

Protection of workers from asbestos

2022/0298(COD) - 30/11/2023 - Final act

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 State's 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.

TRANSPOSITION: 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.