



EMPL Votes for Compromises on RCS



Last Tuesday 28 February 2017, the **European Parliament Employment Committee (EMPL)** adopted its report on the proposal from the European Commission (EC) for amending the **Carcinogens and Mutagens Directive¹ (CMD)** with a strong majority. With its report, **EMPL positions itself far beyond the targets of the EC proposal by:**

- **enlarging the scope** of the Directive to cover substances considered to have a toxic effect on reproduction
- **calling for lower binding occupational exposure limit values (BOEL)** for wood dust, **respirable crystalline silica (RCS)** and chromium VI and
- **introducing an additional column** to the table listing BOEL to **highlight the remaining cancer risk even when the BOEL are implemented.**
- **calling for lifelong health surveillance** (when risks are identified for an individual worker) - even if not mandatory as originally supported by some Committee members - **but according to national arrangements**

Regarding RCS, the EMPL Committee adopted a **BOEL starting with 0,10 mg/m³ and dropping down to 0,05 mg/m³ 10 years after entry into force of the new Directive.** However, this provision – same as the entire Directive - **shall be reviewed 5 years after entry into force** of the new Directive and may be adapted the one way of the other.

As previously informed, the European Commission decided to revise the CMD in a first step, without including additional substances. The batch of substances for an amendment to follow shortly after the adoption of the Directive is currently in preparation. By adopting corresponding recitals, EMPL calls for these additional substances to be included, yet stating that the limit values shall be based not only on scientific and technical data, but also economic feasibility, thorough assessment of socio-economic impact and availability of exposure measurements at the workplace. Considering that the EMPL Committee ignored exactly this, when adopting the lower BOEL for RCS, it remains to be seen what these recitals are worth in future.



The EMPL Committee report is not the final position of the European Parliament, which will be adopted by voting in plenum. It is **the starting point for negotiations between the European Parliament, the Council and the European Commission with a view to find a possible compromise** that could be adopted in first reading by the Plenary. As the EMPL Committee already agreed to commence negotiations and the Maltese Council Presidency would like to find an agreement before the end of their term (30 June 2017), **negotiations are expected to start soon, possibly already in the coming week**. At present the **majority in the Council seems to be strong and determined not to change its position from the general approach agreed on in October**. However, in negotiations **trade-offs are possible** and likely, especially when positions are not considered to be too far apart. It is **therefore important to be in contact with national government authorities and national government representatives in the Council to encourage them to hold onto their agreed general approach**. The Council and National Permanent Representations is the political environment where Business Europe and their national members are typically active. Still, the **NEPSI employers are discussing a strategy for own actions involving national member associations and drafting a supporting position paper**, to be adopted by the end of the week.

The [Member State Mapping](#) which has been compiled by [IMA-Europe](#), who holds the NEPSI secretariat, and [UEPG](#) gives an overview of current requirements, positions and contact persons at national level. Both IMA-Europe and UEPG respectively their national members are in contact with several national authorities, but additional support is appreciated and there are still many blank spaces to be filled in the mapping. The **secretariat therefore urges EMO members to identify potential national contacts, volunteer to make contact and come back to the secretariat for support**, particularly the final supporting position paper from the NEPSI employers group.

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¹ Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work