

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version) (Text with EEA relevance)

DIRECTIVE 2009/148/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 30 November 2009

on the protection of workers from the risks related to exposure to asbestos at work

(codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽²⁾,

Whereas:

- (1) Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)⁽³⁾ has been substantially amended several times⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) Asbestos is a particularly dangerous agent which may cause serious diseases and which is found in a large number of circumstances at work. Many workers are therefore exposed to a potential health risk. Crocidolite is considered to be a particularly dangerous type of asbestos.
- (3) Although current scientific knowledge is not such that a level can be established below which risks to health cease to exist, a reduction in exposure to asbestos will nonetheless reduce the risk of developing asbestos-related disease. It is accordingly necessary to provide for the establishment of specific harmonised procedures regarding the protection of workers with respect to asbestos. This Directive includes minimum requirements which will be reviewed on the basis of experience acquired and of developments in technology in this area.

- (4) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is the most currently used method for the regular measuring of asbestos.
- (5) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important.
- (6) In order to ensure clarity in the definition of the fibres, they should be defined either in mineralogical terms or by reference to their Chemical Abstract Service (CAS) number.
- (7) Without prejudice to other Community provisions concerning the marketing and use of asbestos, limiting the activities involving exposure to asbestos should play a very important role in preventing the diseases associated with such exposure.
- (8) The notification system for activities involving exposure to asbestos should be adapted to new work situations.
- (9) The prohibition on the application of asbestos by means of the spraying process is not sufficient to prevent the release of asbestos fibres into the air. It is also important to prohibit activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos fibres, in view of their high and unpredictable level of exposure.
- (10) Taking account of the latest technical expertise, it is necessary to specify the sampling methodology to be used to measure the asbestos level in air and the method of counting fibres.
- (11) Even though it has not yet been possible to identify the exposure threshold below which asbestos does not involve a cancer risk, occupational exposure of workers to asbestos should be reduced to a minimum.
- (12) Employers should be required to record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings or installations and communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities in or on buildings.
- (13) It should be ensured that demolition or asbestos removal work is carried out by undertakings which are familiar with all the precautions to be taken in order to protect workers.
- (14) Special training for workers exposed or likely to be exposed to asbestos should be provided in order significantly to contribute to reducing the risks related to such exposure.
- (15) Practical recommendations on the clinical surveillance of exposed workers should be laid down in the light of the latest medical expertise with a view to the early detection of pathologies linked to asbestos.
- (16) Since the objective of the proposed action, namely improvement in the protection of workers from the risks related to exposure to asbestos at work, cannot be sufficiently

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achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (17) The provisions contained in this Directive constitute a concrete contribution towards creating the social dimension of the internal market. These provisions are limited to the minimum in order not to impose an unnecessary burden on the creation and development of small and medium-sized enterprises.
- (18) This Directive is without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) Opinion of 10 June 2009 (not yet published in the Official Journal).
- (2) Opinion of the European Parliament of 20 October 2009 (not yet published in the Official Journal) and Council Decision of 26 November 2009.
- (3) [OJ L 263, 24.9.1983, p. 25.](#)
- (4) See Annex II, Part A.