COMMISSION DIRECTIVE (EU) .../…

of XXX


(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work ('Directive 98/24/EC')\(^1\), and in particular Article 3(2),

Whereas:

1. Pursuant to Directive 98/24/EC, the Commission is to propose Union objectives in the form of indicative occupational exposure limit values (IOELVs) to be set at Union level, in order to protect workers from risks arising from exposure to hazardous chemicals.

2. Article 3 (2) of Directive 98/24/EC empowers the Commission to establish or revise IOELVs, taking into account the availability of measurement techniques by means of measures adopted in accordance with the procedure laid down in Article 17 of Council Directive 89/391//EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work\(^2\).

3. The Commission is assisted in this task by the Scientific Committee on Occupational Exposure Limits for Chemical Agents (SCOEL), set up by Commission Decision 2014/113/EU\(^3\).

4. In accordance with Directive 98/24/EC, 'occupational exposure limit value' means, unless otherwise specified, the limit of the time-weighted average of the concentration of a chemical agent in the air within the breathing zone of a worker in relation to a specified reference period.

5. IOELVs are health-based occupational exposure limit values that are derived by SCOEL from the most recent scientific data available and adopted by the Commission taking into account the availability of measurement techniques. They are threshold levels of exposure below which, in general, no detrimental effects are expected for any given chemical agent after short-term or daily exposure over a working lifetime. They constitute Union objectives and are designed to assist employers in determining and

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\(^1\) OJ L 131, 5.5.1998, p. 11
assessing risks and in implementing preventive and protective measures in accordance with Directive 98/24/EC.

(6) In accordance with SCOEL recommendations, IOELVs are established in relation to a reference period of eight hours time-weighted average (long-term exposure limit values) and, for certain chemical agents, to shorter reference periods, in general fifteen minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.

(7) For any chemical agent for which an IOELV has been set at Union level, Member States are required to establish a national occupational exposure limit value. In doing so, they are required to take into account the Union limit value, determining the nature of the national limit value in accordance with national legislation and practice.

(8) IOELVs are an important part of the general arrangements for the protection of workers against the health risks arising from exposure to hazardous chemicals.

(9) In accordance with Article 3 of Directive 98/24/EC, SCOEL has assessed the relationship between the health effects of the chemical agents listed in the thirty-one entries in the Annex to this Directive and the level of occupational exposure and recommended for all those chemical agents, the establishment of IOELVs for the inhalation route of exposure in relation to a reference period of eight hours time-weighted average. It is therefore appropriate to establish long-term exposure limit values for all those agents in the Annex to this Directive.

(10) For some of those chemical agents, SCOEL also recommended the establishment of such limit values in relation to shorter reference periods and/or of skin notations.

(11) Four of those chemical agents — nitrogen monoxide, calcium dihydroxide, lithium hydride and acetic acid — are currently listed in the Annex to Commission Directive 91/322/EEC.

(12) One of those chemical agents, 1,4-dichlorobenzene, is currently listed in the Annex to Commission Directive 2000/39/EC.

(13) Another, bisphenol A, is currently listed in the Annex to Commission Directive 2009/161/EU.

(14) SCOEL has recommended for those agents the establishment of new IOELVs. It is therefore appropriate to include revised limit values for those six chemical agents in the Annex to this Directive and to delete the entries for those chemical agents from the Annexes to Directives 91/322/EEC, 2000/39/EC and 2009/161/EU.

(15) For one of the chemical agents listed in the thirty-one entries in the Annex to this Directive, acrylic acid, SCOEL recommended a short-term exposure limit value in relation to a reference period of one minute. It is therefore appropriate to establish such a short-term exposure limit value for this chemical agent in the Annex to this Directive.

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For certain substances, it is necessary to take into account the possibility of penetration through the skin in order to ensure the best possible level of protection. Among the chemical agents listed in the thirty-one entries in the Annex to this Directive, SCOEL identified the possibility of significant uptake through the skin for glycerol trinitrate, carbon tetrachloride, hydrogen cyanide, methylene chloride, nitroethane, 1,4-dichlorobenzene, methyl formate, tetrachloroethylene, sodium cyanide and potassium cyanide. It is therefore appropriate to set in the Annex to this Directive notations indicating the possibility of significant uptake through the skin for these chemical agents, in addition to the IOELVs.

The Advisory Committee on Health and Safety at Work⁷, consulted in accordance with Article 3(2) of Directive 98/24/EC, recognised that there were concerns regarding the technical feasibility of the proposed IOELVs for nitrogen monoxide and nitrogen dioxide in underground mining and tunnelling, and for carbon monoxide in underground mining. The committee also acknowledged that there are currently challenges relating to the availability of measurement methodologies that could be used to demonstrate compliance with the proposed limit value for nitrogen dioxide in underground mining and tunnelling environments. It is therefore appropriate to allow the Member States to make use of a transitional period in respect of the implementation in underground mining and tunnelling of the limit values set for nitrogen monoxide, nitrogen dioxide and carbon monoxide in the Annex to this Directive, and for the Commission to review the aforementioned issues before the end of the transitional period. During that transitional period, Member States may continue to apply the existing limit values, instead of applying those established in the Annex to this Directive.

In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents⁸, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.

With regard to this Directive, the Commission considers the transmission of such documents in the form of a table showing the correlation between the national measures and this Directive to be justified, given that for some agents national occupational exposure limit values already exist in national legislation, and given the variety and the technical nature of the legal instruments at national level for the establishment of occupational exposure limit values.

The Advisory Committee on Safety and Health at Work gave its opinions on 27 November 2014 and 21 May 2015.

The measures provided for in this Directive are in accordance with the opinion of the Technical Progress Committee established under Article 17 of Council Directive 89/391/EEC.

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HAS ADOPTED THIS DIRECTIVE:

Article 1
A fourth list of Union indicative occupational exposure limit values is hereby established for the chemical agents listed in the Annex.

Article 2
Member States shall establish national occupational exposure limit values for the chemical agents listed in the Annex, taking into account the Union limit values.

Article 3
In the Annex to Directive 91/322/EEC, the references to acetic acid, calcium dihydroxide, lithium hydride and nitrogen monoxide are deleted with effect from [the date referred to in Article 7(1)], subject to Article 6(2)(a).

Article 4
In the Annex to Directive 2000/39/EC, the reference to 1,4-dichlorobenzene is deleted with effect from [the date referred to in Article 7(1)].

Article 5
In the Annex to Directive 2009/161/EU, the reference to bisphenol A is deleted with effect from [the date referred to in Article 7(1)].

Article 6
1. In underground mining and tunnelling, Member States may benefit from a transitional period ending at the latest on [date — 5 years after the date of transposition of this Directive], as regards the limit values for nitrogen monoxide, nitrogen dioxide and carbon monoxide.
2. During the transitional period referred to in paragraph 1, Member States may continue to apply the following, instead of applying the limit values established in the Annex:
   a) in respect of nitrogen monoxide: the existing limit values established in accordance with the Annex to Directive 91/322/EEC;
   b) in respect of nitrogen dioxide and carbon monoxide: national limit values in force on [date — of publication of this Directive].

Article 7
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date — 18 months after the date of entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions and shall accompany their notification with one or more explanatory documents in the
form of tables showing the correlation between the provisions and this Directive. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 8

This Directive shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

Article 9

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission
The President
EN
Annex
<table>
<thead>
<tr>
<th>EC No (1)</th>
<th>CAS No (2)</th>
<th>NAME OF THE CHEMICAL AGENT</th>
<th>LIMIT VALUES</th>
<th>Notation (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>8 hours (4)</td>
<td>Short-term (5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>mg/m³ (6)</td>
<td>ppm (7)</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>Manganese and inorganic manganese compounds (as manganese)</td>
<td>0.2 (8)</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.05 (9)</td>
<td>-</td>
</tr>
<tr>
<td>200-240-8</td>
<td>55-63-0</td>
<td>Glycerol trinitrate</td>
<td>0.095</td>
<td>0.01</td>
</tr>
<tr>
<td>200-262-8</td>
<td>56-23-5</td>
<td>Carbon tetrachloride; Tetrachloromethane</td>
<td>6.4</td>
<td>1</td>
</tr>
<tr>
<td>200-521-5</td>
<td>61-82-5</td>
<td>Amitrole</td>
<td>0.2</td>
<td>-</td>
</tr>
<tr>
<td>200-580-7</td>
<td>64-19-7</td>
<td>Acetic acid</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>200-821-6</td>
<td>74-90-8</td>
<td>Hydrogen cyanide</td>
<td>1</td>
<td>0.9</td>
</tr>
<tr>
<td>200-838-9</td>
<td>75-09-2</td>
<td>Methylene chloride; Dichloromethane</td>
<td>353</td>
<td>10</td>
</tr>
<tr>
<td>200-864-0</td>
<td>75-35-4</td>
<td>Vinylidene chloride; 1,1-Dichloroethylene</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>201-083-8</td>
<td>78-10-4</td>
<td>Tetraethyl orthosilicate</td>
<td>44</td>
<td>5</td>
</tr>
<tr>
<td>201-177-9</td>
<td>79-10-7</td>
<td>Acrylic acid; Prop-2-enoic acid</td>
<td>29</td>
<td>10</td>
</tr>
<tr>
<td>201-188-9</td>
<td>79-24-3</td>
<td>Nitroethane</td>
<td>62</td>
<td>20</td>
</tr>
<tr>
<td>201-245-8</td>
<td>80-05-7</td>
<td>Bisphenol A; 4,4'-Isopropylidenephenol</td>
<td>2 (11)</td>
<td>-</td>
</tr>
<tr>
<td>202-981-2</td>
<td>101-84-8</td>
<td>Diphenyl ether</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>203-234-3</td>
<td>104-76-7</td>
<td>2-ethylhexan-1-ol</td>
<td>5.4</td>
<td>1</td>
</tr>
<tr>
<td>203-400-5</td>
<td>106-46-7</td>
<td>1,4-Dichlorobenzene; p-Dichlorobenzene</td>
<td>12</td>
<td>2</td>
</tr>
</tbody>
</table>

1 EC No: European Community (EC) number, the numerical identifier for substances within the European Union.
2 CAS No: Chemical Abstract Service Registry Number.
3 A skin notation assigned to the occupational exposure limit value indicates the possibility of significant uptake through the skin.
4 Measured or calculated in relation to a reference period of eight hours time-weighted average (TWA).
5 Short-term exposure limit (STEL). A limit value above which exposure should not occur and which is related to a 15-minute period unless otherwise specified.
6 mg/m³: milligrams per cubic metre of air. For chemicals in gas or vapour phase the limit value is expressed at 20°C and 101.3 KPa.
7 ppm: parts per million by volume in air (ml/m³).
8 Inhalable fraction.
9 Respirable fraction.
10 Short-term exposure limit value in relation to a reference period of 1 minute.
<table>
<thead>
<tr>
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<td>8 hours (4)</td>
<td>Short-term (5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>mg/m³ (6)</td>
<td>ppm (7)</td>
</tr>
<tr>
<td>203-453-4</td>
<td>107-02-8</td>
<td>Acrolein; Acrylaldehyde; Prop-2-enal</td>
<td>0,05</td>
<td>0,02</td>
</tr>
<tr>
<td>203-481-7</td>
<td>107-31-3</td>
<td>Methyl formate</td>
<td>125</td>
<td>50</td>
</tr>
<tr>
<td>203-788-6</td>
<td>110-65-6</td>
<td>But-2-yne-1,4-diol</td>
<td>0,5</td>
<td>-</td>
</tr>
<tr>
<td>204-825-9</td>
<td>127-18-4</td>
<td>Tetrachloroethylene</td>
<td>138</td>
<td>20</td>
</tr>
<tr>
<td>205-500-4</td>
<td>141-78-6</td>
<td>Ethyl acetate</td>
<td>734</td>
<td>200</td>
</tr>
<tr>
<td>205-599-4</td>
<td>143-33-9</td>
<td>Sodium cyanide (as cyanide)</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>205-792-3</td>
<td>151-50-8</td>
<td>Potassium cyanide (as cyanide)</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>207-069-8</td>
<td>431-03-8</td>
<td>Diacetyl; Butanedione</td>
<td>0,07</td>
<td>0,02</td>
</tr>
<tr>
<td>211-128-3</td>
<td>630-08-0</td>
<td>Carbon monoxide</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>215-137-3</td>
<td>1305-62-0</td>
<td>Calcium dihydroxide</td>
<td>1 (8)</td>
<td>-</td>
</tr>
<tr>
<td>215-138-9</td>
<td>1305-78-8</td>
<td>Calcium oxide</td>
<td>1 (8)</td>
<td>-</td>
</tr>
<tr>
<td>231-195-2</td>
<td>7446-09-5</td>
<td>Sulphur dioxide</td>
<td>1,3</td>
<td>0,5</td>
</tr>
<tr>
<td>231-484-3</td>
<td>7580-67-8</td>
<td>Lithium hydride</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>233-271-0</td>
<td>10102-43-9</td>
<td>Nitrogen monoxide</td>
<td>2,5</td>
<td>2</td>
</tr>
<tr>
<td>233-272-6</td>
<td>10102-44-0</td>
<td>Nitrogen dioxide</td>
<td>0,96</td>
<td>0,5</td>
</tr>
<tr>
<td>262-967-7</td>
<td>61788-32-7</td>
<td>Terphenyl, hydrogenated</td>
<td>19</td>
<td>2</td>
</tr>
</tbody>
</table>
Luxembourg, 15/09/2016 (9.30 – 17.30 h)

Participants: 26 Member States delegations were present as well as representatives of 2 EFTA countries (Norway and Switzerland). 2 Member States were absent (BE and LV). See annex.

Commission services (DG EMPL): Charlotte Grevfors Ernoult, Maria Teresa Moitinho de Almeida, Alexandra Eftimie, Alick Morris, Matthew Heppleston and Nuria Cavalle Oller.

The Chairwoman (Ms Charlotte Grevfors Ernoult) welcomed the participants and highlighted the importance of this meeting as a key step towards the adoption of a new Commission Directive setting indicative limit values for the protection of EU workers.

The draft Commission Directive on a 4th list of indicative occupational exposure limit values (EU IOELVs) pursuant to Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work¹ was put in the context of other ongoing initiatives in the field of Health and Safety at Work. These include the ex-post evaluation of 24 Occupational Health and Safety (OSH) Directives, the recently adopted Commission proposal for a Directive amending Directive 2004/37/EC² on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (COM(2016) 248 final) to set out binding occupational exposure limit values for more carcinogens/mutagens and, in a more general perspective, the Social Pillar initiative (COM(2016) 127 final).

1. Adoption of the Agenda

The agenda was adopted with no changes.

2. Information from the Commission concerning the new voting rules

The Chairwoman summarized the contents of the background document sent to the committee members in advance of the meeting regarding the new voting rules applicable as from 1 November 2014 in this Technical Progress Committee, replacing the rules referred to in Article 5a of Decision 1999/468/EC³ and Article 5 of the Rules of Procedure for the Technical Progress Committee. The Chairwoman informed about the possibility for any committee

¹ OJ L 131, 5.5.1998, p. 11
² OJ L 229, 29.6.2004, p. 23
³ OJ L 184, 17.7.1999, p. 23
member to still request the application of the former system of weighted votes, during a transitional period until the 31st March 2017. No committee members requested this.

3. Introduction and presentation by the Commission of the draft Commission Directive on a 4th list of Indicative Occupational Exposure Limit Values (IOELVs) for hazardous chemicals pursuant to Directive 98/24/EC

The draft Directive and its Annex had been transmitted to the committee members in advance of the meeting.

The Commission services presented some key aspects regarding the EU IOELVs put forward in accordance with article 3 of Directive 98/24/EC, and explained the steps fulfilled in the preparation of the draft Directive: 1) Independent scientific assessment of the concerned chemicals by the Scientific Committee on Occupational Exposure Limits (SCOEL) in accordance with Art. 3 (1) of Directive 98/24/EC and subsequent adoption by SCOEL, in accordance with Decision 2014/113/EU⁴, of Recommendations for occupational exposure limit values for the hazardous chemicals included in the draft Directive, and 2) Consultation of the Advisory Committee on Safety and Health at Work (ACSH) in accordance with Art. 3 (2) of Directive 98/24/EC on the limit values recommended by SCOEL with the adoption by that committee of two opinions (November 2014 and December 2015), where an agreement among the three interest groups was reached in putting forward limit values for a number of chemicals on the basis of SCOEL Recommendations.

The procedure following a positive opinion of the Technical Progress Committee was outlined: 1) Transmission of the draft measures for scrutiny to European Parliament and Council who may oppose the draft Directive within three months from the date of referral on three types of grounds 2) In case the EP and the Council do not oppose the draft Directive, adoption of the Directive by the Commission after the 3 months period expires and 3) Publication of the Commission Directive in the Official Journal of the European Union.

The general aspects of the draft Directive were presented, together with the specific provisions laid down in article 6 according to which Member States have the possibility to use a transitional period of 5 years after the final date for transposition for implementing in underground mining and tunnelling the limit values for the substances carbon monoxide, nitrogen monoxide and nitrogen dioxide. The background on which the Commission services took this decision was explained, in particular the assessment made of the ACSH opinion in this respect where an agreement among the three interest groups (workers’, employers’ and governments’ representatives) on putting forward these limit values in a Commission Directive was reached, while recognising the difficulties that this might pose in those sectors because of local details of the process, equipment and mine or tunnel design/layout. The Commission services also considered other elements put forward by interested parties and experts. Attention was drawn to recital 17 of the Draft Directive that explains the rationale of this specific provision.

Finally, it was pointed out two editorial corrections to make to the draft Directive: 1) deletion of the word ‘respectively’ in recital 5 of the Directive as it had no added value and could even be misleading, and 2) change of the footnote reading 9 for the substance acrylic acid in the

⁴ OJ L 62, 4.3.2014, p. 18
annex, which was incorrect and should read 10. These two changes were accepted by all the delegations in the room without further discussion.

4. Exchange of views on the draft Commission Directive on a 4th list of Indicative Occupational Exposure Limit Values (IOELVs) for hazardous chemicals.

The Chairwoman of the Committee initiated a 'tour de table' inviting the Member States delegations to express their views on the draft Directive and to indicate any aspect they wished to further discuss.

Some delegations expressed that they receive positively the draft Directive without further comments (BG, CZ, DK, EE, IE, EL, FR, HR, CY, LT, MT, NL, AT, PT, FI, SE, Switzerland). RO indicated initially that they were in principle favourable but they would abstain. Other delegations explained that they receive positively the draft Directive while making comments or raising the need to discuss some issues (DE, ES, IT, SI, SK, HU, Norway). Some delegations (LU, PL, UK) indicated the need to discuss certain specific issues before expressing their general position on the draft Directive.

The comments or questions that were answered by the Commission services or that were object of a more in-depth discussion in the meeting are summarized below. The name of the delegation(s) is indicated for each comment.

Request for clarifications regarding the use of the inhalable and respirable fractions: ES, IT requested clarifications as regards the reason for assigning limit values in relation to the respirable fraction for Calcium oxides and ES as regards the reason for stating in a footnote that the inhalable fraction should be measured for Bisphenol A.

The Chairwoman stated that the draft Directive follows in this respect the recommendations made by SCOEL. In this sense, the measurable fraction for calcium oxides was the respirable one and in the case that SCOEL, in the light of new available scientific information in the future, revises its recommendations and concludes on the necessity to also measure the inhalable fraction, these changes would need to be incorporated in the legislation in due course. Regarding the footnote for Bisphenol A, even if by default this is the fraction to measure and therefore the footnote was not strictly necessary, it was decided to express the limit value for clarity as done in the SCOEL Recommendation, as this was an issue which entailed thorough discussion during the preparation of the SCOEL Recommendation.

Suggestion to set out a period for transposition of the Directive longer than 18 months (PL, Norway).

Only 2 countries mentioned this possibility. Since there was no general support on this request, this was not considered for an amendment of the draft Directive.

Suggestion to delete the obligation of Member States to accompany the notification of the national implementing measures with explanatory documents in the form of correlation tables (PL).

PL requested that the requirement in article 7 of the Directive to provide explanatory documents in the form of tables showing the correlation between the national implementing provisions and the Commission Directive should be deleted and rather be set out solely in a recital, in order to give the Member States flexibility in how to report the national transposing measures. In that regard, PL referred to the 2011 Joint Political Declaration of the Commission
and the Member States in relation to EU acts adopted by the Council and European Parliament. LU expressed support to the position of PL. Article 7 could instead refer to the provision of a communication document.

The Chairwoman responded that for this type of technical Commission Directive, the provision of correlation tables is useful to enhance clarity on the national transposing measures and compliance checks and should also be seen in relation to the obligation of Member States under Directive 98/24/EC to provide to the Commission documentation on the scientific and technical data supporting the corresponding national limit values. PL accepted this explanation.

**Indication of possible problems for the implementation of some EU IOELVs at national level** (eg. for Tetrachloroethylene, Nitroethane, Dichlorobenzene, Ethyl acetate, Calcium oxides, Bisphenol A), and lack of necessary knowledge at this point on time on the actual capacity of the national industry to comply with the values (Norway, PL, SI, SK). In particular for Bisphenol A, PL requested to consider the extension of the transitional period for transposition up to 5 years.

The Chairwoman reminded the Committee about the margin of discretion for Member States which is provided for in article 3 of Directive 98/24/EC when setting out national occupational exposure limit values. In this regard, technical and socio-economic feasibility factors may be taken into account according to national or sectoral particularities. Regarding an extended transitional period for Bisphenol A, this was not considered for an amendment of the draft Directive since there was no general support on this request.

**Suggestions to develop guidance on sampling and measuring of airborne concentrations** in the workplace for the substances for which an EU occupational limit value is set out (HU).

The Commission services recognised this as a valuable observation of which they took note for further future action in the area.

**Concerns by several delegations on the special provisions of article 6 of the draft Directive**

Several delegations expressed concerns on the ability of the underground mining and tunnelling sectors to comply with the limit values for carbon monoxide, nitrogen monoxide and nitrogen dioxide, and outlined some actions to be taken forward before the expiry of the extended transitional period of 5 years set out in the draft Directive (DE, EL, IE, LU, PL and UK).

One Member State (PL) indicated that widespread consultations took place in PL on the issue of carbon monoxide, nitrogen monoxide and nitrogen dioxide in the mining industry which concluded that the 5 years transitional period is appropriate. However, there are difficulties to comply with the proposed IOELVs in the copper mining using explosives and diesel engine equipment. In this sub-sector, solutions could be implemented in 10 years. On that basis, PL suggested extending the transitional period for the transposition of the values for these substances in the underground mining and tunnelling from 5 years to 10 years to allow for compliance. LU supported this position, given the financial costs involved and the need for financial solidarity among the Member States.

UK referred to the work of the Standing Working Party on Extractive Industries of the ACSH on these issues which refers to difficulties for compliance in the mining sector in general, not only in certain sub-sectors. Taking that into account, the UK suggested that the draft Directive be changed to add a new paragraph 3 to Article 6, stating that before the end of the transitional period, the Commission is to review the issues of technical feasibility and challenges related to
measurement methodologies in the concerned sectors, prepare a report for the ACSH and make recommendations accordingly. This position was supported by other delegations (EL, IE, LU, PL).

NL indicated that it would be confusing to refer to technical feasibility in the text of the directive, given that EU IOELVs are health based values.

DE reminded that, given the indicative character of the limit values, after the end of the transitional period, Member States may still, in accordance with Directive 98/24/EC, take into account for mining and tunneling subsectors, feasibility factors when establishing national occupational exposure limit values transposing the EU IOELVs for nitrogen monoxide, nitrogen dioxide and carbon monoxide set in the Annex to the Commission Directive. This statement was reinforced by some other delegations (NL) and the Commission services reminded that this results from article 3 of Directive 98/24/EC. In addition, it was agreed by all 26 Member States that this should be included in the Minutes of the meeting.

The Commission services after having assessed the comments received regarding the provisions on IOELVs for carbon monoxide, nitrogen monoxide and nitrogen dioxide in the mining and tunnelling sectors, proposed to change the text of recital 17 of the draft Directive to indicate that it is appropriate "for the Commission to review the aforementioned issues [concerns regarding the technical feasibility of the proposed IOELVs and challenges relating to the availability of measurement methodologies] before the end of the transitional period". All the 26 Member States delegations agreed with the proposed insertion in recital 17 of the draft Directive.

5. Adoption of the Opinion of the Technical Progress Committee on the draft Commission Directive establishing a 4\textsuperscript{th} list of Indicative Occupational Exposure Limit Values

As all the 26 Member State delegations present in the meeting agreed with the draft Directive, as amended during the meeting, the Technical Progress Committee gave a positive opinion on the draft Directive.

Closing of the meeting

The Chairwoman congratulated the delegates for the outcome of the meeting and thanked them for their contribution in the procedure for adoption of a Commission Directive establishing a 4\textsuperscript{th} list of indicative occupational exposure limit values.

The meeting was closed without further remarks.