

Transposition Table for Directive (EU) 2017/2398 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work – United Kingdom of Great Britain and Northern Ireland

Transposing Administration Key:

UK: United Kingdom of Great Britain and Northern Ireland

GB: Great Britain (England, Scotland, Wales)

NI: Northern Ireland

Article	Final Text	Transposition in UK
Article 1 (1)	(1) in Article 6, the following paragraph is added: 'The Member States shall take into account the information under points (a) to (g) of the first paragraph of this Article in their reports submitted to the Commission under Article 17a of Directive 89/391/EEC.';	Information under points (a) to (g) of Article 6 of Directive 2004/37/EC will be taken into account in any future reports by the UK to the European Commission submitted under Article 17a of Directive 89/391/EEC.
Article 1 (2) (a)	(2) Article 14 is amended as follows: (a) paragraph 1 is replaced by the following: '1. The Member States shall establish, in accordance with national law or practice, arrangements for carrying out relevant health surveillance of workers for whom the results of the assessment referred to in Article 3(2) reveal a risk to health or safety. The doctor or authority responsible for the health surveillance of workers may indicate that health surveillance must continue after the end of exposure for as long as they consider it to be necessary to safeguard the health of the worker concerned.';	<u>GB</u> - Already transposed by the existing Regulation 11 of the Control of Substances Hazardous to Health Regulations 2002 (SI 2002 No. 2677). <u>NI</u> - Already transposed by the existing regulation 11 (Health surveillance) of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (SR 2003 No. 34).
Article 1 (2) (b)	(2) Article 14 is amended as follows:	<u>GB</u> - Already transposed under the existing Regulation 9 of

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	<p>(b) paragraph 8 is replaced by the following:</p> <p>‘8. All cases of cancer identified in accordance with national law or practice as resulting from occupational exposure to a carcinogen or mutagen shall be notified to the competent authority.</p> <p>The Member States shall take into account the information under this paragraph in their reports submitted to the Commission under Article 17a of Directive 89/391/EEC.’;</p>	<p>the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (SI 2013 No. 1471).</p> <p><u>NI</u> - Already transposed under the existing Regulation 5 and Schedule 3 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 (SR 1997 No. 455).</p> <p>The information provided will be taken into account in any future reports by the UK to the European Commission submitted under Article 17a of Directive 89/391/EEC.</p>
Article 1 (3)	<p>the following Article is inserted:</p> <p>‘Article 18a</p> <p>Evaluation</p> <p>The Commission shall, as part of the next evaluation of the implementation of this Directive in the context of the evaluation referred to in Article 17a of Directive 89/391/EEC, also evaluate the need to modify the limit value for respirable crystalline silica dust. The Commission shall propose, where appropriate, necessary amendments and modifications related to that substance.</p> <p>No later than in the first quarter of 2019, the Commission shall, taking into account the latest developments in scientific knowledge, assess the option of amending the scope of this Directive to include reprotoxic substances. On that basis, the Commission shall present, if appropriate, and after consulting</p>	N/A

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	management and labour, a legislative proposal.’;	
Article 1 (4)	<p>in Annex I, the following point is added:</p> <p>‘6. Work involving exposure to respirable crystalline silica dust generated by a work process’;</p>	<p><u>GB</u> - Transposed by amending the entry for the approved Workplace Exposure Limit (WEL) for respirable crystalline silica in Table 1 of document “EH40/2005 Workplace Exposure Limits” to add a notation that this substance is a carcinogen. The information in Table 1 is legally binding.</p> <p><u>NI</u> - The amended entry for the approved Workplace Exposure Limit (WEL) for respirable crystalline silica in Table 1 of GB document “EH40/2005 Workplace Exposure Limits” to add a notation that this substance is a carcinogen will be formally approved for use in Northern Ireland. The information in Table 1 is legally binding.</p>
Article 1 (5)	Annex III is replaced by the text in the Annex to this Directive.	<p><u>GB</u> - The substances, occupational exposure limit values, and notifications contained in the revised Annex III have been transposed by adding/amending entries to the approved Workplace Exposure Limits (WELs) listed in the Table 1 of document “EH40/2005 Workplace Exposure Limits”. The information in Table 1 is legally binding. Regulation 7(7) of the existing Control of Substances Hazardous to Health Regulation 2002 (SI 2002 No. 2677) requires employers to ensure that approved WELs are not exceeded.</p> <p><u>NI</u> - The revised Annex III text has been transposed by adding/amending entries to the approved Workplace Exposure Limits (WELs) listed in the Table 1 of GB document “EH40/2005 Workplace Exposure Limits”. The information in Table 1 is legally binding and will be formally</p>

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		approved for use in Northern Ireland. Regulation 7(7) of the existing Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (SR 2003 No. 34) requires employers to ensure that approved WELs are not exceeded.
Article 2 (1)	<p>Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 January 2020. They shall immediately inform the Commission of the text of those measures.</p> <p>When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.</p>	N/A
Article 2 (2)	Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive.	N/A
Article 3	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	N/A
Article 4	This Directive is addressed to the Member States.	N/A