



2019/2182(INL)

2.9.2021

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Employment and Social Affairs

on Protecting workers from asbestos
(2019/2182(INL))

Rapporteur for opinion (*): Anne-Sophie Pelletier

(Initiative – Rule 47 of the Rules of Procedure)

(*)Associated committee – Rule 57 of the Rules of Procedure

PA_INL

SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Employment and Social Affairs, as the committee responsible:

- to incorporate the following suggestions into its motion for a resolution:
- A. whereas the use of asbestos fibres and products containing these fibres added intentionally has been prohibited as from January 2005¹ and Member States must ensure the complete phase-out of asbestos fibres at the latest by 2025²;
- B. whereas asbestos is acknowledged, as is well established and documented, as a cause of lung, laryngeal and ovarian cancers and mesothelioma, with a latency period of 20 to 55 years following exposure; whereas a study by the International Journal of Environmental Research and Public Health puts the number of persons dying each year as a result of exposure to asbestos at some 250 000³;
- C. whereas, despite the European-level ban on its use, asbestos exposure is the number one cause of mesothelioma cancer, and whereas it also affects individuals outside the working environment through a continuous increase in cancers and mesothelioma as well as other non-malignant lung and pleural disorders, linked to passive, limited exposure; whereas many cases of asbestos-related diseases are not recognised as occupational diseases and more data is needed;
- D. whereas Regulation (EC) 1907/2006 ('the REACH Regulation') specified that the manufacture, selling and use of asbestos fibres and products containing these fibres added intentionally is prohibited and whereas Regulation (EU) 2016/1005 amending Annex XVII to the REACH Regulation aims at ensuring the complete phase out of asbestos products in Member States by 1 July 2025;
- E. whereas asbestos is still present in many administrative buildings, schools, housing, infrastructure and public-transport facilities and water supply networks; whereas knowledge about the use and presence of that substance is dwindling over time; whereas the presence of asbestos and the absence of knowledge of this represents a danger for all occupiers and users of buildings;
- F. whereas a substantial share of the existing built environment in the Union is older than 50 years and, according to the EU Building Stock Observatory, in most Member States half of the residential stock was built before 1970 when asbestos was widely used;

¹ For the current rules on the prohibition of asbestos, see Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).

² See Commission Regulation (EU) 2016/1005 of 22 June 2016 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards asbestos fibres (chrysotile) (OJ L 165, 23.6.2016, p. 4.).

³ <https://www.mdpi.com/1660-4601/15/5/1000/htm>

whereas the asbestos residues in buildings and constructions containing asbestos poses a threat to many different groups of the population, including home-owners, building users, occupants and workers, including when it is friable, which leads to the release of dust or fibres into the air where they can be inhaled or ingested by people passively exposed to it;

- G. whereas because of the lifespan of buildings with asbestos-containing components, the deterioration of materials, and the energy-related building renovation wave, renovation processes will be complex, posing immediate risks of exposure for persons on or near construction sites, as well as future risks for users and occupiers because of the slow asbestos-dust dispersal rate;
- H. whereas Parliament⁴ and the social partners⁵ have recognised the usefulness of public registers of asbestos presence and the usefulness of technical certificates as introduced in several Member States; whereas some Member States have developed registers of buildings containing asbestos; whereas this is a good starting point for introducing such a requirement in all Member States; whereas the Renovation Wave Strategy that aims at doubling the renovation rate of buildings in the next ten years to increase energy and resources efficiency in the building sector is an opportunity to create and implement national registers of asbestos presence;
- I. whereas the removal of asbestos without financial help places a significant financial burden on building owners which, in specific cases, may also indirectly affect tenants; whereas the introduction of requirements for the safe removal of asbestos must be socially fair thus must be accompanied by appropriate measures to support owners to finance the needed renovations, as well as measures for SMEs conducting works; whereas consumers should be protected by combatting fraud practices and enhancing the market surveillance;
- J. whereas the legislation in force in some Member States only puts certain obligations on owners, administrators or managers of asbestos-containing buildings when they start to use the building or intend to start its demolition, and not when selling a building equipped with asbestos-containing products;
- K. whereas the Commission's commitment to present a legislative proposal to further reduce workers' exposure to asbestos in 2022 and its plan to prevent the increase of victims of asbestos-related problems are welcomed steps, and the renovation wave, while offering a unique opportunity to modernise housing infrastructure for the benefit of all consumers in the Union, must be done in the safest conditions for all;
- 1. Calls on the Commission to bring forward, on the basis of Article 169(3) and Article 114(1) of the Treaty on the Functioning of the European Union and taking into account existing national regulations as well as an impact assessment on most efficient models, a legislative proposal introducing mandatory screening for the presence of asbestos in buildings constructed before 2005, or the year in which the national ban on asbestos was

⁴ European Parliament resolution of 14 March 2013 on asbestos-related occupational health risks and prospects for abolishing all existing asbestos (OJ C 36, 29.1.2016, p. 102).

⁵ Opinion of the European Economic and Social Committee of 18 February 2015 on 'Freeing the EU from asbestos' (OJ C 251, 31.7.2015, p. 13).

introduced, before their sale or rental, while being socially fair and taking into consideration the owners of the buildings; requires that this proposal lays down minimum requirements for locating, identifying and reporting the presence of asbestos in buildings constructed before 2005, or the year in which the national ban on asbestos was introduced, under the following conditions:

- a. the screening shall consist of a surface diagnosis of the presence of asbestos by a professional entity with appropriate qualifications and permits provided for by national and Union law and must be followed by a proposal for action to reduce the risk posed by any asbestos detected using the best techniques available; this shall be without prejudice to the obligations under Directive 2009/148/EC⁶;
- b. the screening shall be validated by an asbestos risk certificate detailing the areas screened, the concentration of asbestos fibres, the quantity and location of asbestos containing materials estimated and, where appropriate, the proposed action to be taken to reduce the risk posed by asbestos;
- c. the result of the screening shall be communicated to a competent national body through a rapid procedure and one stop shop; that body shall maintain a national register of asbestos risk reduction certificates, while the one-stop shop shall inform and provide advice to owners on:
 - the applicable legislation;
 - the correct and safe way to remove the detected asbestos, where this is technically possible;
 - how to safely encapsulate, preserve, mark and monitor asbestos containing parts which cannot be removed in the short term;
 - the list of certified operators and information on the financial support available;
- d. the Commission shall provide guidance to Member States on the design of national asbestos registers in order to ensure the smooth functioning of the internal market; access of this register shall be free of charge for owners, buyers and tenants of buildings, as well as workers and SMEs; the certificate shall be annexed to the sales contract and shall be made available to the tenants;
- e. in order to protect users or occupants as effectively as possible, the screening and, if required, the removal, or, if technically not possible in the short term, the encapsulation shall be carried out by qualified and certified operators in accordance with Directive 2009/148/EC and national law and practice, and under the supervision of a competent national body;
- f. the certificate shall be forwarded to the buyer, and made available to the lessor, as well as on request to professionals carrying out work in the building or to the

⁶ 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 (OJ L 330, 16.12.2009, p. 28.)

occupants and users;

- g. the certificate should be renewed at the latest five years after it was issued, in order to update the findings contained therein;
 - h. effective, proportionate and dissuasive fines could be established for owners of buildings who do not have a valid certificate before selling a building; sellers or lessors of buildings shall be liable for those obligations, the period of liability being established by Member States; fines could be allocated by Member States to ad hoc funds to finance the removal of asbestos and support the victims of asbestos-related problems;
2. Calls on the Commission to base its impact assessment to be prepared for its legislative proposal on:
- the best and most efficient methods for screening buildings for presence of asbestos;
 - safe and cost-efficient methods to remove asbestos from buildings (mandatory training for workers, use of the most up-to-date technologies, relocation of inhabitants in surroundings during dusty works) covering both statutory obligations and incentives, in order to reduce the risk of exposure to asbestos for users and inhabitants of buildings;
 - accompanying measures for SMEs to facilitate the implementation of regulations related to asbestos, including financial incentives and adequate financial support for owners of buildings, including abandoned buildings, engaging in the identification and removal of asbestos;
3. Calls on the Commission and Member States to take action in order to raise awareness about asbestos in buildings constructed before 2005, or the year in which the national ban on asbestos was introduced, and to introduce a legal procedure for asbestos removal with regard to the inhabitants' and proprietors' perspective; encourages Member States to launch awareness-raising campaigns accompanying measures for SMEs; insists that the transition toward a European Union free of asbestos should be socially fair and include support for private owners and SMEs; underlines that special attention has to be paid to the abandoned buildings and facilities that may as well contain asbestos and calls on the Commission and Member States to find a viable solution for their inclusion in national registers of asbestos;
4. Calls on the Commission and the Member States to promote public information campaigns, in order to raise awareness on the risks related to all varieties of asbestos and to all level of exposure, including secondary exposure;
5. Notes the additional administrative obligations of such new requirements; stresses that both the monitoring requirement and the removal of asbestos need appropriate financial support from the Union budget; encourages Member States to grant potential funds and financial support for owners of the buildings to undertake the significant costs induced by the screening for the presence of asbestos and avoid the risk of buildings being abandoned;

6. Underlines that currently Member States can allocate European Structural and Investment Funds for handling and removal of asbestos in line with the objectives of the respective national or regional programmes; stresses within this context the unique opportunities given in this regard by the Green Deal, the Next Generation EU and the 2021-27 Multiannual Financial Framework; highlights that building owners should have the possibility to have access directly or indirectly to those financial support mechanisms, for financing maintenance, renovation and demolition works related to the removal of asbestos;
7. Insists on the need to develop standardisation process to remove asbestos fibres to reduce the burden of the procedure and ease administrative tasks on companies, especially for SMEs; calls on the Commission to draw up an umbrella programme of all financial supports available for owners and for Member State actions aimed at removing and safely disposing of asbestos, including information and education activities, given the negative impact of asbestos on people's health and the considerable cost of detecting and removing it;
8. Calls on the Commission to establish guidance for national asbestos removal plans, under which Member States should define and implement asbestos removal objectives for public and private buildings, establish one-stop-shops to centralise actions and information regarding asbestos removal plans; the one-stop-shop set up by Member States could also serve as a national contact point to assist victims and their families and Member States should consider establishing clear and efficient compensation mechanisms for the victims of asbestos related diseases;
9. Highlights that the European guidance for national asbestos removal plans should include the establishment of a European platform for national authorities to report the presence of asbestos in the view of mapping and exchanging good practices on its removal and safe disposals; adds that this platform should be fully accessible to the general public and should include data reported in the national registers;
10. Stresses that national asbestos removal plans should prioritise certain buildings, such as schools, gyms and social housing, and be subject to regular evaluations and reviews;
11. Stresses that the provisions of Union law on market surveillance and compliance of products should be used to prevent the illegal placement and the use of asbestos on the internal market and highlights in this regard the importance of enhanced market surveillance activities; recalls that strengthening efforts to keep non-compliant products, also containing asbestos, from the Union market was identified as a priority in the Commission's communication of 28 October 2015 "Upgrading the Single Market: more opportunities for people and business".

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	1.9.2021
Result of final vote	<div style="display: flex; justify-content: space-between;"> +: 45 </div> <div style="display: flex; justify-content: space-between;"> –: 0 </div> <div style="display: flex; justify-content: space-between;"> 0: 0 </div>
Members present for the final vote	<p>Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Andrea Caroppo, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Carlo Fidanza, Evelyne Gebhardt, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann, Marco Zullo</p>
Substitutes present for the final vote	Salvatore De Meo

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

45	+
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
ID	Alessandra Basso, Hynek Blaško, Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Andrea Caroppo, Deirdre Clune, Salvatore De Meo, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Morten Løkkegaard, Marco Zullo
S&D	Alex Agius Saliba, Brando Benifei, Biljana Borzan, Evelyne Gebhardt, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

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Key to symbols:

+ : in favour

- : against

0 : abstention