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AMENDMENTS: 61

Véronique Trillet-Lenoir

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

Proposal for a regulation COM(2022)0489 - C9-0321/2022 – 2022/0298(COD)

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Amendments on Basic Acts:

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AM 24 - Nikolaj Villumsen - 2009/148/EC / Article 3 – paragraph 3
AM 25 - Nikolaj Villumsen - 2009/148/EC / Article 3 – paragraph 4
AM 26 - Nikolaj Villumsen - Directive 2009/148/EC / Article 4 – paragraph 3 – subparagraph 2
AM 27 - Nikolaj Villumsen - 2009/148/EC / Article 4 – paragraph 3
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AM 60 - Nikolaj Villumsen - 2009/148/EC / Annex I – point 1

Amendments per language:

EN: 61

Amendments justification with more than 500 chars : 0

Amendments justification number with more than 500 chars :

Amendment 1
Nikolaj Villumsen

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) This Directive applies to all activities of all at-risk professions, including renovation and demolition workers, waste managers, miners and firefighters, which are or may be exposed to dust arising from asbestos or materials containing asbestos.

Or. en

Amendment 2
Nikolaj Villumsen

Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2 b) The concept of ‘sporadic and low intensity exposure’ is a non science-based concept. As a result it can not apply to a non-threshold carcinogen like asbestos, nor can it be used as a basis that justifies any exemptions from the protection measures laid down in this Directive.

Or. en

Amendment 3
Nikolaj Villumsen

Proposal for a regulation
Recital 2 c (new)

Text proposed by the Commission

Amendment

(2 c) In the context of health and safety at work, state-of-the-art technology must always be applied to achieve the highest

possible level of protection. Technical minimum requirements need to lower the concentration of asbestos fibres in the air to the lowest level technically possible, including through dust suppression and the suction of dust at the source, continuous sedimentation, and means of decontamination, combined with minimum requirements for the pressure difference between asbestos enclosures and surroundings, fresh air supply and HEPA filters.

Or. en

Amendment 4
Nikolaj Villumsen

Proposal for a regulation
Recital 2 d (new)

Text proposed by the Commission

Amendment

(2 d) Passive exposure to asbestos, occupational and non-occupational, can have significant impacts on human health. Women are particularly vulnerable to certain kinds of passive asbestos exposure. There are different types of non-occupational exposure to asbestos, whether para-occupational (including exposure to asbestos dust inadvertently carried home by workers), domestic (including household objects containing asbestos), or environmental (including materials existing in buildings and installations or of industrial origin).

Or. en

Amendment 5
Nikolaj Villumsen

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council⁶⁵. When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths.

⁶⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) OJ L 353, 31.12.2008, p. 1.

Amendment

(3) Asbestos is a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. Asbestos fibres are classified as carcinogens 1A according to Regulation (EC) 1272/2008 of the European Parliament and of the Council⁶⁵ **and are by far the major cause of work-related cancer, with as much as 78% of occupational cancers recognised in the Member States as being related to asbestos.** When inhaled, airborne asbestos fibres can lead to serious diseases such as mesothelioma and lung cancer, and the first signs of disease may take an average of 30 years to manifest from the moment of exposure, ultimately leading to work-related deaths.

⁶⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) OJ L 353, 31.12.2008, p. 1.

Or. en

Amendment 6
Nikolaj Villumsen

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Following the new scientific and

Amendment

(4) Following the new scientific and

technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL') **by taking into account an acceptable level of excess risk**. As a consequence, the OEL for asbestos should be revised in order to reduce the risk by lowering exposure levels.

technological developments in the area, there is scope to improve the protection of workers exposed to asbestos and thus to reduce the probability of workers contracting asbestos-related diseases. For asbestos, being a non-threshold carcinogen, it is not scientifically possible to identify levels below which exposure would not lead to adverse health effects. Instead, an exposure-risk relationship (ERR) can be derived, facilitating the setting of an occupational exposure limit ('OEL'). As a consequence, the OEL for asbestos should be revised in order to reduce the risk by lowering exposure levels.

Or. en

Amendment 7
Nikolaj Villumsen

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's 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.

Amendment

(7) The limit value for asbestos set out in Directive 2009/148/EC should be revised in the light of the Commission's evaluations and recent scientific evidence and technical data. ***Strengthened*** preventive and protective measures are ***needed to implement such a revision of the limit value*** in all Member States.

Or. en

Amendment 8
Nikolaj Villumsen

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) Taking into account the relevant scientific expertise and a balanced approach ensuring at the same time adequate protection of workers at Union level and avoiding disproportionate economic disadvantages and burdens for the affected economic operators (including SMEs), a revised OEL equal to 0.01 fibres/cm³ as an 8-hour time-weighted average (TWA) should be established. This balanced approach is underpinned by a public health objective aiming at the necessary safe removal of asbestos. Consideration has also been given to proposing an OEL that takes into account economic and technical considerations to allow an effective removal.

deleted

Or. en

**Amendment 9
Nikolaj Villumsen**

**Proposal for a regulation
Recital 11**

Text proposed by the Commission

Amendment

(11) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. 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. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used, while taking into account the need for an adequate period of adaptation **and for more EU level harmonisation of different**

(11) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is currently the most used method for the regular measuring of asbestos. 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. In line with the opinion of the ACSH, a more modern and sensitive methodology based on electron microscopy should be used, while taking into account the need for an adequate period of adaptation. **In light of the fact that thinner asbestos fibres (<0,2**

electron microscopy *methodologies*.

µm) are also carcinogenic, those fibres should be taken into account when measuring exposure in the workplace. Electron microscopy, which allows the detection of such thinner asbestos fibres should be used for that purpose. The Commission should support and facilitate Member States with regard to the new methodology for measuring asbestos fibres, in particular through the development of guidelines and providing information on relevant Union funds which can be used for that purpose.

Or. en

Amendment 10
Nikolaj Villumsen

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) Taking into account the relevant scientific expertise, the need to increase the protection of workers at Union level, a public health objective that aims to remove asbestos, as well as technical considerations with regard to monitoring compliance, a revised OEL equal to 0,001 fibres/cm³ as an 8-hour time-weighted average should be established as an appropriate first step to reducing the risks of asbestos exposure. Due to the ongoing renovation wave of buildings, it is important to implement that revised OEL as soon as possible and no transition period should therefore apply. As electron microscopy would allow the detection of thinner asbestos fibres, the revised OEL, combined with the new methodology, is expected to ensure better a protection of workers against asbestos exposure. In line with the vision-zero approach of the Union strategic framework on health and safety

at work, a constant effort to reduce exposure to this strong non-threshold carcinogen is needed. By ... [five years after the entry into force of this Directive], based on the experience acquired, up-to-date scientific evidence and technical data, and after consulting the social partners, the Commission should evaluate the feasibility of a further reduction of the asbestos exposure limit.

Or. en

Amendment 11
Nikolaj Villumsen

Proposal for a regulation
Recital 11 b (new)

Text proposed by the Commission

Amendment

(11 b) Asbestos should be kept out of the circular economy to protect workers from unknowingly reusing dangerous materials. Life-cycle-management of building materials is an important part of the circular economy. In the framework of the new EU Circular Economy Action Plan

Or. en

Amendment 12
Nikolaj Villumsen

Proposal for a regulation
Recital 11 c (new)

Text proposed by the Commission

Amendment

(11 c) The asbestos sampling should be representative of the worker's personal exposure to asbestos. Samples should therefore be taken at regular intervals during specific operational phases in representative and realistic situations in which workers are exposed to asbestos

dust . If it is not possible for sampling to be representative of the worker's personal exposure to asbestos, all appropriate protective measures should be applied.

Or. en

Amendment 13
Nikolaj Villumsen

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Special control measures and precautions are needed *for workers exposed or likely to be exposed to* asbestos, *such as* subjecting workers to a decontamination procedure and related training, in order to significantly contribute to reducing the risks related to such exposure.

Amendment

(13) Special control measures and precautions are needed *to lower the concentration of* asbestos *fibres in the air to as low a level as is technically possible below the limit value.* Subjecting workers to a decontamination procedure and *strengthening the* related training *requirements are important elements* in order to significantly contribute to reducing the risks related to such exposure. *In order to ensure a level playing field, an annex to this Directive should provide for minimum training requirements, including specific requirements for workers in specialised asbestos removal undertakings.*

Or. en

Amendment 14
Nikolaj Villumsen

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Employers should *take all necessary steps to identify presumed* asbestos-containing materials, *if appropriate by obtaining information from the owners of* the premises *as well as*

Amendment

(15) Employers should *be required to carry out a screening for the presence of* asbestos-containing materials *on* the premises *prior to* the start of any *work in buildings, ships, aircrafts or other*

other sources of information, including relevant registers. They should record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings or installations and communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities in or on buildings.

installations build before the national ban came into force. Such screening should be carried out by a qualified and certified operator and should include a diagnosis adapted to the workplace. A report should state either the absence or the presence of asbestos, and its fibre type if present, with a detailed description of the nature of contamination and its precise location and estimated quantities. That operator should communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities.

Or. en

Amendment 15
Nikolaj Villumsen

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) The safe removal and disposal of asbestos-containing materials should be a priority, because repair, maintenance, encapsulation or sealing only lead to the postponement of the removal, which can perpetuate the risks for inhabitants and workers 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.

Or. en

Amendment 16
Nikolaj Villumsen

Proposal for a regulation
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15 b) In order to provide for the implementation of this Directive, the necessary measure should be taken by member states to guarantee the enforcing applicable laws and regulations, including through a the support of the labour inspectorate in consideration to the International Labour Organisation's (ILO) minimum objective of one inspector for every 10.000 workers.

Or. en

Amendment 17
Nikolaj Villumsen

Proposal for a regulation
Recital 15 c (new)

Text proposed by the Commission

Amendment

(15 c) There is a need to provide sufficient and focused administrative support to help employers, in particular microenterprises and small and medium-sized enterprises, implement this Directive. In particular, standardised processes for the removal of asbestos-containing materials would help to reduce the levels of asbestos dust, the cost of those operations and facilitate the fulfilment of the notification requirements.

Amendment 18
Nikolaj Villumsen

Proposal for a regulation
Recital 15 d (new)

Text proposed by the Commission

Amendment

(15 d) Directive 2009/148/EC should be regularly updated to take into account the latest scientific knowledge and technical developments including an evaluation of different types of asbestos fibres and their adverse health effects. The Commission should start by entry into force of this Directive the consultation process for updating the provisions on fibrous silicates and, in that context, should in particular assess whether riebeckite, winchite, richterite, fluoro-edenite should be included within the scope of that Directive.

Or. en

Amendment 19
Nikolaj Villumsen

Proposal for a regulation
Recital 15 e (new)

Text proposed by the Commission

Amendment

(15 e) In order to keep pace with technological developments, the Commission should, by ...[five years after the entry into force of this Directive] and every five years thereafter, after consulting the social partners, review the technological and scientific information on asbestos identification, measurement and warning technology and should issue guidelines where such technology is to be used in order to protect workers from

exposure to asbestos. A more systematic exchange between Member States of best practices should also be established for that purpose.

Or. en

Amendment 20
Nikolaj Villumsen

Proposal for a regulation
Recital 15 f (new)

Text proposed by the Commission

Amendment

(15 f) In order to support the implementation of this Directive, the Commission should, in cooperation with the ACSH, develop guidelines. Those guidelines should, where appropriate, include sector-specific responses.

Or. en

Amendment 21
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
2009/148/EC
Article 2

Text proposed by the Commission

Amendment

For the purposes of this Directive, ‘asbestos’ means the following fibrous silicates, which are **classified** as carcinogens 1A according to Regulation (EC) 1272/2008*:

For the purposes of this Directive, ‘asbestos’ means the following fibrous silicates, which are **meeting the criteria for classification** as carcinogens 1A **or 1B** according to Regulation (EC) 1272/2008*:

Or. en

Amendment 22
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
2009/148/EC
Article 2 – point (g) (new)

Text proposed by the Commission

Amendment

(f a) erionite, CAS 66733-21-9 and CAS 66733-21-9;

Or. en

Amendment 23
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 a (new)
2009/148/EC
Article 3 – paragraph 1

Present text

Amendment

1. This Directive shall apply to activities in which workers are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos.

(2 a) "1. This Directive shall apply 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.

"

Or. en

(2009/148/EC)

Amendment 24
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 b (new)
2009/148/EC
Article 3 – paragraph 3

Present text

Amendment

3. Provided that worker exposure is sporadic and of low intensity, and if it is

(2 b) In Article 3, paragraph 3 is deleted

"

clear from the results of the risk assessment referred to in paragraph 2 that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 4, 18 and 19 may be waived where the work involves: (a) short, non-continuous maintenance activities in which only non-friable materials are handled; (b) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix; (c) encapsulation or sealing of asbestos-containing materials which are in good condition; (d) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.

"

Or. en

(2009/148/EC)

Amendment 25
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 c (new)
2009/148/EC
Article 3 – paragraph 4

Present text

Amendment

(2 c) In Article 3, paragraph 4 is deleted

"

4. Member States shall, following consultation with representatives from both sides of industry, in accordance with national law and practice, lay down practical guidelines for the determination of sporadic and low-intensity exposure, as provided for in paragraph 3.

"

Or. en

(2009/148/EC)

Amendment 26
Nikolaj Villumsen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 d (new)

Directive 2009/148/EC

Article 4 – paragraph 3 – subparagraph 2

Present text

The notification **must** include at least a brief description of: (a) the location of the worksite; (b) the type and quantities of asbestos used or handled; (c) the activities and processes involved; (d) the number of workers involved; (e) the starting date and duration of the work; (f) measures taken to limit the exposure of workers to asbestos.

Amendment

(2 d) "(2c) In Article 4(3), the second subparagraph is replaced by the following:

“The notification **shall** include at least a brief description of:

(a) the location of the worksite and the specific areas in which the work will be carried out;

(b) the type and quantities of asbestos used or handled;

(c) the activities and processes involved;

(d) the number of workers involved, a list of the workers likely to be assigned to the site, the individual certificates proving their competence and the training received, and the dates of the mandatory medical visits;

(e) the starting date and duration of the work and the planned working hours;

(f) measures taken to limit the exposure of workers to asbestos;

(fa) the characteristics of the equipment used for the protection and decontamination of workers;

(fb) the procedure for the decontamination of workers and

equipment, durations and working hours;

(fc) the characteristics of the equipment used for waste disposal

(fd) a provisional aeraulic balance for work carried out under confinement;

(fe) a plan for safe and sustainable waste disposal, including with regard to the destination of asbestos containing waste.”

”

Or. en

(2009/148/EC)

Amendment 27
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 e (new)
2009/148/EC
Article 4 – paragraph 3

Present text

The notification referred to in paragraph 2 shall be submitted by the employer to the responsible authority of the Member State, before the work commences, in accordance with national laws, regulations and administrative provisions. The notification must include at least a brief description of:

- (a) the location of the worksite;
- (b) the type and quantities of asbestos used or handled;
- (c) the activities and processes involved;
- (d) the number of workers involved;
- (e) the starting date and duration of the work;
- (f) measures taken to limit the exposure of workers to asbestos.

Amendment

(2 e) "The notification referred to in paragraph 2 shall be submitted by the employer to the responsible authority of the Member State, before the work commences, in accordance with national laws, regulations and administrative provisions. The notification must include at least a brief description of:

- (a) the location of the worksite;
- (b) the type and quantities of asbestos used or handled;
- (c) the activities and processes involved;
- (d) the number of workers involved;
- (e) the starting date and duration of the work;
- (f) measures taken to limit the exposure of workers to asbestos.

Notifications shall be kept by the

responsible authority of the Member State for a minimum of 40 years, in accordance with national law and practice.

"

Or. en

(2009/148/EC)

Amendment 28
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 f (new)
2009/148/EC
Article 5

Present text

Amendment

The application of asbestos by means of the spraying process and working procedures that involve using low-density (less than 1 g/cm³) insulating or soundproofing materials which contain asbestos shall be prohibited.

Without prejudice to the application of other Community provisions on the marketing and use of asbestos, activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.

(2 f) In article 5, following paragraph is added

"Asbestos-containing materials already in use shall be safely removed and disposed of when technically feasible. They shall not be repaired, maintained, sealed, encapsulated or covered. Asbestos-containing materials which cannot be removed in the short term shall be identified, registered and regularly monitored.

"

Or. en

Amendment 29
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 3
2009/148/EC
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;

Amendment

(b) work processes shall be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air ***to a level as low as technically possible by implementing at least the following measures:***

(i) asbestos dust suppression;

(ii) the suction of asbestos dust at the source;

(iii) the continuous sedimentation of asbestos fibres suspended in the air;

(iv) appropriate decontamination;

Or. en

Amendment 30
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 3
2009/148/EC
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) for work carried out under confinement, the work area shall be protected by implementing at least the following measures:

(i) setting a minimum pressure difference of minus 10;

(ii) supplying clean replacement air from a point further away;

(iii) checking the performance of negative pressure units and portable vacuums of local exhaust ventilation systems after the change of a HEPA filter and before the start of asbestos removal or at least once a year, by measuring the removal efficiencies of filters with a direct-reading particle counter.

Or. en

Amendment 31
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 3 a (new)
2009/148/EC
Article 7 – paragraph 1

Present text

1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out *regularly*.

Amendment

(3 a) "1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out *during the specific operational phases and at regular intervals during the work process*.

"

Or. en

(2009/148/EC)

Amendment 32
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 3 b (new)
2009/148/EC
Article 7 – paragraph 2

Present text

2. Sampling must be representative of the personal exposure of the worker to dust arising from asbestos or materials containing asbestos.

Amendment

(3 b) "2. Sampling must be representative of the *real* personal exposure of the worker to dust arising from asbestos or materials containing asbestos.

"

Or. en

(2009/148/EC)

Amendment 33
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 3 c (new)
2009/148/EC
Article 7 – paragraph 5

Present text

5. The duration of sampling *must* be such that representative exposure can be established for *an 8-hour reference period (one shift) by means of measurements or time-weighted calculations.*

Amendment

(3 c) "5. The duration of sampling *shall* be such that representative exposure can be established for *all operations in all their different phases carried out during the work process.*

"

Or. en

(2009/148/EC)

Amendment 34
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 4
2009/148/EC
Article 7 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Fibre counting shall be carried out by *phase-contrast microscope (PCM) in*

Amendment

Fibre counting shall be carried out by *electron microscopy or* any other method

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 (EM).*

giving equivalent or better results. *For the purposes of ensuring compliance with the measures on fibre counting referred to in this Article, the Commission shall support Member States by providing appropriate technical guidance, including on the technical transition from phase-contrast microscopy to electron microscopy, and information on relevant Union funds which can be used to support that transition.*

Or. en

Amendment 35
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 5
2009/148/EC
Article 8

Text proposed by the Commission

Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of **0.01** fibres per cm³ as an 8-hour time-weighted average (*TWA*).

Amendment

Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of **0.001** fibres per cm³ (**1 000 fibres per m³**) as an 8-hour time-weighted average.

Or. en

Amendment 36
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 5 a (new)
2009/148/EC
Article 10 – paragraph 1

Present text

1. Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded **must** be identified and appropriate measures to remedy the situation must be taken as soon as possible.

Amendment

(5 a) "1. Where the limit value laid down in Article 8 is exceeded, **or if there is reason to believe that asbestos-containing materials which are not identified prior to the work have been disturbed so as to**

Work may not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.

generate dust, work shall stop immediately. The reasons for the limit being exceeded *shall then* be identified and appropriate measures to remedy the situation must be taken as soon as possible.

Work shall not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.

”

Or. en

(2009/148/EC)

Amendment 37
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6
2009/148/EC
Article 11 – paragraph 1

Text proposed by the Commission

Before beginning demolition or maintenance work, *employers shall take, if appropriate by obtaining information from the owners of the premises as well as from other sources of information, including relevant registers, all necessary steps* to identify *presumed* asbestos-containing materials.

Amendment

Before beginning demolition or maintenance work *or renovation works on premises built before the year in which the national asbestos ban entered into force, the employer shall commission a screening* to identify *the* asbestos-containing materials *likely to be affected by the work. The premises shall be screened to identify all asbestos-containing materials, in accordance with the requirements of Part 6 of Annex XVII to Regulation (EC) No 1907/2006 and Annex I to Regulation (EU) No 305/2011. The screening shall be conducted by a qualified and certified operator or authority, taking into account Articles 14 and 15 of this Directive, and the national building law provisions. Such screening shall, where available, be based on information from public asbestos registries. This shall by no means replace*

the employers' duty to carry out a comprehensive risk assessment.

Or. en

Amendment 38
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6
2009/148/EC
Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Member States shall regulate the details of explorations and investigations for the detection of asbestos-containing materials, in accordance with their national building regulations. Where the complete absence of asbestos cannot be guaranteed, works shall be conducted in accordance with the provisions of this Directive where asbestos is present.

Or. en

Amendment 39
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6
2009/148/EC
Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

The Member States shall establish public registers of the certified operators authorised to carry out the asbestos screening, subject to minimum quality standards and in accordance with their national law and practice.

Or. en

Amendment 40
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 a (new)
2009/148/EC
Article 12 – paragraph 1 – introductory part

Present text

In the case of certain activities such as demolition, asbestos removal work, ***repairing and maintenance***, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:

Amendment

(6 a) "In the case of certain activities such as demolition, asbestos removal work, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of ***all possible*** technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:

"

Or. en

(2009/148/EC)

Amendment 41
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 b (new)
2009/148/EC
Article 12 – paragraph 1

Present text

- (a) workers shall be issued with suitable respiratory and other personal protective equipment, which must be worn;
- (b) warning signs shall be put up indicating that it is foreseeable that the limit value laid down in Article 8 will be exceeded;

Amendment

- (6 b)** "(a) workers shall be issued with suitable respiratory and other personal protective equipment, which must be worn;
and
- (b) warning signs shall be put up indicating that it is foreseeable that the limit value laid down in Article 8 will be exceeded;
and

and (c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented.

The workers and/or their representatives in the undertaking or establishment shall be consulted on these measures before the activities concerned are carried out.

(c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented ***and ventilation of air from asbestos removal sites into enclosed spaces shall not be allowed; and***

(d) a measurement of asbestos fibres concentration in the air shall be carried out after activities referred to in the first paragraph have been concluded in order to ensure that workers can safely re-enter the workplace.

The workers and/or their representatives in the undertaking or establishment shall be consulted on these measures before the activities concerned are carried out.

"

Or. en

(2009/148/EC)

Amendment 42
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 c (new)
2009/148/EC
Article 13 – paragraph 1

Present text

1. A plan of work shall be drawn up before ***demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships*** is started.

Amendment

(6 c) "1. A plan of work shall be drawn up before ***any work in relation to*** asbestos is started.

"

Or. en

(2009/148/EC)

Amendment 43
Nikolaj Villumsen

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Proposal for a regulation

Article 1 – paragraph 1 – point 6 d (new)

2009/148/EC

Article 14 – paragraph 2

Present text

2. The content of the training **must** be easily understandable for workers. It **must** enable them to acquire the necessary knowledge and skills in terms of prevention and safety, **particularly as regards: (a) the properties of asbestos and its effects on health, including the synergistic effect of smoking; (b) the types of products or materials likely to contain asbestos; (c) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; (d) safe work practices, controls and protective equipment; (e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment; (f) emergency procedures; (g) decontamination procedures; (h) waste disposal; (i) medical surveillance requirements.**

Amendment

(6 d) "2. The content of the training **shall** be easily understandable for workers. It **shall** enable them to acquire the necessary knowledge and skills in terms of prevention and safety, **in accordance with the national law and practice applicable where the work takes place.**

"

Or. en

(2009/148/EC)

Amendment 44

Nikolaj Villumsen

Proposal for a regulation

Article 1 – paragraph 1 – point 6 e (new)

2009/148/EC

Article 14 – paragraph 3

Present text

3. Practical guidelines for the training of asbestos removal workers shall be

Amendment

(6 e) "3. **The minimum requirements with regard to the content, duration,**

developed at Community level.

intervals, and documentation of the training provided pursuant to this Article shall be specified in Annex Ia.

"

Or. en

(2009/148/EC)

Amendment 45
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 f (new)
2009/148/EC
Article 15 – paragraph 1

Present text

Before carrying out demolition or asbestos removal work, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice.

Amendment

(6 f) *"1. Undertakings which intend to carry out demolition or asbestos removal work shall be required to obtain, before the start of work, a permit from the competent authority. Competent authorities shall grant such permits only if the applicant undertaking provides proof of adequate state-of-the-art technical equipment for emission-free or, where this is not yet technically possible, low-emission work procedures in line with the requirements of Article 6, and training certificates for the individual workers in accordance with Article 14 and Annex Ia.*

"

Or. en

(2009/148/EC)

Amendment 46
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 g (new)
2009/148/EC
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(6 g) 1a. Competent authorities shall grant permits to undertakings only if they have no doubt as to the reliability of the undertaking and its management. The permits shall be renewable every five years, in accordance with national law and practice.

Or. en

Amendment 47
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 h (new)
2009/148/EC
Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(6 h) 1b. Member States shall establish public registers of the undertakings that have been granted permits to remove asbestos pursuant to paragraph 1.

Or. en

Amendment 48
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 i (new)
2009/148/EC
Article 16 – paragraph 1 – point c a (new)

Present text

Amendment

(c) workers are provided with appropriate working or protective clothing; **this** working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not

(6 i) "(c) workers are provided with appropriate working or protective clothing **as well as protective equipment, in particular respiratory equipment, which is subject to a mandatory individual fitting check; that all** working or protective clothing remains within the undertaking; it

carry out the cleaning itself; in that event the clothing shall be transported in closed containers;

may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;

"

Or. en

(2009/148/EC)

Amendment 49
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 j (new)
2009/148/EC
Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(6 j) (ca) regular compulsory breaks with sufficient time for rest are provided for workers wearing respiratory equipment;

Or. en

Amendment 50
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 k (new)
2009/148/EC
Article 16 – paragraph 1

Present text

Amendment

1. In the case of all activities referred to in Article 3(1), **and subject to Article 3(3)**, appropriate measures shall be taken to ensure that:

(6 k) "1. In the case of all activities referred to in Article 3(1), appropriate measures shall be taken to ensure that:

"

Or. en

(2009/148/EC)

Amendment 51
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 l (new)
2009/148/EC
Article 16 – paragraph 1 – point e

Present text

(e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations;

Amendment

(6 l) "(e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations, **and are subject to a mandatory decontamination procedure; The decontamination procedure shall be designed with involvement of the relevant sectoral social partners to cover sector specific needs;**

"

Or. en

(2009/148/EC)

Amendment 52
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 m (new)
2009/148/EC
Article 17 – paragraph 2

Present text

2. In addition to the measures referred to in paragraph 1, **and subject to Article 3(3)**, appropriate measures shall be taken to ensure that:

Amendment

(6 m) "2. In addition to the measures referred to in paragraph 1, appropriate measures shall be taken to ensure that:

"

Or. en

(2009/148/EC)

Amendment 53
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 n (new)
2009/148/EC
Article 18 – paragraph 1

Present text

Amendment

1. Subject to Article 3(3), the measures referred to in paragraphs 2 to 5 shall be taken.

(6 n) *In Article 18, paragraph 1 is deleted*

"

"

Or. en

(2009/148/EC)

Amendment 54
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 o (new)
2009/148/EC
Article 18 – paragraph 2

Present text

Amendment

A new assessment must be available at least once every 3 years for as long as exposure continues. An individual health record shall be established in accordance with national laws and/or practices for each worker referred to in the first subparagraph.

(6 o) "A new assessment must be available at least once every 3 years for as long as exposure continues. An individual health record shall be established **and kept for a minimum of 40 years** in accordance with national laws and/or practices for each worker referred to in the first subparagraph.

"

Or. en

(2009/148/EC)

Amendment 55
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 p (new)
Directive 2009/148/EC
Article 18b a (new)

Text proposed by the Commission

Amendment

(6 p) New article 18b a:

1. By ... [one year after the date of entry into force of this amending Directive], the Commission shall, in cooperation with the Advisory Committee for Safety and Health at Work, develop guidelines to support the application of this Directive. Those guidelines shall provide, where appropriate, sector-specific responses.

2. By entry into force of this amending Directive, the Commission shall start the consultation process for updating the fibrous silicates within the scope of this Directive and, in that context, assess the inclusion of riebeckite, winchite, richterite, fluoro-edenite. After consulting the social partners, the Commission shall, propose necessary amendments to this Directive in a legislative proposal.

3. By ... [five years after the date of entry into force of this amending Directive] and every five years thereafter, the Commission shall, after consulting the social partners, review the technological and scientific state of asbestos identification, measurement or warning technology and issue guidelines for when such technology is to be used in order to protect workers from exposure to asbestos.

Or. en

Amendment 56
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 6 q (new)
2009/148/EC
Article 19 – paragraph 1

Present text

Amendment

1. Subject to Article 3(3), the measures referred to in paragraphs 2, 3 and 4 shall be taken.

(6 q) In Article 19, paragraph 1 is deleted

"

"

Or. en

(2009/148/EC)

Amendment 57
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 7 a (new)
2009/148/EC
Article 21 – paragraph 1

Present text

Amendment

Member States shall keep a register of recognised cases of *asbestosis and mesothelioma*.

(7 a) In Article 21, paragraph 1 is replaced by the following:

"1. Member States shall keep a register of all recognised cases of *asbestos-related occupational diseases*. An indicative list of diseases that can be caused by asbestos exposure is set out in Annex I.

"

Or. en

(2009/148/EC)

Amendment 58
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 7 b (new)
2009/148/EC
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(7 b) 1a. The term recognised cases referred to in paragraph 1 shall not be limited to cases for which the compensation is granted, but shall refer to all cases of medically diagnosed asbestos-related diseases.

Or. en

Amendment 59
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 7 c (new)
Directive 2009/148/EC
Article 21 a (new)

Text proposed by the Commission

Amendment

(7 c) New Article 21a:
All existing information, including from relevant registers, regarding the presence and location of asbestos shall be made available to firefighters and the emergency services.

Or. en

Amendment 60
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 7 d (new)
2009/148/EC
Annex I – point 1

Present text

Amendment

(7 d) In Annex I, point 1 is replaced by

1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:

- asbestosis,

- mesothelioma,
- bronchial carcinoma,
- gastro-intestinal carcinoma.

the following

"

1. Current knowledge indicates that exposure to free asbestos fibres can *at least* give rise to the following *asbestos-related occupational* diseases *which Member States therefore shall introduce into their national law provisions*:

- asbestosis,
 - mesothelioma
 - *lung carcinoma including* bronchial carcinoma,
 - *gastro-intestinal carcinoma,*
 - *carcinoma of the larynx,*
 - *carcinoma of the ovary,*
 - *benign pleural diseases including fibrotic lesions, rounded atelectasis and benign pleural effusion*
 - *non-malignant pleural diseases.*
- 1a. Positive associations have been noted by the International Agency for Research on Cancer between asbestos exposure and the following diseases:*
- *pharyngeal cancer,*
 - *colorectal cancer,*
 - *stomach cancer.*

"

Or. en

(2009/148/EC)

Amendment 61
Nikolaj Villumsen

Proposal for a regulation
Article 1 – paragraph 1 – point 7 e (new)

(7 e) (7e) The following annex is inserted:

**ANNEX Ia MINIMUM
REQUIREMENTS FOR TRAINING**

Workers who are, or who are likely to be, exposed to dust from asbestos or materials containing asbestos, shall receive mandatory training, encompassing at least the following minimum requirements:

1. The training shall be provided at the start of an employment relationship and at intervals not exceeding four years. 2. Each training course shall have a minimum duration of three working days.

3. The training shall be provided by a qualified and certified institution and instructor and carried out by Member State authority or recognised competent body in accordance with national law and practice.

4. Every worker who has attended training in a satisfactory manner and has passed the required test shall receive a training certificate indicating all of the following:

(a) the date of the training;

(b) the duration of the training;

(c) the content of the training;

(d) the language of the training;

(e) the name, qualification, and contact details of the instructor and the institution providing the training.

5. All workers who are, who are likely to be, or are at risk of being exposed to dust from asbestos or materials containing asbestos shall receive at least the

following training, with a theoretical and a practical part, regarding all of the following:

(a) the applicable law of the Member State in which the work is carried out;

(b) the properties of asbestos and its effects on health, including the synergistic effect of smoking, as well as the risks linked to passive, secondary and environmental exposure;

(c) the types of products or materials likely to contain asbestos;

(d) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;

(e) safe work practices, including workplace preparation, choice of working methods and planning of work execution, ventilation, point extraction, measurement and control, and regular breaks;

(f) the appropriate role, choice, selection, limitations and proper use of protective equipment, with special regard to respiratory equipment;

(g) emergency procedures;

(h) decontamination procedures;

(i) waste disposal;

(j) medical surveillance requirements.

The training shall be adapted as closely as possible to the characteristics of the profession and the specific tasks and work methods it involves.

6. Workers who engage in demolition or asbestos-removal work shall receive training, in addition to the training provided for pursuant to paragraph 4, regarding both of the following:

(a) the use of technological equipment and machines to contain the release and spreading of asbestos fibres during the work processes, in accordance with this

Directive;

(b) the newest available technologies and machines for emission-free or, where this is not yet technically possible, low-emission working procedures, to contain the release and spreading of asbestos fibres.

Or. en