

Legnica, 28th October 2025

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Position of the Polish Copper Employers' Association on Proposal for a Directive of The European Parliament and of The Council amending Directive 2004/37/EC as regards the addition of substances and setting limit values in its Annexes I, III and IIIa (SEC(2025) 217 final} - {SWD(2025) 191 final} - {SWD(2025) 192 final} - {SWD(2025) 193 final}) – explanatory memorandum.

Response of Polish Copper Employers' Association to the public consultation on Proposal for a Directive of The European Parliament and of The Council amending Directive 2004/37/EC as regards the addition of substances and setting limit values in its Annexes I, III and IIIa – Protecting workers against cancer-causing substances at work (COM(2025) 418 final) - 2025/0232 (COD)

Title of the initiative: Protecting workers against cancer-causing substances at work – Proposal for a Directive of The European Parliament and of The Council amending Directive 2004/37/EC as regards the addition of substances and setting limit values in its Annexes I, III and IIIa – 2025/0232 (COD); Commission adoption Type of act: Proposal for a directive - COM(2025)418

Ms Mirosława Brzostek-Kleszcz
Deputy Director of the Department of Labor Law
Ministry of Family, Labor and Social Policy

**Dear Director,
Dear Madams or Sirs**

Please find attached the position of the Polish Copper Employers' Association on the draft directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens, mutagens or reprotoxic substances at work (sixth amendment of the directive) – COM(2025) 0418 final, together with the explanatory memorandum.

The Polish Copper Employers' Association is the employers' organization, independent in its operations from state and local government authorities and administration, as well as other organizations. Our organization brings together over 120 employers, employing nearly 38,000 employees. The Association was founded by KGHM Polska Miedź S.A., and our members also include private entities, particularly those in the small and medium-sized enterprise sector, as well as local government companies with no financial ties to the KGHM Group. For nearly 30 years, the Association has been monitoring and reviewing draft legislation relevant to the economy, protecting the rights and representing the interests of employers and entrepreneurs. Polish Copper Employers' Association: Transparency register: TR ID 308627025380-23

The Polish Copper Employers' Association would like to comment on the preparation by the European Commission Proposal for a Directive of The European Parliament and of The Council amending Directive 2004/37/EC as regards the addition of substances and setting limit values in its Annexes I, III and IIIa (SEC(2025) 217 final} - {SWD(2025) 191 final} - {SWD(2025) 192 final} - {SWD(2025) 193 final}).

We sincerely appreciate the addition of **underground mining of non-ferrous metal ores** to the list of sectors covered by the 6-year transition period for the OEL level for polycyclic aromatic hydrocarbons (PAHs), and consideration of this request in the contribution to the Polish position paper submitted by the Ministry of Family, Labor, and Social Policy. Our request is related to the

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necessity of replace mining machinery with those that meet the STAGE5 emission standard and eliminate older units from the machinery pool (particularly those below STAGEIIIB, which are characterized by higher hydrocarbon emissions). Non-ferrous metal mining has thus far relied on diesel-powered machinery, and changing the machinery pool will be a costly and lengthy process. Therefore, including underground mining of non-ferrous metal ores in the transition period is particularly important to us.

The analysis of the draft directive and the attached documents (annex, summary of the impact assessment report) allowed us to prepare the comments attached below.

The Polish Copper Employers' Association brings together entities from the mineral resources industry (including mining and metallurgical companies) and represents their interests, , in accordance with the Act on Employers' Organizations.

Our member entity is KGHM Polska Miedź S.A. (KGHM) - one of the world's leading companies involved in the extraction and production of copper and silver. The company also produces other associated metals, which results from the properties of the polymetallic deposit it exploits. KGHM's most important and largest production facilities are located in Lower Silesia, Poland.

Taking advantage of the opportunity to submit our organization's position as part of the public consultation on the OEL values for polycyclic aromatic hydrocarbons (PAHs), **we request that the underground mining of non-ferrous metals be added to the list of sectors covered by the 6-year transition period for the NDS set for PAHs.**

In KGHM Polska Miedź S.A. is used over 1,200 diesel-powered machines. In order to comply with the new requirements, our member companies have been working for a long time to prepare ourselves as best as possible for the required changes and, above all, to ensure safe working conditions for our employees exposed to diesel engine exhaust fumes, which are a source of polycyclic aromatic hydrocarbon emissions.

The application for inclusion in the list of sectors covered by the 6-year transition period for OEL for PAHs results from the ongoing process at our members (in particular KGHM) of replacing diesel-powered machines with those that meet the STAGE V emission standard and eliminating older units from the machine park (especially those below STAGE IIIB, which are characterised by higher hydrocarbon emissions). Underground mining of non-ferrous metals relies on the use of diesel-powered machinery. Replacing the machine park and replacing machines with modern engines that emit less exhaust fumes is a costly and lengthy process, which is why the 6-year transition period for the underground mining of non-ferrous metals is particularly important to us.

We kindly ask you to consider the proposals, comments, and arguments presented in this position when finalizing the draft legislation, either at a later stage of the legislative process or in the event of future amendments. We are open to substantive discussions regarding modifications to the proposed provisions at a later stage of the legislative process.

Yours faithfully

Jarosław Dudkowiak
CEO & President of the Management Board of the Polish Copper Employers' Association

This position is based on expert opinions and reports from member entities of the Polish Copper Employers' Association.