













Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2022/0298(COD) Procedure completed
Protection of workers from asbestos Amending Directive 2009/148 2006/0222(COD)	
Subject 4.15.15 Health and safety at work, occupational medicine	
Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022	

Key players			
European Parliament	Committee responsible  Employment and Social Affairs	Rapporteur  TRILLET-LENOIR Véronique	Appointed 10/11/2022
		Shadow rapporteur  FRANSSEN Cindy  VIND Marianne  MATTHIEU Sara  LIZZI Elena  KOPCIŃSKA Joanna  VILLUMSEN Nikolaj	
	Committee for opinion  Environment, Public Health and Food Safety	Rapporteur for opinion  MESURE Marina	Appointed 24/11/2022
Council of the European Union European Commission	Commission DG Employment, Social Affairs and Inclusion	Commissioner SCHMIT Nicolas	
European Economic and Social Committee			

Key events			
29/09/2022	Legislative proposal published	COM(2022)0489	Summary
06/10/2022	Committee referral announced in Parliament, 1st reading		
26/04/2023	Vote in committee, 1st reading		
26/04/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
28/04/2023	Committee report tabled for plenary, 1st reading	A9-0160/2023	Summary
08/05/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
10/05/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
07/09/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
02/10/2023	Debate in Parliament		
03/10/2023	Results of vote in Parliament		
03/10/2023	Decision by Parliament, 1st reading	T9-0332/2023	Summary
23/10/2023	Act adopted by Council after Parliament's 1st reading		
22/11/2023	Final act signed		
30/11/2023	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0298(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2009/148 2006/0222(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/9/10227

Documentation gateway

Legislative proposal		COM(2022)0489	29/09/2022	EC	Summary
Document attached to the procedure		SEC(2022)0342	29/09/2022	EC	
Document attached to the procedure		SWD(2022)0310	29/09/2022	EC	
Document attached to the procedure		SWD(2022)0311	29/09/2022	EC	
Document attached to the procedure		SWD(2022)0312	29/09/2022	EC	
Economic and Social Committee: opinion, report		CES4829/2022	14/12/2022	ESC	
Committee draft report		PE738.719	11/01/2023	EP	
Amendments tabled in committee		PE742.461	10/02/2023	EP	
Committee of the Regions: opinion		CDR5655/2022	16/03/2023	CofR	
Committee opinion	ENVI	PE740.714	22/03/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0160/2023	28/04/2023	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0332/2023	03/10/2023	EP	Summary
Draft final act		00048/2023/LEX	22/11/2023	CSL	
Commission response to text adopted in plenary		SP(2023)557	19/12/2023	EC	

Additional information

Research document	Briefing	13/12/2023
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Final act

Directive 2023/2668 OJ L 000 30.11.2023, p. 0000 Summary

Protection of workers from asbestos

PURPOSE: to amend the Directive on asbestos at work, in particular as regards updating the limit value for asbestos in order to protect workers against risks to their health and safety which may result from exposure to asbestos at work.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: asbestos is an extremely hazardous carcinogen, which continues to impact on various economic sectors, such as construction and renovation, mining, waste management and fire-fighting, where workers face a high risk of exposure.

Occupational cancer is the leading cause of work-related death in the EU. It is mainly caused by exposure to carcinogens such as asbestos. Up to 78% of cancers recognised as work-related in the Member States are asbestos-related. It is estimated that between 4.1 and 7.3 million workers are currently exposed to asbestos.

The Asbestos at Work [Directive 2009/148/EC](#) protects workers against risks to their health arising or likely to arise from exposure to asbestos at work. Under the Asbestos at Work Directive, for all activities in which workers are or may be exposed to dust from asbestos or materials containing asbestos, exposure must be reduced to a minimum and in any case below the fixed binding occupational-exposure limit (OEL) of 0.1 fibres/cm³ as an 8-hour time-weighted average (TWA).

The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commissions evaluations and recent scientific evidence and technical data. Its revision is also an effective way to ensure that preventive and protective measures are updated accordingly in all Member States.

This proposal delivers on the commitment made in Europes Beating Cancer Plan, the European Pillar of Social Rights Action Plan and the EU strategic framework on health and safety at work for 2021-2027 to further reduce workers exposure to asbestos, which is a highly dangerous

carcinogenic substance.

Protecting workers from asbestos exposure is also a priority for the European Parliament. In its [resolution](#) of October 2021, the European Parliament outlined a comprehensive approach to tackling the legacy of asbestos-related problems.

CONTENT: the proposal provides for the amendment of the Asbestos at Work Directive, including the updating of the limit value for asbestos and other minor aspects related to the lowering of the current OEL.

Under the proposed Directive, employers should ensure that no worker is exposed to a higher airborne concentration of asbestos than 0.01 fibres/cm³ as an 8-hour TWA.

As it is possible to measure an OEL equal to 0.01 f/cm³ with phase-contrast microscope (PCM), no transition period is needed for the implementation of the revised OEL.

Fibre counting will be carried out by phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO) or, wherever possible, any other method giving equivalent or better results, such as a method based on electron microscopy.

The proposal also clarifies the obligation of employers to reduce the exposure of workers to dust from asbestos or materials containing asbestos at the place of work to a minimum, with the precision that in any case it must be as low a level as is technically possible below the limit set by the proposal.

Lastly, the obligation of employers to take all necessary steps to identify presumed asbestos containing materials before beginning demolition or maintenance work by obtaining information from the owners of the premises, is extended to cover other relevant sources of information, such as relevant registers.

According to the Commission, this initiative should prevent cases of work-related cases of cancer, while mitigating certain effects, such as suffering of workers and their families, reduced quality of life or undermined well-being. It is estimated that 663 cases of cancer (lung cancer, mesothelioma, laryngeal cancer and ovarian cancer) could be prevented. The estimated monetised health benefit of the initiative is between EUR 166 and 323 million.

The revision of the ELV set in the Asbestos at Work Directive will result in a greater harmonisation of limit values across the EU, which should ensure a more level playing field for businesses.

Protection of workers from asbestos

The Committee on Employment and Social Affairs adopted the report by Véronique TRILLET-LENOIR (Renew Europe, FR) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Occupational exposure limit (OEL)

The report noted that taking into account the relevant scientific expertise and the need to increase the protection of workers at Union level, a revised OEL, equal to 0.001 fibres/cm³ as an 8-hour time-weighted average (TWA), should be established. That revised OEL should apply after a transitional period. Until four years after the date of entry into force of this Directive, a transitional OEL, equal to 0.01 fibres/cm³ as an 8-hour TWA, should apply. Such an approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos and the need to take into account technical considerations with regard to monitoring compliance.

Removal techniques

The report stated that the safe removal and disposal of asbestos-containing materials should be a priority, because repair, maintenance, encapsulation or sealing lead to the postponement of removal, which can perpetuate the risks to the workers and occupants of the buildings concerned for many years.

The encapsulation and sealing of asbestos-containing materials which can technically be removed should be prohibited, while not putting poorer households at a disadvantage because of their inability to afford necessary renovations. Appropriate accompanying measures are therefore needed.

In that regard, the Union provides significant funding, in particular through the Recovery and Resilience Facility, to be used to support national measures for the removal of asbestos in the context of renovations. Where asbestos is not removed, the relevant structures should be identified, registered and regularly monitored.

Updated list of diseases

The report suggested updating the Annex to Directive 2009/148/EC related to the medical surveillance of workers in light of current knowledge on diseases that can be caused by asbestos exposure. When it is demonstrated that a disease is linked to occupational exposure to asbestos, the information should be used to feed statistical registers to ensure more complete epidemiological monitoring.

Current knowledge indicates that exposure to free asbestos fibres can give rise to at least the following diseases: lung carcinoma; carcinoma of the larynx; carcinoma of the ovary; non-malignant pleural diseases.

Training

Members included a new Annex on the minimum requirements for training. Workers who are, or who are likely to be, exposed to dust from asbestos or asbestos containing materials should receive mandatory training.

The training should be adapted as closely as possible to the characteristics of the profession.

Protection of workers from asbestos

The European Parliament adopted by 614 votes to 2, with 4 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission proposal as follows:

Notification of activities

The directive will apply to activities in which workers are exposed or likely to be exposed during their work to dust from asbestos or materials containing asbestos. These activities will be subject to a notification system managed by the responsible authority in the Member State.

The notification should include at least a brief description of:

- the location of the worksite and, where relevant, the specific areas where the work is to be carried out;
- the type and quantity of asbestos used or handled;
- the activities and processes involved, including with regard to the protection and decontamination of workers, waste disposal and, where relevant, air exchange when working under confinement;
- the number of workers involved, a list of the workers likely to be assigned to the site concerned, the workers individual training certificates and the date of the latest assessment of the workers health pursuant to Article 18;
- the starting date and duration of the work;
- measures taken, including an overview of the equipment used, to limit the exposure of workers to asbestos.

Occupational exposure limit (OEL)

The occupational exposure limit (OEL) will be reduced from 0.1 to 0.01 asbestos fibres per cubic centimetre (cm³), measured in relation to an 8-hour time-weighted average (TWA), without a transition period.

After a maximum transition period of six years, Member States should switch to more modern and sensitive technology that can detect fibres, namely electron microscopy. They will then have the option to either decrease the level to 0.002 fibres of asbestos per cm³ excluding thin fibres, or to 0.01 fibres of asbestos per cm³ including thin fibres.

Protection of workers

Where the relevant limit value is exceeded, or if there is reason to believe that materials containing asbestos which are not identified prior to the work have been disturbed so as to generate dust, work should stop immediately. Work should not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned. The reasons for the limit value being exceeded should be identified and appropriate measures to remedy the situation should be taken as soon as possible.

During periods of work which require the use of such equipment, provision should be made for regular breaks appropriate to the physical and climatological conditions and, where relevant, in consultation with the workers and/or their representatives within the undertaking or establishment, in accordance with national law and practice.

For certain activities, such as demolition, asbestos removal, repair and maintenance work, where it is foreseeable that the relevant limit value will be exceeded, the employer should define the measures intended to ensure the protection of workers during these activities, including the following:

- workers must be issued with suitable personal protective equipment to be worn, which should be appropriately handled and, as regards respiratory equipment in particular, individually adjusted, including through fitting checks;
- the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action will be prevented, and for work performed under confinement, the enclosure will be airtight and under mechanical extraction ventilation;
- when the asbestos demolition or removal work has been completed, the absence of risks of exposure to asbestos at the place of work will be verified in accordance with national law and practice before other activities resume.

Training

Workers who are exposed, or are likely to be exposed, to dust from asbestos or materials containing asbestos will be required to undergo compulsory training meeting minimum requirements defined in a new annex. Each worker who has satisfactorily completed the training will receive a training certificate. The content of the training must be easily understood by the workers and must enable them to acquire the necessary knowledge and skills in the field of prevention and safety.

Register

Member States should keep a register of all cases of medically diagnosed asbestos-related occupational diseases. An indicative list of diseases that can be caused by exposure to asbestos is set out in Annex I. These include: asbestosis, mesothelioma, lung carcinoma, gastro-intestinal carcinoma, carcinoma of the larynx, carcinoma of the ovary, non-malignant pleural diseases.

Protection of workers from asbestos

PURPOSE: to strengthen the protection of workers from the risks of exposure to asbestos.

LEGISLATIVE ACT: Directive (EU) 2023/2668 of the European Parliament and of the Council amending Directive 2009/148/EC on the

protection of workers from the risks related to exposure to asbestos at work.

CONTENT: the new directive updates the existing rules (Directive 2009/148/EC) in line with the latest scientific and technological developments, with a view to improving the protection of workers exposed to asbestos. It significantly reduces the current limit values for asbestos and provides for more accurate means of measuring exposure levels.

Asbestos is an extremely dangerous carcinogen. According to the European occupational diseases statistics, it is by far the major cause of occupational cancer, with as much as 78 % of occupational cancers recognised in the Member States as being related to exposure to asbestos. Based on current knowledge, exposure to asbestos fibres can cause at least the following conditions: asbestosis, mesothelioma, lung cancer, gastrointestinal cancer, cancer of the larynx, ovarian cancer and non-malignant pleural disorders.

Exposure of workers reduced to a minimum

The Directive provides that the exposure of workers to dust arising from asbestos or materials containing asbestos in the workplace must be reduced to a minimum and, in any event, to as low a level as technically possible below the relevant limit value, in particular by means of the following measures:

- the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos shall be limited to the lowest possible figure;
- work processes shall be designed so as not to produce asbestos dust or, if that proves to be impossible, to avoid the release of asbestos dust into the air;
- workers shall be subject to an appropriate decontamination procedure for work carried out under confinement, adequate protection shall be ensured;
- all premises and equipment involved in the treatment of asbestos shall be capable of being regularly and effectively cleaned and maintained and subject to regular cleaning and maintenance;
- asbestos or dust-generating materials containing asbestos shall be stored and transported in suitable sealed packing;
- waste, other than waste arising from mining activities, shall be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos and shall then be dealt with.

A lower exposure limit

The new rules will initially reduce the maximum limit for exposure to 0.01 fibres of asbestos per cm³, which is ten times lower than the current limit of 0.1 f/cm³.

From 21 December 2029, Member States will be required to implement a new method for measuring asbestos levels, electron microscopy (EM), which is more sensitive than the phase-contrast microscopy (PCM) currently used and makes it possible to measure thin asbestos fibres. Having introduced EM, Member States will have two options:

- to measure thin asbestos fibres, in which case the maximum exposure limit will remain at 0.01 f/cm³ as an 8-hour time-weighted average (TWA);
- not to measure thin asbestos fibres, in which case the maximum exposure limit will be reduced to 0.002 f/cm³ as an 8-hour TWA.

Prevention and protection measures

Undertakings intending to carry out demolition or asbestos removal work must obtain a permit from the national authority before starting the work.

The employer should record, before the start of any asbestos removal project, or of any demolition, maintenance or renovation work, information relating to the presence or presumed presence of asbestos in buildings, ships, aircrafts or other installations that were built before the entry into force of the Member States asbestos ban. To this end, they may, for example, obtain information from the owners of the building or other employers, or consult other relevant sources of information such as registers.

Workers exposed or likely to be exposed to asbestos will have to wear adequate personal protective equipment and undergo compulsory training, in accordance with the minimum quality requirements set out in the directive.

Register

Member States should keep a register of all cases of medically diagnosed asbestos-related occupational diseases.

ENTRY INTO FORCE: 21.12.2023.

TRANSPPOSITION: 21.12.2025 with the exception of the introduction of electron microscopy as a measurement method, for which Member States will have to comply with the directive by 21.12.2029 at the latest.