



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Protecting the Natural Environment
ENV.B.3 – Biotechnology, Pesticides and Health

Brussels, 27. 07. 2007
JH/pw D(2007)14027

Secretariat of the Rotterdam
Convention (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy

Subject: Follow-up to Decision RC-3/3 Inclusion of Chrysotile asbestos in Annex III to the Convention

The Conference of the Parties at its third meeting was not able to reach consensus on whether to list chrysotile asbestos in Annex III.

The Conference of the Parties however encouraged Parties to make use of all available information on chrysotile asbestos to assist others, in particular developing countries and countries with economies in transition, to make informed decisions regarding the import and management of chrysotile asbestos and to inform other Parties of those decisions using the information exchange provisions laid down in Article 14.

We very much appreciate that you already published a substantial amount of information on the website of the Convention on chrysotile asbestos which forms a good basis for informed decisions by Parties as called for by the COP. This information includes the draft Decision Guidance Document on chrysotile asbestos, the compiled data on a CD provided to all Designated National Authorities following INC.10, as well as the executive summary of the World Health Organization Workshop on Mechanisms of Fibre Carcinogenesis and Assessment of Chrysotile Asbestos Substitutes, both available on the PIC website.

In addition to this general information we would like to inform other Parties about the regulatory status of chrysotile asbestos in the EU (Annex).

We would like to ask the Secretariat to make this information available to other Parties under the information exchange provisions in Article 14. This could be best achieved by creating a special chapter in the PIC Circular that would be maintained and updated by the Secretariat when other Parties submit similar information. The introduction to the chapter in the PIC Circular should, as the section on the PIC website, include a reference to the COP decision, recall the available information on chrysotile and where it can be found, where available including electronic links.

Yours sincerely,



L. YLA-MONONEN
DNA for the European Community

Encl.

Regulatory status of chrysotile asbestos in the EU

Annex

Regulatory status in the EU:

The placing on the market and use of chrysotile fibres and products containing these fibres added intentionally are prohibited (ref. Directive 1999/77/ E.C. of 26.7.1999 (Official Journal of the European Communities (OJ) L207 of 6.8.99, p.18) adapting to technical progress for the sixth time Annex 1 to Directive 76/769/EEC of 27.7.1976 (OJ L 262 of 27.9.1976, p.24)). A consolidated version of the provisions of that Directive is available at the following website:

http://ec.europa.eu/enterprise/chemicals/legislation/markrestr/consolid_1976L0769_en.pdf.

The relevant provisions on asbestos are in point 6 of the Annex.

The placing on the market and use of chrysotile may be allowed by Member States for diaphragms for existing electrolysis installations until they reach the end of their service life, or until suitable asbestos-free substitutes become available, whichever is the sooner. This derogation will be reviewed before 1 January 2008.

The use of products containing asbestos fibres that were already installed and/or in service before the implementation date of Directive 1999/77/ EC by the Member State concerned continues to be authorised until they are disposed of, or reach the end of their service life. However, Member States may, for reasons of protection of health, prohibit within their territory the use of such products before they are disposed of or reach the end of their service life.

Council Directive 87/217/EEC (OJ L 85, 28.3.1987, p.40), as last amended by Council Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36) on the prevention and reduction of environmental pollution by asbestos lays down detailed provisions on emissions and release of asbestos. The consolidated text of the Directive is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:01987L0217-19911223:EN:NOT>.

Moreover, construction materials containing asbestos were classified as hazardous waste according to Commission Decision 2000/532/EC (OJ L 226, 6.9.2000, p.3) and have thus, as from 1 January 2002, to be disposed of in line with the obligations laid down in Council Directive 91/689/EEC (OJ L 377, 31.12.1991, p.20). The legal acts are available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000D0532:EN:NOT>.

Concerning the safety of workers, Council Directive 83/477/EEC (OJ L 263, 24.9.1983, p.25), as last amended by Council Directive 2003/18/EC (OJ L 97, 15.4.2003, p. 48) stipulates i.a. that employers shall ensure that no worker is exposed to an airborne concentration of asbestos (including chrysotile) in excess of 0.1 fibres per cm³ as an eight-hour time-weighted average (TWA).