



Screening: Explanatory Meeting Occupational Safety & Health

Brussels, 8 February 2006





Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth Individual Directive) (I)

1. Objectives

- Protection of workers from risks related to carcinogens and mutagens.
- To lay down the minimum requirements for protection including occupational exposure limit values.
- The directive codifies the amendments to Directive 90/394 (97/42 and 99/38) and repeals these directives.



Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth Individual Directive) (II)

2. Key provisions

- Definition of carcinogens and mutagens (Article 1): reference to the Annexes of Directive 67/548/EEC and 1999/45
- Limit values
- Reduction of use of carcinogens and mutagens by replacing with less dangerous substances wherever possible.
- Manufacture and use in a closed system, where substance cannot be replaced
- Reduce the level of exposure to a minimum, not exceeding the limit value, where no closed system is possible



Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth Individual Directive) (III)

2. Key provisions (cont'd)

- Specific requirements for use
- Provisions for unforeseen exposure and accidents
- Restricted access to risk areas
- Particular hygiene and individual protection
- Health surveillance including keeping of records (40 years)
- Annex I contains a list of substances, preparations and processes and complements other EC legislation
- Annex II contains practical recommendations for health surveillance
- Annex III contains limit values for occupational exposure.



Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth Individual Directive) (IV)

3. Case law

C-2/97:

- Article 4 (reduction & replacement) is not linked to the performance of a risk assessment.
- Article 5 (avoiding & reducing exposure) is made contingent on the outcome of a risk assessment. (but stricter national rules allowed under Article 118a (137))



Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work as amended by Directive 91/382/EEC, 98/24/EC, 2003/18/EC (I)

1. Objective

- To reduce the exposure to asbestos to lower the risk of occupational diseases, by establishing limit values and specific minimum requirements



Directive 83/477/EEC as amended on the protection of workers from the risks related to exposure to asbestos at work (II)

2. Key provisions

- **Definition** of asbestos – six fibrous silicates (see Article 2)
- **Applies to all activities** in which workers are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos. Sea and air transport have been included by the 2003/18 Directive.
- Notification and health surveillance provisions can be waived where risk assessment shows that workers' exposure is **sporadic and of low intensity for certain activities**.
- Prohibition of application by means of **spraying, as well as all activities exposing workers to asbestos fibres** during extraction, manufacture and processing of asbestos or asbestos products, **except treatment and disposal of products resulting from demolition and asbestos removal**.





Directive 83/477/EEC as amended on the protection of workers from the risks related to exposure to asbestos at work (III)

2. Key provisions (cont'd)

- **Single maximum limit value** for airborne concentration of asbestos (formerly two different values) – see Article 8
- Measures to **reduce the exposure** of workers to as minimum and below the maximum limit value
- **Particular protection measures** where exceeding of limit value foreseeable
- **Prior notification** of activities involving exposure to asbestos to responsible authority prior to commencement of the works
- Prior establishment of a **work plan** and notification of the plan on request of the authorities



Directive 83/477/EEC as amended on the protection of workers from the risks related to exposure to asbestos at work (IV)

2. Key provisions (cont'd)

- Appropriate **information** of workers and their representatives and **training** at regular intervals for workers (likely to be) exposed to asbestos dust.
- Asbestos removal or demolition to be carried out by **firms providing evidence of their abilities**.
- Assessment of the **worker's health** prior to exposure, including a special examination of the chest – Recommendations for clinical recommendations in Annex II. Health check at least every three years and after the end of exposure where indicated by medical surveillance authority.
- Employer must **register** all workers exposed to asbestos. Register to be kept for minimum 40 years (transfer of register to authorities where employer ceases trading)
- Member State has to keep a **register of recognized cases** of asbestosis and mesothelioma.



Directive 83/477/EEC as amended on the protection of workers from the risks related to exposure to asbestos at work (V)

3. Implementation

- Establishment of a **notification system for activities** involving exposure to asbestos.
- Establishment of **practical guidelines** for the definition of "sporadic and low-intensity exposure following consultation with the social partners.
- Establish **rules for abilities of firms** to perform work in the area of asbestos demolition or removal



Directive 83/477/EEC as amended on the protection of workers from the risks related to exposure to asbestos at work (VI)

3. Implementation (cont'd)

- Rules for the **ex-post verification** of the absence of exposure risks after demolition and removal work
- Rules for the establishment of an **individual health record**
- Establishment of a **register for recognised cases** of certain asbestos-related diseases
- Ensure transfer of documentation to the authorities where companies cease trading
- **Appropriate sanctions** should be established



The Council Conclusions of 7 April 1998 on the protection of workers against the risks from exposure to asbestos laid down the main considerations on which the Commission should base its proposal for amending the Directive 83/477/EC and invited the Commission and the Member States, in particular through the Committee of Senior Labour Inspectors to encourage effective compliance and enforcement measures by sharing experience and best practice.