

Brussels, 4 April 2016
Ares (2016) 865637

Dear Ms Lynch,

The First Vice-President of the European Commission, Mr Frans Timmermans, has asked me to thank you for your letters of 18 February 2016 regarding the process to amend the Directive 2004/37/EC (CMD).

The Commission is currently preparing an initiative to establish and revise binding occupational exposure limit values in the CMD for a number of important chemical carcinogens, and also to explicitly include in its scope some so-called 'process-generated substances'.

Having finalised the process of filling identified data gaps and of collecting the necessary information required for an impact assessment report of the envisaged legislative initiative, I am glad to inform you that the preparatory work to amend the CMD is now at an advanced stage, with a proposal for a first set of carcinogenic substances expected to be adopted by the College in May 2016, which should be followed by a proposal for a second set of substances by the end of 2016.

In addition, the Commission services - in close consultation with the tri-partite Advisory Committee on Safety and Health at Work (ACSH) and the Scientific Committee on Occupational Exposure Limits (SCOEL) - are currently examining whether additional priority carcinogenic substances should be included in the Directive.

I would like to recall that regardless of whether or not there is an occupational exposure limit value established under the CMD for a particular substance, employers have a duty to apply all the provisions of the CMD. In particular, they have a duty to replace carcinogenic or mutagenic substances with substances that are not dangerous or are less dangerous to guarantee a high degree of worker protection against risks relating to exposure to those agents. Setting limit values is an extra measure to facilitate the work of the enforcement authorities and help employers to comply with their obligations under the Directive.

Yours sincerely,



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