



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES  
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE  
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES  
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

**UEAPME response to the second stage consultation of the Social Partners on the protection of workers from risks related to exposure to carcinogens, mutagens and substances which are toxic for human reproduction**

**Introduction**

UEAPME gives following responses to the questions posed by the European Commission in its second stage consultation of the Social Partners on the protection of workers from risks related to exposure to carcinogens, mutagens and substances which are toxic for human reproduction.

**On the specific questions:**

*(1) extending the scope of Directive 2004/37/EC to include category 1 and 2 reprotoxic substances,*

UEAPME disagrees with the notion of extending the scope of Directive 2004/37/EC, as we consider that reprotoxic substances are already sufficiently covered by the Directive 98/24/EC. This directive also includes preventive measures. At the most it could be envisaged to set up recommendations at EU level concerning reprotoxic substances that complement directive 98/24/EC but which are not legally binding.

*(2) updating binding limit values for substances included in Annex III to Directive 2004/37/EC or*

The updating of binding limit values for substances in Annex III to Directive 2004/37/EC must only be carried out if new scientific evidence supports this necessity. Until now we do not have any new data proving this, rather the opposite. One good example concerning wood dust is the study from *Klein et al. (2001)*<sup>1</sup>, which proves that untreated wood dust can be excluded as a cause for adenocarcinoma. Therefore the older scientific arguments, on which the current limit value is based, are confuted.

*(3) including binding limit values for more substances in Directive 2004/37/EC;*

Just like in the first phase of this consultation the European Commission is very unclear about which substances are affected when talking about “establishing BOEL for some carcinogens, mutagens and reproductive toxicants, not yet included in the directive.” This concern was already expressed in UEAPME’s response to the first phase consultation.<sup>2</sup> Furthermore, it was already outlined by UEAPME that some of the substances hinted at by the European Commission, such as solar radiation or

<sup>1</sup> *Untersuchung zur kanzerogenen Wirkung von Holzstaub und Holzzusatzstoffen im Rahmen einer Inhalationsstudie mit Ratten*

<sup>2</sup> [http://www.ueapme.com/docs/pos\\_papers/2004/Position%201st%20consult%20-carcinogens-final%20%20EN.doc](http://www.ueapme.com/docs/pos_papers/2004/Position%201st%20consult%20-carcinogens-final%20%20EN.doc)

environmental tobacco smoke, are clearly a public health concern and do not fall under the field of health and safety.

Consequently, European craft, small and medium-sized enterprises are very sceptical towards the idea of including binding limit values for more substances in Directive 2004/37/EC.

*(4) introducing objective criteria for setting binding occupational exposure limit values for carcinogenic, mutagenic and reprotoxic substances, explaining what these criteria should be, and indicating what should be the process for setting new limit values*

The introduction of objective criteria for setting binding occupational exposure limit values for carcinogenic, mutagenic and reprotoxic substances, explaining what these criteria should be, and indicating what should be the process for setting new limit values, is seen as generally positive by UEAPME. Unfortunately, it is not clear from the Commission consultation document what exactly these criteria would be. In any case, socio-economic impact and technical implementation analysis must be part of them.

*(5) training and information requirements (e.g. how existing measures could be implemented more effectively, examples of best practice, ways to improve coordination and sharing of information;*

The information and training of workers in respect of carcinogens is in our opinion essential. Therefore UEAPME believes that an enhanced exchange of good practises would be very useful. This could be carried out for example by the health and safety agency in Bilbao and wider dissemination through its national focal points.

*– to inform the Commission whether they wish to launch the negotiation procedure on the basis of the proposals described in this document pursuant to Articles 138(4) and 139 of the Treaty and, if so, to specify whether they wish to adopt an overall approach or focus on particular features.*

UEAPME does not consider it appropriate for cross-sector social Partners to negotiate on this topic under Articles 138(4) and 139 of the Treaty. However, following the positive example of the crystalline silica agreement, sector specific social dialogue discussions might be of added value.

## **Conclusion**

- UEAPME disagrees with the idea of extending the scope of Directive 2004/37/EC.
- The updating of binding limit values for substances in Annex III to Directive 2004/37/EC must only be carried out if new scientific evidence supports this.
- Objective criteria for setting binding occupational exposure limit values are potentially useful if they include amongst others socio-economic impact and technical implementation analysis.
- UEAPME does not consider it appropriate for cross-sector social partners to negotiate on this topic, but sees an added value of sector specific initiatives.

Brussels, 31 May 2007