Basic information

2001/0165(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC) **Subject** 4.15.15 Health and safety at work, occupational medicine	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	DAMIÃO Elisa Maria (PSE)	09/10/2001

Former committee responsible	Former rapporteur	Appointed
EMPL Employment and Social Affairs	DAMIÃO Elisa Maria (PSE)	09/10/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ENVI Environment, Public Health, Consumer Policy	MEIJER Erik (GUE/NGL)	13/09/2001

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2485	2003-02-18
Employment, Social Policy, Health and Consumer Affairs	2392	2001-12-03
Employment, Social Policy, Health and Consumer Affairs	2415	2002-03-07
Employment, Social Policy, Health and Consumer Affairs	2373	2001-10-08
Employment, Social Policy, Health and Consumer Affairs	2431	2002-06-03
Agriculture and Fisheries	2448	2002-09-23

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
20/07/2001	Legislative proposal published	COM(2001)0417	Summary
03/09/2001	Committee referral announced in Parliament, 1st reading		
08/10/2001	Debate in Council		
03/12/2001	Debate in Council		
07/03/2002	Debate in Council		
19/03/2002	Vote in committee, 1st reading		Summary
19/03/2002	Committee report tabled for plenary, 1st reading	A5-0091/2002	
10/04/2002	Debate in Parliament		
11/04/2002	Decision by Parliament, 1st reading	T5-0176/2002	Summary
16/05/2002	Modified legislative proposal published	COM(2002)0254	Summary
23/09/2002	Council position published	09635/1/2002	Summary
11/10/2002	Committee referral announced in Parliament, 2nd reading		
26/11/2002	Vote in committee, 2nd reading		Summary
26/11/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0404/2002	
16/12/2002	Debate in Parliament		
17/12/2002	Decision by Parliament, 2nd reading	T5-0609/2002	Summary
18/02/2003	Act approved by Council, 2nd reading		
27/03/2003	Final act signed		
27/03/2003	End of procedure in Parliament		
15/04/2003	Final act published in Official Journal		

Technical information

Procedure reference	2001/0165(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 137-p2
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/5/16154

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0091/2002	19/03/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0176/2002 OJ C 127 29.05.2003, p. 0592-0634 E	11/04/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0404/2002	26/11/2002	
Text adopted by Parliament, 2nd reading		T5-0609/2002 OJ C 031 05.02.2004, p. 0030-0106 E	17/12/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	09635/1/2002 OJ C 269 05.11.2002, p. 0001 E	23/09/2002	Summary
Council statement on its position	11437/2002	23/09/2002	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0417 OJ C 304 30.10.2001, p. 0179 E	20/07/2001	Summary
Modified legislative proposal	COM(2002)0254 OJ C 203 27.08.2002, p. 0273 E	16/05/2002	Summary
Commission communication on Council's position	SEC(2002)1037	04/10/2002	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0011	22/01/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0194/2002 OJ C 094 18.04.2002, p. 0040	20/02/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2003/0018
OJ L 097 15.04.2003, p. 0048-0052 Summary

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 22/01/2003 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept the European Parliament's three amendments in full. The amendments concern: - guidelines on sporadic and low-intensity exposure; - breaks during the use of individual respiratory protective equipment; - sanctions in the event of infringement. The Commission considers that these amendments will extend and improve the text of the common position.

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 17/12/2002 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution based on the report by Elisa DAMIAO (PES, Portugal) on the Council's common position. (Please refer to the document dated 26/11/02.)

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 16/05/2002 - Modified legislative proposal

Out of the 37 amendments submitted by the European Parliament, the Commission accepted in full 9, and partially 3. It rejected 25 amendments. Amongst those accepted were the following: -prevention of asbestos release outside the workplace as well as inside; -provisions requiring more detailed information about asbestos risks as well as those adding medical examination frequency and health assessment information requirements; -information to be provided about the undertaking and the worker contracted to carry out activities involving asbestos; -appropriate breaks during the use of individual respiratory protective equipment; -the use of alternative measuring methods for the fibre counting of asbestos; -the addition of local authorities, civil protection services, and other authorities, bodies or individuals to the owners in order to provide information to identify presumed asbestos-containing materials. Amongst the amendments rejected was the expression of limit values as a time weighted average in a period of 4 hours instead of 8 hours. This was rejected because it would create confusion when compared to the same values in international standards which use a reference period of 8 hours.

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 23/09/2002 - Council position

The Council was not able to accept all the amendments of the European Parliament which had been taken up by the Commission in its amended proposal. Nevertheless, the Council considers that, on the whole, the text of the common position meets the fundamental objectives of the Commission's proposal and those that the European Parliament had in mind when proposing its amendments. The Council would also like to point out that, in one important respect, namely the prohibition of the vast majority of activities which could lead to workers being exposed to asbestos fibres, the text of the common position goes further than that of the Commission's original proposal. By considerably reinforcing the text of Directive 83/477/EEC, the common position improves substantially the protection of workers from the risks related to exposure to asbestos. More specifically, as regards the new provisions introduced by the Council, and the Commission's position : - the common position provides for a ban on activities which expose workers to asbestos fibres during the extraction of asbestos, the manufacture and processing of asbestos products, or the manufacture and processing of products containing deliberately added asbestos, with the exception of the treatment and landfill of products resulting from demolition and asbestos removal; - the common position also reformulates the criteria laid down in Article 1(3) for the possible non-application of Articles 4, 15 and 16 of the Directive in the case of sporadic and limited exposure. The Commission has accepted this reformulation, as it considers that the criteria laid down by the common position on this subject are appropriate and do not imply any reduction in the level of protection of workers. Two draft statement have to be entered in the Council's minutes. The first is a statement by Denmark supported by Belgium, Germany and Greece as regards Article 5(2) (Diretcive 83/477/EC) : Denmark, supported by Belgium, Germany and Greece, having taken note of the opinion of the Council Legal Service that a total ban on activities exposing workers to asbestos cannot be achieved within the framework of this Directive, urges the Commission to prepare as soon as possible a proposal for such a total ban using the appropriate legal basis in the context of the Internal Market. The second is in response to the

Council's statement, the Commission highlights that while sharing the Council's objective, it would have preferred to await the opinion of the Scientific Committee on Toxicology, Ecotoxicology and the Environment that is at present examining the latest scientific evidence relating to chrysotile (white asbestos).

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 27/03/2003 - Final act

PURPOSE: to protect workers from the risks related to exposure to asbestos at work.

LEGISLATIVE ACT: Directive 2003/18/EC of the European Parliament and of the Council amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work.

CONTENT: The main point of the Directive is the introduction of a single limit value for the exposure of workers instead of the two years in the original Directive. It requires employers to ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm3 as an eight-hour time-weighted average (TWA).

The Directive applies to the maritime and air transport sectors, which was not the case under the original directive. Provisions regarding limited exposures are simplified; a method for measuring the the asbestos content of air, as well as detecting asbestos is provided for, as is the training of workers.

The Directive also prohibits activities that expose workers to asbestos fibres during asbestos extraction or the manufacture or processing of asbestos products (containing intentionally added asbestos) with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.

The three amendments to the common position adopted by the European Parliament were incorporated in their entirety:

- appropriate breaks for workers using individual breathing equipment;

- the introduction of adequate sanctions in the event of breaches of national legislation based on the Directive;

- Member States should lay down practical guidelines for the determination of sporadic and low-intensity exposure.

It should be noted that the Directive is linked to the prohibition of the placing on the market of chrysotile asbestos introduced by Council Directive 276 /769/EEC as amended by Commission Directive 1999/77/EC, with effect from 1 January 2005.

ENTRY INTO FORCE: 15/04/2003.

TRANSPOSITION: 15/04/2006.

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 04/10/2002 - Commission communication on Council's position

In general, the Council's common position is in line with the spirit of the Commission's original proposal. However, it incorporates only some of the European Parliament's amendments at first reading accepted by the Commission in its amended proposal. The common position also reformulates the criteria laid down for the possible non-application of certain measures of the Directive in the case of sporadic and limited exposure. The Commission has accepted this reformulation, as it considers that the criteria laid down by the common position on this subject are appropriate and do not imply any reduction in the level of protection of workers. The common position provides for a ban on activities which expose workers to asbestos fibres during the extraction of asbestos, the manufacture and processing of asbestos products, or the manufacture and processing of products containing deliberately added asbestos, with the exception of the treatment and landfill of products resulting from demolition and asbestos removal. The Commission, although it would have preferred to obtain the opinion of the Scientific Committee on Toxicology, Ecotoxicology and the Environment before adopting this ban, accepts it, since its socio-economic impact is very limited and it constitutes reinforced protection of workers' health, which is in line with the European Union's position within the WTO.

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 20/07/2001 - Legislative proposal

PURPOSE: to present a Commission proposal for a Directive of the European Parliament and of the Council amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work. CONTENT: The main aspects of the proposal for amending Directive 83/477/EEC are the following: 1) Scope: sea and air transport should no longer be excluded from the scope of the Directive, in order to

ensure that all workers have the same level of protection. 2) Definition of the various types of fibrous silicates: they have been re-defined either in mineralogocal terms or with regards to their Chemical Abstract Service (CAS) number. 3) Simplification in the event of limited exposure: it is proposed to replace the action level in the original Directive with particular work situations which suggest that exposure of workers is insignificant in respect to the exposure limit value proposed. Other proposed changes relate to, inter alia, measuring asbestos content in air; exposure limit values for workers; determining the presence of asbestos in buildings; company responsibility and practical recommendation for health examination of workers.

Safety and security at work: protection from the risks related to exposure to asbestos (amend. Directive 83/477/EEC)

2001/0165(COD) - 11/04/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by its rapporteur Elisa Maria DAMIAO (PES, Portugal) on better protection for workers from asbestos exposure. (Please refer to the document dated 19/03/02). The amendments to the resolution also reflect Parliament's concern that the Commission does not have sufficient human resources to meet the needs of technical scientific updating, assessment of whether legislation is enforced and exchange of good practices among Member States, for example in connection with the activities of the European Foundation for the Improvement of Living and Working Conditions and the European Agency for Safety and Health at Work. It went on to point out that enlargement increases the need to deal effectively with asbestos exposure. Asbestos was more widely used in Central and Eastern Europe than in the existing Member States and can be found in high concentrations. In many cases it requires a more systematic programme of removal than that laid down for the current Member States.