II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 25 June 1991

amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)

(91/382/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118a thereof,

Having regard to the proposal from the Commission drawn up following consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of directives, minimum requirements for encouraging improvements, especially in the working environment, to ensure a better level of protection of the safety and health of workers;

Whereas, under the terms of that Article, such directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-size undertakings.

Whereas the communication from the Commission on its programme concerning safety, hygiene and health at work (4) provides for the adoption of directives designed to guarantee the safety and health of workers;

Whereas the Council, in its resolution of 21 December 1987 on safety, hygiene and health at work (5), took note of the Commission's intention of submitting to the Council in the near future minimum requirements at Community level concerning protection against the risks resulting from dangerous substances, including carcinogenic substances; whereas it considered that in this connection the principle of substitution using a recognized non-dangerous or less dangerous substance should be taken as a basis;

Whereas asbestos is a particularly hazardous agent which can cause serious illness and which is found in various forms in a large number of circumstances at work;

Whereas, in view of the progress made in scientific knowledge and technology and in the light of experience gained in applying Council Directive 83/447/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC) (6), the protection of workers

(1) OJ No C 161, 30. 6. 1990, p. 14.
(2) OJ No C 284, 12. 11. 1990, p. 98 and OJ No C 129, 20. 5. 1991, p. 93.
(3) OJ No C 332, 31. 12. 1990, p. 162.
(4) OJ No C 28, 3. 2. 1988, p. 3.
(5) OJ No C 28, 3. 2. 1988, p. 1.
(6) OJ No L 263, 24. 9. 1983, p. 25.