European Parliament
2019-2024

TEXTS ADOPTED

P9_TA(2022)0046

Protection of workers from the risks relating to exposure to carcinogens, mutagens and reprotoxins at work ***I

European Parliament legislative resolution of 17 February 2022 on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (COM(2020)0571– C9-0301/2020 – 2020/0262(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2020)0571),

– having regard to Article 294(2) and in particular Article 153(2)(b), in conjunction with Article 153 (1)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0301/2020),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 16 February 2021[1],

– after consulting the Committee of the Regions,

– having regard to the provisional agreement approved by the responsible committee under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 22 December 2021 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinion of the Committee on Legal Affairs;

– having regard to the report of the Committee on Employment and Social Affairs (A9-0114/2021)

[1] OJ C 56, 16.2.2021, p. 63.

1. Adopts its position at first reading hereinafter set out;

2. Approves the joint statement by Parliament and the Council annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;

3. Takes note of the Commission statement annexed to this resolution;

4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments;

P9_TC1-COD(2020)0262

Position of the European Parliament adopted at first reading on 17 February 2022 with a view to the adoption of Directive (EU) 2022/… of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2022/431.)

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement of the European Parliament and the Council related to the scope of Directive 2004/37/EC

[to be published in the L series immediately after the legislative act]

The European Parliament and the Council share the common understanding that hazardous medicinal products which contain substances which meet the criteria for classification as carcinogenic (categories 1A or 1B), mutagenic (categories 1A or 1B) or reprotoxin (categories 1A or 1B) in accordance with Regulation (EC) No 1272/2008 fall under the scope of Directive 2004/37/EC. All requirements of Directive 2004/37/EC apply to hazardous medicinal products accordingly.

Commission Statement – Action plan and legislative proposals

The obligations imposed on the Commission in Article 18a, third paragraph, regarding the presentation of an action plan and the presentation of a legislative proposal cannot go against the institutional prerogatives of the Commission and its right of initiative deriving directly from the Treaties.

Article 18a, third paragraph, refers to Article 16 of Directive 2004/37/EC, which lays down an obligation to set limit values on the basis of the available information, including scientific and technical data, in respect of all those substances for which this is possible. In implementing this provision, the Commission is also invited to present the action plan referred to in Article 18a, third paragraph. For reasons of transparency, this action plan will consist of a listing of the next 25 new or revised substances to be scientifically evaluated. The evaluations of the listed substances will form part of the established procedure including consultation of social partners, the opinion of the ACSH and impact assessment preparing any necessary legislative proposals in due time.