



Notification Number: 1996/423/F

Draft decree banning asbestos

Date received : 30/10/1996
End of Standstill : Closed
Issue of comments by : Austria
Invocation of the Emergency Procedure : Yes

Message

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EUROPEAN FREE TRADE ASSOCIATION
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TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (96) D/51933/2



DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC
TRANSLATION OF TELEX 001
NOTIFICATION 96/0423/F

- 3B1 : 9601933.EN

1. Structured Information Line

TLX 002 IND- 96 0423 F-- EN ----- 961030 --- ---

2. Member State

France

3. Department Responsible

Secretariat general interministeriel pour les questions de
cooperation economique Europeenne - 2Bd. Diderot - 75012
Paris

Delegue Interministeriel aux Normes - 22 rue Monge - 75005
Paris

3. Originating Department

Ministere du Travail et des Affaires Sociales
Direction des relations du travail - CT4 -
1 Place Fontenoy - 75700 Paris

4. Notification Number

96/423/F

5. Title

Draft decree banning asbestos

6. Products Concerned

Asbestos

7. Notification Under Another Act

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8. Main Content

The aim of the draft decree is to ban asbestos or any material or product containing asbestos in the context of professional and also commercial use, thus involving the manufacturing, holding with a view to selling, putting on sale, selling, importing or indeed transferring in whatever form.

The principle of a ban is nevertheless accompanied by the possibility of extremely limited exceptions. These may only be authorised if the following two criteria are met (Article 2):

1. Given the current state of scientific knowledge, the risk



to the health of employees working with asbestos substitutes is not less than that of asbestos.

2. The use of substitutes does not give equivalent guarantees in terms of safety of use (seal tightness, for example).

The list of the exceptions authorised on the basis of this two-fold criteria is set in the draft order which accompanies the present text.

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Given the effect of technological and scientific advances on the reliability of asbestos substitutes, Article 3 of the draft states that a declaration should be made each year by the head of the establishment concerned confirming that it is impossible to avoid maintaining the exception in the light of the state of technology.

Annual revision of the list of exceptions is provided for within the framework of the Upper Council for the Prevention of Employment Hazards, a consulting organisation acting for the Ministry of Employment.

9. Brief Statement of Grounds

On 3 July 1996 the government, acting on the basis of the conclusions of the report which was drawn up at its request by the National Institute for Health and Medical Research, set out the principle of banning asbestos as from 1 January 1997. This ban is accompanied with extremely limited and strictly demarcated exceptions in order to ensure employee and consumer protection.

10. Reference Documents - Basic Texts

a) List of reference documents:

- Employment Code and particularly Articles L231-1, L231-2 and L231-7 thereof;
- Consumer Code and particularly Article L221-3 thereof;
- Decree 96-98 of 7 February 1996 relating to the protection of employees against the risks from inhaling asbestos dust;
- Amended decree no. 88-466 of 28 April 1988 relating to products containing asbestos.

b) -

c) Substance references:

Case no. 132207-33-1

132207-32-0

12172-73-5

77536-66-4

77536-68-6



77536-67-5

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Urgency procedure requested with a view to a total ban:

The results on the toxicity of asbestos collectively obtained by INSERM specialists at the request of the public authorities call for rapid decisions to be implemented as soon as possible on the grounds of public health and health in the workplace.

Urgency procedure requested and granted on 7.7.96 (no. 96/0259/F) for an initial extension of the ban (Decree of 26.07/96).

13. Confidentiality

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14. Fiscal measures

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D. WILLIAMSON
COMEUR
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