



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.1.2003
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OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
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**

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty

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on the European Parliament's amendments
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related to exposure to asbestos at work**

1. BACKGROUND

The Commission forwarded the above proposal for a directive based on Article 137(2) to the Parliament and to the Council on 20 July 2001.

The Economic and Social Committee delivered its opinion on 21 February 2002.

The European Parliament adopted an opinion at first reading on 11 April 2002.

The Commission accepted some of the Parliament's amendments. It submitted an amended proposal to the Council on 16 May 2002 including these amendments.

The Council adopted its common position unanimously on 23 September 2002.

On 17 December 2002, the European Parliament adopted three amendments to the Council's common position at second reading.

This opinion presents the Commission's position on the European Parliament's amendments pursuant to Article 251(2)(c) of the EC Treaty.

2. PURPOSE OF THE COMMISSION PROPOSAL

The initial proposal, based on Article 137(2) of the Treaty, took the form of a directive amending Directive 83/477/EEC.

The aim of this proposal is to improve the protection of workers against the risks associated with exposure to asbestos.

Central to the proposal is the introduction of a single exposure limit value for workers, instead of the two in the original Directive.

The proposal applies to the sea and air transport sectors, which was not the case with the original Directive. It simplifies the provisions on exposure limits, indicates a method for measuring asbestos concentrations in air and for identifying asbestos, and contains provisions on training for workers.

The proposal takes account of, and is linked to, the ban on the marketing and use of chrysotile asbestos introduced by Council Directive 76/769/EEC¹ as amended by Commission Directive 1999/77/EC², with effect from 1 January 2005.

3. COMMISSION OPINION ON THE PARLIAMENT'S AMENDMENTS

3.1. Summary of the Commission's position

The Commission can accept the European Parliament's three amendments in full. It considers that these amendments will extend and improve the text of the common position.

3.2. Parliament amendments at second reading

3.2.1. Amendments accepted

3.2.1.1. Amendment 1 (guidelines on sporadic and low-intensity exposure)

The amendment introduces a new point 3a into Article 1 of the common position, concerning guidelines to be laid down by the Member States for determining sporadic and low-intensity exposure under Article 3(3) of the Directive.

The Commission accepts this amendment, as it improves the text and makes the Directive more easily applicable.

3.2.1.2. Amendment 2 (breaks during the use of individual respiratory protective equipment) (Article 1, paragraph 10 of the common position)

This amendment adds to Article 10, paragraph 3 of Directive 83/477/EEC the obligation to provide for breaks when workers exposed to asbestos are wearing individual respiratory protective equipment. It is a slightly amended version of amendment 22 adopted by the EP at first reading, which the Commission had accepted and included in its amended proposal.

The Commission accepts this amendment as it facilitates the practical application of the Directive with a view to improving worker protection.

3.2.1.3. Amendment 3 (*sanctions for infringement*) (Article 1, paragraph 18 a (new) of the common position (Article 16 a (new) of Directive 83/477/EEC)

This amendment provides for the Member States to impose effective, proportionate and dissuasive sanctions in the event of infringement.

The Commission accepts this amendment within the framework of an overall agreement, as it is a "standard" clause included in many directives.

¹ OJ L 262, 27.9.1976, p. 201. Most recently amended by Commission Directive 1999/77/EC (OJ L 207, 6.8.1999, p. 18).

² OJ L 207, 6.8.1999, p. 18.

4. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission is amending its proposal as indicated above.