

## ETUC response to the first stage consultation with the social partners under Article 154 of the Treaty on the Functioning of the European Union, on the protection of workers from risks related to exposure to chemical agents at work and to asbestos at work.

Adopted at the Executive Committee Meeting of 9<sup>th</sup> February 2021

---

The European Trade Union Confederation (ETUC) welcomes the European Commission's intention to revise both Directive 98/24/EC, on the protection of the health and safety of workers from the risks related to **chemical agents** at work (Chemical Agents Directive or CAD), and Directive 2009/148/EC, on the protection of workers from the risks related to exposure to **asbestos** at work (Asbestos at Work Directive or AWD).

The aim of the revision is to improve the relevance and effectiveness of the directives. This would be done by establishing, or reviewing, binding occupational or biological limit values for **lead** and **di-isocyanates** in the CAD and by reviewing the binding limit value for **asbestos** in the AWD.

Before submitting proposals in the social policy field, the Commission must consult management and labour on the need for, and possible direction of, Union action (Article 154(2) of the TFEU).

The European Commission has invited the Social Partners to answer the following questions in relation to its consultation document C (2020) 8944 final, dated 17/12/2020:

- (1) Do you agree with the issues identified above?*
- (2) Are they accurately and sufficiently covered?*
- (3) If so, do you consider that the EU should address this issue through a binding instrument?*
- (4) Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?*

ETUC is therefore pleased to contribute to this first phase consultation. In response to questions (1) and (3) ETUC is of the opinion that **the European Union must take new legislative initiatives that are binding on Member States**. This will reduce the harmful impact of exposure to lead and lead compounds, di-isocyanates and asbestos on the health and safety of workers.

In response to question (4) on whether we would like to see the revision of CAD and the revision of AWD taking place within the framework of the social dialogue procedures provided for under Article 155 TFEU, **ETUC is fully committed to social dialogue, but believes that binding EU legislative action is needed on these issues and therefore believes there is no need to start Treaty-based negotiations with the employers' organisations at EU level**. However, this does not rule out discussing issues together with employers and seeking converging positions on matters such as the best legal instrument to protect workers from the risk of exposure to substances that are toxic and affect reproduction<sup>[1]</sup> or the need for a new methodology to be used to limit the volume of non-threshold substances at EU level.

The ETUC recalls that elimination or substitution of hazardous chemicals with safer alternatives are the best preventative measures at work. ETUC also underscores that

---

<sup>[1]</sup> <https://www.etuc.org/en/pressrelease/chemical-industry-and-workers-call-european-commission-update-eu-rules-reprotoxic>

women workers are vastly underrepresented in research into the health risks that are associated with workplace exposures to chemicals. Likewise, wrong assumptions about the jobs that many women workers undertake can mean that their health and safety is overlooked. Therefore, it is essential that the Commission includes a specific focus on the gender differences in this and its future initiatives to improve workers' protection from chemical risks. As workers are often exposed to a cocktail of hazardous substances at work, multiple exposure should also be considered.

As regard question (3), ETUC's response is specific per substance and complements the issues identified by the Commission with the following observations and demands:

## 1. Lead and lead compounds

Lead and lead compounds are widely considered as a group of substances that are hazardous for both the human health and the environment. They are classified as substances toxic for reproduction in humans (Reproduction category 1A). They currently fall under the scope of the CAD where they are the only substances with a binding occupational exposure limit (BOEL) and a binding biological exposure limit (BLV), supplemented by a mandatory requirement for employers to undertake health surveillance. These EU limit values (150 µg lead/m<sup>3</sup> and 700 µg lead/L blood) were determined in the early 1980s and have never been updated since.

Over the last decades, ETUC has repeatedly called on the Commission to revise these values. Particularly in the light of the latest scientific and technical developments and the adoption of more protective limit values in some of the EU Member States. In March 2019, the Commission finally asked the Risk Assessment Committee of the European Chemicals Agency (RAC/ECHA) to evaluate the existing limit values for lead and lead compounds.

### 1.1. Discrimination of women at work due to unprotective BLV

In its opinion adopted in June 2020<sup>1</sup>, RAC/ECHA recommended that under the CAD both a BOEL of 4 µg lead/m<sup>3</sup> and a BLV of 150 µg lead/L blood value are adopted. The BLV is meant to protect workers exposed to lead and the inorganic compounds from lead chronic toxicity. RAC/ECHA also recommended to add a qualitative statement in the CAD, indicating that the exposure of fertile women to lead should be avoided or minimized in the workplace because **the proposed BLV for lead does not protect the offspring of women who are of childbearing age.**

ETUC therefore warns the European Commission that the proposed BLV for women at the workplace is **discriminatory in nature**. Should it be adopted in the CAD, this BLV will indeed create a situation where women could not be hired in workplaces where they can be exposed to lead and its compounds. Employers will want to avoid all risks or liability. This would be contrary to EU law and the equality of treatment and non-discrimination between women and men at work (Article 263 TFEU).

To avoid risks of litigation at the European Court of Justice, ETUC recommends the adoption of a BLV that would guarantee a high level of protection of human health and equality of treatment between women and men at work.

### 1.2. CAD is inadequate to protect men and women at the workplace from 'reprotoxics'

Lead compounds are certainly not the only substances widely present at the workplace that are toxic and adversely affect reproduction (known as 'reprotoxics'). There are many others, such as Bisphenol A, Phthalates, Aprotic solvents, etc. It is estimated that about

---

<sup>1</sup> ECHA/RAC/A77-O-0000006827-62-01/F of 11 June 2020

2 million workers in the EU member states are exposed at work to at least one toxic substance that adversely affects reproduction.

At present, legislation is very weak in protecting workers from such substances. It is limited to the general provisions of the CAD and those of the Pregnant Workers Directive (92/85/EEC). Both Directives present **serious loopholes**.

The Directive on the protection of pregnant workers, and workers who have recently given birth or are breastfeeding, is inconsistent in terms of prevention. Measures to avoid exposure do not have to be taken until the worker informs her employer that she is pregnant, which occurs around the 10th week of pregnancy. However, exposure to reprotoxics during the early weeks of gestation can result in miscarriage or a higher risk of congenital disabilities. The options to change job or possibly take leave from work, as recommended in the Directive, come too late to prevent these risks.

The CAD also lacks to provide adequate protection for workers. The Directive covers all hazardous chemical substances produced or used in the workplace, without laying down any specific provisions on reprotoxic substances. It requires employers to eliminate or reduce risks to a minimum, and provides scope for setting binding or indicative occupational exposure limit values. The only group of substances with a binding limit value under the CAD is lead and its compounds, as already mentioned above. Some EU Member States still have active mines and are important suppliers of lead. As many mine workers are non-EU workers, who do not always know the risks they are exposed to, it is of particular importance that they are entitled to the same level of protection, training and health surveillance as EU workers.

Indicative OELs (IOELs) under the CAD currently cover 150 hazardous substances, of which only 11 are toxic for reproduction. Among these 11 IOELs, several were considered inadequate to protect workers and different restrictions are being adopted under REACH to address the risks of exposure to these widely used reprotoxic substances at work (Bisphenol A, Phthalates, Aprotic solvents).

### **1.3. Inclusion of reprotoxic substances in the scope of the CMD**

ETUC is therefore of the opinion that reprotoxic substances that meet the EU criteria for classification as category 1A/1B should be removed from the scope of the CAD and placed under the scope of the Carcinogens and Mutagens Directive (CMD). This would strengthen the current OSH system, it would bring legal coherence and a better alignment of the chemical legislation at EU level. The limit values under the CMD are always binding and, even if the exposure level for workers is below the limit value, there is still the obligation to reduce this level as far as technically possible. **The CMD is therefore more stringent than the CAD in terms of reducing exposure levels in the workplace.** This is of particular importance since **the main reprotoxic substances present at work are non-threshold substances** (e.g. lead is a non-threshold neurotoxic, Bisphenols and Phthalates are also endocrine disruptors).

In addition, reprotoxic substances are **substances of very high concern** according to the REACH regulation. Including them within the scope of the CMD would therefore be consistent with REACH and all other EU legislations on chemicals (Pesticides, Biocides, Cosmetic regulations, etc) where carcinogens (C), mutagens (M), but also reprotoxic substances (R) are treated in the same category. This alignment with the other EU legislation on chemicals would be a regulatory simplification and it would improve the synergies between the various legislation.

Finally, seven European Member States representing 46% of the EU workforce (Austria, Belgium, Czech Republic, Finland, France, Germany and Sweden) have already extended the scope of the CMD to substances that adversely affect fertility when transposing it into national legislation. Slovenia is also about to do the same.

ETUC urges the Commission to close the longstanding discussion on the best legal instrument to protect workers from the risks of exposure to reprotoxic substances by including them in the scope of the CMD during the ongoing discussion on the 4<sup>th</sup> revision of the CMD.

## 2. Di-isocyanates

Di-isocyanates are chemicals widely used in the manufacturing process of polyurethane foams, plastics, coatings, varnish, two-pack paints, adhesives, etc. They are respiratory sensitisers (i.e. they induce occupational asthma and can trigger irreversible allergic reaction in the respiratory system) as well as skin sensitisers (i.e. they induce allergic responses after contact with the skin). Di-isocyanates are considered non-threshold substances, which means that any occupational exposure will be associated with a risk for developing occupational asthma (the lower the exposure the lower the risk for developing asthma).

There is currently no EU OEL for di-isocyanates and various Member States are imposing their own OELs for these substances.

ETUC is therefore of the opinion that binding EU OELs are needed to ensure minimum requirements for the protection of workers exposed to di-isocyanates across the EU.

In its opinion on di-isocyanates adopted in June 2020<sup>2</sup>, RAC/ECHA suggests that the exposure associated with different excess risk levels can form the basis for deriving an OEL. As this is the first time an EU Binding limit value will be established for sensitisers, ETUC believes that in order to decide at which level of exposure the OEL will be set, **a prior decision must be made on the excess risk level** of developing occupational asthma **that is acceptable in workers exposed to di-isocyanates** (i.e. the percentage of workers that statistically will develop occupational asthma when exposed 8 hours per day to di-isocyanates at the OEL concentration). The level of risks that is acceptable for workers cannot be decided by a scientific body, it can only come from a political decision.

ETUC demands that this issue is discussed and agreed upon within the tripartite EU Advisory Committee on Safety and Health at Work (ACSH), where workers, employers and governments are represented.

## 3. Asbestos

Asbestos kills at least 47 000 people from lung cancers and mesothelioma every year in the EU - and will continue to do so over the coming decades<sup>3</sup>. While manufacturing asbestos, placing it on the market and using it have been banned in the EU since 2005, asbestos is still present in many European buildings and bedrock in mines, and is a significant health and safety threat for millions of European workers. Elsewhere in the world, asbestos continues to be produced and used. The ETUC calls on the European Commission to work for a global ban on asbestos. Asbestos is a non-threshold carcinogen, which means that every level of exposure, however low, brings a risk of developing cancer. With the adoption of the European Green Deal and the Renovation Wave for Europe, it is expected that millions of buildings will be maintained, renovated, or demolished. A whole generation of workers in the construction sector will be at increased risk of exposure to asbestos fibres.

The construction industry is the third largest sector in the EU, with a rate of 10 % of cross-border workers, including a significant share of self-employed workers.<sup>4</sup> The share of temporarily posted workers from low-wage countries is very high.<sup>5</sup> Those workers who

---

<sup>2</sup> <https://echa.europa.eu/documents/10162/4ea3b5ee-141b-63c9-8ffd-1c268dda95e9>

<sup>3</sup> *Eliminating occupational cancer in Europe and globally*, Jukka Takala, ETUI, 2015

<sup>4</sup> <http://ec.europa.eu/social/BlobServlet?docId=23293&langId=en>

<sup>5</sup> <http://ec.europa.eu/social/BlobServlet?docId=19040&langId=en>

are particularly vulnerable to breaches of health and safety standards. Workers are often unaware of the dangers of the deadly fibre and in most countries lack the necessary awareness, training, and safety precautions. Cancer caused by exposure to asbestos fibres during renovation or demolition work has long latency periods, one of the reasons why the health threat is often underestimated by those at risk.

The Commission draws the following conclusions from national implementation reports delivered according to Article 22 Asbestos at Work Directive (AWD):

- In comparable workplaces, there are **marked differences between Member States in OEL applied**, with some Member States having much stricter OELs.
- **Some Member States have adopted more stringent measures** on inventory and management of asbestos, namely the obligatory identification of asbestos presence in buildings as well as the application of specific surveillance measures.
- **In some Member States, based on scientific health risk assessments, additional measures were introduced**, such as additional requirements for demolition or the requirement for a specific report in cases of dangerous occurrences involving asbestos.

The ETUC welcomes the Commission's intention to reopen the Asbestos at work Directive (AWD), in order to tighten the EU health and safety standards and ensure that workers working, or likely to get in contact, with asbestos containing material are fully protected across the EU. Lowering the OEL significantly and in line with the latest scientific knowledge and technical developments is crucial in this regard. However, while the Commission rightly points out that the "management of asbestos in buildings and its safe removal" should be an important topic for Union action, focusing only on the OEL is a far too narrow approach to match the challenges. The fact many Member States have already adopted more stringent measures on inventory and management of asbestos, and introduced additional requirements for different kinds of work with asbestos, shows that the EU minimum standards can, and must, be improved to reach the highest possible level for an efficient protection of all workers.

For these reasons, the ETUC calls for a comprehensive strategy for the safe removal of all asbestos in the EU to protect workers (and inhabitants and users of buildings and infrastructure) now and in the future. A comprehensive strategy should focus on revising the Asbestos at Work Directive (3.1), including the OEL, the recognition and compensation of all asbestos related diseases (3.2), and additional measures that are partly beyond the scope Article 153 TFEU (3.3). The EU has a chance to safely remove, once and for all, this dangerous carcinogen from the European building environment. If the EU does not take the opportunity now and uses the opportunity of synergy offered by the Green Deal, the Renovation Wave, and the Recovery Strategy for Europe, the deadly asbestos legacy would be passed on to the next generation of workers, inhabitants, and users of buildings.

Therefore, in addition to the revision of the AWD, ETUC calls on the Commission to lay out a comprehensive strategy for the safe removal of all asbestos in the EU. This should include: a European framework for national asbestos removal plans; asbestos detection and registering; the final support of building owners (in the spirit of a socially just transition and to prevent unsafe illegal removal); boosting labour inspections; and a strategy to keep asbestos out of the circular economy. ETUC believes that it is only when the asbestos challenge is met with a comprehensive, coordinated, and integrated strategy, as outlined below, this carcinogen will not claim any further victims. This is also in line with Europe's Beating Cancer Plan, the 2013 European Parliament Resolution on Asbestos Related Occupational Health Threats and Prospects for Abolishing all Existing Asbestos<sup>6</sup>, and the opinions of the European Economic and Social Committee on

---

<sup>6</sup> [https://www.europarl.europa.eu/doceo/document/A-7-2013-0025\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-7-2013-0025_EN.html)

Freeing the EU from Asbestos (2015)<sup>7</sup> and Working with Asbestos in Energy Renovation (2019)<sup>8</sup>.

### 3.1 Changes needed in the Asbestos at Work Directive (AWD)

#### 3.1.1 Update of the EU OEL for asbestos

At present, the BOEL defined in the AWD does not provide a satisfactory level of protection for exposed workers. It is therefore important to revise this limit value as part of a future European plan to effectively eradicate asbestos. In view of the latest development in scientific knowledge and research, France, Germany, and the Netherlands have already updated their national OEL on asbestos. France and Germany have a national BOEL of 0.01 fibres/cm<sup>3</sup> and the Netherlands a national BOEL of 0,002 fibres/cm<sup>3</sup> as compared to the current outdated 0,1 fibres/cm<sup>3</sup> in the AWD. Experts of the International Commission of Occupational Health (ICOH) and medical research propose a limit value of 0.001 fibres/cm<sup>3</sup> to adequately protect workers against cancer in asbestos removal works.<sup>9</sup> ETUC therefore demands to set the new EU BOEL at this level.

#### 3.1.2 Other changes needed in the AWD

In addition, to prevent a new wave of asbestos victims through the removal of asbestos and in the mining industry, ETUC calls on the European Commission to also include the following changes in the revised AWD:

- The Directive should be clear that **all varieties of asbestos are carcinogenic**. Furthermore, the scope of the Directive should be widened to include an updated list of all known forms of fibres with similar harmful effects on human health. The Commission should therefore include the fibrous fragments from actinolite, anthophyllite, tremolite, grunerite and riebeckite as well as winchite, richterite, fluoro-edenite, and erionite.
- The **concept of sporadic exposure and low intensity should no longer be used** to allow the removal of personal protective equipment and other protective measures. Furthermore, the **notion of friable and non-friable asbestos containing materials should not be used** to determine the risk level. Instead, an individual risk assessment related to the planned work-process should determine the necessary and obligatory protective measures.
- Asbestos containing parts and materials already in use must be removed and disposed of safely and not be repaired, maintained, sealed, encapsulated, or covered. **Therefore, encapsulation and sealing of asbestos must be prohibited**. The directive should also state clearly that work on existing products is included in the prohibition of the “processing of products”. Specific implementation measures should be regulated at national level with the effective involvement of social partners.
- The information included in **the notification to the competent authorities should be complemented** with the following:
  - extra data on the equipment used for workers’ protection and decontamination;
  - the equipment used for waste disposal;

<sup>7</sup> <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/freeing-eu-asbestos>

<sup>8</sup> <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/working-asbestos-energy-renovation-own-initiative-opinion>

<sup>9</sup> <https://pubmed.ncbi.nlm.nih.gov/29772681/>

- the duration of work processes;
  - a list and identification of the individual workers assigned to the site;
  - the proof of their competences and training; and
  - the dates of their mandatory medical examinations, in line with national rules on personal data protection.
- The **Directive should specify technical minimum requirements** to lower the concentration of asbestos fibres in the air to the lowest level that is technically possible. These should include dust suppression and suction of dust at source; continuous sedimentation; means of decontamination and minimum requirements for the pressure difference between asbestos enclosures and surroundings; fresh air supply; and HEPA filters. ETUC proposes a minimum pressure difference of -10 (minus 10) to ensure a sufficient margin of safety against external factors, such as person traffic between the enclosure and surroundings, filter clogging, and high wind speed. Fresh air must be supplied from a point far enough. The performance of negative pressure units and portable vacuums of local exhaust ventilation systems should be confirmed after the change of a HEPA filter and before the start of asbestos removal or at least once a year, by measuring the removal efficiencies of filters with a direct-reading particle counter. Furthermore, the mandatory use of robots should be considered.
  - The Directive should ensure that **sampling must be representative of the personal exposure of the worker** to dust arising from materials containing asbestos. Samples must be taken in representative and realistic situations. If sampling cannot be done in a representative manner, all available protective measures must be applied.
  - The **most sensitive methodology for fibre counting should be required** (e.g. Analytical Transmission Electron Microscopy).
  - **Asbestos screening prior to the start of work should be mandatory.** Not only employers but also main contractors, contracting authorities, and owners should be obliged to carry out an asbestos diagnosis before commissioning any work. Only qualified and certified operators should be commissioned with the search for asbestos prior to the start of work. The process must include a diagnosis adapted to the characteristics of the workplace. A report should state either the absence or the presence of asbestos. In the latter case, the nature of contamination and its location must be specified, and the quantity of asbestos containing materials estimated. The preliminary screening must be followed by an individual sampling.
  - **A plan of work** shall be drawn up before any work in relation to asbestos starts, not only for demolition or asbestos removal, but for all possible ways of working with asbestos
  - A **new annex to the directive** should be introduced **with obligatory minimum requirements for training on work with asbestos.** This should be both for workers in specialised decontamination companies and for any worker in any profession who could be exposed to asbestos containing materials while performing work (e.g. also including cleaning of vinyl asbestos floor tiles and management of resulting waste water). Specific implementation measures should be regulated at national level with the effective involvement of social

partners. In addition to the requirements already laid down in the directive, the annex should include: Requirements for the qualification of the training instructors and their certification by a competent authority, mandatory training certificates stating that the training has been concluded in a satisfactory manner, a minimum duration of training of 3 working days, and regular intervals of maximum 4 years in which an individual worker must attend a training.

Workers engaging in demolition or asbestos removal work should receive additional training regarding the use of technological equipment and machines to contain the release and spreading of asbestos fibres during the work processes (in accordance with Directive 2009/104/EC). They should also be trained on the newest available technologies and machines for emission-free or, where this is not technically possible yet, low-emission working procedures, to contain the release and spreading of asbestos fibres.

- The directive should ensure asbestos removal companies have the necessary competences to carry out demolition works through **a system of permits granted by the competent national authorities**. A permit shall be granted only if the applicant offers proof of adequate state of the art technical equipment and training certificates for their individual workers, and if there is no doubt about the reliability of the firm and its management. The permit shall be renewable every 5 years. Member States should establish publicly accessible registers of the companies that obtained a permit.
- The directive should prescribe and specify **the decontamination procedures**.
- The directive should specify that **individual protective breathing equipment must be subject to a mandatory fitting check**. This is essential to make the respiratory protective equipment safe for the individual worker.
- **Medical follow-up and post-professional health surveillance** by a qualified occupational physician should be provided **to all exposed workers**. Regular screenings must be made available, without restrictions, after professional activities involving asbestos exposure. The occupational physician should receive a copy of the asbestos exposure sheet set out by the employer to be included in the employee's individual medical file. The employer must also provide the employee with an exposure certificate once a year. Once an employee leaves the company, the employer should provide him with a complete file listing all his specific activities involving asbestos exposure. Individual documentation of exposures should be kept in a central national exposure database set up according to national law and practices and be kept for at least 40 years.
- **A new annex** to the directive should be introduced with a list of all known asbestos related diseases that shall be recognised in all Member States (asbestosis; mesothelioma, lung cancer, benign pleural diseases, larynx cancer, ovarian cancer, colorectal cancer, and stomach cancer caused by asbestos).

### **3.2 Recognising and compensating asbestos related diseases**

The working conditions for workers exposed to asbestos should include easy access to recognition, treatment, and compensation of asbestos related occupational diseases. ETUC calls on the European Commission to present a legislative proposal for robust European minimum standards for the recognition and adequate compensation for victims of occupational diseases, including all known asbestos related diseases, under Article

153 of the Treaty of the Functioning of the European Union. As a material basis for the new directive the Commission should update the Recommendation of 19 September 2003 concerning the European schedule of occupational diseases. The directive should establish unbureaucratic minimum requirements for the recognition and compensation of such diseases. These should include a revision of the burden of proof or at least its effective simplification, a one-stop-shop dealing with all matters regarding occupational diseases, and national ombudspersons (or independent advice services) to assist victims of occupational diseases in recognition procedures.

### **3.3 Additional elements for a comprehensive strategy for the removal of all asbestos in the European Union**

EU action for the management of asbestos in buildings and its safe removal should synergise with related policy initiatives of the Commission, including the Green Deal and the Renovation Wave, implementation of the European Pillar of Social Rights (EPSR), the Beating Cancer Plan, the EU Multiannual Financial Framework (MFF) and the recovery strategy, the New EU Strategic Framework for Health and Safety at Work, and the Circular Economy Action Plan. Furthermore, EU action on asbestos should draw on best-practice examples from Member States. ETUC proposes the following additional elements for a comprehensive strategy for the removal of all asbestos in the EU:

- **A new European legal framework for national asbestos removal plans** that ensures there is a comprehensive strategy for the removal of all asbestos in the EU. Within this framework, Member States should set up asbestos removal strategies, which include an assessment of the extent of the problem, the associated costs, details on who will bear those costs, adequate public financial support, and a clear timeline on when this should be accomplished. Some Member States are already implementing targeted programmes for asbestos removal.
- The framework should include a model with **minimum standards for digital asbestos registries** that map all existing asbestos in a country or region. Asbestos registries must be accessible to workers, companies, and affected inhabitants and citizens; they should also be regularly updated. The information available should at least include:
  - Type of building or infrastructure (private, public, business);
  - Specific location of asbestos (inside/outside, floors, walls, ceilings, roofs etc.);
  - Year of construction (before/after national asbestos ban);
  - Type of material (asbestos cement, insulation, putty etc.) and amount;
  - Works to be conducted (repairs, removal, etc.), work methods (drilling, cutting etc.);
  - Duration of the planned work;
  - Timeline for removal and a management plan;
  - Public accessibility, especially for companies and workers (e.g. in a centralised digital database or a building specific 'log book', such as a building renovation passport).
- **Screening prior to energy renovation and/or demolition** should be mandatory. ETUC calls on the Commission to propose a targeted amendment to Article 7 of Directive 2010/31/EU in the context of the Building Renovation Wave, introducing a requirement for the mandatory screening and subsequent removal of asbestos and other dangerous substances before renovation works can start.

- The ETUC calls on the Commission to make a legislative proposal for **mandatory screening before selling or renting out a building** and establish asbestos certificates for buildings built before 2005. The proposal should contain, as a minimum, the following elements:
  - Obligation for owners (public/private) to commission a screening of the building to locate asbestos before the building (or a part of it) is sold or rented out;
  - Screenings to be carried out by certified operators only, in accordance with directive 2009/148/EC and national law and practice and under the supervision of a competent national body;
  - The result of the screening should be reported to a competent national body which should issue a certificate, keep a national registry of the certificates, and give advice to owners about applicable laws and regulation, safe removal, and financial support;
  - The asbestos certificates shall contain the result of the screening, including a list of the types of asbestos containing materials found, their exact location, and concept for the safe removal;
  - Effective, proportionate, and dissuasive fines shall be established for sellers and lessors of buildings who do not commission the prescribed screening and report it to the competent body before selling or renting out the property, with a period of liability to be defined.
  
- In case the screening shows the presence of asbestos, the owner should be required to have the asbestos removed by a certified operator and in accordance with the identified safe removal prescriptions. The owner should benefit from adequate financial support in the context of the national removal strategies (see above).
  
- **An EU framework for the financial support to building owners** should guarantee public financing for the safe removal of asbestos, in the spirit of just transition and social responsibility. This should significantly help prevent illegal and unsafe removal. ETUC proposes to set up this needed financial back-up for asbestos removal in the context of the European Recovery Strategy and the Building Renovation Wave.
  
- **Enforcing applicable laws and regulations through a boost of labour inspections** is crucial to guarantee that during the implementation of the Renovation Wave and the Asbestos Removal Strategies employers and building owners comply with all applicable health and safety rules in practice. ETUC calls for extended support, and more resources, for labour inspectorates to significantly improve the number, frequency, and quality of the inspections. The EU and the Member States should go well beyond the International Labour Organisation's (ILO) minimum objective of one inspector for every 10.000 workers.

**Asbestos must be kept out of the circular economy** to protect workers from unknowingly reusing dangerous materials. Life-cycle-management of building materials is an important part of the circular economy. In the framework of the new EU Circular Economy Action Plan (which is supposed to include a strategy for a sustainable built environment, methodologies to track and minimise the presence of substances of concern in recycled materials - and articles made thereof, and a harmonised information

systems for the presence of substances of concern), the registration of existing asbestos in existing buildings and infrastructure (see above) should be a first step to eliminate asbestos from the circular economy.