appropriate* to establish a limit value for hydrazine and to assign to it a notation indicating the possibility of significant dermal uptake.

Amendment

(17) Hydrazine 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. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for hydrazine. The Committee identified for this carcinogen the possibility of significant uptake through the skin. It is therefore *necessary* to establish a limit value for hydrazine and to assign to it a notation indicating the possibility of significant dermal uptake.

Or. el

Amendment 64 **Angel Dzhambazki**

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 at their workplace ***by adapting their work environment to the best health standards according to scientific data, including the eliminating carcinogens and mutagens from materials used in the construction of the workplace.***

Or. en

Amendment 65
Angel Dzhambazki

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) The Commission consulted the Advisory Committee on Safety and Health at Work, set up by Council Decision of 22 July 2003. It also carried out a two-stage consultation of the European social partners in accordance with Article 154 of the TFEU.

Amendment

(19) The Commission consulted the Advisory Committee on Safety and Health at Work (***ACSH***), set up by Council Decision of 22 July 2003. It also carried out a two-stage consultation of the European social partners in accordance with Article 154 of the TFEU, ***where the social partners and the Member States have given their opinion on the current limit values.***

Or. en

Amendment 66
Notis Marias

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

Amendment

(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.

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 *so as to protect workers effectively*.

Or. el

Amendment 67
György Hölvényi

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Calls upon the Commission to submit a proposal for the adoption of a special directive on defending workers against reprotoxic substances, which should also contain indicative occupational exposure limit values (IOELVs).

Or. hu

Amendment 68
Notis Marias

Proposal for a directive
Recital 22

Text proposed by the Commission

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, 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

(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 *fully* achieved by the Member States, but can be better achieved at EU level, the EU *must* adopt *immediate* measures, in accordance with the principle

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.

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.

Or. el

Amendment 69
Angel Dzhambazki

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) For businesses, this Directive aims to reduce costs caused by occupational cancer in terms of productivity. For workers and their families, it aims to help avoid health care costs, lost earnings, and other costs for person affected and for carers and to further improve legal protection for exposed workers. For Member States, it aims to reduce healthcare costs related to treatment and rehabilitation.

Or. en

Amendment 70
Margrete Auken

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

Present text

Amendment

Directive 2004/37/EC of the European Parliament and of the Council of 29 April

-1 The title is replaced by the following:

"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 or mutagens at work (*Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC*)

2004 on the protection of workers from the risks related to exposure to carcinogens, mutagens *or reproductive toxicants* at work"

(This amendment applies throughout the whole text. If adopted, all provisions in Directive 2004/13 related to "carcinogens or mutagens" need to be complemented by a provision related to reproductive toxicants.)

Or. en

Justification

EU chemical legislation such as the REACH is addressing substances that are toxic to reproduction in the same way as carcinogens or mutagens. A significant amount of workers is exposed to reproductive toxicants. It is necessary to align the scope of this Directive with that of the REACH Regulation to ensure that workers are not only protected against exposure to carcinogens or mutagens, but also to substances that are reproductive toxicants.

Amendment 71 **Margrete Auken**

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

Text proposed by the Commission

Amendment

-1a *In Article 2, the following point is added:*

"(ca) 'reproductive toxicant' means a substance which meets the criteria for classification as a category IA or category IB reproductive toxicant set out in Annex I to Regulation (EC) No 1272/2008".

Or. en

Justification

Introduction of the definition of reproductive toxicant from the CLP Regulation in analogy to

the definitions applicable for carcinogens and mutagens.

Amendment 72
Margrete Auken

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

Text proposed by the Commission

Amendment

-1b *The following article is inserted:*

"Article 17a

Reproductive toxicants

By ... [one year after the date of entry into force of the amending Directive], the Commission shall, after consulting the Member States and the social partners, review the provisions of this Directive and propose any amendments necessary to take into account the inclusion of reproductive toxicants in the scope of this Directive, including the setting of limit values."

Or. en

Justification

The extension of the scope of the Directive to reproductive substances is necessary, but not sufficient. The Commission needs to be mandated to review the Directive accordingly and to come up with proposals for limit values for such substances.

Amendment 73
Margrete Auken

Proposal for a directive
Article 1 – paragraph 1 – point -1 c (new)
Directive 2004/37/EC
Article 19a (new)

Text proposed by the Commission

Amendment

-1c *The following Article is inserted:*

"Article 19a

Review

By ... [five years after the date of entry into force of the amending Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive, accompanied, if appropriate, by a legislative proposal revising this Directive, including a revision of the Annexes."

Or. en

Justification

The Commission has been dragging its feet with regard to the amendment of this Directive for many years, in particular with regard to the setting of limit values for certain carcinogens. There are many more substances that are not yet included on the lists, and science develops rapidly. Without prejudice to the need for a complementary proposal now, a regular review of the Directive needs to take place at least every five years to ensure that EU law is up-to-date and comprehensive with regard to workers' protection against CMR substances, and to avoid undue delays in the future.

Amendment 74

Margrete Auken, Michèle Rivasi, Karima Delli

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2004/37/EC

Annex I – point 6 a (new)

Text proposed by the Commission

Amendment

6a. *Work involving exposure to diesel engine exhaust emissions (irrespective of diesel engine types).*

Or. en

Justification

Diesel engine exhaust emissions are complex and inhomogeneous mixtures of gases, aerosols and particles resulting from the combustion of diesel fuel. There is sufficient evidence of the carcinogenicity of diesel engine exhaust emissions (DEEE). According to a Dutch study based on 6 databases, they rank amongst the top 5 most prevalent process-related carcinogens. An entry for DEEE covering all types of diesel engines is therefore needed in Annex I to bring DEEE into the scope of the Directive.