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# **DRAFT REPORT**

with recommendations to the Commission on protecting workers from asbestos  
(2019/2182(INL))

Committee on Employment and Social Affairs

Rapporteur: Nikolaj Villumsen

(Initiative – Rule 47 of the Rules of Procedure)

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### with recommendations to the Commission on protecting workers from asbestos (2019/2182(INL))

*The European Parliament,*

- having regard to Article 225 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 152 and 154 TFEU concerning the role and consultation of the social partners,
- having regard to points (1) and (2) of Article 153 TFEU,
- having regard to points (1), (3), (4) and (5) of Article 192 TFEU,
- having regard to Article 194(2) TFEU,
- having regard to Article 114(1) TFEU,
- having regard to Article 169(3) TFEU,
- having regard to Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work<sup>1</sup>,
- having regard to Directive (EU) 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast)<sup>2</sup>,
- having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>3</sup>,
- having regard to Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)<sup>4</sup>,
- having regard to the European Pillar of Social Rights proclaimed on 17 November 2017 jointly by the European Parliament, the Council and the Commission (the Pillar),
- having regard to the Commission communication of 4 March 2021 on The European Pillar of Social Rights Action Plan (COM(2021)0102),
- having regard to its resolution of 14 March 2013 on asbestos related occupational health

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<sup>1</sup> OJ L 330, 16.12.2009, p. 28.

<sup>2</sup> OJ L 153, 18.6.2010, p. 13.

<sup>3</sup> OJ L 183, 29.6.1989, p. 1.

<sup>4</sup> OJ L 158, 30.4.2004, p. 50.

threats and prospects for abolishing all existing asbestos<sup>5</sup>,

- having regard to the practical guidelines for the information and training of workers involved with asbestos removal or maintenance work of the Commission (2012),
- having regard to the Commission communication of 6 June 2014 on an EU Strategic Framework on Health and Safety at Work 2014-2020 (COM(2014)0332),
- having regard to the Evaluation of the Practical Implementation of the EU Occupational Safety and Health (OSH) Directives in EU Member States (Cowi) published by the Commission,
- having regard to the opinion of the European Economic and Social Committee of 15 May 2019 entitled ‘Working with asbestos in energy renovation’,
- having regard to the opinion of the European Economic and Social Committee of 18 February 2015 on Freeing the EU from Asbestos,
- having regard to its resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation)<sup>6</sup>,
- having regard to the Commission communication of 14 October 2020 entitled ‘Chemicals Strategy for Sustainability. Towards a Toxic-Free Environment’ (COM(2020)0667),
- having regard to the Council conclusions ‘Sustainable Chemicals Strategy of the Union: Time to Deliver’ of 12 March 2021,
- having regard the Commission communication of 14 October 2020 entitled ‘A Renovation Wave for Europe - greening our buildings, creating jobs, improving lives’ (COM(2020)0662),
- having regard to the Commission communication of 3 February 2021 entitled ‘Europe’s Beating Cancer Plan’ (COM(2021)0044),
- having regard to the Commission communication of 11 March 2020 entitled ‘A new Circular Economy Action Plan. For a cleaner and more competitive Europe’(COM(2020)0098),
- having regard to the European Chemicals Agency (ECHA) Scientific report for evaluation of limit values for asbestos at the workplace, 1 February 2021,
- having regard to Rules 47 and 54 of its Rules of Procedure,
- having regard to the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on the Internal Market and Consumer Protection,

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<sup>5</sup> OJ C 36, 29.1.2016, p. 102.

<sup>6</sup> Texts adopted, P9\_TA-PROV(2021)0074.

- having regard to the report of the Committee on Employment and Social Affairs (A9-0000/2021),
- A. whereas asbestos causes between 30 000 and 90 000 deaths per year in the Union;
- B. whereas the most common occupational cancer is lung cancer, constituting between 54 % and 75 % of occupational cancers, and whereas asbestos is the main cause of lung cancer (45%);
- C. whereas 80 % of occupational cancers recognised in Europe are asbestos-related;
- D. whereas breast cancer is among the main causes of cancer death for women in the Union, together with lung cancer, and whereas occupational exposure to asbestos is rarely considered to be a priority in the prevention of breast cancer;
- E. whereas asbestos-related diseases can take up to 40 years to manifest, and cases in the Union are expected to peak before 2025;
- F. whereas despite existing regulations, asbestos-related diseases are usually not recognised as occupational diseases and victims are therefore not eligible for work-related compensation;
- G. whereas the management of asbestos in buildings and its safe removal requires full consideration of health and safety at work aspect in relation to the Union’s plan to improve the thermal insulation of its built environment with a view to energy savings and becoming the first climate-neutral continent by 2050;
- H. whereas the existing binding occupational exposure limit value (OEL) for asbestos is 0,1 fibres/cm<sup>3</sup> as an 8-hour time-weighted average (TWA) and should be reviewed to take account of the latest scientific and technical developments, and revised accordingly;
- I. whereas estimates suggest that the cost of occupational cancer in the Union accounts for between EUR 270 and EUR 610 billion per year, or 1,8% to 4,1 % of GDP, and whereas 98 % of the human costs, including the impact on life quality and workers’ families, are endured by workers, and whereas direct and indirect costs account for between EUR 4 and EUR 10 billion per year;
- J. whereas Parliament’s resolution of 17 December 2020 on a Strong Social Europe for Just Transitions<sup>7</sup> called on the Member States to eliminate work-related deaths and reduce work-related illnesses by 2030, and called on the Commission to revise Directive 2004/37/EC;
- K. whereas the Commission communication of 3 February 2021 entitled ‘Europe’s Beating Cancer Plan’ states that 52 % of occupational deaths in the Union can be attributed to work-related cancers, and whereas the Commission envisages presenting a legislative proposal in 2022 to reduce worker exposure to asbestos as part of its plan;

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<sup>7</sup> Texts adopted, P9\_TA(2020)0371.

- L. whereas the Pillar was adopted as a response to social challenges in the Union; whereas the Pillar comprises 20 principles divided into three categories: equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion; whereas principle 10 provides for a high level of protection of workers' health and safety at work, which should include the protection of workers from exposure to carcinogens and mutagens at the workplace;

### **European Strategy for the Removal of All Asbestos (ESRAA)**

1. Points out that the safe removal of asbestos is directly connected to the following recent and upcoming Union policy initiatives: the new Union framework for health and safety, the Green Deal with the Renovation Wave, Next Generation EU and the Multiannual Financial Framework, Europe's Beating Cancer Plan, the EU waste strategy and the circular economy package;
2. Underlines that the safe removal of asbestos is an urgent task and reiterates its call for a comprehensive and integrated approach connecting several policy areas;
3. Calls on the Commission to present a European Strategy for the Removal of All Asbestos (ESRAA), which includes the following elements:
  - (a) a European framework for national strategies for the safe removal of all asbestos in the Member States. This framework should include a legislative proposal to introduce minimum standards for publicly accessible national asbestos registers;
  - (b) a proposal to update Directive 2009/148/EC in order to strengthen Union measures for protecting workers, from the threat of asbestos and to prevent a new wave of asbestos victims in the course of the Union's building Renovation Wave;
  - (c) a legislative proposal for:
    - (i) the recognition of occupational diseases, including all known asbestos related diseases, with minimum standards for recognition procedures, and
    - (ii) minimum standards for the compensation of victims of asbestos related occupational diseases;
  - (d) A proposal to update Directive 2010/31/EU with a view to introducing a requirement for the mandatory screening and subsequent removal of asbestos and other dangerous substances before renovation works can start, in order to protect the health of construction workers;
  - (e) A legislative proposal for the mandatory screening of buildings before sale or rent and for the establishment of asbestos certificates for buildings constructed before 2005;

### **A European framework directive for national asbestos removal strategies**

4. Welcomes Commission communication of 14 October 2020 entitled 'A Renovation Wave for Europe' - greening our buildings, creating jobs, improving lives', which seeks

to renovate 35 million buildings by 2030; shares the view expressed in the communication that particular attention should be paid to protecting workers renovating old buildings from exposure to asbestos;

5. Insists that any Union initiative supporting energy renovation should include binding measures for the safe removal of asbestos and other hazardous materials;
6. Reiterates its call on the Commission to set a legal framework for an assessment, in consultation with the relevant stakeholders, including the social partners, of all existing asbestos in buildings and infrastructure in the Member States, and to estimate the costs of its safe removal in each Member State;
7. Calls on the Commission to present a proposal for a framework directive for Member States to set up national asbestos removal plans that include clear and realistic timelines and interim targets, detection and registration of asbestos, financing and support to homeowners, protection measures for workers against the risk of asbestos exposure in accordance with Directive 2009/148/EC as well as the safe disposal of asbestos in order to prevent asbestos from entering into recycling processes;
8. Reiterates its call for national public asbestos registers; calls on the Commission to introduce, as part of a proposal for a framework directive, minimum standards for publicly accessible digital national registers for asbestos and other hazardous substances in public and privately owned buildings;

#### **Update of Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work**

9. Calls on the Commission to update Directive 2009/148/EC with the purpose of clarifying that all varieties of asbestos are carcinogenic, and to start the process for updating the list of fibrous silicates within the scope of the Directive by verifying the inclusion of actinolite, anthophyllite, tremolite, grunerite and riebeckite as well as winchite, richterite, fluoro-edenite, and erionite;
10. Is concerned that according to the latest scientific medical research and recommendations, there is no threshold under which asbestos fibre air concentration is harmless<sup>8</sup>; believes in that regard that no exemptions from the protection measures of Directive 2009/148/EC can be justified under reference to the occupational exposure limit value (OELV);
11. Insists that asbestos containing parts and materials already in use should be removed and disposed of safely and should not be repaired, maintained, sealed, encapsulated, or covered, as these practices lead to a hidden asbestos problem bearing risks for inhabitants and workers years later; calls for the prohibition of encapsulation and sealing of asbestos and for the identification and registering of asbestos containing parts which cannot be removed in the short term (such as concrete walls in buildings);
12. Recalls the fundamental legal principle of health and safety at work that the state of the art in technology must always be applied to achieve the highest possible level of

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<sup>8</sup> ECHA Scientific report for evaluation of limit values for asbestos at the workplace, 1 February 2021.

protection; calls for the strengthening of technical minimum requirements to lower the concentration of asbestos fibres in the air to the lowest level which is technically possible, including through dust suppression and the suction of dust at the source, continuous sedimentation, and means of decontamination; calls for minimum requirements for the pressure difference between asbestos enclosures and surroundings, fresh air supply and HEPA filters;

13. Notes that the current Union minimum standard for the asbestos OELV is 100 000 fibres per m<sup>3</sup> (0,1 fibres/cm<sup>3</sup>); highlights that some Member States apply much lower OELVs to protect the health of workers, for example an OELV of 2 000 fibres/m<sup>3</sup> (0,002) in the Netherlands;
14. Underlines that leading medical researchers from the International Commission of Occupational Health (ICOH) conclude that exposure limits do not protect properly against cancer and propose an occupational limit value of 1 000 fibres/m<sup>3</sup> (0,001 fibres/cm<sup>3</sup>); calls for an updated exposure limit to be set at 0,001 fibres/cm<sup>3</sup> (1 000 fibres/m<sup>3</sup>);
15. Emphasises that employers, but also main contractors, contracting authorities, and owners commissioning work should be required to carry out an asbestos diagnosis before the start of any work in buildings, ships, aircraft, on equipment, or products;
16. Is concerned that training requirements and the certification of training carried out still vary greatly among Member States, which is a severe hazard for health and safety in the context of the cross-border mobility of workers; calls for a new annex to Directive 2009/148/EC with obligatory minimum requirements for training on work with asbestos, including specific requirements for workers in specialised asbestos removal companies as well as workers who could come into contact with asbestos containing materials while performing their work;

### **Recognition and compensation of asbestos-related diseases**

17. Calls on the Commission to update its Recommendation of 19 September 2003 concerning the European schedule of occupational diseases<sup>9</sup> to include the latest available scientific medical knowledge regarding occupational diseases, in particular with regard to asbestos-related diseases;
18. Calls on Member States to facilitate recognition procedures by reversing the burden of proof, especially if national registers for asbestos workers were set up only recently, and to establish adequate compensation for workers suffering from asbestos related diseases;
19. Points out that asbestos-related diseases are a cross-border challenge due to free movement; recalls that occupational diseases and workplace-related health risks are always linked to a specific profession, working activity, workplace and time; calls on the Commission to present, after consulting the social partners, a proposal for a Directive on the basis of Article 153(1)(a) and (b) TFEU laying down Union minimum

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<sup>9</sup> Commission Recommendation C(2003) 3297 of 19 September 2003 concerning the European schedule of occupational diseases (OJ L 238, 25.9.2003, p. 28).



standards for the recognition and compensation of occupational diseases, including asbestos-related diseases;

**Asbestos screening prior to energy renovation works and selling or renting out a building**

20. Recalls that recital 14 of Directive (EU) 2018/844 amending Directive 2010/31/EU on the energy performance of buildings calls on Member States to support energy performance upgrades of existing buildings, including through the removal of asbestos and other harmful substances, preventing the illegal removal of harmful substances, and facilitating compliance with existing legislative acts;
21. Calls on the Commission to present a proposal for an amendment to Article 7 of Directive 2010/31/EU in the context of “A Renovation Wave for Europe” introducing a requirement for the mandatory asbestos screening, registering, and removal of asbestos and other dangerous substances before any renovation works can start;
22. Calls on the Commission to present a legislative proposal for the mandatory screening of buildings before sale or rent and for the establishment of asbestos certificates for buildings constructed before 2005;
23. Calls on the Commission to assess the financial implications of Parliament’s requests in accordance with paragraphs 6 and 7 and point 3 of Annex I;
24. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council.

## **ANNEX I TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED**

### **A European framework directive for national asbestos removal strategies**

The European Parliament requests that the Commission submit, after consulting the social partners as provided for in Article 154, on the basis of Article 152(2) and Article 192(1) to (5) TFEU, a framework directive setting out minimum requirements for national asbestos removal strategies, considering at least the following elements:

- (1) An assessment estimating the quantities and predominant types of asbestos containing materials to be removed from buildings and infrastructure in a Member State or region;
- (2) A timeline for asbestos removal, including possible priorities (such as schools, gyms, or social housing), milestones, and regular evaluations of the progress made at least every 5 years;
- (3) A financial framework, including the possible use of Union funds, for the support of building owners and linking the removal of asbestos to other public policies and programmes (such as energy efficiency, improvements of the living environment, social housing) for reasons of efficiency and the use of synergies;
- (4) Minimum criteria for national digital asbestos registries, which should map all existing asbestos in a Member State or region, including at least the following requirements:
  - (a) accessibility for workers and companies working in a building or infrastructure, owners, inhabitants, and users;
  - (b) the year of construction of the building or infrastructure concerned (before or after the national asbestos ban);
  - (c) information about the type of building or infrastructure in which asbestos is located (private, public or business premises);
  - (d) the specific location of harmful substances and an indication of where work will be performed (inside/outside) as well as the part of the building (floors, walls, ceilings, roofs) or infrastructure;
  - (e) the type of material (asbestos cement, insulation, putty etc.) and an estimated proportion of those types of material;
  - (f) the kind of works that need to be conducted and an indication of work methods that may disturb asbestos containing materials (drilling, cutting etc.) and the expected duration of the works;
  - (g) a timeline for removal and a management plan;
- (5) A link to all relevant national occupational health and safety regulations applicable, in accordance with Directive 2009/148/EC;
- (6) A plan for the safe, monitored, and documented disposal of asbestos containing waste;
- (7) A strategy for the control and enforcement of the measures foreseen, including inspections and effective, proportionate and dissuasive penalties in the event of non-

compliance;

- (8) The close involvement of the social partners and other relevant stakeholders such as national prevention institutions for occupational health and safety, in the transposition, implementation and monitoring of Directive 2009/148/EC.

## ANNEX II TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

### Update of Directive 2009/148/EC

The European Parliament requests that the Commission submit, after consulting the social partners as provided for in Article 154, on the basis of Article 153(2)(b) TFEU, a proposal to amend Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work, based on the following recommendations:

1. **In Article 3, paragraphs 3 and 4 are deleted<sup>1</sup>;**

2. **Article 4 is amended as follows:**

(a) **paragraph 1 replaced by the following:**

“1. Subject to Article 3[...], the measures referred to in paragraphs 2 to 5 shall be taken.

(b) **paragraph 3 is replaced by the following:**

“3. The notification referred to in paragraph 2 shall be submitted by the employer to the responsible authority of the Member State, before the work commences, in accordance with national laws, regulations and administrative provisions.

The notification must include at least a brief description of:

- (a) the location of the worksite *and the specific areas in which the work will be conducted*;
- (b) the type and quantities of asbestos used or handled;
- (c) the activities and processes involved;
- (d) the number of workers involved, *the list of workers likely to be assigned to the site, the individual certificates proving their competence and the training received, and the dates of the mandatory medical visits*;

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<sup>1</sup> Existing text of paragraphs 3 and 4 reads as follows:

“3. Provided that worker exposure is sporadic and of low intensity, and if it is clear from the results of the risk assessment referred to in paragraph 2 that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 4, 18 and 19 may be waived where the work involves:

- (a) short, non-continuous maintenance activities in which only non-friable materials are handled;
  - (b) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix;
  - (c) encapsulation or sealing of asbestos-containing materials which are in good condition;
  - (d) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.
4. Member States shall, following consultation with representatives from both sides of industry, in accordance with national law and practice, lay down practical guidelines for the determination of sporadic and low-intensity exposure, as provided for in paragraph 3.”

- (e) the starting date and duration of the work;
- (f) measures taken to limit the exposure of workers to asbestos;
- (g) *the characteristics of the equipment used for the protection and decontamination of workers;*
- (h) *the characteristics of the equipment used for waste disposal;*
- (i) *the procedure for the decontamination of workers and equipment, durations and working hours;*
- (j) *a provisional aeraulic balance for work carried out under confinement.”*

**3. Article 5 is replaced by the following:**

“Article 5

[...]²

Without prejudice to the application of other Community provisions on the marketing and use of asbestos, activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.

*Asbestos containing parts and materials already in use shall be removed and disposed of safely and not be repaired, maintained, sealed, or covered.”*

**4. In Article 6, point (b) is replaced by the following:**

“(b) work processes must be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air, **by at least implementing the following measures:**

- (i) *dust suppression;*
- (ii) *suction of dust at the source;*
- (iii) *continuous sedimentation of fibres suspended in the air;*
- (iv) *appropriate decontamination;*
- (v) *setting a minimum pressure difference of minus 10;*
- (vi) *supplying clean replacement air from a point further away;*
- (vii) *checking the performance of negative pressure units and portable vacuums of local exhaust ventilation systems after the change of a HEPA filter and before the start of asbestos removal or at least once a year, by measuring the removal efficiencies of filters with a direct-reading particle counter.”*

**5. Article 7 is amended as follows:**

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<sup>2</sup> The deleted first paragraph of Article 5 reads as follows:

“The application of asbestos by means of the spraying process and working procedures that involve using low-density (less than 1 g/cm<sup>3</sup>) insulating or soundproofing materials which contain asbestos shall be prohibited.”

**(a) paragraph 1 is replaced by the following<sup>3</sup>:**

“1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out *by measuring during the specific operational phases and in regular intervals during the work process.*”

**(b) paragraph 2 is replaced by the following:**

“2. Sampling must be representative of the *real* personal exposure of the worker to dust arising from asbestos or materials containing asbestos.”

**(c) paragraph 5 is replaced by the following<sup>4</sup>:**

“5. The duration of sampling must be such that representative exposure can be established for *all operations in all their different phases carried out during the work process.*”

**(d) the first subparagraph of paragraph 6 is replaced by the following<sup>5</sup>:**

“6. Fibre counting shall be carried out wherever possible by *analytical transmission electron microscopy* or any other method giving equivalent results.”

**6. Article 8 is replaced by the following<sup>6</sup>:**

“Article 8

Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of *0,001* fibres per cm<sup>3</sup> (*1 000 fibres per m<sup>3</sup>*) *at any moment during the work process.*”

**7. In Article 10, paragraph 1 is replaced by the following<sup>7</sup>:**

“1. Where the limit value laid down in Article 8 is exceeded *work must stop immediately. The* reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation must be taken as soon as possible.

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<sup>3</sup> The existing text reads as follows:

“1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out regularly.”

<sup>4</sup> The existing text reads as follows: “5. The duration of sampling must be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or time-weighted calculations.”

<sup>5</sup> The existing text reads as follows: “6. Fibre counting shall be carried out wherever possible by phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO) or any other method giving equivalent results.”

<sup>6</sup> The existing text reads as follows: “Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm<sup>3</sup> as an 8-hour time-weighted average (TWA).”

<sup>7</sup> The existing text reads as follows:

“1. Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation must be taken as soon as possible. Work may not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.”

Work *shall* not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.”

**8. Article 11 is replaced by the following<sup>8</sup>:**

“Article 11

Before beginning demolition or maintenance work, *or renovation works on premises built before 2005, the premise must be screened to identify all asbestos-containing materials, in accordance with the requirements of Part 6 of Annex XVII to Regulation (EC) No 1907/2006 and Annex I to Regulation (EU) No 305/2011. The screening must be conducted by a qualified and certified operator, taking into account Articles 14 and 15 of this Directive, and the national building law provisions.*

*The Member States shall regulate the details of explorations and investigations for the detection of asbestos-containing materials, in accordance with their national building regulations.”*

**9. In the first paragraph of Article 12, the introductory wording is replaced by the following<sup>9</sup>:**

“In the case of certain activities such as demolition *or* asbestos removal work, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:”

**10. In Article 13, paragraph 1 is replaced by the following<sup>10</sup>:**

“1. A plan of work shall be drawn up before *any work in relation to asbestos* is started.”

**11. In Article 14, paragraphs 2 and 3 are replaced by the following<sup>11</sup>:**

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<sup>8</sup> The existing text reads as follows:

“Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises, all necessary steps to identify presumed asbestos-containing materials.

If there is any doubt about the presence of asbestos in a material or construction, the applicable provisions of this Directive shall be observed.”

<sup>9</sup> The existing text reads as follows: “In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:”

<sup>10</sup> The existing text reads as follows: “1. A plan of work shall be drawn up before demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships is started.

<sup>11</sup> The existing text reads as follows:

“2. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards:

- (a) the properties of asbestos and its effects on health, including the synergistic effect of smoking;
- (b) the types of products or materials likely to contain asbestos;
- (c) the operations that could result in asbestos exposure and the importance of preventive

- “2. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, *in line with applicable laws and regulations in the Members State in which the work takes place.*
3. *Mandatory minimum requirements for the content, duration, intervals, and documentation of the training are specified in Annex 1a.”*

12. Article 15 is replaced by the following<sup>12</sup>:

*“Article 15*

1. *Undertakings which intend to carry out demolition or asbestos removal work shall be required to obtain a renewable permit from the competent authority. Competent authorities may grant such permits if the applicant undertaking offers proof of adequate state of the art technical equipment for emission-free or, where this is not technically possible yet, low-emission work procedures in line with the requirements of Article 6, and training certificates for their individual workers in accordance with Article 14 and Annex 1a.*
2. *Competent authorities shall grant permits to undertakings only if they have no doubt as to the reliability of the undertaking and its management. The permits shall be renewable every five years, in accordance with national law and practice.*
3. *Member States establish public registers of the undertakings authorised to remove asbestos under paragraph 1.”*

13. In Article 16, paragraph 1 is replaced by the following<sup>13</sup>:

- 
- (d) controls to minimise exposure;
  - (e) safe work practices, controls and protective equipment;
  - (f) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;
  - (g) emergency procedures;
  - (h) decontamination procedures;
  - (i) waste disposal;
  - (j) medical surveillance requirements.
3. Practical guidelines for the training of asbestos removal workers shall be developed at Community level.”

<sup>12</sup> The existing text reads as follows: “Before carrying out demolition or asbestos removal work, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice. “

<sup>13</sup> The existing text reads as follows:

- “1. In the case of all activities referred to in Article 3(1), and subject to Article 3(3), appropriate measures shall be taken to ensure that:
  - (a) the places in which the above activities take place:
    - (i) are clearly demarcated and indicated by warning signs;
    - (ii) are not accessible to workers other than those who by reason of their work or duties are required to enter them;
    - (iii) constitute areas where there should be no smoking;
  - (b) areas are set aside where workers can eat and drink without risking contamination by asbestos dust;
  - (c) workers are provided with appropriate working or protective clothing; this working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported



- “1. In the case of all activities referred to in Article 3(1), appropriate measures shall be taken to ensure that:
- (a) the places in which the above activities take place:
    - (i) are clearly demarcated and indicated by warning signs;
    - (ii) are not accessible to workers other than those who by reason of their work or duties are required to enter them;
    - (iii) constitute areas where there should be no smoking;
  - (b) areas are set aside where workers can eat and drink without risking contamination by asbestos dust;
  - (c) workers are provided with appropriate working or protective clothing; ***protective gears, and especially respiratory equipment, must be subject to a mandatory individual fitting check; all*** working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;
  - (ca) ***regular compulsory breaks and with sufficient time for regeneration for must be foreseen for workers wearing strenuous respiratory equipment;***
  - (d) separate storage places are provided for working or protective clothing and for street clothes;
  - (e) workers are ***subject to a mandatory decontamination procedure;***
  - (f) protective equipment is placed in a well-defined place and checked and cleaned after each use, and appropriate measures are taken to repair or replace defective equipment before further use.”

**14. In Article 17(2), the introductory wording is replaced by the following<sup>14</sup>:**

“2. In addition to the measures referred to in paragraph 1, appropriate measures shall be taken to ensure that:”

**15. In Article 18, paragraph 1 is replaced by the following:**

“1. Subject to Article 3[...], the measures referred to in paragraphs 2 to 5 shall be taken.”

**16. In Article 19, paragraph 1 is replaced by the following:**

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- (d) in closed containers;
  - (d) separate storage places are provided for working or protective clothing and for street clothes;
  - (e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations;
  - (f) protective equipment is placed in a well-defined place and checked and cleaned after each use, and appropriate measures are taken to repair or replace defective equipment before further use.”

<sup>14</sup> The existing text reads as follows: “In addition to the measures referred to in paragraph 1, and subject to Article 3(3), appropriate measures shall be taken to ensure that:”.

“1. Subject to Article 3[...], the measures referred to in paragraphs 2, 3 and 4 shall be taken.”

**17. Article 21 is replaced by the following<sup>15</sup>:**

“Article 21

1. Member States shall keep a register of *all* recognised cases *of asbestos-related diseases*.
2. *The term “recognised cases” referred to in paragraph 1 shall not be limited to cases for which compensation is granted, but shall refer to all cases of medically diagnosed asbestos-related diseases.*
3. *The asbestos-related diseases recognised in the Member States shall as a minimum encompass those listed in Annex 1b.”*

**18. The following annexes are inserted:**

“Annex 1a

**MANDATORY MINIMUM REQUIREMENTS FOR TRAINING**

*All workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos, shall receive mandatory training, encompassing at least the following minimum requirements:*

1. *The training shall be provided at the start of an employment relationship and at intervals not exceeding 4 years;*
2. *Each training course shall have a minimum duration of 3 working days;*
3. *The training shall be provided by a qualified institution and instructor, in accordance with national law;*
4. *Every worker who has attended training in a satisfactory manner shall receive a training certificate indicating:*
  - (a) *the date of the training,*
  - (b) *the duration of the training,*
  - (c) *the content of the training,*
  - (d) *and the name, qualification, and contact details of the instructor and the institution providing the training.*
5. *All workers who are, are likely to be, or are at risk of being exposed to dust from asbestos or materials containing asbestos shall at least receive the following training with a theoretical and a practical part regarding:*
  - (a) *the applicable law of the Member State in which the work is carried out;*
  - (b) *the properties of asbestos and its effects on health, including the synergistic effect of smoking;*
  - (c) *the types of products or materials likely to contain asbestos;*

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<sup>15</sup> The existing text reads as follows: “Member States shall keep a register of recognised cases of asbestosis and mesothelioma.”

- (d) *the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;*
- (e) *safe work practices, including workplace preparation, choice of working methods and planning of work execution, ventilation, point extraction, measurement and control, and regular breaks;*
- (f) *the appropriate role, choice, selection, limitations and proper use of protective equipment, with special regard to respiratory equipment;*
- (g) *emergency procedures;*
- (h) *decontamination procedures;*
- (i) *waste disposal;*
- (j) *medical surveillance requirements.*

*The training shall be adapted as closely as possible to the characteristics of the profession and the specific tasks and work methods it involves.*

- 6. *Workers engaging in demolition or asbestos removal work shall receive training, in addition to the items listed under paragraph 4, regarding:*
  - (a) *the use of technological equipment and machines to contain the release and spreading of asbestos fibres during the work processes, in accordance with Directive 2009/104/EC;*
  - (b) *the newest available technologies and machines for emission-free or, where this is not technically possible yet, low-emission working procedures, to contain the release and spreading of asbestos fibres.*

### ***Annex 1b***

#### ***LIST OF ASBESTOS-RELATED DISEASES***

*Member States shall introduce into their national law provisions concerning scientifically recognised asbestos-related occupational diseases. Those diseases include at least the following:*

- *asbestosis,*
- *mesothelioma following the inhalation of asbestos dust,*
- *benign pleural diseases including fibrotic lesions, rounded atelectasis and benign pleural effusion caused by asbestos,*
- *lung cancer including bronchial cancer following the inhalation of asbestos dust,*
- *cancer of the larynx following the inhalation of asbestos dust,*
- *ovarian cancer caused by asbestos,*
- *colorectal cancer caused by asbestos,*
- *stomach cancer caused by asbestos”.*

## **ANNEX III TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED**

### **Recognition and compensation of asbestos-related diseases**

The European Parliament requests that the Commission submit, after consulting the social partners as foreseen in Article 154, on the basis of Article 153(2)(b) TFEU, a proposal for a directive setting out minimum requirements for the recognition of occupational diseases, including all asbestos related diseases, and adequate compensation for individuals concerned. The proposal by the Commission should consider at least the following elements:

- (1) a list of occupational diseases liable for compensation and subject to preventive measures which shall be recognised by the Member States and be without prejudice to more favourable national law, building on Commission Recommendation of 19 September 2003 concerning the European schedule of occupational diseases, and updated according to the latest available scientific knowledge;
- (2) the establishment of one-stop-shops as contact points for individuals concerned dealing with all matters regarding occupational diseases;
- (3) the establishment of national ombudspersons or independent advice services to assist victims of occupational diseases in recognition procedures;
- (4) a revision of the burden of proof for the recognition of occupational diseases or at least its effective simplification;
- (5) provisions for adequate compensation of recognised occupational diseases.

**ANNEX IV TO THE MOTION FOR A RESOLUTION:  
RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED**

**Update of Directive 2010/31/EU - Asbestos screening prior to energy renovation works**

The European Parliament requests that the Commission submit, on the basis of Article 194(2) TFEU, a proposal for an amendment to Directive 2010/31/EU on the energy performance of buildings, based on the following recommendation:

**Article 7 is replaced by the following:**

“Article 7

Existing buildings

Member States shall take the necessary measures to ensure that when buildings undergo major renovation, the energy performance of the building or the renovated part thereof is upgraded in order to meet minimum energy performance requirements set in accordance with Article 4 in so far as this is technically, functionally and economically feasible.

Those requirements shall be applied to the renovated building or building unit as a whole. Additionally or alternatively, requirements may be applied to the renovated building elements.

Member States shall in addition take the necessary measures to ensure that when a building element that forms part of the building envelope and has a significant impact on the energy performance of the building envelope, is retrofitted or replaced, the energy performance of the building element meets minimum energy performance requirements in so far as this is technically, functionally and economically feasible.

Member States shall determine these minimum energy performance requirements in accordance with Article 4.

Member States shall encourage, in relation to buildings undergoing major renovation, high-efficiency alternative systems, in so far as this is technically, functionally and economically feasible, and shall address the issues of healthy indoor climate conditions, fire safety and risks related to intense seismic activity.

***Member States shall make it mandatory to screen buildings for asbestos and other hazardous materials, and, in an orderly and safe manner, to remove and dispose of those materials before the start of renovation works, in accordance with Directive 2009/148/EC, Regulation (EU) No 305/2011, and other relevant legislative acts.”***

**ANNEX V TO THE MOTION FOR A RESOLUTION:  
RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED**

**Asbestos screening of buildings for sale or rent**

The European Parliament requests that the Commission submit, on the basis of Article 169(3) and Article 114(1) TFEU, a directive setting out minimum requirements for asbestos certificates for buildings constructed before 2005 or the year of the national asbestos ban and which are sold or rented out. The proposal should consider as a minimum the following elements:

- (1) an obligation for owners of buildings (public and private) to commission a screening of the building to locate and identify all asbestos containing materials before the building (or a part of it) is sold or rented out;
- (2) screenings shall be carried out by qualified and certified operators only, in accordance with Directive 2009/148/EC, national law and practice, and under the supervision of a competent national body;
- (3) the result of the screening should be reported to a competent national body (a one-stop shop), which should issue a certificate, keep a national registry of the certificates, and give advice to owners about applicable laws and regulation, the correct and safe removal of asbestos detected, and financial support available;
- (4) the asbestos certificates shall contain the result of the screening, including a list of the types of asbestos containing materials found, their exact location, and a concept for the safe removal;
- (5) the certificates should be integrated into existing asbestos registries and made available to companies and workers conducting works in the building;
- (6) effective, proportionate, and dissuasive fines shall be established for sellers and lessors of buildings who do not commission the prescribed screening and report it to the competent body before selling or renting out the property;
- (7) sellers or lessors of the property shall be liable if they do not commission the mandatory screening and report the results to the competent national body, with a period of liability of 30 years.

## EXPLANATORY STATEMENT

According to the latest available scientific data (The Lancet, October 2020), the number of annual asbestos related deaths in the EU28 reached 90,730 in 2019. Asbestos has been and remains one of the key occupational carcinogens. More than 300.000 citizens are expected to die from mesothelioma by 2030 in the EU, the vast majority of the cases resulting from occupational exposure to asbestos. Asbestos is still largely present in buildings and infrastructure built before 2005 when the EU finally banned asbestos. The exposure occurs still among the EU workforce, especially - though not only - in the construction sector.

The Green Deal with the new Renovation Wave will trigger the energy renovation of millions of buildings in the EU. Concrete walls, floors, ceilings, roofs, pipes, isolation and many more materials produced before the asbestos ban may contain highly dangerous asbestos fibres. With Europe's Beating Cancer Plan the EU and the Member States have an opportunity to take into account the cross-cutting nature of the asbestos health threat and to make sure that asbestos removal is carried out in the most efficient way, in terms of human health and safety as well as with regard to organisation and finances.

The report proposes to develop a comprehensive European Strategy for the Removal of All Asbestos (ESRAA) in the EU, by using the synergies of several policy areas to safely remove asbestos from the built environment once and for all and thus to protect workers and citizens now and in the future. Those policy areas cover the Green Deal with the Building Renovation Wave, the implementation of the European Pillar of Social Rights (EPSR), Europe's Beating Cancer Plan, the EU Multiannual Financial Framework (MFF) and the Recovery Plan, the New EU Strategic Framework for Health and Safety at Work and the revision of the Asbestos at Work Directive 2009/148/EC, and the Circular Economy Action Plan where it addresses construction and buildings.

The report seeks to provide recommendations for several core elements which should be included in an ESRAA.

A European framework directive for national asbestos removal strategies, including the assessment of existing asbestos in the built environment, clear timelines and milestones for its safe removal, minimum standards for public digital asbestos registries mapping all existing asbestos in a country or region, public information campaigns and a financial framework for the support of building owners, the safe and documented disposal of asbestos waste, and proper controls and enforcement measures such as reinforced labour inspections, should set the framework for an ESRAA. Asbestos registries should be accessible for workers and companies, owners, inhabitants, and users of buildings and regularly updated. Asbestos registration in the built environment is an important element also for the circular economy and waste strategy, for which the identification, registration, and documented disposal of hazardous materials is central.

Health risks arising from asbestos concern workers, but also inhabitants, users and people living in the surroundings of contaminated buildings or infrastructure. Directive 2009/148/EC ("Asbestos at work Directive") has set the European minimum standards to take measures to ensure protection of the workers while they are engaged in certain activities such as demolition, asbestos removal work, repairing and maintenance. After 12 years since its last revision, some aspects of the directive are obsolete and not in line with the latest scientific knowledge and

technical state of the art anymore. The Directive should be updated regarding some of the procedural and technical requirements, establish a better European level playing field for the training of workers and the competence of companies, and lower the occupational exposure limit in line with the latest available knowledge from scientific medical research.

Victims of asbestos related occupational diseases must be recognised in a swift and unbureaucratic manner and adequate compensation. Occupational diseases are always directly linked to a specific workplace and activity, and the right to recognition and compensation should therefore be an integral element of a worker's health and safety protection at work and the working conditions. Furthermore, the high and rising degree of labour mobility in connection with the long latency periods of asbestos related diseases make this an issue of European concern. New legislation with European minimum standards for the recognition and adequate compensation of occupational diseases, including all known asbestos related diseases, should help workers suffering from an ailment. The report proposes to update the Recommendation of 19 September 2003 concerning the European schedule of occupational diseases and use it as a material basis for a new directive, which should, among others, include elements such as a revision of the burden of proof in recognition procedures, the establishment of national one-stop shops for all matters regarding occupational disease, and ombudspersons to assist affected workers in recognition procedures.

The Directive on the Energy Performance of Buildings 2010/31/EU sets the framework for energy renovations and should also enforce the requirement for the mandatory screening and subsequent removal of asbestos and other dangerous substances before renovation works start. The report makes a proposal for a targeted amendment in this regard.

An obligation for owners of buildings to commission a screening of the building to locate and identify asbestos containing materials before the building is sold or rented out is an important point to establish asbestos certificates which should feed into public asbestos registries, be made available to workers engaging in renovation or demolition works, as well as protect buyers and tenants both from dangers to their health and safety and financially. The report calls for a legislative proposal for mandatory screening before selling or renting out a building and establish asbestos certificates for buildings constructed before 2005. Since asbestos is a heritage problem affecting the European society as a whole, owners of buildings engaging in asbestos removal should receive adequate support with financing made available both from European and national funds.