

30 November 2018

**BeST position statement on the 3<sup>rd</sup> review of the Carcinogens and Mutagens Directive**Introduction

In the frame of the current EU discussions on the 3<sup>rd</sup> batch of substances under the Carcinogens and Mutagens Directive (CMD), the Employment Committee in the European Parliament recently voted in favour of its report and adopted the decision to enter into interinstitutional discussions.

In view of the upcoming adoption of the Council's General Approach on the dossier and of the interinstitutional negotiations, BeST would like to bring to your attention the following key observations:

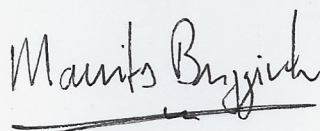
General Observations

- The CMD is not the adequate framework to assign substance notations and these should not be included therein. **The correct instrument to modify the classification of any substance is the CLP legislation.**
- **The classification of substances in the CMD should be determined on the basis of EU legislation, specifically the CLP legislation, and not on non-EU sources, specifically IARC monographs.** Indeed, the two classification systems are not equivalent nor aligned and may have contrasting classifications for different substances.

Beryllium-specific observations:

- Available scientific evidence clearly demonstrates that the transitional OEL of **0.0006 mg/m<sup>3</sup>** is **protective of workers, technically and economically feasible in most industries, and therefore should be adopted as the final OEL for Beryllium.**
- **A transitional period of seven years instead of five should be preferred.** This will give relief to SMEs who will have the advantage of a longer period to adopt investment schemes to comply with the lower OEL, at least for those processes identified during the impact assessment for which such a low OEL is technically and economically feasible.
- Prior to the end of the transitional period, **a mandatory public review should be conducted to assess the effective implementation of the transitional OEL and resulting protection of workers, thus verifying if a lower OEL is deemed necessary.**

We remain at your disposal to discuss the above-points and for any further assistance.



Maurits Bruggink  
Director EU Affairs  
Beryllium Science & Technology Association