



2017/0004(COD)

21.12.2017

AMENDMENTS

23 - 119

Draft report

Claude Rolin

(PE613.290v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

(COM(2017)0011 – C8-0010/2017 – 2017/0004(COD))

Amendment 23

Karima Delli

on behalf of the Verts/ALE Group

Draft legislative resolution

Recital -1 (new)

Draft legislative resolution

Amendment

(-1) *The co-legislators set an obligation on the Commission to assess, no later than in the first quarter of 2019 and taking into account latest developments in scientific knowledge, the option of amending the scope of this directive 2004/37/EC to include reprotoxic substances; and on that basis, to present, if appropriate, and after consulting management and labour, a legislative proposal.*

Or. en

Amendment 24

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

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 including limit values, on the basis of the available scientific and technical data.

(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, ***which are regularly revised in the light of the scientific data that is progressively acquired. For better health and safety protection, it is vital that Member States record and provide epidemiological data covering the past three decades on the incidence of cancer and of all diseases associated with exposure to carcinogens or mutagens, and the relevant mortality***

rate for workers in different industrial sectors.

Or. it

Amendment 25

Claudiu Ciprian Tănăsescu, Pavel Poc

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 or mutagens at the workplace and lays down minimum requirements to that effect including ***binding occupational exposure limit values for the protection of workers from chemical risks***, on the basis of the ***latest available information, including*** scientific and technical data.

Or. en

Amendment 26

Karima Delli

on behalf of the Verts/ALE Group

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 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. ***Binding occupational exposure limits should be set at the lowest level in force in at least one Member State. The number of***

substances and the corresponding binding occupational exposure limits should be regularly updated in order to achieve the best achievable workers' protection throughout the internal market.

Or. en

Justification

The basic act states that the level of protection of workers must be set "not by detailed prescriptive requirements but by a framework of general principles to enable Member States to apply the minimum requirements consistently". The principle of setting the value best able to protect workers (i.e. the lowest) fulfils this requirement and helps avoid distortions of competition within the internal market.

Amendment 27 **Enrique Calvet Chambon**

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 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, ***economic feasibility, a thorough assessment for the socio-economic impact and availability of exposure measurement protocols and techniques.***

Or. en

Amendment 28 **Anthea McIntyre**

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 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 ***and the availability of suitable measurement techniques in the workplace.***

Or. en

Justification

In order be practical and enforceable, limit values must be measureable in the workplace using techniques available to all industry sectors, including SMEs.

Amendment 29

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Workers' occupational exposure to certain carcinogen, mutagen or reprotoxic substances comes in addition and in combination with their exposure as part of the general population.

Or. en

Amendment 30

Enrique Calvet Chambon

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Exposure limits should always take into account the feasibility of implementation and compliance, particularly for SMEs and microenterprises.

Or. en

Amendment 31

Enrique Calvet Chambon, António Marinho e Pinto

Proposal for a directive

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) SMEs and microenterprises, representing the large majority of enterprises in the Union, have limited financial, technical and human resources, these raising concerns on its capacity to comply with stricter legislation; while maintaining equal protection levels for workers of SMEs and microenterprises, compliance for these companies should become simpler and less costly by specific support measures, these including financial incentives and digital tools; in these regard, social partners should exchange best practices.

Or. en

Amendment 32

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 1 b (new)

(1b) Compliance with the limit values is without prejudice to other obligations on employers pursuant to this Directive aiming at reducing the level of workers' cumulative exposure. For substances where no safe exposure level exists, those measures should in particular include replacement of processes that lead to exposure to toxic substances by safer alternative industrial processes, thereby fostering innovation.

Or. en

Justification

The search for industrial processes that do not result in harm to health nor the environment is a powerful driver of innovation and investment in the competitiveness of EU industries worldwide.

Amendment 33

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive

Recital 2

Text proposed by the Commission

Amendment

(2) 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.

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

Or. it

Amendment 34

Enrique Calvet Chambon, António Marinho e Pinto

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) When setting a Binding Occupational Exposure Limits (BOELs), it should be based on robust assessment of the latest scientific information, as well as the availability of measurement techniques and economic feasibility after a rigorous process of consultation with the Advisory Committee on Safety and Health (ACSH). BOELs need to be evidence-based, proportionate and measurable.

Or. en

Amendment 35
Claudiu Ciprian Tănăsescu, Pavel Poc

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The limit values set out in this Directive should be revised when necessary in accordance with the available information, including new scientific and technical data.

Or. en

Amendment 36
Enrique Calvet Chambon, António Marinho e Pinto

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(3) The Scientific Committee on Occupational Exposure Limits (‘the

(3) The Scientific Committee on Occupational Exposure Limits (‘the

Committee')⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive 2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered.

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

⁵⁶ 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).

Committee')⁵⁵ assists the Commission, in particular, in *identifying*, evaluating *and analysing in detail* the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, *which are* to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive 2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered.

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

⁵⁶ 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).

Or. en

Amendment 37

Claudiu Ciprian Tănăsescu, Pavel Poc

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The Scientific Committee on Occupational Exposure Limits (*'the Committee'*)⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive

Amendment

(3) The Scientific Committee on Occupational Exposure Limits (*SCOEL*)⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific *and technical* data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive

2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered.

2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered, ***respectively those from the Agency for Committee on Safety and Health at Work (IARC) and from the national scientific committees.***

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

⁵⁶ 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).

⁵⁶ 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).

Or. en

Amendment 38

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The Scientific Committee on Occupational Exposure Limits ('the Committee')⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive 2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered.

Amendment

(3) The Scientific Committee on Occupational Exposure Limits ('the Committee')⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive 2004/37/EC. Other sources of scientific information, adequately robust and in the public domain, ***particularly the International Agency for Research on***

Cancer, the World Health Organisation and national agencies, were also considered.

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

⁵⁶ 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).

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

⁵⁶ 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).

Or. en

Justification

This information is cited in the explanatory memorandum to the Commission proposal. It should also be included in the main text of the proposal.

Amendment 39

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The Scientific Committee on Occupational Exposure Limits (*'the Committee'*)⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive 2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered.

Amendment

(3) The Scientific Committee on Occupational Exposure Limits (*'SCOEL'*)⁵⁵ assists the Commission, in particular, in evaluating the latest available scientific data and in proposing occupational exposure limit values for the protection of workers from chemical risks, to be set at Union level pursuant to Council Directive 98/24/EC⁵⁶ and Directive 2004/37/EC. Other sources of scientific information, adequately robust and in the public domain were also considered.

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on Setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 04.03.2014, p. 18).

⁵⁶ 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).

⁵⁵ Commission Decision 2014/113/EU of 3 March 2014 on Setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 04.03.2014, p. 18).

⁵⁶ 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).

Or. it

Amendment 40

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Committees work is vital to a responsible policy process. The Committees work should be made public for the sake of transparency and evidence-based policymaking. If the Committees work is to be reorganised, dedicated resources for the work must be guaranteed and specific expertise on epidemiology, toxicology, occupational medicine and occupational hygiene shall not be lost.

Or. en

Amendment 41

Enrique Calvet Chambon, António Marinho e Pinto

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) *Amendments to Annex III to Directive 2004/37/EC, regarding the establishing of limit values and skin notations to seven additional carcinogens, are a new step in a longer process to update that Directive. That Directive should be reviewed on an ongoing basis and revised when necessary in the light of scientific and technical data, including if possible data on residual risk, after consulting the SCOEL and the ACSH for the purpose of keeping better protecting workers. Limit values should be established for all carcinogens and mutagens for which the available information makes this possible, considering its technical and economic feasibility, and taking into account evidence based best practices, techniques and protocols for exposure level measurement in the workplace.*

Or. en

Amendment 42
Anthea McIntyre

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) *Where a limit value has been established for a carcinogen or mutagen, workers' exposure should always be reduced as far as technically possible below that limit value set.*

Or. en

Justification

It is important to strive to reduce, as far as it is technically possible, workers' exposure below any limit values established in the directive.

Amendment 43 **Anthea McIntyre**

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

Text proposed by the Commission

Amendment

(3b) The development and implementation of good practices by signatories of the NEPSi social agreement^{1a} has proven to be the most efficient in preventing risks linked to the use of respirable crystalline silica. In order to maintain and further promote these good practices, it is necessary to avoid inconsistencies and overlap between the two approaches (NEPSi social agreement and Directive 20040/37/EC) by exempting companies implementing NEPSi good practices from the application of obligations under Chapter II of that Directive. However, all sites concerned shall remain subject to the exposure limit set out in Article 5 paragraph 4 of that Directive.

^{1a} OJ 2006/C279/02

Or. en

Amendment 44 **Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli**

Proposal for a directive **Recital 4**

Text proposed by the Commission

Amendment

(4) In accordance with the

(4) In accordance with the

AM\1142685EN.docx

15/65

PE615.368v03-00

recommendations of the Committee, *where available*, skin notations and/or limit values for the inhalation route of exposure *are established in relation to a reference period of eight-hours time-weighted average* (long-term exposure limit values) and, for certain carcinogens or mutagens, *to shorter reference periods, in general fifteen minutes time-weighted average* (short-term exposure limit values), to *take account of* the effects arising from *short-term* exposure.

recommendations of the *SCOEL and having heard the Advisory Committee on Safety and Health at Work (ACSH)*, *this Directive establishes* skin notations and/or limit values for the inhalation route of exposure, *for an exposure period of a daily time-weighted average of eight hours* (long-term exposure limit values) and, for certain carcinogens or mutagens, *for a reference period of fifteen minutes time-weighted average* (short-term exposure limit values), *in order to limit, as much as possible*, the effects arising from exposure.

Or. it

Amendment 45

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In accordance with the recommendations of the Committee, where available, skin notations and/or limit values for the inhalation route of exposure are established in relation to a reference period of eight-hours time-weighted average (long-term exposure limit values) and, for certain carcinogens or mutagens, to shorter reference periods, in general fifteen minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.

Amendment

(4) In accordance with the recommendations of the Committee *and of any other up to date public and robust source of scientific information*, where available, skin notations and/or limit values for the inhalation route of exposure are established in relation to a reference period of eight-hours time-weighted average (long-term exposure limit values) and, for certain carcinogens or mutagens, to shorter reference periods, in general fifteen minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.

Or. en

Amendment 46
Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) In accordance with the recommendations of the **Committee**, where available, skin notations and/or limit values for the inhalation route of exposure are established in relation to a reference period of eight-hours time-weighted average (long-term exposure limit values) and, for certain carcinogens or mutagens, to shorter reference periods, in general fifteen minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.

Amendment

(4) In accordance with the recommendations of the **SCOEL**, where available, skin notations and/or limit values for the inhalation route of exposure are established in relation to a reference period of eight-hours time-weighted average (long-term exposure limit values) and, for certain carcinogens or mutagens, to shorter reference periods, in general fifteen minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.

Or. en

Amendment 47
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The overarching goal of protecting the health of fetuses and future generations implies setting up specific measures for women of childbearing potential. These measures should range from specific up to date scientific information and guidance documents to employers and workers to temporary prevention of exposure to a number of substances, where appropriate.

Or. en

Justification

The future of the public health and economic challenges in the EU depends among others on the level of protection of fetuses, which depends on the level of protection of the working environment of women of childbearing potential. Specific national measures such as simple information campaigns are already taking place, for example in Sweden and are a powerful tool for empowering both employers and workers in collectively achieving public health goals.

Amendment 48

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) There is sufficient evidence of the carcinogenicity of oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine. These used engine oils are process-generated and therefore they are not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁷. The **Committee** identified the possibility of significant uptake through the skin for these oils, assessed that occupational exposure occurs through the dermal route and strongly recommended the establishment of a skin notation. It is therefore appropriate to include work involving exposure to oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine in Annex I to Directive 2004/37/EC and to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

Amendment

(5) There is sufficient evidence of the carcinogenicity of oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine. These used engine oils are process-generated and therefore they are not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁷. The **SCOEL** identified the possibility of significant uptake through the skin for these oils, assessed that occupational exposure occurs through the dermal route and strongly recommended the establishment of a skin notation. **The ACSH has agreed on an entry of used engine oils in Annex I to Directive 2004/37/EC while agreeing that the route of exposure of concern is the skin.** It is therefore appropriate to include work involving exposure to oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine in Annex I to Directive 2004/37/EC and to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

⁵⁷ 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).

⁵⁷ 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. en

Amendment 49
Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) There is sufficient evidence of the carcinogenicity of oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine. These used engine oils are process-generated and therefore they are not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁷. **The Committee** identified the possibility of significant uptake through the skin for these oils, assessed that occupational exposure occurs through the dermal route and strongly recommended the establishment of a skin notation. It is therefore appropriate to include work involving exposure to oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine in Annex I to Directive 2004/37/EC and to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

Amendment

(5) There is sufficient evidence of the carcinogenicity of oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine. These used engine oils are process-generated and therefore they are not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵⁷. **SCOEL** identified the possibility of significant uptake through the skin for these oils, assessed that occupational exposure occurs through the dermal route and strongly recommended the establishment of a skin notation. It is therefore appropriate to include work involving exposure to oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine in Annex I to Directive 2004/37/EC and to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

⁵⁷ 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

⁵⁷ 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

Amendment 50

Enrique Calvet Chambon, António Marinho e Pinto

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 arising from the combustion of diesel fuel in compression ignition engines. Diesel engine exhaust emissions are process-generated and therefore not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council. The ACSH has agreed on an entry of exposure to traditional diesel engine exhaust emissions in Annex I to Directive 2004/37/EC and has requested further investigations on the scientific and technical aspects for newer types of engines. Diesel engine exhaust has been classified by the International Agency for Research on Cancer (IARC) as carcinogenic to humans (IARC category 1) and IARC specifies that while the amount of particulates and chemicals are reduced with newer types of diesel engines, it is not yet clear how the quantitative and qualitative changes may translate into altered health effect. IARC also specifies that it is common to use elemental carbon, which makes up significant fraction of these emissions, as a marker of exposure. The Commission should urgently complete the investigations requested by ACSH on the scientific and technical aspects for newer types of engines, in order to include the soonest possible, and after consulting social partners, the work involving

exposure to diesel engine exhaust emissions in Annex I to Directive 2004/37/EC and to establish a limit value in Part A of Annex III to that Directive for diesel engine exhaust emissions calculated on elemental carbon.

Or. en

Amendment 51

Karima Delli

on behalf of the Verts/ALE Group

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. 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 52

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

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 arising from the combustion of diesel fuel in compression ignition engines. Diesel engine exhaust emissions are process-generated and therefore not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council^{1a}. The ACSH has agreed on an entry of exposure to traditional diesel engine exhaust emissions in Annex I to Directive 2004/37/EC and has requested further investigations on the scientific and technical aspects for newer types of engines. Diesel engine exhaust has been classified by the International Agency for Research on Cancer (IARC) as carcinogenic to humans (IARC category 1) and IARC specifies that while the amount of particulates and chemicals are reduced with newer types of diesel engines, it is not yet clear how the

quantitative and qualitative changes may translate into altered health effect. IARC also specifies that it is common to use elemental carbon, which makes up significant fraction of these emissions, as a marker of exposure. It is therefore appropriate to include work involving exposure to diesel engine exhaust emissions in Annex I to Directive 2004/37/EC and to establish a limit value in Part A of Annex III to that Directive for diesel engine exhaust emissions calculated on elemental carbon.

Or. en

(Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).)

Amendment 53
Anthea McIntyre

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Commission should evaluate, using the most up to date scientific and socio-economic data, the need to extend the application of the measures for the protection of health and safety of workers contained in the Directive 2004/37/EC to Diesel Exhaust Emissions (DEEs).

Or. en

Amendment 54
Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Compliance with the exposure limits set out in the Directive should be guaranteed, where technically possible, by replacing the carcinogenic or mutagenic chemical with an alternative substance. Where that is not possible, provision should be made for the use of processing systems in which the chemical agent is confined, or work organisation patterns (work shifts in the manufacturing process) that are such as to ensure compliance with the limit values, together with the adoption of the required individual protection devices.

Or. it

Amendment 55

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) For new technology with significantly reduced diesel engine exhaust and elemental carbon mass concentrations, elemental carbon may not be an equally useful exposure indicator. Nitrogen dioxide is likely to be a more relevant exposure indicator for new technology diesel engine exhaust. Since the age and type of engines and exhaust after-treatment systems applied vary within and between workplaces, it may be appropriate to set an occupational exposure limit value for diesel exhaust both as respirable elemental carbon and as nitrogen dioxide. Both of these values should be fulfilled at a workplace where diesel engines are applied. Although data allowing a direct comparison of the

carcinogenic potential of the diesel engine exhaust emitted by new technology and older technology diesel engines are not available, the significant reduction of the diesel engine exhaust mass concentration in exhaust from new technology diesel engines is expected to reduce the lung cancer risk (per kWh). This is supported by the findings from a single set of animal studies showing reduced or negligible in vivo lung genotoxicity and oxidative DNA damage after inhalation exposure to diesel exhaust from new technology diesel engines. Determination of relevant exposure indicators for new technology diesel engine exhaust, including consideration of the particle size distribution and different particle exposure metrics (e.g. number vs mass concentration) would be valuable. In addition, it is important to compare the hazard per mass unit of diesel engine exhaust from new and older technology diesel engines. Further information would also be needed on exposure levels at workplaces where new diesel engines are in use.

Or. en

Justification

With reference to No 2016;49(6) of the scientific report Work and Health on Diesel Engine Exhaust by the Nordic Expert Group for Criteria Documentation of Health Risks from Chemicals and the Dutch Expert Committee on Occupational Safety.

Amendment 56

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) In particular, in order to encourage conversion and the elimination

of carcinogenic or mutagenic risks, individual Member States should provide for relief that is proportionate to the budgetary impact of the investments made by employers, so as to protect company competitiveness in the EU on an essentially level playing field and provide an incentive for companies to convert.

Or. it

Amendment 57

Laura Agea, Tiziana Beghin, David Borrelli

Proposal for a directive

Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) In transposing the Directive, Member States could draw up a list of activities which, owing to the fact that they relate to small and micro enterprises, or because of the products manufactured and restricted size, are automatically considered to comply with the limits laid down by the Directive, subject to prior official verification.

Or. it

Amendment 58

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 6

Text proposed by the Commission

Amendment

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures containing benzo[a]pyrene meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC)

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures, *particularly those* containing benzo[a]pyrene, meet the criteria for classification as carcinogenic (category 1A)

No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. ***The Committee identified the possibility of significant uptake through the skin for these mixtures.*** It is ***therefore*** appropriate to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

or 1B) 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 and to set out a skin notation in Part B of Annex III to that Directive indicating the possibility of significant dermal uptake.***

Or. en

Amendment 59

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures containing benzo[a]pyrene meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. The ***Committee*** identified the possibility of significant uptake through the skin for these mixtures. It is therefore appropriate to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of

Amendment

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures, ***including those*** containing benzo[a]pyrene, meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. The ***SCOEL*** identified the possibility of significant uptake through the skin for these mixtures. ***The ACSH has agreed on the importance of introducing an occupational exposure limit value for PAHs and has recommended to carry out the work to***

significant dermal uptake.

evaluate the scientific aspects with the view to proposing an occupational exposure limit value at some time in the future. It is therefore appropriate to set out a skin notation in Part B of Annex III to *that* Directive indicating the possibility of significant dermal uptake *and to carry out further investigations to set a limit value for benzo[a]pyrene in order better to protect workers from polycyclic aromatic hydrocarbons mixtures.*

Or. en

Amendment 60

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures containing benzo[a]pyrene meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. The *Committee identified the possibility of significant uptake through the skin for* these mixtures. It is *therefore* appropriate to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

Amendment

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures containing benzo[a]pyrene meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. The *existing point 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 and* to set out a skin notation in Part B of Annex III to *that* Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 61
Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures containing benzo[a]pyrene meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. **The Committee** identified the possibility of significant uptake through the skin for these mixtures. It is therefore appropriate to set out a skin notation in Part B of Annex III to Directive 2004/37/EC indicating the possibility of significant dermal uptake.

Amendment

(6) Certain polycyclic aromatic hydrocarbons (PAHs) mixtures containing benzo[a]pyrene meet the criteria for classification as carcinogenic (category 1A or 1B) in accordance with Regulation (EC) No 1272/2008 and therefore are carcinogens as defined in Directive 2004/37/EC. **SCOEL** identified the possibility of significant uptake through the skin for these mixtures. It is therefore appropriate to set out a skin notation in Part B of Annex III to **that** Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 62
Ádám Kósa

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Trichloroethylene meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set limit values for trichloroethylene in relation to a reference period of eight hours (long-term limit **value**) and to a shorter reference period (**15** minutes). **The Committee** identified **for** this carcinogen the possibility of significant uptake through the skin. It is

Amendment

(7) Trichloroethylene meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. **Trichloroethylene shall be identified as a genotoxic carcinogen.** It is possible, on the basis of available information, including scientific and technical data, to set limit values for trichloroethylene in relation to a reference period of eight- hours **time-weighted average** (long-term **exposure** limit **values**), and to a shorter reference period **of fifteen** minutes **time-weighted**

therefore appropriate to establish long- and short-term exposure limit values for trichloroethylene in Part A of Annex III and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake. In light of evolving scientific evidence, the limit values for this substance will be kept under particularly close review.

average (short-term exposure limit values). *It is also* identified *that* this carcinogen *bears* the possibility of significant uptake through the skin. It is therefore appropriate to establish long- and short-term exposure limit values for trichloroethylene in Part A of Annex III and to set out a skin notation in Part B of Annex III to *that* Directive indicating the possibility of significant dermal uptake. In light of evolving scientific evidence, the limit values for this substance will be kept under particularly close review.

Or. en

Amendment 63 **Claudiu Ciprian Tănăsescu**

Proposal for a directive **Recital 7**

Text proposed by the Commission

(7) Trichloroethylene meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set limit values for trichloroethylene in relation to a reference period of eight hours (long-term limit value) and to a shorter reference period (15 minutes). *The Committee* identified for this carcinogen the possibility of significant uptake through the skin. It is therefore appropriate to establish long- and short-term exposure limit values for trichloroethylene in Part A of Annex III and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake. In light of evolving scientific evidence, the limit values for this substance will be kept under particularly

Amendment

(7) Trichloroethylene meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set limit values for trichloroethylene in relation to a reference period of eight hours (long-term limit value) and to a shorter reference period (15 minutes). *SCOEL* identified for this carcinogen the possibility of significant uptake through the skin. It is therefore appropriate to establish long- and short-term exposure limit values for trichloroethylene in Part A of Annex III and to set out a skin notation in Part B of Annex III to *that* Directive indicating the possibility of significant dermal uptake. In light of evolving scientific evidence, the limit values for this substance will be kept

close review.

under particularly close review.

Or. en

Amendment 64

Ádám Kósa

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) 4,4'-Methylenedianiline (MDA) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is **possible**, on the basis of available information, including scientific and technical data, to set a limit value for 4,4'-Methylenedianiline. **The Committee** identified for this carcinogen the possibility of significant uptake through the skin. It is therefore appropriate to establish a limit value in Part A of Annex III for 4,4'-Methylenedianiline and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake.

Amendment

(8) 4,4'-Methylenedianiline (MDA) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is **concluded that there is no possibility to derive a precise health-based exposure limit value for this non-threshold carcinogen**. On the basis of available information, including scientific and technical data, **it is still possible, however**, to set a limit value for 4,4'-Methylenedianiline **without over exaggerated values by avoiding harming SMEs with limited financial assets as well as effectively protecting employees' health status and employment opportunities**. It is **also** identified for this carcinogen the possibility of significant uptake through the skin. It is therefore appropriate to establish a limit value in Part A of Annex III for 4,4'-Methylenedianiline and to set out a skin notation in Part B of Annex III to **that** Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 65

Claudiu Ciprian Tănăsescu

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) 4,4'-Methylenedianiline (MDA) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for 4,4'-Methylenedianiline. **The Committee** identified for this carcinogen the possibility of significant uptake through the skin. It is therefore appropriate to establish a limit value in Part A of Annex III for 4,4'-Methylenedianiline and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake.

Amendment

(8) 4,4'-Methylenedianiline (MDA) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. It is possible, on the basis of available information, including scientific and technical data, to set a limit value for 4,4'-Methylenedianiline. **SCOEL** identified for this carcinogen the possibility of significant uptake through the skin. It is therefore appropriate to establish a limit value in Part A of Annex III for 4,4'-Methylenedianiline and to set out a skin notation in Part B of Annex III to **that** Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 66

Claudiu Ciprian Tănăsescu

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Epichlorohydrine (1-chloro-2,3-epoxypropane) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. **The Committee** concluded that that is not possible to derive a health-based exposure limit value for this non-threshold carcinogen and has recommended avoiding occupational exposure. **The Committee** identified for epichlorohydrine the possibility of significant uptake through the skin. The Advisory Committee on Safety and Health at Work (**ACSH**) has agreed on a

Amendment

(9) Epichlorohydrine (1-chloro-2,3-epoxypropane) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. **SCOEL** concluded that that is not possible to derive a health-based exposure limit value for this non-threshold carcinogen and has recommended avoiding occupational exposure. **SCOEL** identified for epichlorohydrine the possibility of significant uptake through the skin. The Advisory Committee on Safety and Health at Work (**ACSH**) has agreed on a practical limit value, on the basis of the available

practical limit value, on the basis of the available information, including scientific and technical data. It is therefore appropriate to establish a limit value for epichlorohydrine in Part A of Annex III and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake.

information, including scientific and technical data. It is therefore appropriate to establish a limit value for epichlorohydrine in Part A of Annex III and to set out a skin notation in Part B of Annex III to **that** Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 67

Claudiu Ciprian Tănăsescu

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Ethylene dibromide (1,2-dibromoethane, EDB) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. **The Committee** concluded that that is not possible to derive a health-based exposure limit value for this non-threshold carcinogen and has recommended avoiding occupational exposure. **The Committee** identified for ethylene dibromide the possibility of significant uptake through the skin. **The Advisory Committee on Safety and Health at Work ('ACSH')** has agreed on a practical limit value, on the basis of the available information, including scientific and technical data. It is therefore appropriate to establish a limit value for ethylene dibromide in Part A of Annex III and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake.

Amendment

(10) Ethylene dibromide (1,2-dibromoethane, EDB) meets the criteria for classification as carcinogenic (category 1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in Directive 2004/37/EC. **SCOEL** concluded that that is not possible to derive a health-based exposure limit value for this non-threshold carcinogen and has recommended avoiding occupational exposure. **SCOEL** identified for ethylene dibromide the possibility of significant uptake through the skin. **ACSH** has agreed on a practical limit value, on the basis of the available information, including scientific and technical data. It is therefore appropriate to establish a limit value for ethylene dibromide in Part A of Annex III and to set out a skin notation in Part B of Annex III to **that** Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 68

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The Member States Committee at the European Chemicals Agency unanimously agreed ^{1a} on the identification of Bisphenol A as a substance of very high concern because of its endocrine disrupting properties which cause probable serious effects to human health which give rise to an equivalent level of concern to carcinogenic, mutagenic, toxic to reproduction (CMRs category 1A or 1B) substances.

^{1a} <https://echa.europa.eu/de/-/msc-unanimously-agrees-that-bisphenol-a-is-an-endocrine-disruptor>

Or. en

Justification

The conclusion by the Member States Committee was reached on 16 June 2017, which is after the publication by the Commission of this draft revision of the Carcinogens and Mutagens Directive.

Amendment 69

Claudiu Ciprian Tănăsescu

Proposal for a directive

Recital 11

Text proposed by the Commission

Amendment

(11) Ethylene dichloride (1,2-dichloroethane, EDC) meets the criteria for classification as carcinogenic (category

(11) Ethylene dichloride (1,2-dichloroethane, EDC) meets the criteria for classification as carcinogenic (category

1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in 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 ethylene dichloride. **The Committee** identified for ethylene dichloride the possibility of significant uptake through the skin. It is therefore appropriate to establish a limit value for ethylene dichloride in Part A of Annex III and to set out a skin notation in Part B of Annex III to Directive **2004/37/EC** indicating the possibility of significant dermal uptake.

1B) in accordance with Regulation (EC) No 1272/2008 and therefore is a carcinogen as defined in 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 ethylene dichloride. **SCOEL** identified for ethylene dichloride the possibility of significant uptake through the skin. It is therefore appropriate to establish a limit value for ethylene dichloride in Part A of Annex III and to set out a skin notation in Part B of Annex III to **that** Directive indicating the possibility of significant dermal uptake.

Or. en

Amendment 70

Javi López, Soledad Cabezón Ruiz

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Formaldehyde is routinely used in health care facilities for standardized fixation of patients' tissue specimens and the pathologist's diagnosis of a variety of diseases, including cancer, is based on the recognition of microscopic findings in formalin-fixed tissue; as long as validation of other fixatives potentially able to replace the crucial role of formalin in patients' care is not available, Health Care sector shall be explicitly exempted from any formaldehyde limitation of use that could result in multiple diagnostic mistakes and serious harm to countless European patients; likewise, the Health Care facilities should implement appropriate measures for keeping formaldehyde exposure of their staff within safe limits;

Amendment 71

Claude Rolin

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Social Partners' agreements, such as the Social Dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it" (NEPSI) providing guidance and tools in order to support the effective implementation of the employers' obligations laid down in the Directive 2004/37/EC are valuable instruments to complement regulatory measures. The Commission should encourage the social partners to conclude such agreements for all substances that are covered by that Directive.

Or. en

Amendment 72

Anne Sander

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The application of the good practices recommended by the NEPSI social partners' agreement on 'Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it' is a good way of supporting, in addition to regulatory measures, the effective implementation of employers' obligations as set out in

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

Or. fr

Amendment 73

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In assessing the option of amending the scope of Directive 2004/37/EC to include reprotoxic substances, the Commission should critically assess the delay with which public action has been so far undertaken to effectively protect future generations. The examples of substances such as N-Methyl-2-Pyrrolidone (NMP), N,N-dimethylacetamide (DMAC) and N,N-dimethylformamide (DMF) that have been classified as reprotoxic (group 1B) by the European Chemicals Agency should be included in this assessment.

Or. en

Justification

NMP & DMAc were included in candidate list for authorisation at ECHA back in 2011 due to their classification as reprotoxic. But a restriction proposal was submitted for NMP by NL in 2013, ECHA postponed its recommendation and the inclusion of DMAc was postponed by the Commission. In the meantime, the Judiciary is currently investigating DMAc use in DuPont plants in NL where 33 women suffered stillborn babies, miscarriages, cervical cancer or gave birth to children with abnormalities after working with DMAc.

Amendment 74

Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) 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

(13) The Commission consulted *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.

Or. en

Amendment 75

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The limit values established in this Directive will be kept under review in the light of the implementation of 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/EC⁵⁸ and of the opinions of the ECHA Risk Assessment Committee (RAC) and Socio-economic Analysis Committee (SEAC), in particular to take account of the interaction between limit values established in Directive 2004/37/EC and dose-response relations, *actual exposure* information, and, where

Amendment

(15) The limit values established in this Directive will be kept under review in the light of the implementation of 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/EC⁵⁸ and of the opinions of the ECHA Risk Assessment Committee (RAC) and Socio-economic Analysis Committee (SEAC), in particular to take account of the interaction between limit values established in Directive 2004/37/EC and dose-response relations *where such relations exist*, information *on*

available, DNELs (Derived No Effect Levels) derived for hazardous chemicals in accordance with that Regulation.

⁵⁸ OJ L 396, 30.12.2006, p. 1.

actual cumulative and combined exposure, lowest technically achievable detection levels and, where available, DNELs (Derived No Effect Levels) derived for hazardous chemicals in accordance with that Regulation.

⁵⁸ OJ L 396, 30.12.2006, p. 1.

Or. en

Amendment 76

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) 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 Union level, the Union 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

(16) 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 ***and mutagens***, cannot be sufficiently achieved by the Member States, but can be better achieved at Union level, the Union may adopt measures, in accordance with ***the precautionary principle as set out in Article 191 TFEU***, 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.

Or. en

Amendment 77

Jan Keller, Pavel Poc

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) 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 Union level, the Union 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

(16) 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 **and mutagens or genotoxic substances**, cannot be sufficiently achieved by the Member States, but can be better achieved at Union level, the Union 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.

Or. en

Amendment 78
Claudiu Ciprian Tănăsescu, Pavel Poc

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) 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 Union level, the Union 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

Amendment

(16) 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 **or mutagens**, cannot be sufficiently achieved by the Member States, but can be better achieved at Union level, the Union 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.

what is necessary in order to achieve those objectives.

Or. en

Amendment 79

Enrique Calvet Chambon, António Marinho e Pinto

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The precautionary principle based on sound scientific assessment should be applied in the protection of workers' health and safety.

Or. en

Amendment 80

Anthea McIntyre

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In order to take into account technical progress and scientific developments after the adoption of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the modification of the limit values established in Annex III to Directive 2004/37/EC;

Or. en

Amendment 81

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Given that this Directive concerns **the workers'** health at **their** workplace, the deadline for transposition should be two years.

Amendment

(17) Given that this Directive concerns health at **the** workplace **and provides for maximum limits for exposure to carcinogens and mutagens**, the deadline for **its** transposition should be two years. **In the national legislative provisions that transpose the directive, provision should also be made for a maximum period of 2 years within which owners should upgrade their facilities, in proportion to the complexity and extent of the measures required.**

Or. it

Amendment 82

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Member States should apply effective, proportionate and dissuasive sanctions for cases of non-compliance with this Directive and should communicate to the Commission the measures taken in accordance with national law and practice to ensure that their competent authorities have a sufficient number of trained staff and other resources necessary to carry out their tasks related to proper and effective implementation of this Directive. This information shall be part of the implementation reports submitted by Member States every five years pursuant to Article 17a of Council Directive 89/391/EEC.

Amendment 83

Claude Rolin

Proposal for a directive

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

Directive 2004/37/EC

Article 13 a (new)

Text proposed by the Commission

Amendment

(-1) The following article is added:

“Article 13a

Social Partners' agreements

The Commission shall encourage social partners to conclude social dialogue agreements providing guidance and tools to support the effective implementation of the employers' obligations laid down in this Directive. These agreements shall be listed in Annex VI. The list of these agreements shall be regularly updated. The adherence to these agreements may not be considered as a presumption of conformity with the employers' obligations laid down in this Directive.”

Or. en

Amendment 84

Anthea McIntyre

Proposal for a directive

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

Directive 2004/37/EC

Article 16 a (new)

Text proposed by the Commission

Amendment

(-1) The following Article is added:

“Article 16a

Diesel Exhaust Emissions

By 30 June 2019, the Commission shall, in consultation with the Member States and the social partners, undertake further work to assess the possibility of setting a limit value for Diesel Exhaust Emissions (DEEs) in order to better protect workers. Based on the outcome of this assessment, the Commission shall propose, where appropriate, necessary amendments and modifications to the scope of this Directive in relation to DEEs.”

Or. en

Justification

It order to take into account concerns of the impact on workers' health to DEE, it is appropriate to include a requirement on the Commission to undertake further scientific work to address DEE and to consider the inclusion of DEE in the scope of this Directive.

Amendment 85
Anthea McIntyre

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

Text proposed by the Commission

Amendment

(-1a) The following Article is added:

”Article 16b

The implementation of good practices provided by social partner agreement on "Workers health protection through the good handling and use of crystalline and products containing it"^{1a} establishes a presumption of conformity with the employer obligations set out in Chapter II of this Directive, with the exception of the obligations set out in Article 5 paragraph 4.

^{1a} ***OJ 2006/C279/02”***

Justification

The development and implementation of good practices by signatories of the NEPSi social agreement has proven to be the most efficient in preventing risks linked to the use of RSC. In order to maintain and further promote these good practices, it is necessary to avoid inconsistencies and overlap between the two approaches (NEPSi and CMD).

Amendment 86

Enrique Calvet Chambon, António Marinho e Pinto

Proposal for a directive

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

Directive 2004/37/EC

Article 18 a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 18a, the following paragraph is added:

“The Commission shall, as part of the next evaluation of the implementation of this Directive in the context of the evaluation referred to in Article 17a of Directive 89/391/EEC, also assess the possibility to set a limit value for benzo[a]pyrene in order to better protect workers from polycyclic aromatic hydrocarbons mixtures. The Commission shall propose, where appropriate, necessary amendments and modifications related to that substance. The Commission shall, taking into account latest developments in scientific knowledge, complete the assessment of diesel exhaust emissions, including the investigations requested by ACSH on the scientific and technical aspects for newer types of engines. On that basis, the Commission shall present, after consulting management and labour, a legislative proposal for inclusion of the work involving exposure to diesel engine exhaust emissions in Annex I to this Directive and to establish a limit value in

Part A of Annex III to this Directive for diesel engine exhaust emissions.”

Or. en

Amendment 87

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

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

Directive 2004/37/EC

Article 18 a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 18a, the following paragraph is added:

“The Commission shall, as part of the next evaluation of the implementation of this Directive in the context of the evaluation referred to in Article 17a of Directive 89/391/EEC, also assess the possibility to set a limit value for benzo[a]pyrene in order to better protect workers from polycyclic aromatic hydrocarbons mixtures. The Commission shall propose, where appropriate, necessary amendments and modifications related to that substance.”

Or. en

Amendment 88

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

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

Directive 2004/37/EC

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-1) In article 19, the following

paragraph is added:

"Members States shall communicate to the Commission the measures taken in accordance with national law and practices to ensure that their competent authorities have a sufficient number of trained staff and other resources necessary to carry out their tasks related to proper and effective implementation of this directive. This information shall be part of the implementation reports submitted by Member states every five years pursuant to article 17a of Council Directive 89/391/EEC".

Or. en

Amendment 89

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

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

Directive 2004/37/EC

Article 19 a (new)

Text proposed by the Commission

Amendment

(-1) After Article 19, a new Article 19a is added:

“Article 19a

Reporting mechanisms

1. Member States shall ensure that competent authorities have effective mechanisms to enable reporting of actual or potential infringements of this Directive.

2. The mechanisms referred to in paragraph 1 shall include at least:

(a) procedures for the receipt of reports of infringements and their follow-up;

(b) appropriate protection for persons reporting an infringement against

retaliation, discrimination or other types of unfair treatment; and

(c) protection of personal data of the person reporting an infringement in accordance with Union and national law.”.

Or. en

Justification

This is EU law standard wording of protection of whistleblowers.

Amendment 90

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

Article 1 – paragraph 1 – point -1 a (new)

Directive 2004/37/EC

Annex I – point 2

Present text

2. Work involving exposure to polycyclic aromatic hydrocarbons present in coal soot, coal tar or coal pitch.

Amendment

(-1a) In Annex I, point 2 is amended as follows:

2. 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 91

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

Article 1 – paragraph 1 – point -1 b (new)

Directive 2004/37/EC
Annex I – point 5 b (new)

Text proposed by the Commission

Amendment

(-1b) In Annex I, the following point is added:

“5b. Work involving exposure to carcinogenic or mutagenic substances resulting from the preparation, administration or disposal of hazardous drugs, including cytotoxic drugs, and work involving exposure to carcinogenic or mutagenic substances in cleaning, transport, laundry and waste disposal of hazardous drugs or materials contaminated by hazardous drugs and in personal care for patients under treatment of hazardous drugs.”

Or. en

Amendment 92

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 1 a (new)

Directive 2004/37/EC

Annex I – point 5 b (new)

Text proposed by the Commission

Amendment

(1a) In Annex I the following point is added:

“5b. Work involving exposure to diesel engine exhaust emissions”

Or. en

Amendment 93

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

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

Text proposed by the Commission

Amendment

(1a) In Annex I, the following point is added:

“5b. Work involving exposure to diesel engine exhaust emissions”

Or. en

Amendment 94
Karima Delli
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(1b) In Annex I, the following point is added:

“5c. Work involving exposure to Bisphenol A.”

Or. en

Amendment 95
Karima Delli
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(1c) In Annex I, the following point is

added:

“5d. 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 96

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 1 d (new)

Directive 2004/37/EC

Annex I – point 5 e (new)

Text proposed by the Commission

Amendment

(1d) In Annex I, the following point is added:

“5e. Work involving exposure to carcinogenic or mutagenic substances resulting from the preparation, administration or disposal of hazardous drugs, including cytotoxic drugs, and work involving exposure to carcinogenic or mutagenic substances in cleaning, transport, laundry and waste disposal of hazardous drugs or materials contaminated by hazardous drugs and in personal care for patients under treatment of hazardous drugs.”

Or. en

Amendment 97

Claude Rolin

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

Text proposed by the Commission

Amendment

(2a) Annex IVa is added :

“Annex IVa

The list of Social Dialogue agreements providing guidance and tools in order to support the effective implementation of the employers' obligations.

(1) "Agreement on Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it"^{1a}.

^{1a} ***OJ C 279, 17.11.2006”***

Or. en

Amendment 98
Anne Sander

Proposal for a directive
Annex I – paragraph 3 a (new)
Directive 2004/37/EC
Annex IV a (new)

Text proposed by the Commission

Amendment

The following Annex IVa is added:

‘ANNEX IVa

List of social partner agreements providing guidelines and tools to facilitate the effective implementation of obligations incumbent upon employers under Directive 2004/37/CE:

(1) NEPSI Agreement on Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it^{1a}.

Justification

Addition of lines concerning social partner agreements providing guidelines and tools to facilitate the effective implementation of employers' obligations under Directive 2004/37/CE.

Amendment 99

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States, in order not to harm small and medium-sized enterprises, with regard to the need to radically transform their production activities due to the introduction of new parameters and standards, and to facilitate infrastructure modernisation, shall grant such enterprises a tax credit amounting to 75% of the cost they will incur for modernisation and adaptation to EU standards. The tax credit shall be automatically granted following the payment of the amounts relating to the facility upgrading expenditure and may be subject to transfers of claim.

Or. it

Amendment 100

Laura Agea, Tiziana Beghin, Rosa D'Amato, Piernicola Pedicini, David Borrelli

Proposal for a directive

Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States, when transposing this Directive, may provide for a period of two years within which to enable workplaces to adapt to the requirements attached hereto.

Or. it

Amendment 101

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 a (new)

Text proposed by the Commission

7	201-	Trichloroet	5	1	164,	3
9	167-4	hylene	4,	0	1	0
-			7			
0						
1						
-						
6						

Amendment

79-01-6	201-167-4	Trichloroethyl ene	3,3	0,6	–	13,2	1,8	–
---------	-----------	-----------------------	------------	------------	----------	-------------	------------	----------

Or. en

Justification

These are the currently strictest levels applied in EU Member States

Amendment 102

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC
Annex III – Part A – row 14 a (new)

Text proposed by the Commission

79-01-6	201-167-4	Trichloroethylene	54,7	10		164,1	30
---------	-----------	-------------------	-------------	-----------	--	--------------	-----------

Amendment

79-01-6	201-167-4	Trichloroethylene	3.3	0,6	-	132	1,8	-
---------	-----------	-------------------	------------	------------	---	------------	------------	---

Or. en

Amendment 103
Joëlle Mélin, Mara Bizzotto, Dominique Martin

Proposal for a directive
Annex I – paragraph 1
Directive 2004/37/EC
Annex III – Part A – row 14 a (new)

Text proposed by the Commission

79-01-6	201-167-4	Trichloroethylene	54,7	10		164,1	30
---------	-----------	-------------------	-------------	-----------	--	--------------	-----------

Amendment

79-01-6	201-167-4	Trichloroethylene	405	75	-	164,1	30	-
---------	-----------	-------------------	------------	-----------	---	--------------	-----------	---

Or.

Amendment 104
Joëlle Mélin, Mara Bizzotto, Dominique Martin

Proposal for a directive
Annex I – paragraph 1
Directive 2004/37/EC
Annex III – Part A – row 14 b (new)

Text proposed by the Commission

101- 77-9	202- 974-4	4,4'- Methyle nedianili ne	0,08	-	-	-	-	-
--------------	---------------	-------------------------------------	-------------	---	---	---	---	---

Amendment

101- 77-9	202- 974-4	4,4'- Methyle nedianili ne	2	-	-	-	-	-
--------------	---------------	-------------------------------------	----------	---	---	---	---	---

Or.

Amendment 105
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Annex I – paragraph 1
Directive 2004/37/EC
Annex III – Part A – row 14 c (new)

Text proposed by the Commission

106- 89-8	203- 439- 8	Epichlorohyd rine	1,9					
--------------	-------------------	----------------------	------------	--	--	--	--	--

Amendment

106- 89-8	203- 439- 8	Epichlorohyd rine	1	-	-	-	-	-
--------------	-------------------	----------------------	----------	---	---	---	---	---

Or. en

Amendment 106

Joëlle Mélin, Mara Bizzotto, Dominique Martin

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 c (new)

Text proposed by the Commission

106-89-8	203-439-8	Epichlorohydrine	1,9
----------	-----------	------------------	------------

Amendment

106-89-8	203-439-8	Epichlorohydrine	10	2	-	-	-	-
----------	-----------	------------------	-----------	----------	---	---	---	---

Or.

Amendment 107

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 d (new)

Text proposed by the Commission

106-93-4	203-444-5	Ethylene dibromide	0,8	0,1
----------	-----------	--------------------	------------	-----

Amendment

106-93-4	203-444-5	Ethylene dibromide	0,0	0,1	-	-	-	-
----------	-----------	--------------------	------------	-----	---	---	---	---

Or. en

Justification

This is the occupational exposure limit in at least one Member State

Amendment 108

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 e

Text proposed by the Commission

107- 06-2	203- 458-1	Ethylene dichloride	8,2	2				
--------------	---------------	------------------------	------------	----------	--	--	--	--

Amendment

107- 06-2	203- 458-1	Ethylene dichloride	4,0	1	-	-	-	-
--------------	---------------	------------------------	------------	----------	---	---	---	---

Or. en

Justification

This level is already being applied by several Member States

Amendment 109

Joëlle Mélin, Mara Bizzotto, Dominique Martin

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 e (new)

Text proposed by the Commission

107- 06-2	203- 458-1	Ethylene dichlorid e	8,2	2	-	-	-	-
--------------	---------------	----------------------------	------------	----------	---	---	---	---

Amendment

107-06-2	203-458-1	Ethylene dichloride	40	10	-	-	-	-
----------	-----------	---------------------	----	----	---	---	---	---

Or.

Amendment 110

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 f (new)

Text proposed by the Commission

Amendment

50-00-0	200-001-8	Formaldehyde	0,369	0,3	–	0,738	0,6	–
---------	-----------	--------------	-------	-----	---	-------	-----	---

Or. en

Justification

In its 2016 revised recommendation on the genotoxic carcinogen formaldehyde, SCOEL recommended these limits.

Amendment 111

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 f (new)

Text proposed by the Commission

Amendment

50- 00-0	200- 001-8	<i>Form aldehy de</i>	0,36 9	0 ,	0 ,	0 ,	- 6
				3	7	3	8

Or. en

Amendment 112

Patrick Le Hyaric, Tania González Peñas, Paloma López Bermejo

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 g (new)

Text proposed by the Commission

Amendment

-	-	<i>Polycyclic aromatic hydrocarbons mixtures containing benzo[a]pyrene which are carcinogens within the meaning of the Directive</i>	0.0 000 7 (^{1a})	-	-	-	-	-	<i>0.0007 mg/m³ until 3 years after entry into force</i>
---	---	--	--------------------------------------	---	---	---	---	---	---

(^{1a}) *benzo[a]pyrene as marker of total PAH concentration*

Or. en

Justification

A transition period of 3 years at 0.0007 mg/m³ is needed to allow companies across the different Member States to meet the German BOEL at 0.00007mg/m³ which is currently the best practice in the EU.

Amendment 113

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 g (new)

Text proposed by the Commission

Amendment

-	-	<i>Polycyclic aromatic hydrocarbons mixtures containing benzo[a]pyrene which are carcinogens within the meaning of the Directive</i>	<i>0,00007^{1a}</i>	-	-	-	-	-
---	---	--	-----------------------------	---	---	---	---	---

^{1a} *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 114

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 h (new)

Text proposed by the Commission

Amendment

-	-	Diesel engine exhaust emissions	0,000011^{1a}	-	-	-	-	-
---	---	--	------------------------------	---	---	---	---	---

^{1a} *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.

Amendment 115

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A – row 14 h (new)

Text proposed by the Commission

Amendment

-	-	Diesel engine exhaust emissions	0,05^{7a}	-	-	-	-	-
---	---	--	--------------------------	---	---	---	---	---

^{7a} *measured as elemental carbon*

Amendment 116

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive**Annex I – paragraph 1**

Directive 2004/37/EC

Annex III – Part A – row 14 h (new)

Text proposed by the Commission

Amendment

-	-	Diesel engine exhaust emissions	-	0,05^{7b}	-	1^{7b}	-	-
---	---	--	---	--------------------------	---	-----------------------	---	---

^{7b}*measured as nitrogen dioxide*

Amendment 117**Karima Delli**

on behalf of the Verts/ALE Group

Proposal for a directive**Annex I – paragraph 1**

Directive 2004/37/EC

Annex III – Part A – row 14 i (new)

Text proposed by the Commission

Amendment

-	-	Bisphenol A	Detection	-	-	-	-	-
---	---	--------------------	------------------	---	---	---	---	---

level

Or. en

Amendment 118

Marita Ulvskog, Agnes Jongerius, Jutta Steinruck, Rory Palmer, Javi López, Ole Christensen, Sergio Gutiérrez Prieto, Siôn Simon

Proposal for a directive

Annex I – paragraph 3

Directive 2004/37/EC

Annex III – Part B – column 3 – row 1

Text proposed by the Commission

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

Amendment

Polycyclic
aromatic
hydrocarbons
mixtures,
including those
containing
benzo[a]pyrene,
which are
carcinogens within
the meaning of the
Directive.

Or. en

Amendment 119

Heinz K. Becker

Text proposed by the Commission

Amendment

In Part B of Annex III the following text is added:

Other directly related provisions: the implementation of good practices such as those of the social partners’ “Agreement on Workers Health Protection through the Good Handling and Use of Crystalline and Products containing it” or of the Senior Labour Inspector Committee (SLIC) Guidance for National Labour Inspectors on Respirable Crystalline Silica in the construction sector, provides a strong indication that the employer obligations defined in Chapter II of the Directive are put in place, and therefore establishes a presumption of conformity with the employer obligations defined in Chapter II of the Directive, with the exception of the obligation under Article 5.4, not to exceed the binding limit value.

Or. en