
Answer to first-phase social partner consultation

Revisions of Directive 2004/37/EU to include binding occupational exposure limit values for additional carcinogens and mutagens

1) *Do you agree with the issues identified above: are the issues accurately and sufficiently covered?*

The consultation paper offers a useful basis for further discussions.

Linked to this consultation on amendments/additions of chemical agents and occupational exposure limits to the Directive, it is important to take further (training/educational/awareness-raising) measures, together with social partners and trade unions, to better inform and sensitise concerned workforces for a responsible and careful handling of and work with the chemical agents in question. Legally set protective exposure limits and a preventative health-oriented behaviour by workers must complement each other.

2) *Do you agree with the approach regarding the third and fourth amendment for the establishment and/or revision of binding occupational limit values in Annex III to Carcinogens and Mutagens Directive?*

It seems problematic that the data source to determine the number of workers exposed to the chemical agents in question (CAREX database) may no longer reflect current figures. The data is more than 20 years old (1990-1993). There is a risk that establishment of new occupational exposure limit values could be set on the basis of outdated figures.

3) *What other substances/mixtures in addition to (or instead of) the substances indicated above under point 4 should be considered for inclusion in the next amendments of Annex III to the Carcinogens and Mutagens Directive?*

Further substances in addition to the substance referred to in this consultation should be identified on the basis of sound and independent scientific research.

4) *What other processes and/or process-generated substances should be considered for inclusion in Annex I to the Carcinogens and Mutagens Directive?*

The European Commission should commission an independent in-depth scientific study to identify other processes and/or process-generated substances to be considered for inclusion in Annex I to the Carcinogens and Mutagens Directive. Here, expertise and experiences should be drawn especially from Member States with relatively low levels of occupational exposure limits.

5) *Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in point 3 of this consultation?*

CESI is always in favour of social partner dialogue under Article 155 TFEU. This also applies to occupational exposure limits to chemical agents. However, if/when social dialogue reaches its limits and no adequate improvements can be achieved for workers, CESI calls on the legislator to act where possible.