Council Directive of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (87/217/EEC)

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on the prevention and reduction of environmental pollution by asbestos

(87/217/EEC)

Article 1

1 The objective of this Directive is to lay down measures and to supplement provisions already in force, with a view to preventing and reducing pollution by asbestos in the interests of the protection of human health and the environment.

2 This Directive shall be applied without prejudice to the provisions laid down by Directive 83/477/EEC.

Article 2

For the purpose of this Directive:

1. *Asbestos* means the following fibrous silicates:
   - — crocidolite (blue asbestos),
   - — actinolite,
   - — anthophyllite,
   - — chrysotile (white asbestos),
   - — amosite (brown asbestos),
   - — tremolite.

2. *Raw asbestos* means:

   the product resulting from the primary crushing of asbestos ore.

3. *Use of asbestos* means:

   activities which involve the handling of a quantity of more than 100 kilograms of raw asbestos per year and which concern:

   (a) the production of raw asbestos ore excluding any process directly associated with the mining of the ore, and/or

   (b) the manufacturing and industrial finishing of the following products using raw asbestos: asbestos cement or asbestos-cement products, asbestos friction products, asbestos filters, asbestos textiles, asbestos paper and card, asbestos jointing, packaging and reinforcement materials, asbestos floor coverings, asbestos fillers.

4. *Working of products containing asbestos* means:

   activities other than the use of asbestos, which are liable to release asbestos into the environment.

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5. *Waste* means:

any substance or object as defined in Article 1 of Directive 75/442/EEC[(1)].

Article 3

1 Member States shall take the measures necessary to ensure that asbestos emissions into the air, asbestos discharges into the aquatic environment, and solid asbestos waste are, as far as reasonably practicable, reduced at source and prevented. In the case of the use of asbestos, these measures should entail using the best available technology not entailing excessive cost, including where appropriate recycling or treatment.

2 In the case of existing plants, the requirement in paragraph 1 that best available technology not entailing excessive costs be used to reduce and eliminate emissions of asbestos into the air shall be applied taking into account the elements set out in Article 13 of Directive 84/360/EEC.

Article 4

1 Without prejudice to Article 3, Member States shall take the measures necessary to ensure that the concentration of asbestos emitted through the discharge ducts into the air during use of asbestos does not exceed a limit value of 0,1 mg/m^3 (milligrams of abestos (SIC! asbestos) per m^3 of air discharged).

2 Member States may exempt from the obligation referred to in paragraph 1 the plants emitting less than 5 000 m^3/hour total gaseous discharges, where the discharge of asbestos into the air is not more than 0,5 grams per hour at any time under normal operating conditions.

When this exemption applies, the competent authorities of Member States shall take appropriate measures in order to ensure that the thresholds referred to in the first subparagraph are not exceeded.

Article 5

Member States shall take the measures necessary to ensure that:

(a) all aqueous effluent arising in the manufacture of asbestos cement is recycled. Where such recycling is not ecoomically (SIC! economically) feasible, Member States shall take the measures necessary to ensure that the disposal of liquid waste containing asbestos does not result in pollution of the aquatic environment and other sectors including the air.

To this end:

— the limit value of 30 grams of total suspended matter per m^3 of aqueous effluent discharged shall apply,

— the competent authorities of Member States shall, for each plant concerned, specify the volume of discharges into water of the total quantity of suspended matter discharged per tonne of product taking account of the specific situation of the plant.

These limits shall apply at the point where the waste waters leave the industrial plant.

(b) All aqueous effluent arising in the manufacture of asbestos paper or board is recycled.

However, the discharge of aqueous effluent containing not more than 30 grams of suspended matter per m^3 of water may be authorized during routine cleaning or maintenance of the plant.

Article 6

1 Member States shall take the measures necessary to ensure that measurements are taken at regular intervals of emissions into the air and of discharges of aqueous effluent from facilities to which the limit values provided for in Articles 4 and 5 apply.

2 For the purposes of checking compliance with the said limit values the sampling and analysis procedures and methods shall be in conformity with those described in the Annex or with any other procedure or method which gives equivalent results.

3 Member States shall notify to the Commission the procedures and methods they are using together with the information relevant to assess the pertinence of such procedures and methods. On the basis of this information, the Commission will keep under review the equivalence of the different procedures and methods and report to the Council five years after notification of the Directive.

Article 7

Member States shall take the measures necessary to ensure that:

— activities involving the working of products containing asbestos do not cause significant environmental pollution by asbestos fibres or dust,

— the demolition of buildings, structures and installations containing asbestos and the removal therefrom of asbestos or materials containing asbestos involving the release of asbestos fibres or dust do not cause significant asbestos environmental pollution; to that end they shall satisfy themselves that the plan of work provided for in Article 12 of Directive 83/477/EEC prescribes the introduction of all the necessary preventive measures to this end.

Article 8

Without prejudice to Directive 78/319/EEC[(2)], as last amended by the 1985 Act of Accession, Member States shall take the measures necessary to ensure that:

— in the course of the transport and deposition of waste containing asbestos fibres or dust, no such fibres or dust are released into the air and no liquids which may contain asbestos fibres are spilled,

— where waste containing asbestos fibres or dust is landfilled at sites licensed for the purpose, such waste is so treated, packaged or covered, with account being taken of local conditions, that the release of asbestos particles into the environment is prevented.

Article 9

A Member State may, in order to protect health and the environment, introduce provisions which are more stringent than those of this Directive, in compliance with the conditions laid down by the Treaty.

Article 10

The procedure provided for in Articles 11 and 12 is established for the adaptation of the Annex to technical progress and shall be followed for any modification of the methods of sampling and analysis mentioned in the Annex. This adaptation must not result in any direct or indirect modification of the limit values indicated in Articles 4 and 5.

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Article 11

A Committee for the adaptation of this Directive to scientific and technical progress, hereinafter called 'the Committee', consisting of representatives of the Member States and chaired by a representative of the Commission, is hereby set up.

[F1. . . . .]

Textual Amendments

F1 Deleted by Council Regulation (EC) No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity).

[F2Article 12

1 The Commission shall be assisted by the Commitee for the adaptation of this Directive to scientific and technical progress.

2 Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC(3) shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The commitee shall adopt its rules of procedure.]

Textual Amendments

F2 Substituted by Council Regulation (EC) No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity).

Article 13

F3[1 . . . . . .

2 Where necessary, in the light of the evolution of knowledge in the medical field and that of technological progress, the Commission shall submit further proposals aimed at preventing and reducing pollution by asbestos in the interests of the protection of human health and the environment.

Textual Amendments

F3 Deleted by Decision (EU) 2018/853 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.

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Article 14

1 Subject to paragraph 2, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1988. They shall forthwith inform the Commission thereof.

2 Member States shall adopt and publish the provisions necessary to comply with Articles 4 and 5 as soon as possible and in any case not later than 30 June 1991 for plants built or authorized before the date given in paragraph 1.

3 Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 15

This Directive is addressd to the Member States.