











# Procedure file

| Basic information   |   |
|---|---|
| COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive                                   | 2022/0298(COD)<br>Awaiting Parliament's position in 1st reading |
| Protection of workers from asbestos<br>Amending Directive 2009/148 <a href="#">2006/0222(COD)</a>             |   |
| Subject<br>4.15.15 Health and safety at work, occupational medicine   |   |
| Legislative priorities<br><a href="#">Joint Declaration 2023-24</a><br><a href="#">Joint Declaration 2022</a> |   |

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

### Key events

|            |   |                               |         |
|------------|---|-------------------------------|---------|
| 28/09/2022 | Legislative proposal published  | <a href="#">COM(2022)0489</a> | 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  | <a href="#">A9-0160/2023</a>  | 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         |                               |         |

### Forecasts

|            |                             |
|------------|-----------------------------|
| 02/10/2023 | Debate in plenary scheduled |
| 03/10/2023 | Vote in plenary scheduled   |

### 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 <a href="#">2006/0222(COD)</a>  |
| Legal basis                                  | Treaty on the Functioning of the EU TFEU 114  |
| Other legal basis                            | Rules of Procedure EP 159   |
| Mandatory consultation of other institutions | <a href="#">European Economic and Social Committee</a><br><a href="#">European Committee of the Regions</a> |
| Stage reached in procedure                   | Awaiting Parliament's position in 1st reading   |
| Committee dossier                            | EMPL/9/10227  |

### Documentation gateway

|                                    |                               |            |    |         |
|------------------------------------|-------------------------------|------------|----|---------|
| Legislative proposal               | <a href="#">COM(2022)0489</a> | 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                  |      | <a href="#">CES4829/2022</a> | 14/12/2022 | ESC  |         |
| Committee draft report  |      | <a href="#">PE738.719</a>    | 11/01/2023 | EP   |         |
| Amendments tabled in committee                                  |      | <a href="#">PE742.461</a>    | 10/02/2023 | EP   |         |
| Committee of the Regions: opinion                               |      | <a href="#">CDR5655/2022</a> | 16/03/2023 | CofR |         |
| Committee opinion   | ENVI | <a href="#">PE740.714</a>    | 22/03/2023 | EP   |         |
| Committee report tabled for plenary, 1st reading/single reading |      | <a href="#">A9-0160/2023</a> | 28/04/2023 | EP   | 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/cm<sup>3</sup> 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/cm<sup>3</sup> as an 8-hour TWA.

As it is possible to measure an OEL equal to 0.01 f/cm<sup>3</sup> 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/cm<sup>3</sup> 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/cm<sup>3</sup> 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.

| Transparency                |                      |      |            |   |
|-----------------------------|----------------------|------|------------|---|
| TRILLET-LENOIR<br>Véronique | Rapporteur           | EMPL | 19/06/2023 | EUROPEAN TRADE UNION<br>CONFEDERATION   |
| FRANSSEN<br>Cindy           | Shadow<br>rapporteur | EMPL | 05/06/2023 | Permanente Vertegenwoordiging<br>België bij de EU   |
| FRANSSEN<br>Cindy           | Shadow<br>rapporteur | EMPL | 27/04/2023 | Zweeds Voorzitterschap  |
| FRANSSEN<br>Cindy           | Shadow<br>rapporteur | EMPL | 27/03/2023 | ACV   |
| TRILLET-LENOIR<br>Véronique | Rapporteur           | EMPL | 21/03/2023 | Agence nationale de sécurité<br>sanitaire de l'alimentation, de<br>l'environnement et du travail<br>European Trade Union Institute<br>Netherlands Organisation for<br>Applied Scientific Research TNO<br>Fedasbest (Belgian federation of<br>recognised asbestos laboratories<br>and asbestos experts)<br>Finnish Institute of Occupational<br>Health |
|                             |                      |      |            |   |

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|-----------------------------|---------------------------|------------|--|--|
| FRANSSEN<br>Cindy           | Shadow<br>rapporteur      | EMPL       | 09/03/2023                                   | European Builders<br>Confederation EBC   |
| MESURE Marina               | Rapporteur<br>for opinion | ENVI       | 09/03/2023                                   | Partenaires sociaux de Belgique  |
| VIND Marianne               | Shadow<br>rapporteur      | EMPL       | 06/03/2023                                   | Byggefagenes Samvirke  |
| TRILLET-LENOIR<br>Véronique | Rapporteur                | EMPL       | 27/02/2023                                   | EUROPEAN FEDERATION OF<br>BUILDING AND<br>WOODWORKERS<br>EUROPEAN TRADE UNION<br>CONFEDERATION |
| VIND Marianne               | Shadow<br>rapporteur      | EMPL       | 23/02/2023                                   | 3F Sjælland  |
| LENAERS Jeroen              | Member                    | 27/03/2023 | Aedes vereniging<br>van<br>woningcorporaties |  |
| FRANSSEN<br>Cindy           | Member                    | 20/09/2022 | OVAM   |  |