



Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1993/0459(SYN)	Procedure completed
Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)		
Amended by 2013/0062(COD)		
Amended by 2023/0033(COD)		
Subject 4.15.15 Health and safety at work, occupational medicine		

Key players			
European Parliament			
Council of the European Union			
	Council configuration	Meeting	Date
	Social Affairs	2081	07/04/1998
	Social Affairs	2030	07/10/1997
	Social Affairs	2015	27/06/1997
	Social Affairs	1974	02/12/1996
	Social Affairs	1775	22/06/1994

Key events			
14/05/1993	Legislative proposal published	COM(1993)0155	Summary
21/06/1993	Committee referral announced in Parliament		
28/03/1994	Vote in committee		Summary
28/03/1994	Committee report tabled for plenary, 1st reading/single reading	A3-0185/1994	
19/04/1994	Debate in Parliament		
20/04/1994	Decision by Parliament	T3-0245/1994	Summary
09/06/1994	Modified legislative proposal published	COM(1994)0230	Summary
22/06/1994	Debate in Council	1775	
02/12/1996	Debate in Council	1974	
07/10/1997	Council position published	09564/3/1997	Summary
23/10/1997	Committee referral announced in Parliament, 2nd reading		
05/02/1998	Vote in committee, 2nd reading		Summary

05/02/1998	Committee recommendation tabled for plenary, 2nd reading	A4-0051/1998	
16/02/1998	Debate in Parliament		Summary
17/02/1998	Decision by Parliament, 2nd reading	T4-0061/1998	Summary
10/03/1998	Modified legislative proposal published	COM(1998)0162	Summary
07/04/1998	Act adopted by Council after consultation of Parliament		
07/04/1998	End of procedure in Parliament		
05/05/1998	Final act published in Official Journal		

Technical information

Procedure reference	1993/0459(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by 2013/0062(COD) Amended by 2023/0033(COD)
Legal basis	EC before Amsterdam E 118A
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/4/09356

Documentation gateway

Legislative proposal		COM(1993)0155 OJ C 165 16.06.1993, p. 0004	14/05/1993	EC	Summary
Economic and Social Committee: opinion, report		CES1169/1993 OJ C 034 02.02.1994, p. 0042	24/11/1993	ESC	
Committee report tabled for plenary, 1st reading/single reading		A3-0185/1994 OJ C 128 09.05.1994, p. 0008	28/03/1994	EP	
Text adopted by Parliament, 1st reading/single reading		T3-0245/1994 OJ C 128 09.05.1994, p. 0129-0167	20/04/1994	EP	Summary
Modified legislative proposal		COM(1994)0230 OJ C 191 14.07.1994, p. 0007	09/06/1994	EC	Summary
Council position		09564/3/1997 OJ C 375 10.12.1997, p. 0001	07/10/1997	CSL	Summary
Commission communication on Council's position		SEC(1997)1863	16/10/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0051/1998 OJ C 080 16.03.1998, p. 0005	05/02/1998	EP	
Text adopted by Parliament, 2nd reading		T4-0061/1998 OJ C 080 16.03.1998, p. 0016-0025	17/02/1998	EP	Summary
Modified legislative proposal		COM(1998)0162	10/03/1998	EC	Summary
Follow-up document		COM(2004)0819	21/12/2004	EC	Summary
Implementing legislative act		32006L0015	07/02/2006	EU	Summary

		O J L 038 09.02.2006, p. 0036			
Follow-up document		SWD(2017)0010	12/01/2017	EC	Summary
Final act					
Directive 1998/24 O J L 131 05.05.1998, p. 0011 Summary					

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

This proposal for a Directive, which was an individual Directive within the meaning of Directive 89/391/EEC, laid down the minimum requirements for the protection of the health and safety of workers exposed to chemical agents present in the workplace. It consolidated, updated and adapted existing provisions in the light of present knowledge. It incorporated a number of measures envisaged in the texts of Directive 82/605/EEC (exposure to metallic lead) and Directive 88/364/EEC (banning of exposure to certain agents and certain work activities) and provided new, additional provisions designed to limit the risks of exposure. It improved the basis on which workers were supplied with information and ensured that all preventive measures adopted in the workplace were based on a correct assessment of the risks associated with the manner in which chemical agents were used and that such measures took due account of the characteristics of the workplace, the nature of work, the circumstances and any specific risk. Thus, the measures adopted must correctly reflect hazard levels, appropriate precautions and the size of the undertaking without imposing any unnecessary burden on employers. The Directive was intended to be more explicitly consistent with ILO Conventions Nos 170 and 177 on chemical products in the workplace and provided that the Directive on carcinogenic agents should remain in force since the latter was more favourable. The Member States must comply with this Directive no later than 30 June 1996. ?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

The Parliamentary Committee adopted the draft report by Mr McCubbin. ?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

In adopting the report by Mr McCubbin, Parliament approved the proposal for a directive with the following amendments: - the requirements of the directive were to apply to all chemical agents introduced into the workplace, - preventive measures were strengthened to protect the health and safety of workers (competent persons to be called in whenever a risk was detected; the safety document should identify all risks resulting from the intrinsic properties of the chemical agents, whether alone or in combination ; workers and workers' representatives to be kept informed of the content of this safety document and of any amendment made to it; provision of training and information to workers subject to exposure; provision of adequate protective equipment; maximum possible restriction in the quantity of chemical agents to which a worker may be exposed; strengthening of measures for evacuation and rescue; etc.); - occupational exposure levels were to become "occupational exposure limits" and "biological limit values". These limit values would be fixed after consultation with the appropriate advisory committee and were to be established on the basis of reference values and technical and feasibility factors. Workers and their representatives were to be kept informed of these limit values, which would be reviewed by the Commission every 5 years; - in the Annex, Parliament included a number of detailed measures which related in particular to the following: . where there was a serious risk to the worker, compulsory medical supervision should be provided and the worker concerned should be kept fully informed of the risk, . where the chemical agent could be adequately identified, its use could be authorized, . during the movement of certain hazardous substances, the latter should be properly labelled, . more-stringent limit values could be applied in some cases for women of child-bearing age. Finally, Parliament added a new Annex relating to measurement methods, which should make it possible to obtain representative results for workplace exposure. ?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

The Commission has amended this proposal for a directive in the wake of Parliament's opinion. The amended proposal maintains the structure and objectives of the initial proposal but clarifies, details and expands on certain provisions. The main changes are as follows: - the safety document must identify all risks resulting from the intrinsic properties of agents, alone or in combination; - the specific protective and preventive measures taken by the employer have been extended (provision made for training in risks, provision of adequate protective equipment etc.), as has information for workers on the dangers inherent in chemical products; - levels of occupational exposure have now become "limits of occupational exposure" and "biological limit values": these limits must be examined by the advisory committee on safety, hygiene and health protection of workers and should be construed as limit values on all the Member States. These values will be reviewed every 5 years; - a heading has been added in the annexes on requirements relating to measuring methods. However, the Commission did not

agree that the scope of this directive should be extended to independents. Nor did it agree to a lower biological limit value for women, because provision for this had already been made in the "pregnant women" directive. Finally, it did not accept the grading of risks described as "insignificant" as this was too vague.?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

Given the deep differences which have divided the delegations on this proposal for a directive on the risks of exposure to chemical agents in the workplace since 1994, the Council has proposed a compromise text incorporating far-reaching amendments to the Commission's amended proposal. This revised text contains four basic changes: - it clarifies the scope of the directive by inserting a definition of "hazardous chemical agents"; - it establishes a clear distinction between factors to be taken into consideration during risk assessment, the documents concerning the results of risk assessment and the various preventive and protective measures to be taken in order to minimize the risk; - it deletes provisions which duplicate provisions in the framework directive (89/391/EEC); - it deletes a number of details in the Annex considered pointless and/or too inflexible. The compromise text accepts that there are two types of occupational limit values: indicative values and binding values. National limit values, which transpose the Commission's indicative limit values, may vary in relation to significant differences in national systems. Binding values apply in all cases. Provision is made for employers to take preventive and protective measures in order to limit exposure in excess of the indicative limit values in the Member States. Employers therefore carry out a risk assessment which takes equal account of the need to protect public health and the environment. In addition to the principle that employers must carry out risk assessment, the common position defines the type of assessment to be performed in relation to hazardous chemical agents in the workplace. Finally, the common position lays down more detailed health surveillance measures for workers where exposure to hazardous chemicals cannot be avoided. However, the Council has deleted a number of technical requirements from the amended proposal. These requirements relate to measurement methods and special protective measures in the form of practical (non-binding) guidelines. These guidelines will be drafted by the Commission and may be updated in the light of technical progress. They include: - harmonized methods for measuring and assessing concentrations in the air in the workplace in relation to exposure limit values; - risk determination and assessment for hazardous chemical agents; - protective and preventive measures intended to confine risks to workers in the workplace where the assessment confirms the presence of chemical agents. The common position also incorporates a number of amendments by the European Parliament on limit values for occupational exposure, risk assessment, risk prevention, protective measures (especially in the event of accident) and information for and consultation with workers.?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

In its communication concerning the common position adopted by the Council with regard to the proposal for a directive on exposure to chemical agents at work, the Commission indicates that it can accept the compromised text proposed by the Council, although it does not fully meet its own wishes, for example with regard to the non-binding nature of practical guidelines to be applied by Member States concerning the protection of the health and safety of workers. However, the Commission acknowledges that both national and Community framework legislation is frequently underpinned by guidelines which are easier to update in line with progress made by the relevant technology. In view of this and because the common position calls on the Member States to take account 'as far as possible' of these guidelines in drawing up their national policies, the Commission can endorse the text proposed by the Council which is more flexible than that contained in the annexes to its modified proposal. ?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

The Committee adopted a report by Freddy BLAK (PES, DK) on the protection of the health and safety of workers from the risks related to chemical agents at work (co-operation procedure). The Committee adopted a number of fairly technical amendments to the Council's common position. In order to protect workers from risks caused by chemical agents, indicative occupational exposure limit values should be set at Community level. Binding biological limit values could be drawn up in exceptional circumstances where air monitoring does not give a satisfactory indication of exposure to hazardous chemical agents. The Commission should carry out an assessment of the way in which member states have taken account of the indicative limit values. If the assessment reveals wide differences in standards the Commission should aim at closer harmonisation in this area. Workers should be provided with information on the hazardous chemical agents identified in the risk assessment. In addition, they should have training and information on appropriate precautions and actions to be taken in order to safeguard themselves.?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

While regretting that it had taken four years to protect workers against the risks posed by chemical agents, the rapporteur was pleased that the directive clearly laid down the commitments incumbent upon employers and established procedures for Community initiatives to restrict dangerous chemical agents. In addition, Mr Blak pointed out the difficulty in establishing limit values as the reliability of measurement methods varied according to the chemical agent. Finally, he said that biological limit values should be introduced and applied only if absolutely necessary. For the Commission, Mrs Cresson firstly highlighted the political importance of the common position as the principles of health and safety protection should continue to be enhanced at Community level. According to the Commissioner, most of the amendments to the common position were real improvements. This was why the Commission could accept Amendments Nos 1, 2, 3, 4, the first part of 5, 6, 9, 11, 12, 13 and 18. However, the Commissioner could not accept the second part of Amendment No 5, which imposed on employers the

requirement to record a risk assessment in a suitable form, as this measure would weaken the common position which specified that documents should be established in accordance with national law and practice. Mrs Cresson also rejected Amendment No 7 on the principle of substitution to eliminate risk and Amendment No 8 as the proposed addition went beyond the compromise reached within the Council and it would also be possible to come back to this question at the time of the five-year evaluation. Finally, Amendments Nos 10, 14 (removing the term 'and the new findings' from the cases requiring an adaptation of the annexes to technological progress), 16 and 17 should also be rejected.

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

Adopting the recommendation for second reading by Mr Freddy BLAK (PSE, DK) on the protection of the health and safety of workers from the risks relating to chemical agents from work, the European Parliament approves the common position adopted by the Council. However, it proposes a number of technical amendments seeking to protect workers against risks from the substances. In particular, it calls for the introduction of Community indicative limit values for occupational exposure. In addition, Parliament recommends that: - on the basis of reports provided by the Member States the Commission carry out an assessment of the way in which the Member States have taken account of Community indicative limit values. If this assessment reveals why differences in standards occur, the Commission should undertake appropriate action with a view to closer harmonization in this area; - workers should be suitably informed with regard to hazardous chemical agents in the workplace and those identified during risk assessment; - workers should receive suitable training on appropriate precautions and actions to be taken in response to safety hazards; - workers should be consulted concerning the results of risk assessment with regard to chemicals and the protection and prevention measures which should be taken. - Health surveillance procedures should be agreed with the workers concerned. ?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

In its re-examined proposal following the European Parliament's opinion at second reading, the Commission has taken over 9 of the 12 amendments adopted by Parliament at its sitting of 17 February 1998. These amendments concern: - the training of and information to workers (in particular with regard to health surveillance procedures for workers), - the need to make cross reference to particular Directives such as Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace, Directive 89/656/EEC on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace, Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and Directive 94/33/EEC on the protection of young people at work, - the provision of adequate measures by the Commission with a view to closer harmonization in the field of occupation exposure limits. ?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

OBJECTIVE: to lay down minimum requirements regarding the protection of workers against health and safety hazards related to chemical agents at work or any work activity involving chemical agents. COMMUNITY MEASURE: Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work. SUBSTANCE: This is the fourteenth individual Directive as referred to in Article 16(1) of Framework Directive 89/391/EEC on the health and safety of workers in the workplace. It covers the following fields: 1) occupational exposure limit values and biological limit values for workers at work; 2) employers' obligations to determine, assess and prevent risks arising from 'hazardous' chemical agents (with a definition of these agents) and protection measures, measures applicable in the event of an accident and information and training measures for workers to limit risks in the event of exposure. Risk assessment measures to be carried out by employers must be compatible with the need to protect public health and the environment. More specifically, the Directive provides for two types of limit value for the work-place: indicative and binding values. National limit values, transposing the Commission's indicative values, may vary in relation to significant differences which exist in national systems. Binding values apply in all cases. In order to limit exposure in excess of the limit values in Member States, employers must take preventive and protective measures. In addition to the principle that employers must carry out assessments, the Directive defines the type of assessment to be performed in relation to dangerous chemicals in the work-place. It lays down health surveillance measures for workers where exposure to hazardous chemicals cannot be avoided. The Commission is to draft practical (non-binding) guidelines for the protection of workers, to accompany the Directive. These may be updated regularly in the light of technical progress. ENTRY INTO FORCE: the Directive enters into force on 25.05.1998. DEADLINE FOR TRANSPOSITION IN THE MEMBER STATES: the Member States must comply with the Directive by 05.05.2001.?

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

PURPOSE : to present a communication from the Commission on the Guidelines of a non-binding nature for implementing certain provisions of Directive 98/24/EC of the Council on the protection of the health and safety of workers from the risks related to chemical agents at work.

CONTENT : Article 12 (2) of Directive 98/24/EC provides that the Commission shall draw up practical guidelines of a non-binding nature, to assist Member States, in pursuance of the Directive, in drawing up their national policies and to facilitate compliance with their regulations on the protection of the health and safety of workers, in particular as regards the topics referred to in Articles 3, 4, 5 and 6 and Annex II, section 1.

To discharge this duty, the Commission has produced guidelines which covers the following topics:

- Analytical methods for the measurement of the indicative occupational exposure limit values (IOELVs) of the chemical substances included in the Annex of the Commission Directive 2000/39/EC establishing a first list of IOELVs in implementation of Directive 98/24/EC.
- Identification, assessment and control of risks arising from the presence of hazardous chemical agents (HCAs) in the workplace.
- General principles for preventing risks related to HCAs and specific prevention and protection measures for controlling these risks.
- Medical surveillance and biological monitoring of workers exposed to lead and its ionic compounds.

In producing these guidelines the Commission was assisted by the Advisory Committee on Safety, Hygiene and Health Protection at Work, which delivered a favourable opinion on 28 June 2004.

The Advisory Committee considers that the Guidelines deal adequately with the fundamental issues as expressed in the provisions of Directive 98/24/EC mentioned above. It also believes that they will be a useful reference document for Member States to be used as tool for developing their own guidance in particular for small and medium-size enterprises.

The Commission in accordance with Article 12 (2) of Directive 98/24/EC, asks the Member States to take account as far as possible of these guidelines in drawing up their national policies for the protection of the health and safety of workers and to ensure that it is distributed as widely as possible in interested circles.

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

ACT : Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC.

CONTENT: in implementation of Directive 98/24/EC, a second list of Community indicative occupational exposure limit values is hereby established for the chemical agents listed in the Annex.

Consequently, Member States shall establish national occupational exposure limit values for the chemical agents listed in the Annex, taking into account the Community values.

In the Annex to Directive 91/322/EEC the references to the substances nicotine, formic acid, methanol, acetonitrile, nitrobenzene, resorcinol, diethylamine, carbon dioxide, oxalic acid, cyanamide, diphosphorus pentaoxide, diphosphorus pentasulphide, bromine, phosphorus pentachloride, pyrethrum, barium (soluble compounds as Ba), silver (soluble compounds as Ag) and their indicative limit values are deleted.

In the Annex to Directive 2000/39/EC, the reference to the substance chlorobenzene is also deleted.

ENTRY INTO FORCE: 1 March 2006.

TRANSPOSITION: 1 September 2007.