

Communication proposal:

In order to prevent or reduce exposure to carcinogens, mutagens and reprotoxic substances, Directive 2004/37/EC establishes out a hierarchy of technical and organisational measures. In this context, personal protective equipment (PPE), in particular individual respiratory protection equipment, should be used as a last resort.

To ensure their full effectiveness, PPE should be selected to be appropriate for the risks involved, without itself creating any additional risk. It should correspond to the existing conditions at the workplace, take account of ergonomic requirements and the worker's state of health and fit the wearer correctly after any necessary adjustment, in accordance with Article 4 and 5 of Directive 89/656/EEC. PPE should also comply with the relevant Union provisions on design and manufacture with regards to safety and health, in particular Regulation (EU) 2016/425.

In addition, it is necessary to ensure that PPE is maintained in good working order and satisfactory hygienic condition through the necessary maintenance, repair and replacement measures. Since the use of PPE, mainly respiratory protective equipment and protective coveralls, may have an impact on workers' health it should be assessed if additional breaks are necessary.

As a consequence, two provisions have been added into CMRD VI to address these issues:

- The first provision clarifies that “individual protection measures” referred to in article 5 “Prevention and reduction of exposure” (5) point g include PPE and that they should be used in the respect of the hierarchy of control and Directive 89/656/EEC.
- Article 10 “hygiene and individual protection” is supplemented by a provision addressing the impact of PPE workers' health. Where the employer identifies that PPE is required in accordance with hierarchy of control, he shall assess the need for breaks based on the assessments of risks to safety and health at work and, where appropriate, determine their duration and frequency. Breaks resulting from the wearing of PPE may be combined with the rest breaks provided by the Working Time Directive 2003/88/EC