



2018/0081(COD)

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AMENDMENTS

13 - 38

Draft opinion

Jiří Maštálka

(PE625.394v01-00)

on amending 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(2018)0171 – C8-0130/2018 – 2018/0081(COD))

Amendment 13
Daniel Buda

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) **Principle 10** of the European Pillar of Social Rights⁴³, proclaimed at Gothenburg on 17 November 2017, provides that every worker has the right to healthy, safe and well-adapted work environment. The right to a high level of protection of the health and safety at work, as well as to a working environment adapted to the professional needs of workers and which enables them to prolong their participation in the labour market includes also protection from carcinogens and mutagens at the workplace.

⁴³ European Pillar of Social Rights, November 2017, https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en

Amendment

(1) **One of the top social policy objectives of the European Union is to avoid social fragmentation and social dumping in Europe through renewed convergence towards better living and working conditions in the Union. It is also one of the objectives** of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, **of which Principle 10** provides that every worker has the right to healthy, safe and well-adapted work environment. The right to a high level of protection of the health and safety at work, as well as to a working environment adapted to the professional needs of workers and which enables them to prolong their participation in the labour market includes also protection from carcinogens and mutagens at the workplace.

⁴³ European Pillar of Social Rights, November 2017, https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en

Or. ro

Amendment 14
Daniel Buda

Proposal for a directive
Recital 1 a (new)

(1a) In order to achieve a European social triple A, the EU is seeking to ensure the effective prevention of serious workplace accidents and occupational diseases and improve the health of workers throughout their entire working life. Measures to achieve these objectives will ensure compliance with the provisions of the Charter of Fundamental Rights of the European Union, in particular those regarding the right to life and the right to fair and just working conditions, while at the same time improving productivity and competitiveness at EU level.

Or. ro

Amendment 15
Răzvan Popa

Proposal for a directive
Recital 2

(2) Directive 2004/37/EC of the European Parliament and of the Council⁴⁴ aims to protect workers against risks ***to their health and safety*** from exposure to carcinogens or mutagens at the workplace. A consistent level of protection from the risks related to carcinogens and mutagens is provided for in Directive 2004/37/EC by a framework of general principles to enable Member States to ensure the consistent application of the minimum requirements. Binding occupational exposure limit values established on the basis of available information, including scientific and technical data, economic feasibility, a thorough assessment of the socioeconomic impact and availability of exposure measurement protocols and techniques at

(2) Directive 2004/37/EC of the European Parliament and of the Council aims to ***introduce more effective health measures in every area of activity*** to protect workers against risks from exposure to carcinogens or mutagens at the workplace. A consistent level of protection from the risks related to carcinogens and mutagens is provided for in Directive 2004/37/EC by a framework of general principles to enable Member States to ensure the consistent application of the minimum requirements. Binding occupational exposure limit values established on the basis of available information, including scientific and technical data, economic feasibility, a thorough assessment of the socioeconomic

the workplace, are important components of the general arrangements for the protection of workers established by Directive 2004/37/EC. The minimum requirements provided for in Directive 2004/37/EC aim to protect workers at Union level. More stringent binding occupational exposure limit values can be set by Member States.

impact and availability of exposure measurement protocols and techniques at the workplace, are important components of the general arrangements for the protection of workers established by Directive 2004/37/EC, ***which must be regularly verified and updated in line with constantly changing situations and the most recent scientific studies.*** The minimum requirements provided for in Directive 2004/37/EC aim to protect workers at Union level. More stringent binding occupational exposure limit values can be set by Member States.

⁴⁴ 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) (OJ L 158, 30.4.2004, p. 50).

⁴⁴ 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) (OJ L 158, 30.4.2004, p. 50).

Or. ro

Amendment 16 **Răzvan Popa**

Proposal for a directive **Recital 3 a (new)**

Text proposed by the Commission

Amendment

(3a) Limit values will be verified and, as appropriate, updated periodically in line with the latest scientific studies.

Or. ro

Amendment 17 **Francis Zammit Dimech**

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) For most carcinogens and mutagens, it is not scientifically possible to identify levels below which exposure would not lead to adverse effects. While setting the limit values at the workplace in relation to carcinogens and mutagens pursuant to Directive 2004/37/EC does not completely eliminate risks to the health and safety of workers arising from exposure at work (residual risk), it nonetheless contributes to a significant reduction of risks arising from such exposure in the stepwise and goal-setting approach pursuant to Directive 2004/37/EC. For other carcinogens and mutagens, it may be scientifically possible to identify levels below which exposure is not expected to lead to adverse effects.

Amendment

(4) For most carcinogens and mutagens, it is not scientifically possible to identify levels below which exposure would not lead to adverse effects. While setting the limit values at the workplace in relation to carcinogens and mutagens pursuant to Directive 2004/37/EC does not completely eliminate risks to the health and safety of workers arising from exposure at work (residual risk), it nonetheless contributes to a significant reduction of risks arising from such exposure in the stepwise and goal-setting approach pursuant to Directive 2004/37/EC. For other carcinogens and mutagens, it may be scientifically possible to identify levels below which exposure is not expected to lead to adverse effects. ***For this purpose it is necessary to engage in further research to determine with the input of the scientific community, such levels with utmost urgency.***

Or. en

Amendment 18
Răzvan Popa

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) For most carcinogens and mutagens, it is not scientifically possible to identify levels below which exposure would not lead to adverse effects. While setting the limit values at the workplace in relation to carcinogens and mutagens pursuant to Directive 2004/37/EC does not completely eliminate risks to the health and safety of workers arising from exposure at

Amendment

(4) For most carcinogens and mutagens, it is not scientifically possible to identify levels below which exposure would not lead to adverse effects. While setting the limit values at the workplace in relation to carcinogens and mutagens pursuant to Directive 2004/37/EC does not completely eliminate risks to the health and safety of workers arising from exposure at

work (residual risk), it nonetheless contributes to a significant reduction of risks arising from such exposure in the stepwise and goal-setting approach pursuant to Directive 2004/37/EC. ***For other carcinogens and mutagens, it may be scientifically possible to identify levels below which exposure is not expected to lead to adverse effects.***

work (residual risk), it nonetheless contributes to a significant reduction of risks arising from such exposure in the stepwise and goal-setting approach pursuant to Directive 2004/37/EC.

Or. ro

Amendment 19

Daniel Buda

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) ***This Directive strengthens the protection of workers' health and safety at their workplace.*** New limit values should be set out in Directive 2004/37/EC in the light of available information, including new scientific and technical data and evidence-based best practices, techniques and protocols for exposure level measurement at the workplace. That information should, if possible, include data on residual risks to the health of workers, recommendations of the Scientific Committee on Occupational Exposure Limits (SCOEL) and opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), as well as opinions of the Advisory Committee on Safety and Health at Work (ACSH). Information related to residual risk, made publicly available at Union level, is valuable for any future work to limit risks from occupational exposure to carcinogens and mutagens. Transparency of such information should be further encouraged.

Amendment

(6) ***The level of protection laid down by Directive 2004/37/EC is constantly monitored and subject to regular reviews and updates, revealing the need for amendments to improve health and safety at the workplace.*** New limit values should ***accordingly*** be set out in Directive 2004/37/EC in the light of available information, including new scientific and technical data and evidence-based best practices, techniques and protocols for exposure level measurement at the workplace. That information should, if possible, include data on residual risks to the health of workers, recommendations of the Scientific Committee on Occupational Exposure Limits (SCOEL) and opinions of the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA), as well as opinions of the Advisory Committee on Safety and Health at Work (ACSH). Information related to residual risk, made publicly available at Union level, is valuable for any future work to limit risks from occupational exposure to carcinogens and mutagens. ***Measures to guarantee the*** transparency of

such information should be further encouraged.

Or. ro

Amendment 20
Daniel Buda

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) It is also necessary to consider other absorption pathways than inhalation of all carcinogens and mutagens, including the possibility of uptake through the skin, in order to ensure the best possible level of protection. Amendments to Annex III to Directive 2004/37/EC provided for in this Directive constitute a further step in a longer term process initiated to update Directive 2004/37/EC.

Amendment

(7) It is also necessary, ***in the light of scientific data***, to consider other absorption pathways than inhalation of all carcinogens and mutagens, including ***observations regarding*** the possibility of uptake through the skin ***or greater sensitivity of the skin or respiratory tracts*** in order to ensure the best possible level of protection. Amendments to Annex III to Directive 2004/37/EC provided for in this Directive constitute a further step in a longer term process initiated to update Directive 2004/37/EC.

Or. ro

Amendment 21
Daniel Buda

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

(9a) It is anticipated that setting EU limits for exposure to carcinogens and mutagens at the workplace will contribute effectively to the prevention of significant health problems and cancer and, in addition, improve the quality of life and well-being of workers and those in their immediate circle, prolonging working life,

Amendment

leading to increased productivity and competitiveness in the EU and helping to ensure a level playing field for businesses in the EU.

Or. ro

Amendment 22
Răzvan Popa

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) With regard to cadmium, a limit value of 0,001 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *seven* years should therefore be introduced during which the limit value 0,004 mg/m³ should apply.

Amendment

(12) With regard to cadmium, a limit value of 0,001 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *five* years should therefore be introduced during which the limit value of 0,004 mg/m³ should apply.

Or. ro

Amendment 23
Max Andersson
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) With regard to cadmium, a limit value of 0,001 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *seven* years should therefore be introduced during which the limit value 0,004 mg/m³ should apply.

Amendment

(12) With regard to cadmium, a limit value of 0,001 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *five* years should therefore be introduced during which the limit value 0,004 mg/m³ should apply.

Or. en

Amendment 24
Max Andersson
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) With regard to beryllium, a limit value of 0,0002 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *five* years should therefore be introduced during which the limit value of 0,0006 mg/m³ should apply.

Amendment

(14) With regard to beryllium, a limit value of 0,0002 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *four* years should therefore be introduced during which the limit value of 0,0006 mg/m³ should apply.

Or. en

Amendment 25
Răzvan Popa

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) With regard to beryllium, a limit value of 0,0002 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *five* years should therefore be introduced during which the limit value of 0,0006 mg/m³ should apply.

Amendment

(14) With regard to beryllium, a limit value of 0,0002 mg/m³ may be difficult to be complied with in some sectors in the short term. A transitional period of *three* years should therefore be introduced during which the limit value of 0,0006 mg/m³ should apply.

Or. ro

Amendment 26
Max Andersson
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 18 a (new)

(18a) There is sufficient evidence of the carcinogenicity of diesel engine exhaust emissions. Diesel engine exhaust has been classified by the International Agency for Research on Cancer as carcinogenic (Group 1) to humans in 2012, based on sufficient evidence that exposure is associated with an increased risk for lung cancer. New diesel engine technology has changed the quality and quantity of diesel emissions and the associated cancer risks have been reduced but not eliminated. Due to the long transition time to switch from old to new diesel technology, a concomitant exposure to exhaust emissions from old and new diesel engines is expected to occur at work for the many years to come. Diesel engine exhaust emissions are process-generated and consequently they are not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council. On the basis of available information, including scientific and technical data, a limit value for diesel engine exhaust emissions should be established. It is therefore appropriate to include work involving exposure to diesel engine exhaust emissions in Annex I and to establish a limit value for diesel engine exhaust emissions in Annex III to Directive 2004/37/EC. The entries in Annex I and Annex III to that Directive should cover fumes from all types of diesel engine and are thus irrespective of whether the exhaust emissions are from old or new diesel engines. Elemental carbon is known as the relevant marker of exposure to diesel engine exhaust emissions.

Or. en

Amendment 27
Max Andersson
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures meet the criteria for classification as carcinogenic in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. Exposure to such mixtures may occur during work involving burning processes, such as from combustion engine exhaust, and high temperature combustion processes, among others. The existing entry 2 in Annex I to that Directive should therefore be extended to also cover other occupational exposure situations during which workers are exposed to these substances and their mixtures. In addition, on the basis of available information, including scientific and technical data, it is appropriate to establish a limit value for PAHs mixtures with benzo[a]pyrene as indicator in part A.

Or. en

Amendment 28
Daniel Buda

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Similarly, a long-term assessment of the added value of implementing this directive indicates that it will improve working conditions for over 1 000 000 workers in the EU and prevent more than

Amendment 29

Răzvan Popa

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) The limit values set out in this Directive are to be kept under review to ensure consistency with Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵⁰, in particular to take account of the interaction between limit values set out under Directive 2004/37/EC and derived no effect levels for hazardous chemicals under that Regulation in order to protect workers effectively.

⁵⁰ 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).

Amendment

(21) The limit values set out in this Directive are to be **verified and** kept under **periodic** review to ensure consistency with Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵⁰, in particular to take account of the interaction between limit values set out under Directive 2004/37/EC and derived no effect levels for hazardous chemicals under that Regulation in order to protect workers effectively.

⁵⁰ 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).

Amendment 30

Daniel Buda

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Compliance with the transitional periods laid down in this Directive allows for the adoption of appropriate measures to anticipate any new developments and plan investments so as to avoid any adverse effects for businesses or workers. In the case of SMEs, for example, transitional periods regarding certain substances will help them address any specific technical challenges and plan investments sufficiently well in advance.

Or. ro

Amendment 31
Max Andersson
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

In Annex I of Directive 2004/37/EC the following point is added:
“5a. Work involving exposure to diesel engine exhaust emissions”

Or. en

Amendment 32
Max Andersson
on behalf of the Verts/ALE Group

Proposal for a directive
Annex – paragraph -1 a (new)
Directive 2004/37/EC
Annex I – point 5 b (new)

Text proposed by the Commission

Amendment

In Annex I of Directive 2004/37/EC, the following point is added:

“5b. Work involving exposure to polycyclic aromatic hydrocarbons present in coal soot, coal tar or coal pitch and work involving exposure to carcinogenic polycyclic aromatic hydrocarbons, in particular in any burning process, such as from combustion engine exhaust, and high temperature combustion processes, among others.”

Or. en

Amendment 33

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Annex – paragraph 1

Directive 2004/37/EC

Annex III – point A – table – column “Transitional measures” – row 1

Text proposed by the Commission

Amendment

Limit value 0,004 mg/m³ until xx yyyy
202z [7 years]

Limit value 0,004 mg/m³ until xx yyyy
202z [5 years]

Or. en

Amendment 34

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Annex – paragraph 1

Directive 2004/37/EC

Annex III – point A – table – column “Transitional measures” – row 2

Text proposed by the Commission

Amendment

Limit value 0,0006 mg/m³ until xx yyyy

Limit value 0,0006 mg/m³ until xx yyyy

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202z [5 years]

202z [4 years]

Or. en

Amendment 35

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Annex – paragraph 1

Directive 2004/37/EC

Annex III – point A – table – column “Name of agent” – row 5 a (new)

Text proposed by the Commission

Amendment

*Polycyclic aromatic hydrocarbons
mixtures containing benzo[a]pyrene
which are carcinogens within the
meaning of the Directive*

Or. en

Amendment 36

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Annex – paragraph 1

Directive 2004/37/EC

Annex III – point A – table – column “Limit values” – column “8 hours” – column “mg/m³” – row 5 a (new)

Text proposed by the Commission

Amendment

0,00007^{10a}

*^{10a} benzo[a]pyrene as a marker of total
PAH concentration*

Or. en

Justification

This level is applied in Germany and is currently the best practice in the EU.

Amendment 37

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Annex – paragraph 1

Directive 2004/37/EC

Annex III – point A – table – column “Name of agent” – row 5 b (new)

Text proposed by the Commission

Amendment

Diesel engine exhaust emissions

Or. en

Amendment 38

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Annex – paragraph 1

Directive 2004/37/EC

Annex III – point A – table – column “Limit values” – column “8 hours” – column “mg/m³” – row 5 b (new)

Text proposed by the Commission

Amendment

0,000011^{10b}

^{10b} measured as elemental carbon

Or. en

Justification

This corresponds the 4 deaths per 100 000, for 40 years of occupational exposure, as calculated by Dutch Expert Committee on Occupational Safety. Workers should not be exposed to diesel engine exhaust at levels higher than the background levels.