Resolution on draft Commission regulation amending Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), as regards Annex XVII

2009/2584(RSP) - 07/05/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 379 votes to 15 with 11 abstentions a resolution tabled by the Committee on the Environment, Public Health and Food Safety on draft Commission regulation amending Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), as regards Annex XVII. Parliament recalls that the draft Commission regulation is aimed at extending the current ban regarding the placing on the market and use of asbestos fibres and of products containing those fibres to the manufacture of those fibres and articles containing asbestos fibres. The draft Regulation also maintains the exemptions from the ban on asbestos fibres for (i) articles containing asbestos fibres which were already installed or in service before 1 January 2005 under specific conditions ensuring a high level of protection of human health; and (ii) diaphragms containing chrysolite in existing electrolysis installations.

In the light of the approach taken by the draft Commission regulation to phase out asbestos fibres in the medium term, Parliament refrains from opposing the adoption of the draft Commission regulation.

It notes the review concerning the derogation for chrysotile asbestos diaphragms and stresses that high-voltage installations can be successfully operated with substitute materials, and that some such installations in the EU have been converted. Parliament underlines that currently 4 Member States still use asbestos diaphragms in installations of the low-voltage type for which no substitute diaphragm materials are available despite a considerable programme of research that has been carried out by the companies concerned.

The resolution stresses that, according to the review concerning the derogation for chrysotile asbestos diaphragms, the potential for worker exposure exists only when diaphragms need replacing (lifetime up to 10 years) because the electrolysis cells are hermetically sealed during operation to contain the chlorine gas, and industry reports that worker exposure limits for chrysotile are fully respected.

Parliament regrets that it has so far been impossible to establish a European list of articles exempted from the ban regarding the placing on the market and use of asbestos fibres and of products containing those fibres to the manufacture of those fibres and articles containing asbestos fibres, It calls on the Commission to establish such a list immediately after communication of the relevant national measures, and no later than 1 January 2012. It also urges the Commission to make a legislative proposal by the end of 2009 on the controlled disposal of asbestos fibres and the decontamination or disposal of equipment containing asbestos fibres in order to eliminate them completely;.

Members urges the Commission, furthermore, to establish a strategy for banning all forms of asbestos and all uses of asbestos fibres by 2015, including appropriate export requirements in accordance with Regulation (EC) No 1013/2006 on shipments of waste and taking into account the principle of proximity as laid down in Directive 2008/98/EC on waste, since asbestos remains responsible for a substantial number of diseases related to exposure to asbestos fibres.

Lastly, Parliament calls on the Commission to report regularly to Parliament on the implementation of the draft Commission regulation.