



Št.: 150/2015
Ljubljana, 24. april 2015

Za:
Gospa Anja Mrak Kopač, ministrica
MDDSZEM, Kotnikova 28, Ljubljana

ZADEVA: Revizija Direktive 2004/37/ES z dne 29. aprila 2004 o varovanju delavcev pred tveganji zaradi izpostavljenosti rakotvornim ali mutagenim snovem pri delu

Spoštovani!

Ob 28. aprilu 2015, Svetovnem dnevu varnosti in zdravja pri delu ter Mednarodnem sindikalnem dnevu spomina na umrle in poškodovane delavce se Zveza svobodnih sindikatov Slovenije pridružuje decembrskim pozivom Evropske konfederacije sindikatov (ETUC)¹ za takojšnjo revizijo Direktive 2004/37/ES o varovanju delavcev pred tveganji zaradi izpostavljenosti rakotvornim ali mutagenim snovem pri delu. Ta določa zgolj tri, s sodobnimi znanstvenimi dognanji neuskklajene, zavezujoče mejne vrednosti za poklicno izpostavljenost karcinogenom in mutagenom. Pridružujemo se tudi pobudi ETUC, da se seznam zavezujočih mejnih vrednosti v Prilogi III direktive nemudoma dopolni z mejnimi vrednostmi vsaj za 50 dodatnih nevarnih kemikalij. Revidirana direktiva pa mora razširiti varovanje poklicnega zdravja delavcev tudi za reprotoksine.

Zaradi nezadostne evropske ureditve ima vsaka članica EU ne le drugačen seznam mejnih vrednosti ampak tudi različne mejne vrednosti za iste nevarne kemikalije. To na skupnem trgu EU povzroča pomembne razlike v obveznostih delodajalcev različnih držav EU za varnost delavcev in posledično nesprejemljive razlike v varnosti delavcev.

Evropska konfederacija sindikatov upravičeno opozarja na blokado evropskih predpisov za varnost in zdravje pri delu po sprejetju »Programa ustreznosti in uspešnosti predpisov« (REFIT, Com (2013) 685) in na poenostavljeno interpretiranje standardov varnosti in zdravja pri delu kot administrativno oviro podjetništvu. Zakonodaja EU pomembno vpliva na slovenski sistem varnosti in zdravja pri delu, zato mora tudi Slovenija pripomoči k odpravi te blokade.

¹ <http://www.etuc.org/press/stop-death-disease-and-illness-work#.VSZWuU0cSAI>

Številne države članice EU so v zadnjem obdobju naslovile na Evropsko komisijo pobude za ambiciozno evropsko strategijo na področju varnosti in zdravja pri delu do leta 2020. Ministri za delo Belgije, Nizozemske, Avstrije in Nemčije so tako 4. 3. 2014 v skupnem pismu² pozvali Evropsko komisijo, da:

- posodobi Direktivo 2004/37/ES,
- urgentno pripravi predlog 50 dodatnih zavezujočih mejnih vrednosti poklicne izpostavljenosti za učinkovito obvladovanje do 90 % primerov poklicne izpostavljenosti karcinogenom in mutagenom ter ga posreduje Svetu ministrov,
- določi povsem pregledne kriterije za zavezujoče mejne vrednosti poklicne izpostavljenosti,
- prenese v evropske predpise dobro nacionalno prakso pri obvladovanju genotoksičnih karcinogenov,
- uskladi obveznosti delodajalcev po uredbi REACH in po predpisih za varnost in zdravje pri delu.

Predlagamo, da se v interesu slovenskih delavcev opredelite do teh pobud in ob 28. aprilu 2015 pisno pozovete Evropsko komisijo k reviziji in dopolnitvi Direktive 2004/37/ES ter k dopolnitvi strateškega okvira EU za varnost in zdravje pri delu za obdobje 2014–2020 (COM 2014 332 konč.) z zavezujočimi cilji za nadgraditev evropske zakonodaje.

Lep pozdrav!



Mag. Dušan Semolič,
predsednik ZSSS



² Glej prilogo!



Ministry of Social Affairs and
Employment

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Our ref.

2014-0000020686

Date

04 MRT 2014

Re

Need for an urgent update of the Carcinogens directive

Dear mr Andor,

The protection of workers against occupational hazards related to the exposure to carcinogens and mutagens is of great importance. Some 50,000 to 100,000 workers in the European Union die each year as a result of exposure to carcinogenic substances. More than 30 million workers are exposed to these substances beyond levels that are considered acceptable.¹ So far, only three binding limit values for exposure to carcinogens have been established at European level. As some member states have identified limit values for carcinogens at national level, there are large differences in the level of protection of workers in the European Union. Obviously, there is a clear need for urgent, robust and coordinated action at European level as well as at national level.

In this context we urge you to continue the update of the Carcinogens Directive and to prepare a proposal for adding more binding occupational limit values (BOELVs) under the Carcinogens Directive and forward it as soon as possible to the Council. We find this matter of a very urgent nature as this key law has been under revision for almost a decade and no progress has been made.

Although we understand that the Commission has to set priorities for the finalization of its work during its mandate, we ask the Commission to reconsider its position on this particular issue. We would like to point out that a future selection of only fifty substances could account for more than 80 or 90% of all exposure situations. Therefore, we recommend that such a basic set of 50 high-quality BOELVs is established by 2020. This could be done in reasonable time with the help of the Advisory Committee for Safety and Health at Work based on a robust and transparent system for the assessment of these substances. In this context it is important to define explicit criteria on how BOELVs are to be derived in the future. It should be fully transparent.

In an increasing number of member states a health-risk based approach for carcinogens without a safe threshold value (especially genotoxic carcinogens) is

¹ Expert forecast on Emerging chemical risks related to occupational safety and health, EU-OSHA, 2009.

applied. This implies that feasibility aspects are assessed separately after the exposure-risk-relationship for such a carcinogenic substance has been determined. The approach focuses on the individual health risks of workers. Although there are some (minor) differences in the way member states apply the key concepts, the key elements are similar. We recommend the Commission to make use of such a health risk-based approach at European level. We are of course willing to provide more information and discuss cooperation with the Commission and the possibility of sharing or contributing resources, while of course respecting the role of the SCOEL in proposing BOELVs and guaranteeing its independence.

Date

Our ref.
2014-0000020686

As a last point we draw your attention to the overlap between the REACH-system and the system for occupational safety and health. REACH is meant for environmental issues as well as consumer and worker protection. It overlaps with the Occupational Health and Safety system meant for worker protection; this relates in particular to the area of chemical agents. As a consequence there is a clear need for better aligning both regulatory systems at European level, for example to ensure that companies in member states don't have to live up to contradictory demands.

Letter signed also on behalf of:

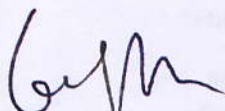
Rudolf Hundstorfer, Federal Minister of Labour, Social Affairs and Consumer Protection, Federal Republic of Austria

Monica De Coninck, Federal Minister of Labour, Kingdom of Belgium

Andrea Nahles, Federal Minister of Labour and Social Affairs, Federal Republic of Germany

Yours sincerely,

Minister of Social Affairs
and Employment,



L.F. Asscher