



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.04.1997
COM(97) 191 final

95/0229 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

**amending for the first time Directive 90/394/EEC on the protection of workers
from the risks related to exposure to carcinogens at work (Sixth individual
Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)**

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

The initial proposal for this amendment to the Directive was presented by the Commission to the Council on 14 September 1995¹.

The main aims are the removal of the existing exclusion in Directive 90/394/EEC of a whole series of preparations containing carcinogens and the laying down of a limit value for occupational exposure to benzene, a well-known carcinogen..

The European Parliament at its second reading proposed 11 amendments to the common position adopted by the Council on 2 December 1996²

The Commission agreed on one amendment, which intends to advance the date by which Member States shall bring into force the provisions necessary to comply with this Directive.

This re-examined proposal contains the above amendment and is presented by the Commission under the terms of Article 189 C(d) of the Treaty.

¹ OJ 317, 28.11-95, p. 16

² OJ C6, 9.1.97, p. 15

Re-examined proposal for a

COUNCIL DIRECTIVE

amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

PREVIOUS TEXT

AMENDED TEXT

Citations, recitals and Article 1 unchanged

Article 2.1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than ... (*) shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive on shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1998. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive on shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

(*) Three years after adoption of this Directive

Article 2.2 and Article 3 unchanged

The Commission is unable to accept the following amendments proposed by the European Parliament:

1. Amendment No 1 (concerning recital No 2 a(new))

The Council has already rejected this recital because it refers to a Commission's communication on which the Council was not consulted.

2. Amendment No 2 (concerning recital No 8 a(new))

The simplification of the current procedure (Article 118 A) is unlikely to be accepted by the Council, given the political implications in the setting of limit values for carcinogens which can never give complete protection. Additionally, this amendment gives rise to no legal follow-up in the text.

3. Amendment No 3 (concerning recital No 8 b(new))

As for N° 2, this amendment gives rise to no legal follow-up in the text. However the Commission accepts the idea to keep up to date the priority list, bearing in mind that data are not available for all carcinogens.

4. Amendment No 4 (concerning recital No 9 a(new))

The Council already rejected this proposal. Given the complexity of determining and monitoring such limit values in practice, and taking into account of the binding nature of these values, it was felt more appropriate to await the presentation by the Commission of figure for specific substances.

5. Amendment No 5 (concerning recital No 9 b(new))

In this case also there is no legal follow up in the text. However (see amendment 3) these compounds can be included in the list as a matter of priority.

6. Amendment No 6 (concerning recital No 10 a(new))

The Council already rejected this recital which refers to a Directive only dealing with environmental protection.

7. **Amendment No 7 (concerning Article 1.2 b)**

This definition is not necessary, because it would contrast with an already internationally accepted terminology.

8. **Amendment No 8 (concerning Article 1.2 c (new))**

(see amendment 4)

9. **Amendment No 9 (concerning Article 1.6 table A)**

Transitional measures are needed in order to allow sectors of activities to comply with the Directive.

For the most part the Member States apply currently limit values much higher than 3 ppm and it is not unreasonable to give a delay for adaptation by industry to this new strict limit.

10. **Amendment No 10 (concerning Article 1.6 after table B (new))**

No Community methods exist at this moment. Member States apply suitable methods. The Commission is to investigate the possibility of a single method of analysis at Community level, but this cannot be presented at this moment.

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DOCUMENTS

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