

Basic information	
<p><b>1993/0459( SYN )</b>  SYN - Cooperation procedure (historic)</p> <p>Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)</p> <p>Amended by <a href="#">2013/0062(COD)</a>  Amended by <a href="#">2023/0033(COD)</a></p> <p><b>Subject</b>  4.15.15 Health and safety at work, occupational medicine</p>	Procedure completed

Key players			
Council of the European Union	Council configuration	Meetings	Date
	Social Affairs	1974	1996-12-02
	Social Affairs	2030	1997-10-07
	Social Affairs	2081	1998-04-07
	Social Affairs	1775	1994-06-22
	Social Affairs	2015	1997-06-27

Key events			
Date	Event	Reference	Summary
14/05/1993	Legislative proposal published	COM(1993)0155	<a href="#">Summary</a>
21/06/1993	Committee referral announced in Parliament		
28/03/1994	Vote in committee		<a href="#">Summary</a>
19/04/1994	Debate in Parliament		
09/06/1994	Modified legislative proposal published	COM(1994)0230	<a href="#">Summary</a>
22/06/1994	Debate in Council		
02/12/1996	Debate in Council		
07/10/1997	Council position published	09564/3/1997	<a href="#">Summary</a>
23/10/1997	Committee referral announced in Parliament, 2nd reading		
05/02/1998	Vote in committee, 2nd reading		<a href="#">Summary</a>
05/02/1998	Committee recommendation tabled for plenary, 2nd reading	A4-0051/1998	
16/02/1998	Debate in Parliament		<a href="#">Summary</a>
10/03/1998	Modified legislative proposal published	COM(1998)0162 	<a href="#">Summary</a>
07/04/1998	Act adopted by Council after consultation of Parliament		

07/04/1998	End of procedure in Parliament		
05/05/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1993/0459(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Amended by <a href="#">2013/0062(COD)</a> Amended by <a href="#">2023/0033(COD)</a>
Legal basis	EC before Amsterdam E 118A
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/4/09356

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0185/1994 <a href="#">OJ C 128 09.05.1994, p. 0008</a>	28/03/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0245/1994 <a href="#">OJ C 128 09.05.1994, p. 0129-0167</a>	20/04/1994	<a href="#">Summary</a>
Committee recommendation tabled for plenary, 2nd reading		A4-0051/1998 <a href="#">OJ C 080 16.03.1998, p. 0005</a>	05/02/1998	
Text adopted by Parliament, 2nd reading		T4-0061/1998 <a href="#">OJ C 080 16.03.1998, p. 0016-0025</a>	17/02/1998	<a href="#">Summary</a>

Council of the EU			
Document type	Reference	Date	Summary
Council position	09564/3/1997 <a href="#">OJ C 375 10.12.1997, p. 0001</a>	07/10/1997	<a href="#">Summary</a>

European Commission			
Document type	Reference	Date	Summary
Legislative proposal	COM(1993)0155 <a href="#">OJ C 165 16.06.1993, p. 0004</a>	14/05/1993	<a href="#">Summary</a>
Modified legislative proposal	COM(1994)0230 <a href="#">OJ C 191 14.07.1994, p. 0007</a>	09/06/1994	<a href="#">Summary</a>
Commission communication on Council's position	SEC(1997)1863 	16/10/1997	<a href="#">Summary</a>
	COM(1998)0162		

Modified legislative proposal		10/03/1998	<a href="#">Summary</a>
Follow-up document		COM(2004)0819 21/12/2004	<a href="#">Summary</a>
Commission working document (SWD)		SWD(2017)0010 12/01/2017	<a href="#">Summary</a>

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1169/1993</a> <a href="#">OJ C 034 02.02.1994, p. 0042</a>	24/11/1993	
EU	Implementing legislative act	<a href="#">32006L0015</a> <a href="#">OJ L 038 09.02.2006, p. 0036</a>	07/02/2006	<a href="#">Summary</a>

#### Final act

Directive 1998/0024  
[OJ L 131 05.05.1998, p. 0011](#)

[Summary](#)

## Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

1993/0459(SEN) - 07/02/2006 - Implementing legislative act

ACT : Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC.

CONTENT: in implementation of Directive 98/24/EC, a second list of Community indicative occupational exposure limit values is hereby established for the chemical agents listed in the Annex.

Consequently, Member States shall establish national occupational exposure limit values for the chemical agents listed in the Annex, taking into account the Community values.

In the Annex to Directive 91/322/EEC the references to the substances nicotine, formic acid, methanol, acetonitrile, nitrobenzene, resorcinol, diethylamine, carbon dioxide, oxalic acid, cyanamide, diphosphorus pentaoxide, diphosphorus pentasulphide, bromine, phosphorus pentachloride, pyrethrum, barium (soluble compounds as Ba), silver (soluble compounds as Ag) and their indicative limit values are deleted.

In the Annex to Directive 2000/39/EC, the reference to the substance chlorobenzene is also deleted.

ENTRY INTO FORCE: 1 March 2006.

TRANSPOSITION: 1 September 2007.

## Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

1993/0459(SEN) - 16/10/1997 - Commission communication on Council's position

In its communication concerning the common position adopted by the Council with regard to the proposal for a directive on exposure to chemical agents at work, the Commission indicates that it can accept the compromised text proposed by the Council, although it does not fully meet its own wishes, for example with regard to the non-binding nature of practical guidelines to be applied by Member States concerning the protection of the health and safety of workers. However, the Commission acknowledges that both national and Community framework legislation is frequently

underpinned by guidelines which are easier to update in line with progress made by the relevant technology. In view of this and because the common position calls on the Member States to take account 'as far as possible' of these guidelines in drawing up their national policies, the Commission can endorse the text proposed by the Council which is more flexible than that contained in the annexes to its modified proposal.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

1993/0459(SEN) - 07/04/1998 - Final act

**OBJECTIVE:** to lay down minimum requirements regarding the protection of workers against health and safety hazards related to chemical agents at work or any work activity involving chemical agents. **COMMUNITY MEASURE:** Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work. **SUBSTANCE:** This is the fourteenth individual Directive as referred to in Article 16(1) of Framework Directive 89/391/EEC on the health and safety of workers in the workplace. It covers the following fields: 1) occupational exposure limit values and biological limit values for workers at work; 2) employers' obligations to determine, assess and prevent risks arising from 'hazardous' chemical agents (with a definition of these agents) and protection measures, measures applicable in the event of an accident and information and training measures for workers to limit risks in the event of exposure. Risk assessment measures to be carried out by employers must be compatible with the need to protect public health and the environment. More specifically, the Directive provides for two types of limit value for the work-place: indicative and binding values. National limit values, transposing the Commission's indicative values, may vary in relation to significant differences which exist in national systems. Binding values apply in all cases. In order to limit exposure in excess of the limit values in Member States, employers must take preventive and protective measures. In addition to the principle that employers must carry out assessments, the Directive defines the type of assessment to be performed in relation to dangerous chemicals in the work-place. It lays down health surveillance measures for workers where exposure to hazardous chemicals cannot be avoided. The Commission is to draft practical (non-binding) guidelines for the protection of workers, to accompany the Directive. These may be updated regularly in the light of technical progress. **ENTRY INTO FORCE:** the Directive enters into force on 25.05.1998. **DEADLINE FOR TRANPOSITION IN THE MEMBER STATES:** the Member States must comply with the Directive by 05.05.2001.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

1993/0459(SEN) - 07/10/1997 - Council position

Given the deep differences which have divided the delegations on this proposal for a directive on the risks of exposure to chemical agents in the workplace since 1994, the Council has proposed a compromise text incorporating far-reaching amendments to the Commission's amended proposal. This revised text contains four basic changes: - it clarifies the scope of the directive by inserting a definition of "hazardous chemical agents"; - it establishes a clear distinction between factors to be taken into consideration during risk assessment, the documents concerning the results of risk assessment and the various preventive and protective measures to be taken in order to minimize the risk; - it deletes provisions which duplicate provisions in the framework directive (89/391/EEC); - it deletes a number of details in the Annex considered pointless and/or too inflexible. The compromise text accepts that there are two types of occupational limit values: indicative values and binding values. National limit values, which transpose the Commission's indicative limit values, may vary in relation to significant differences in national systems. Binding values apply in all cases. Provision is made for employers to take preventive and protective measures in order to limit exposure in excess of the indicative limit values in the Member States. Employers therefore carry out a risk assessment which takes equal account of the need to protect public health and the environment. In addition to the principle that employers must carry out risk assessment, the common position defines the type of assessment to be performed in relation to hazardous chemical agents in the workplace. Finally, the common position lays down more detailed health surveillance measures for workers where exposure to hazardous chemicals cannot be avoided. However, the Council has deleted a number of technical requirements from the amended proposal. These requirements relate to measurement methods and special protective measures in the form of practical (non-binding) guidelines. These guidelines will be drafted by the Commission and may be updated in the light of technical progress. They include: - harmonized methods for measuring and assessing concentrations in the air in the workplace in relation to exposure limit values; - risk determination and assessment for hazardous chemical agents; - protective and preventive measures intended to confine risks to workers in the workplace where the assessment confirms the presence of chemical agents. The common position also incorporates a number of amendments by the European Parliament on limit values for occupational exposure, risk assessment, risk prevention, protective measures (especially in the event of accident) and information for and consultation with workers.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

1993/0459(SEN) - 10/03/1998 - Modified legislative proposal

In its re-examined proposal following the European Parliament's opinion at second reading, the Commission has taken over 9 of the 12 amendments adopted by Parliament at its sitting of 17 February 1998. These amendments concern: - the training of and information to workers (in particular with regard to health surveillance procedures for workers), - the need to make cross reference to particular Directives such as Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace, Directive 89/656/EEC on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace, Directive 92/85/EEC on the introduction of measures to encourage

improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and Directive 94/33 /EEC on the protection of young people at work, - the provision of adequate measures by the Commission with a view to closer harmonization in the field of occupation exposure limits.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

1993/0459(SEN) - 09/06/1994 - Modified legislative proposal

The Commission has amended this proposal for a directive in the wake of Parliament's opinion. The amended proposal maintains the structure and objectives of the initial proposal but clarifies, details and expands on certain provisions. The main changes are as follows: - the safety document must identify all risks resulting from the intrinsic properties of agents, alone or in combination; - the specific protective and preventive measures taken by the employer have been extended (provision made for training in risks, provision of adequate protective equipment etc.), as has information for workers on the dangers inherent in chemical products; - levels of occupational exposure have now become "limits of occupational exposure" and "biological limit values": these limits must be examined by the advisory committee on safety, hygiene and health protection of workers and should be construed as limit values on all the Member States. These values will be reviewed every 5 years; - a heading has been added in the annexes on requirements relating to measuring methods. However, the Commission did not agree that the scope of this directive should be extended to independents. Nor did it agree to a lower biological limit value for women, because provision for this had already been made in the "pregnant women" directive. Finally, it did not accept the grading of risks described as "insignificant" as this was too vague.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

1993/0459(SEN) - 20/04/1994 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr McCubbin, Parliament approved the proposal for a directive with the following amendments: - the requirements of the directive were to apply to all chemical agents introduced into the workplace, - preventive measures were strengthened to protect the health and safety of workers (competent persons to be called in whenever a risk was detected; the safety document should identify all risks resulting from the intrinsic properties of the chemical agents, whether alone or in combination ; workers and workers' representatives to be kept informed of the content of this safety document and of any amendment made to it; provision of training and information to workers subject to exposure; provision of adequate protective equipment; maximum possible restriction in the quantity of chemical agents to which a worker may be exposed; strengthening of measures for evacuation and rescue; etc.); - occupational exposure levels were to become "occupational exposure limits" and "biological limit values". These limit values would be fixed after consultation with the appropriate advisory committee and were to be established on the basis of reference values and technical and feasibility factors. Workers and their representatives were to be kept informed of these limit values, which would be reviewed by the Commission every 5 years; - in the Annex, Parliament included a number of detailed measures which related in particular to the following: . where there was a serious risk to the worker, compulsory medical supervision should be provided and the worker concerned should be kept fully informed of the risk, . where the chemical agent could be adequately identified, its use could be authorized, . during the movement of certain hazardous substances, the latter should be properly labelled, . more-stringent limit values could be applied in some cases for women of child-bearing age. Finally, Parliament added a new Annex relating to measurement methods, which should make it possible to obtain representative results for workplace exposure.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

1993/0459(SEN) - 14/05/1993 - Legislative proposal

This proposal for a Directive, which was an individual Directive within the meaning of Directive 89/391/EEC, laid down the minimum requirements for the protection of the health and safety of workers exposed to chemical agents present in the workplace. It consolidated, updated and adapted existing provisions in the light of present knowledge. It incorporated a number of measures envisaged in the texts of Directive 82/605/EEC (exposure to metallic lead) and Directive 88/364/EEC (banning of exposure to certain agents and certain work activities) and provided new, additional provisions designed to limit the risks of exposure. It improved the basis on which workers were supplied with information and ensured that all preventive measures adopted in the workplace were based on a correct assessment of the risks associated with the manner in which chemical agents were used and that such measures took due account of the characteristics of the workplace, the nature of work, the circumstances and any specific risk. Thus, the measures adopted must correctly reflect hazard levels, appropriate precautions and the size of the undertaking without imposing any unnecessary burden on employers. The Directive was intended to be more explicitly consistent with ILO Conventions Nos 170 and 177 on chemical products in the workplace and provided that the Directive on carcinogenic agents should remain in force since the latter was more favourable. The Member States must comply with this Directive no later than 30 June 1996.

## **Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)**

Adopting the recommendation for second reading by Mr Freddy BLAK (PSE, DK) on the protection of the health and safety of workers from the risks relating to chemical agents from work, the European Parliament approves the common position adopted by the Council. However, it proposes a number of technical amendments seeking to protect workers against risks from the substances. In particular, it calls for the introduction of Community indicative limit values for occupational exposure. In addition, Parliament recommends that: - on the basis of reports provided by the Member States the Commission carry out an assessment of the way in which the Member States have taken account of Community indicative limit values. If this assessment reveals why differences in standards occur, the Commission should undertake appropriate action with a view to closer harmonization in this area; - workers should be suitably informed with regard to hazardous chemical agents in the workplace and those identified during risk assessment; - workers should receive suitable training on appropriate precautions and actions to be taken in response to safety hazards; - workers should be consulted concerning the results of risk assessment with regard to chemicals and the protection and prevention measures which should be taken. - Health surveillance procedures should be agreed with the workers concerned.

## Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

1993/0459( SYN) - 21/12/2004 - Follow-up document

**PURPOSE** : to present a communication from the Commission on the Guidelines of a non-binding nature for implementing certain provisions of Directive 98/24/EC of the Council on the protection of the health and safety of workers from the risks related to chemical agents at work.

**CONTENT** : Article 12 (2) of Directive 98/24/EC provides that the Commission shall draw up practical guidelines of a non-binding nature, to assist Member States, in pursuance of the Directive, in drawing up their national policies and to facilitate compliance with their regulations on the protection of the health and safety of workers, in particular as regards the topics referred to in Articles 3, 4, 5 and 6 and Annex II, section 1.

To discharge this duty, the Commission has produced guidelines which covers the following topics:

- Analytical methods for the measurement of the indicative occupational exposure limit values (IOELVs) of the chemical substances included in the Annex of the Commission Directive 2000/39/EC establishing a first list of IOELVs in implementation of Directive 98/24/EC.
- Identification, assessment and control of risks arising from the presence of hazardous chemical agents (HCAs) in the workplace.
- General principles for preventing risks related to HCAs and specific prevention and protection measures for controlling these risks.
- Medical surveillance and biological monitoring of workers exposed to lead and its ionic compounds.

In producing these guidelines the Commission was assisted by the Advisory Committee on Safety, Hygiene and Health Protection at Work, which delivered a favourable opinion on 28 June 2004.

The Advisory Committee considers that the Guidelines deal adequately with the fundamental issues as expressed in the provisions of Directive 98/24/EC mentioned above. It also believes that they will be a useful reference document for Member States to be used as tool for developing their own guidance in particular for small and medium-size enterprises.

The Commission in accordance with Article 12 (2) of Directive 98/24/EC, asks the Member States to take account as far as possible of these guidelines in drawing up their national policies for the protection of the health and safety of workers and to ensure that it is distributed as widely as possible in interested circles.

## Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

1993/0459( SYN) - 12/01/2017

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.

As regards the **evaluation of Council Directive 98/24/EC** on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC), the report concluded that an **updated, simplified and quicker legal procedure** for the adoption of occupational exposure limit values (OELs) could be considered.

The following issues will need to be considered:

- the need to adopt values for more substances for better chemical risks management in the future, based on duly justified reasoning;
- the need to develop the approach taken for identifying priority substances for evaluation by the Scientific Committee on Occupational Exposure Limits (SCOEL);
- the simplification of the procedures to set occupational limit values at EU level could also lead to improving the management of interface and further enhance synergies between OSH and other EU requirements such as REACH and CLP;
- the need to consider the most appropriate approach to managing risks that may arise from exposure to reprotoxic substances;
- the need to consider if and how biomonitoring could be used more effectively for workplace risk management;
- the need to consider the potential adverse effects arising from exposure to dusts with low specific toxicity.

Lastly, the evaluation stressed the need for **further EU guidelines** regarding its implementation.