



European
Commission

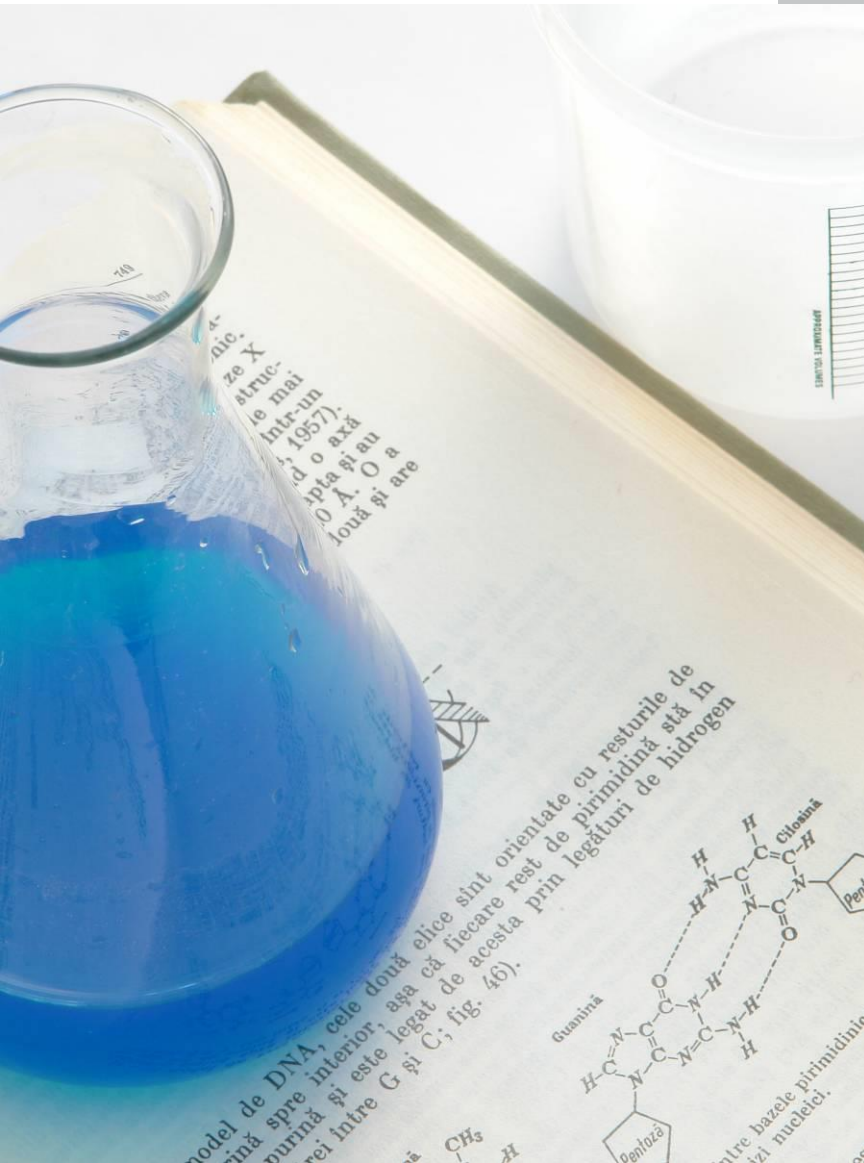
Occupational Safety and Health

Amendment of Directive 2004/37/EC on Carcinogens and Mutagens and other relevant chemical topics.

Meeting of Sectoral Social Dialogue
Committee – Chemicals Industry.

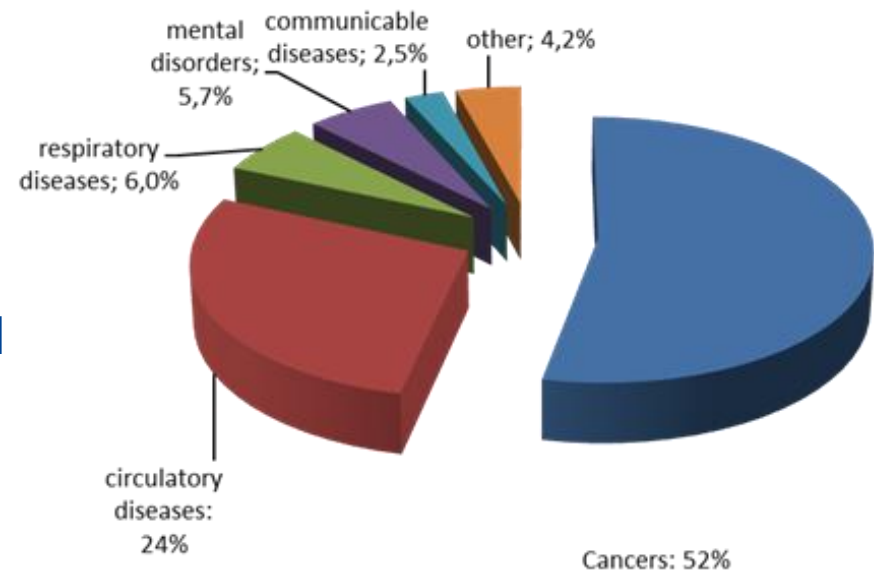
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Why is there a need to act?

- Cancer is the first cause of work-related deaths in the EU
- 52% of occupational deaths are attributed to cancer, compared to 24% for circulatory diseases
- 106 307 deaths are attributed to occupational cancer in the EU every year
- Strong support from all stakeholders to establish occupational exposure limit values



"Safer and Healthier Work for All" Modernisation of the EU OSH Legislation and Policy

OSH challenges, three priority areas:

- Stepping up the fight against occupational cancer and exposure to chemicals
- Helping businesses, in particular microenterprises and SMEs, to comply with OSH rules
- Cooperating with Member States and Social Partners to remove or update outdated rules and to refocus efforts on ensuring better and broader protection, compliance and enforcement on the ground
- COM/2017/12

Directive on preventing exposure to Carcinogens and Mutagens (2004/37/EC)

- 1) Fundamental provisions – the employer must:
 - **Identify** the chemicals and assess the potential risks to workers' health and safety.
 - **Implement** risk management measures:
 - Eliminate exposure (e.g. substitution)
 - Control exposure (use only in closed systems, local exhaust ventilation, personal protective equipment...)
 - General principles for risk management (training and information of workers, health surveillance, ...)
- 2) Occupational exposure limit values (airborne concentrations not to be exceeded - time averaged over a working day, and additional notations when relevant). Transposed into national law and enforceable.
- 3) On-going work:
 - Amending the Directive to enlarge the list of binding limit values

Practical benefits of having EU OELs for chemicals

- Protects workers' health.
- Defines effective control of exposure.
- Provides a "level playing field" for all users – promotes consistency.
- Indicates level of exposure considered to be safe (health based) or appropriate (where feasibility factors also taken into consideration).
- Provides a benchmark for new users and designers of process plant.
- Defines a common objective for employers, workers and enforcement agencies.
- Contributes to more effective health surveillance.

State of play

Directive (EU)
2017/2398

1st batch
(11+2 BOELs)

2017/0004 COD

2nd batch
(5 BOELs)

2018/0081 COD

3rd batch
(5 BOELs)

4th batch
?

2016

2017

2018

?

Adoption of new OELs

- **Main steps:**

- Formal consultation of social partners under TFEU
- Identification of priority substances
- Scientific evaluations
- Assessment of feasibility and benefits of the proposed OELs (by the WPC)
- Adoption of an ACSH opinion
- Inter-Service Group
- Impact Assessment
- Commission proposal
- Council and EP
- Adoption of Directive
- Transposition by MSs

CMD amendment I

27.12.2017

EN

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**DIRECTIVE (EU) 2017/2398 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 12 December 2017**

**amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to
carcinogens or mutagens at work**

- The 1st COM proposal amending the Carcinogens and Mutagens Directive (CMD) addressed 13 chemical agents.
- It is now legislation in force and was published in the OJ as Directive (EU) 2017/2398 on 27 December 2017.

CMD amendment II

(COM/2017/11)

- ***Commission proposal***

- 2nd COM proposal published on 10 January 2017; it addresses seven additional chemical substances/substance groups (5 BOELs + 2 skin notations).

- ***Progress in the Council and EP***

- In the fourth trilogue meeting on 11 October 2018, the EP and the Council came to an agreement on the Commission second proposal.
- EPSCO should agree text on 6 December 2018.
- EP plenary will vote on agreed text 10 December 2018.
- The agreement includes listing DEEE as a carcinogen in Annex I and adding a limit in Annex III.
- The agreement is in line with the EP proposal and reflects the mandate secured by the Presidency in the COREPER, i.e. the introduction of a transitional period of 2 years for all sectors except underground mining and tunnel construction, where the transitional period will be 5 years.
- The final adoption of the directive is expected in December 2018.

CMD amendment III

(COM/2018/171)

Commission proposal

- Adopted by the College on 5 April 2018.
- It includes proposals for OELs for the following 5 additional substances/groups of substances:
 - cadmium and its inorganic compounds
 - beryllium and inorganic compounds
 - arsenic acid and its salts as well as inorganic arsenic compounds
 - formaldehyde
 - MOCA

CMD amendment III

Progress in the Council (COM/2018/171)

- Discussion started under the Bulgarian Presidency.
- Further to several discussions at the Social Questions Working Party, on 23 November 2018, COREPER reached an agreement.
- The Austrian Presidency aims to agree a General Approach at the December EPSCO.

Progress in the EP

- The EMPL report was adopted on 20 November 2018.
- EP Plenary could confirm in December the mandate to enter in the inter-institutional negotiations.

Trilogues

- The trilogues should start during the Romanian Presidency in 2019.

CMD amendment IV

- Preparatory work on a fourth proposal is already underway. It will include occupational exposure limit values for three additional priority substances/groups of substances:
 - acrylonitrile
 - benzene
 - nickel and its compounds
- The scientific assessments have been completed.
- Social partners are present in the steering group for the external study to support the Commission in the preparation of the impact assessment.
- They are also present in the Working Party on Chemicals to prepare the opinion of the tri-partite Advisory Committee on Safety and Health.
- Adoption of the Commission proposal is expected under the next College of Commissioners. It will then follow the ordinary legislative procedure for adoption by the Council and EP.

Social partners involvement in the OEL setting process

- Two stage formal consultation of the social partners at EU level in accordance with TFEU Article 154 on social policy.
- Setting priorities for scientific evaluation.
- Bilateral discussions with DG EMPL.
- Scientific comments on draft scientific evaluations (SCOEL/RAC).
- Development of Opinion of ACSH (via its WPC).
- IA normally developed on basis of external study that will make use of data provided by external stakeholders.

Other relevant initiatives

- CAD Indicative Occupational Exposure Limit Values (IOELVs)
 - 4th list of IOELVs – transposition period ended August 2018
 - 5th list adoption planned for early 2019
- EU-OSHA campaigns and guidance
 - Healthy Workplaces campaign
<https://osha.europa.eu/en/healthy-workplaces-campaigns>
 - Freight containers guidance
<https://osha.europa.eu/en/tools-and-publications/publications/health-risks-and-prevention-practices-during-handling-fumigated>
- Roadmap on carcinogens: factsheets, good practices
 - <https://roadmaponcarcinogens.eu/>
- AT Presidency conference; Fight against occupational cancer.
 - <https://www.eu2018.at/calendar-events/political-events/BMASGK-2018-09-24-Conf.Carcinogens.html>

More info on setting of EU OELs

- Ordinary legislative procedure - <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00004/Legislative-powers>
- SCOEL- The Scientific Committee on Occupational Exposure Limits; <http://ec.europa.eu/social/main.jsp?catId=148&intPageId=684&langId=en>
- ECHA-RAC – Risk Assessment Committee <https://echa.europa.eu/about-us/who-we-are/committee-for-risk-assessment>
- Advisory Committee on Safety and Health – tripartite, all MS, IND and Workers representative organisations and COM; <http://ec.europa.eu/social/main.jsp?catId=148&langId=en&intPageId=683>
- Regulatory Scrutiny Board - http://ec.europa.eu/smart-regulation/impact/iab/iab_en.htm
- EU law and publications <https://eur-lex.europa.eu>

Thank you for your attention!

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