

Health and safety at work: protection of workers against exposure to asbestos. Codification

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The Commission presented a working document accompanying the [Commission communication](#) to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the modernisation of the EU occupational safety and health legislation and policy.

The detailed ex-post evaluation of the EU acquis, checking their relevance as well as efficiency, effectiveness, coherence and EU added value, carried out by the Commission confirms that the framework meets its ambition to adequately protect workers.

Main conclusions: the evaluation concluded that the overall structure of the EU occupational safety and health acquis, consisting of a goal-oriented Framework Directive complemented by specific Directives, is generally effective and fit-for-purpose.

However, it pointed to **specific provisions of individual Directives that have become outdated or obsolete**, and highlighted the need to find effective ways to **address new risks**.

The way in which Member States have transposed the EU occupational safety and health Directives varies considerably across Member States. Compliance costs therefore vary and cannot be easily dissociated from more detailed national requirements.

As regards SMEs: the evaluation clearly concluded that compliance with the occupational safety and health Directives is more challenging for SMEs than large establishments, while at the same time the **major and fatal injury rates are higher for SMEs**. Specific support measures are therefore necessary to **reach SMEs** and help them increase their compliance in an efficient and effective way.

Next steps: the evaluation considered that occupational safety and health measures should reach the widest number of people at work, **no matter the type of working relationship they are in, and no matter the size of company they work for**. Compliance with occupational safety and health rules should be manageable for businesses of all sizes and effectively monitored on the ground.

Measures must be result-oriented, instead of paper-driven, and maximum use should be made of **new digital tools** to facilitate implementation.

Characteristics of the evaluation: this exercise also forms part of the Commission's Regulatory Fitness (REFIT) Programme with a special focus on SMEs. In this respect, the evaluation concentrated both on Framework Directive 89/391/EEC and on the other 23 directives related to it.

The evaluation also concerned Directive 2009/148/EC of the European Parliament and of the Council on the protection of workers from the risks related to exposure to asbestos at work.

The Directive lays down limit values for the exposure of asbestos at work, as well as other specific requirements. **Asbestos has been and remains one of the main occupational health challenges facing Europe**. The widespread uncontrolled use of asbestos, particularly in Western Europe has resulted in hundreds of thousands of workers dying prematurely from mesothelioma, lung cancer, and other asbestos-related diseases.

According to the evaluation, the Asbestos Directive remains highly relevant. Though the use of asbestos has been considerably limited in the EU, inter alia, as a consequence of its implementation, workers in some sectors (such as construction or maintenance) are still potentially exposed to it.

Together with the absence of detailed knowledge about exposure patterns, the long latency of asbestos-related diseases does not allow to monitor yet fully the effectiveness of the Directive **through ill-health data**. The available national data/research results suggest a decreasing of asbestos exposure, though this information is not available systematically from all Member States.

In the light of scientific progress and in order to increase the effectiveness of the Directive for the future, the **lowering of exposure limits as set in the Directive** should be considered.

The study recommended regarding the issue of incidental exposure, to request owners of public or commercial buildings to:

- screen buildings for the presence of asbestos-containing materials;
- prepare plans to manage the risks they present;
- ensure that such information is available to the public and workers who may disturb such materials in the course of their professional activities and others not so concerned, but occupying the premise.