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A8-0142/ 001-031

AMENDMENTS 001-031

by the Committee on Employment and Social Affairs

Report

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A8-0142/2018

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

Proposal for a directive (COM(2017)0011 – C8-0010/2017 – 2017/0004(COD))

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

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

Amendment

(1) Directive 2004/37/EC aims to protect workers against risks to their health and safety from exposure to carcinogens or mutagens at the workplace and lays down minimum requirements to that effect including ***binding occupational exposure*** limit values ***which must not be exceeded***, on the basis of the available ***information, including*** scientific and technical data, ***a thorough impact assessment regarding the social aspects and the economic feasibility and availability of occupational exposure measurement protocols and techniques.***

Amendment 2

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Compliance with the limit values is without prejudice to other obligations of employers pursuant to Directive 2004/37/EC which aim to reduce the level of workers' exposure, in particular by reducing the use of carcinogens and mutagens at the workplace, preventing or reducing workers' exposure to carcinogens or mutagens, and implementing measures to that effect. Those measures should include, in so far as technically possible, the replacement of carcinogens or mutagens by substances, mixtures or processes which are not dangerous, or which are less dangerous, to workers' health, the use of closed systems, or other measures that aim to reduce the level of workers' exposure, thereby fostering innovation.

Amendment 3

Proposal for a directive Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Small and medium-sized enterprises (SMEs) and microenterprises which represent the large majority of enterprises in the Union, have limited financial, technical and human resources. Compliance of SMEs and microenterprises should be facilitated while maintaining equal protection levels for all workers. In that regard specific measures, incentives and digital tools, could help SMEs and microenterprises more easily to comply with their obligations pursuant to Directive 2004/37/EC and move towards the elimination of carcinogenic or mutagenic risks and the social partners should exchange best practices.

Amendment 4

Proposal for a directive Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) The requirements laid down in Directive 2004/37/EC aim to protect workers from carcinogens and mutagens at Union level and are to be considered to be minimum requirements. More stringent limit values and protective measures can be set by Member States.

Amendment 5

Proposal for a directive Recital 1 d (new)

Draft legislative resolution

Amendment

(1d) The Commission will assess, by the end of the first quarter of 2019, taking into account latest developments in scientific knowledge, the possibility of amending the scope of 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.

Amendment 6

Proposal for a directive Recital 3

Text proposed by the Commission

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

(3) The Scientific Committee on Occupational Exposure Limits (***SCOEL***)⁵⁵ ***and the Advisory Committee on Safety and Health at Work (ACSH)***^{55a} ***assist*** the Commission, in particular, in ***identifying***,

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.

evaluating ***and analysing in detail*** the latest available scientific ***and technical*** 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, ***in particular the International Agency for Research on Cancer, the World Health Organization and national agencies.***

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).

^{55a} ***Council Decision of 22 July 2003 on setting up an Advisory Committee on Safety and Health at Work (2003/C 218/01) (OJ L 218, 13.9.2003, p. 1).***

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).

Amendment 7

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Committee's work is vital to a responsible policy process and should be made public in the interests of transparency and evidence-based policymaking. If the Committee's work is to be reorganised, dedicated resources for the work must be guaranteed and specific

expertise on epidemiology, toxicology, occupational medicine and occupational hygiene must not be lost.

Amendment 8

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

Text proposed by the Commission

Amendment

(3b) This Directive, which amends Directive 2004/37/EC, establishes limit values and skin notations with regard to eight carcinogens additional to those provided for in Directive 2004/37/EC and is a further step in a longer process to update that Directive. For the purpose of achieving better protection for workers, Directive 2004/37/EC should, after consulting SCOEL and ACSH, be reviewed on an ongoing basis and amended when necessary in the light of available information, including progressively acquired scientific and technical data such as residual risk data, . Further amendments to that Directive should address the issue of exposure of workers 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 of materials contaminated by hazardous drugs and in personal care for patients under treatment of hazardous drugs.

Amendment 9

**Proposal for a directive
Recital 4**

Text proposed by the Commission

Amendment

(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.

(4) In accordance with the recommendations of *SCOEL, ACSH*, 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 ***limit, to the extent possible***, the effects arising from short-term exposure. ***Additional sources of scientific information that are adequately robust and in the public domain should also be considered.***

Amendment 10

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 age. Those 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.

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 11

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.

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).

Amendment 12

Proposal for a directive

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 **and ACSH agreed that used engine oils be added to the carcinogenic substances, mixtures and processes listed in Annex I to Directive 2004/37/EC and on the possibility of significant uptake through 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).

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 pursuant to Regulation (EC) No 1272/2008 of the European Parliament and of the Council^{1a}. ACSH agreed that exposure to traditional diesel engine exhaust emissions be added to the carcinogenic substances, mixtures and processes listed in Annex I to Directive 2004/37/EC and has requested further investigations of the scientific and technical aspects of 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 has specified that while the amount of particulates and chemicals are reduced in the newer types of diesel engines, it is not yet clear how the quantitative and qualitative changes will translate into altered health effects. IARC has also specified that it is common to use elemental carbon, which makes up a significant proportion of those emissions, as a marker of exposure. Given the above and the number of workers exposed, it is 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 for diesel in Part A of Annex III thereto for diesel engine exhaust emissions calculated on elemental carbon. The Commission should review that limit value by using the most up-to-date scientific and socio-economic data. The entries in Annex I and Annex III to Directive 2004/37/EC should cover fumes from all types of diesel engine.

1^a 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 13

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. The Commission should review those limit values by using the most up-to-date scientific and socio-economic data. Both of those values should be fulfilled at workplaces 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, new diesel engine technology has changed the quality and quantity of diesel emissions and the associated carcinogenic risks have been reduced but not eliminated. The significant reduction of the diesel engine exhaust mass

concentration in exhaust from new technology diesel engines is expected to reduce the risk of lung cancer (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 is also needed on exposure levels at workplaces where new diesel engines are in use.

Amendment 14

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, **particularly 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. **SCOEL** identified the possibility of significant uptake through the skin for these mixtures **and ACSH agreed on the importance of introducing an occupational exposure limit value for PAHs and has recommended carrying out the work to evaluate the scientific aspects with the view to proposing an**

occupational exposure limit value in the future. 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. Further investigations should also be *carried out to assess whether it is necessary to extend entry 2 in the Annex I to cover work involving burning processes and high temperature combustion processes and to set a limit value for benzo[a]pyrene in order better to protect workers from polycyclic aromatic hydrocarbons mixtures.*

Amendment 15

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 close review.

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 **and ACSH agreed on a practical limit value on the basis of the available information, including scientific and technical data.** 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 **and technical evolution**, the limit values for this

substance will be kept under particularly close review.

Amendment 16

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 **and 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 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 17

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-

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

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 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.

carcinogen and has recommended avoiding occupational exposure. **SCOEL** identified for epichlorohydrine the possibility of significant uptake through the skin **and** ACSH 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 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.

Amendment 18

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

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 **and** **ACSH** 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.

dermal uptake.

Amendment 19

Proposal for a directive

Recital 11

Text proposed by the Commission

(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.

Amendment

(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. **SCOEL** identified for ethylene dichloride the possibility of significant uptake through the skin **and ACSH agreed on a practical limit value, on the basis of the available information, including scientific and technical data, while stressing the lack of robust and up-to-date scientific data, especially concerning the mode of action.** 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.

Amendment 20

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The 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), which provides guidance and tools in order to support, in addition to regulatory measures, 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. However, compliance with such agreements should not give rise to a presumption of conformity with the employers' obligations laid down in this Directive 2004/37/EC.

Amendment 21

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 and* carried out a two-stage consultation of the European social partners in accordance with Article 154 of the TFEU.

Amendment 22

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

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, actual exposure information, 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.

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 available, DNELs (Derived No Effect Levels) derived for hazardous chemicals in accordance with that Regulation ***in order to protect workers effectively***.

⁵⁸ OJ L 396, 30.12.2006, p. 1.

Amendment 23

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 ***rather*** be better achieved at Union level, the Union may adopt measures, in accordance with ***the precautionary principle as set out in Article 191(2) TFEU***, the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in ***that*** Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment 24

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 inserted:

“Article 13a

Social partners' agreements

The Commission shall encourage the 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. Those agreements shall be listed in Annex IVa. That list shall be regularly updated.”

Amendment 25

Proposal for a directive

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

Directive 2004/37/EC

Article 18a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1a) 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 extend the existing point 2 in Annex I to Directive 2004/37/EC to cover work involving burning processes and high temperature combustion processes and 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 related to that substance.

Amendment 26

Proposal for a directive

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

Directive 2004/37/EC

Article 18a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

“By 30 June 2019, the Commission shall, after consulting the Member States and the social partners, assess the need to modify the limit values for diesel engine exhaust emissions. The Commission shall propose, where appropriate, necessary amendments related to that process.”

Amendment 27

Proposal for a directive

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

Directive 2004/37/EC

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-1c) In Article 19, the following paragraph is added:

"Member States shall communicate to the Commission the national law and practices that 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. That 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 28

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.”

Amendment 29

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part A

Text proposed by the Commission

CAS No ⁽¹⁾	EC No ⁽²⁾	NAME OF AGENT	LIMIT VALUES						TRANSITIONAL MEASURES
			8 hours ⁽³⁾			Short-term ⁽⁴⁾			
			mg/m ³ ⁽⁵⁾	ppm ⁽⁶⁾	f/ml ⁽⁷⁾	mg/m ³	ppm	f/ml	
79-01-6	201-167-4	Trichloroethylene	54,7	10	–	164,1	30	–	
101-77-9	202-974-4	4,4'-Methylenedianiline	0,08	–	–	–	–	–	
106-89-8	203-439-8	Epichlorohydrine	1,9	-	-	-	-	-	
106-93-4	203-444-5	Ethylene dibromide	0,8	0,1	–	–	–	–	
107-06-2	203-458-1	Ethylene dichloride	8,2	2	–	–	–	–	

⁽¹⁾ CAS No: Chemical Abstract Service Registry Number.

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

⁽³⁾ Measured or calculated in relation to a reference period of eight hours time-weighted average (TWA).

⁽⁴⁾ Short-term exposure limit (STEL). A limit value above which exposure should not occur and which is related to a 15-minute period unless otherwise specified.

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

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

⁽⁷⁾ f/ml = fibres per millilitre.

Amendment

In Part A of Annex III to Directive 2004/37/EC, the following entries are added:

CAS No ⁽¹⁾	EC No ⁽²⁾	NAME OF AGENT	LIMIT VALUES						TRANSITIONAL MEASURES
			8 hours ⁽³⁾			Short-term ⁽⁴⁾			
			mg/m ³ ⁽⁵⁾	ppm ⁽⁶⁾	f/ml ⁽⁷⁾	mg/m ³	ppm	f/ml	
-	-	Diesel engine exhaust emissions	0,05 <i>(7a)</i>	-	-	-	-	-	-
-	-	Diesel engine exhaust emissions		0,5 ^(7b)	-	-	-	-	-
79-01-6	201-167-4	Trichloroethylene	54,7	10	—	164,1	30	—	
101-77-9	202-974-4	4,4'-Methylenedianiline	0,08	—	—	—	—	—	
106-89-8	203-439-8	Epichlorohydrine	1,9	-	-	-	-	-	
106-93-4	203-444-5	Ethylene dibromide	0,8	0,1	—	—	—	—	
107-06-2	203-458-1	Ethylene dichloride	8,2	2	—	—	—	—	

⁽¹⁾ CAS No: Chemical Abstract Service Registry Number.

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

⁽³⁾ Measured or calculated in relation to a reference period of eight hours time-weighted average (TWA).

⁽⁴⁾ Short-term exposure limit (STEL). A limit value above which exposure should not occur and which is related to a 15-minute period unless otherwise specified.

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

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

⁽⁷⁾ f/ml = fibres per millilitre.

^(7a) *Measured as elemental carbon.*

^(7b) *Measured as nitrogen dioxide*

Amendment 30

Proposal for a directive

Annex I – paragraph 1

Directive 2004/37/EC

Annex III – Part B – row 1

Text proposed by the Commission

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

–	–	Polycyclic aromatic hydrocarbons mixtures <i>including those</i> containing benzo[a]pyrene which are carcinogens within the meaning of the Directive	skin
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Amendment 31

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) The following annex is added:

“Annex IVa

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*.*

** OJ C 279, 17.11.2006.”*