

CALL FOR EVIDENCE FOR AN IMPACT ASSESSMENT

TITLE OF THE INITIATIVE	Asbestos screening, registering and monitoring
LEAD DG (RESPONSIBLE UNIT)	DG GROW (H1)
LIKELY TYPE OF INITIATIVE	A legislative proposal on the screening and registration of asbestos in buildings
INDICATIVE TIMETABLE	Q2-2023
ADDITIONAL INFORMATION	-

This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described, including its timing, are subject to change.

A. Political context, problem definition and subsidiarity check

Political context

Asbestos has long been recognised as a danger to the environment and to health. Occupational exposure to asbestos is known to contribute to cancer. 78% of cancers recognised as occupational cancer in the EU are related to asbestos. The occupational exposure of workers is addressed by the [Asbestos at Work Directive 2009/148/EC](#), which lays down strict obligations on employers in terms of protection of workers, planning and training. The directive sets the obligation to assess the presence of asbestos before any activity likely to involve a risk of exposure (including activities before renovation works commence), but this does not fully address the environmental and health risks of asbestos that can affect all citizens and not only workers.

On 20 October 2021 the European Parliament adopted a resolution with recommendations to the Commission on protecting workers from asbestos ([2019/2182\(INL\)](#)). The resolution calls on the Commission to present a European strategy for the removal of all asbestos, including the mandatory screening of asbestos in buildings and national asbestos registries. In its response letter of 19 January 2022, the Commission committed to follow up on the resolution appropriately. The Commission informed about its intention to present a legislative proposal in 2023 on the screening and registration of asbestos in buildings in [the letter of intent](#) accompanying the State of the Union address 2022. It outlined it further in the Commission "[Communication on working towards an asbestos-free future: a European approach to addressing the health risks of asbestos](#)", adopted on 28 September 2022.

Problem the initiative aims to tackle

The initiative aims at tackling the environmental and related health risks of the use of asbestos in buildings. Asbestos is a cancer-causing, regulated substance; [its EU ban took effect in 2005](#). However, the use of products containing asbestos fibres, which were already installed and/or in service before 1 January 2005, remains permitted until they are disposed of or reach the end of their service life (unless Member States have provided otherwise). Until the ban, asbestos was widely used in construction products across the EU. Given that over 220 million building units (85% of all units) in the EU were built before 2005, it is very likely that a significant part of our current building stock contains asbestos.

The environmental exposure to asbestos occurs when asbestos-containing materials are disturbed, as fibres may be released into the air. The deterioration over time of some asbestos products may also lead to fibres being released. Asbestos can remain in the air for a long time and because it does not break down or biodegrade, such environment poses a risk to humans and potentially animals. There is evidence that environmental human exposure to asbestos from man-made and natural sources can cause diseases as mesothelioma, asbestosis and lung cancer, and animals can potentially also suffer. Asbestos exposure is responsible for 92% of all mesothelioma cases in the EU.

Since asbestos is found mainly in construction materials, and these materials are subject to substantial change during renovation works, the construction sector deserves special attention when developing protection measures. If renovation works are carried out by workers without sufficient specific knowledge or training on asbestos, this creates additional risk to building users and neighbours. A principal challenge in addressing asbestos in the building stock is the lack of knowledge on whether the buildings contain asbestos. Mandatory asbestos screening exists only in few Member States. There is a lack of coherent strategies tackling asbestos at national level. There is also a lack of coherent and useful tools to share the information about the asbestos presence in buildings, as

national asbestos registries are almost non-existing. The late identification of asbestos-containing materials may delay renovations, demolitions and economic transactions like buying and selling. Finding these materials unexpectedly could lead to the accidental release of asbestos fibres, a potentially severe risk for workers, building users and neighbours.

Basis for EU action (legal basis and subsidiarity check)

Legal basis

Depending on the content of the legal instrument(s) of this initiative, the following legal bases could be appropriate: Articles 191 and 192 TFEU (environment), Article 114 TFEU (internal market).

Practical need for EU action

The presence of asbestos is an EU-wide concern. Easily accessible and transparent information about the presence of asbestos in a building is critical to minimise the risks of exposure and facilitate the removal of asbestos. In the absence of EU action, there is a high likelihood of growing disparities regarding national actions for asbestos screening, registration and possible asbestos removal leading to different levels of protection. The information about the asbestos presence in individual buildings will inform the establishment of national asbestos removal strategies across the Union. Such national strategies will ensure a coordinated approach, therefore an increased and comparable level of transparency and will subsequently contribute to a safer environment for EU citizens. The action is especially important in light of [the European Green Deal](#) and [the Renovation Wave Strategy](#) objectives, aiming at doubling the annual building renovation rate. This renovation effort, in the absence of adequate measures for addressing the presence of asbestos in buildings, could result in a significant increase of the number of people exposed to asbestos fibres.

B. Objectives and policy options

The initiative aims to contribute to a safe environment with positive impact on human health. It will contribute to an asbestos-free built environment in the long term, removing the threats of asbestos and supporting the green transition. The specific objectives of the initiative are to (1) gain comprehensive evidence about the presence of asbestos in buildings, and (2) make this information available through registries that would be (3) the basis for the safe removal of asbestos taking into account the risks to air pollution.

The Commission is going to assess different types of action:

Non legislative action:

The EU could continue to advocate for transparency about the presence of asbestos in buildings and its removal. The Commission could issue guidance on relevant issues, while it would remain within the domain of the Member States to take any regulatory measures in the area. Member States would be responsible for the evidence they collect, how it will be made available, and whether to develop strategies for the removal of asbestos. No coherence amongst Member States would be ensured.

Legislative action:

The Commission could put forward a legislative proposal aiming towards an asbestos-free built environment with positive impacts on the environment and human health. It could contain obligations for the screening and registration of asbestos in buildings and for the development of national strategies for asbestos removal. Various measures could be combined to ensure a high level of protection at a proportionate cost.

First, an **obligation to screen** buildings would generate information for the prevalence of asbestos, a prerequisite for further action. The screening could be linked to specific economic transactions or other pivotal moments in the life-cycle of a building, or be implemented within a certain period. The selection of the buildings to be screened could also vary – it could focus on private and/or public buildings, on dwellings and/or other type of buildings (e.g. administrative buildings, schools, etc.), on buildings built or renovated in a specific period. The choice will influence the speed of the information collection.

Second, the form of **registration** could be left to the Member States; digitalisation could be required as well as a format that allows access to, exchange of and common analysis of data. It could be a single-purpose tool (for asbestos only) or multi-purpose (a logbook) that could be based on an EU model of a Building Digital Logbook.

Third, the **national strategies** could create a framework for the removal of asbestos. The proposal could contain some minimum elements, while fully respecting national building codes and circumstances. The extent of minimum requirements will influence the coherence of the strategies.

C. Likely impacts

The initiative will entail compliance costs for organising and carrying out the screening, setting up the registries and developing national strategies. Those may fall upon different operators, state or local authorities, owners, tenants, or economic operators, depending on the solutions adopted and their transposition into the national legal framework. They partially overlap with the compliance costs of the [Asbestos at Work Directive 2009/148/EC](#).

Small and medium-sized enterprises (SMEs) would not be specifically affected, but in the same manner as other owners of or tenants in buildings.

The screening and asbestos removal will present a business opportunity for specialised construction companies and laboratories (including SMEs) as well as for manufacturers of relevant equipment. The construction companies specialised in asbestos will profit from the increased screening demand and potential subsequent asbestos removal. The increased demand will stimulate the growth of such companies and will attract new entrants to this specific construction domain.

If a multi-purpose registry (e.g., using Building Digital Logbook) for the screening results is created, it may lead to creating a business case and accelerate the digitalisation of the construction ecosystem, foster transparency and trust in the ecosystem and encouraging a wider collection and use of data.

A knowledge base on the presence of asbestos in buildings will allow for the long-term removal of asbestos. The national strategies will ensure a similar approach across the EU, and therefore an increased and comparable level of transparency that subsequently contributes to a safer environment and higher protection for EU citizens.

D. Better regulation instruments

Impact assessment

An impact assessment will be prepared to identify problems in detail, set out the policy options and assess their likely positive and negative impacts. The impact assessment will help identify the most proportionate combination of measures.

Evidence and data to be used in the impact assessment will include a study, collecting up-to-date information to support the analysis and the feedback from several consultation activities, as outlined below.

Consultation strategy

The preparation of the proposal will include a broad consultation strategy.

The wide public will be consulted via a public consultation published on the Commission's central [Have your Say web portal](#). The public consultation will be launched in parallel with the 'Call for evidence'. The questionnaire will be available in the 24 official EU languages and allow for replies in all those languages. A factual summary report will be published on the consultation page within eight weeks of closing of the public consultation.

Additional consultation activities will be carried out to collect the specific views of different categories of stakeholders, for instance through questionnaires, interviews or workshops. A questionnaire was already sent to Member States to gather initial information about their approaches. Based on their replies and a review of available information, stakeholders to interview will be selected. In November, a webinar will be organised for the High Level Construction Forum, to seek the views of construction ecosystem stakeholders. A workshop to collect the views of the different categories of stakeholders is planned for December 2022/January 2023.

A synopsis report, a summary of all consultation results, will be annexed to the impact assessment.

Why we are consulting?

The consultation activities give stakeholders an opportunity to share their views on the envisaged initiative. The aim of the consultation is to gather views and evidence from interested/affected parties, to inform the preparation of the initiative.

Target audience

All citizens and organisations are welcome to contribute to the consultation. The Commission seeks to gather input from a broad range of stakeholders, including:

- owners of buildings, tenants;
- national (regional, local) authorities;
- construction companies and associations, equipment manufacturers;
- construction workers;
- Non-Governmental Organisations representing civil society; EU and national consumer associations;
- associations representing industry, businesses and professionals;
- businesses, including SMEs;

- social partners;
- academic experts.