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'I/A' ITEM NOTE

From: Presidency

To: Permanent Representatives Committee (Part 2)/Council

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No. Cion doc.: COM (2016) 799 FINAL ; COM(2016)799 FINAL/2

Subject: Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union

- General Approach
- Section III "Humanitarian Aid and Civil Protection" and Section IV "Employment, Social Affairs and Inclusion"

III. HUMANITARIAN AID AND CIVIL PROTECTION

7. Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid¹

Since its adoption in 1996, no measures have ever had to be adopted by the Commission in accordance with the regulatory procedure with scrutiny in order to amend non-essential elements of Regulation (EC) No 1257/96. There does not seem to be any foreseeable need to do so in the future. The possibility to adopt implementing measures in accordance with the regulatory procedure with scrutiny should therefore be removed from Regulation (EC) No 1257/96, without there being a need to empower the Commission to adopt delegated **or implementing** acts in accordance with, **respectively**, Articles 290 **and 291** of the Treaty.

Accordingly, Regulation (EC) No 1257/96 is amended as follows:

(1) in Article 15, paragraph 1 is deleted;

(2) in Article 17, paragraph 4 is deleted.

¹ OJ L 163, 2.7.1996, p. 1.

IV. EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

8. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work²

[...]

There is no need to empower the Commission to amend the Annex to Directive 89/391/EEC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 89/391/EEC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 89/391/EEC is amended as follows:

[...]

(1a) Article 16(2) is deleted;

(2) Article 17 is deleted.

[...]

² OJ L 183, 29.6.1989, p. 1.

9. **Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)**³

In order to take account of technical harmonisation and standardisation of the design, manufacture or construction of parts of workplaces, technical progress, changes in international regulations or specifications and knowledge with regard to the workplaces, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...] the Annexes to Directive 89/654/EEC**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-Institutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003⁴.

³ OJ L 393, 30.12.1989, p.1.

4. **Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).**

Accordingly, Directive 89/654/EEC is amended as follows:

(1) Article 9 is replaced by the following:

"Article 9
Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 9a **introducing strictly technical amendments to [...] the Annexes**, in order to take account of technical harmonisation and standardisation of the design, manufacture or construction of parts of workplaces, technical progress, changes in international regulations or specifications and knowledge with regard to workplaces.

[...]"

(2) the following Article [...] is inserted:

"Article 9a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

10. Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)⁵

In order to take account of technical harmonisation and standardisation, technical progress, changes in international regulations or specifications and knowledge with regard to personal protective equipment, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]** the Annexes to Directive 89/656/EEC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁵ OJ L 393, 30.12.1989, p. 18.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003⁶.

Accordingly, Directive 89/656/EEC is amended as follows:

(1) Article 9 is replaced by the following:

"Article 9
Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 9a **introducing strictly technical amendments to [...]** the Annexes, [...], in order to take account of technical harmonisation and standardisation relating to personal protective equipment, technical progress, changes in international regulations or specifications and knowledge in the field of personal protective equipment.

[...]"

(2) the following Article [...] **is** inserted:

"Article 9a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

⁶ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

11. Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)⁷

In order to take account of technical progress, changes in international regulations or specifications and knowledge with regard to manual handling of loads where there is a risk particularly of back injury to workers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...] the Annexes to Directive 90/269/EEC [...]**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003⁸.

Accordingly, Directive 90/269/EEC is amended as follows:

(1) Article 8 is replaced by the following:

⁷ OJ L 156, 21.6.1990, p. 9.

⁸ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

"Article 8
Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 8a **introducing strictly technical amendments to [...]** the Annexes in order to take account of technical progress, changes in international regulations or specifications and knowledge in the field of the manual handling of loads.

[...]"

(2) the following Article [...]is inserted:

"Article 8a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission [...]for a period of 5 years from [date of entry into force of this Regulation]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law [...]*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

12. Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)⁹

In order to take account of technical progress, changes in international regulations or specifications and knowledge with regard to display screen equipment, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to** [...] the Annex to Directive 90/270/EEC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003¹⁰.

Accordingly, Directive 90/270/EEC is amended as follows:

(1) Article 10 is replaced by the following:

⁹ OJ L 156, 21.6.1990, p. 14.

¹⁰ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

"Article 10
Amendments to the Annex

The Commission is empowered to adopt delegated acts in accordance with Article 10a **introducing strictly technical amendments to [...]** the Annex, [...] in order to take account of technical progress, developments in international regulations or specifications and knowledge in the field of display screen equipment.

[...]"

(2) the following Article [...]is inserted:

"Article 10a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

13. Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels¹¹

In order to take account of technical progress, changes in international regulations or specifications and new findings with regard to medical treatment on board vessels, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]** the Annexes to Directive 92/29/EEC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional **of 13 April 2016** Agreement on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003¹².

Accordingly, Directive 92/29/EEC is amended as follows:

¹¹ OJ L 113, 30.4.1992, p. 19.

¹² Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

(1) Article 8 is replaced by the following:

"Article 8
Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 8a **introducing strictly technical amendments to [...]** the Annexes, [...] in order to take account of technical progress or changes in international regulations or specifications and new findings concerning medical treatment on board vessels.

[...]"

(2) the following Article [...]is inserted:

"Article 8a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

14. Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)¹³

In order to take account of technical harmonisation and standardisation technical progress, changes in international regulations or specifications and knowledge with regard to temporary or mobile construction sites, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]** Annex IV to Directive 92/57/EEC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹³ OJ L 245, 26.8.1992, p. 6.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003¹⁴.

Accordingly, Directive 92/57/EEC is amended as follows:

(1) Article 13 is replaced by the following:

"Article 13
Amendments to Annex IV

The Commission is empowered to adopt delegated acts in accordance with Article 13a **introducing strictly technical amendments to [...] Annex IV [...]** in order to take account of technical harmonisation and standardisation regarding temporary or mobile construction sites, as well as technical progress, changes in international regulations or specifications or knowledge in the field of temporary or mobile construction sites.

[...]"

(2) the following Article [...] **is** inserted:

"Article 13a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

¹⁴ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

15. Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)¹⁵

In order to take account of technical harmonisation and standardisation, technical progress, changes in international regulations or specifications and knowledge with regard to safety and health signs at work, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]**the Annexes to Directive 92/58/EEC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003¹⁶.

Accordingly, Directive 92/58/EEC is amended as follows:

(1) Article 9 is replaced by the following:

¹⁵ OJ L 245, 26.8.1992, p. 23.

¹⁶ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

"Article 9
Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 9a **introducing strictly technical amendments to [...]** the Annexes, [...], in order to take account of technical harmonisation and standardisation concerning the design and manufacture of safety and/or health signs or devices at work, as well as technical progress, changes in international regulations or specifications and advances in knowledge in the field of safety and health signs or devices at work.

[...]"

- (2) the following Article [...] **is inserted:**

"Article 9a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

16. Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)¹⁷

In order to take account of technical harmonisation and standardisation, [...]technical progress, changes in international regulations or specifications and knowledge with regard to the mineral-extracting industries through drilling, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to** [...] the Annex to Directive 92/91/EEC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

* OJ L 123, 12.5.2016, p.1

¹⁷ OJ L 348, 28.11.1992, p. 9.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003¹⁸.

Accordingly, Directive 92/91/EEC is amended as follows:

(1) Article 11 is replaced by the following:

"Article 11
Amendments to the Annex

The Commission is empowered to adopt delegated acts in accordance with Article 11a **introducing strictly technical amendments to [...]** the Annex, [...], in order to take account of technical harmonisation and standardisation concerning the mineral-extracting industries through drilling, as well as technical progress, changes in international regulations or specifications and knowledge with regard to the mineral-extracting industries through drilling.

[...]"

(2) the following Article [...] **is** inserted:

"Article 11a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

¹⁸ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

17. Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)¹⁹

In order to take account of technical harmonisation and standardisation, technical progress, changes in international regulations or specifications and new findings concerning the surface and underground mineral-extracting industries, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]** the Annex to Directive 92/104/EEC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003²⁰.

Accordingly, Directive 92/104/EEC is amended as follows:

¹⁹ OJ L 404, 31.12.1992, p. 10.

²⁰ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

(1) Article 11 is replaced by the following:

"Article 11
Amendments to the Annex

The Commission is empowered to adopt delegated acts in accordance with Article 11a **introducing strictly technical amendments to [...]** the Annex, [...] in order to take account of technical harmonisation and standardisation concerning the surface and underground mineral-extracting industries, as well as technical progress, changes in international regulations or specifications and new findings concerning the surface or underground mineral-extracting industries.

[...]"

(2) the following Article [...] **is** inserted:

"Article 11a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

18. Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)²¹

[...]

There is no need to empower the Commission to amend the Annexes to Directive 93/103/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 93/103/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Article 12 of Directive 93/103/EC is deleted. [...]

[...]

* OJ L 123, 12.5.2016, p. 1

²¹ OJ L 307, 13.12.1993, p. 1.

19. Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work²²

In order to achieve adequate protection of young people at work and to take account of technical progress, changes in international [...] **rules** or specifications and [...] **advances in knowledge**, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to** [...] the Annex to Directive 94/33/EC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003²³.

Accordingly, Directive 94/33/EC is amended as follows:

(1) Article 15 is replaced by the following:

²² OJ L 216, 20.8.1994, p. 12.

²³ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

"Article 15
Amendments of the Annex

The Commission is empowered to adopt delegated acts in accordance with Article 15a **introducing strictly technical amendments to [...] the Annex, [...] in the light of technical progress, changes in international rules or specifications and advances in knowledge concerning the protection of young people at work."**;

- (2) the following Article [...] is inserted:

"Article 15a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

* OJ L 123, 12.5.2016, p. 1.";

20. Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)²⁴

In order to achieve adequate protection of workers from risks to their health and safety and to take account of technical harmonisation and standardisation, technical progress, changes in international standards or specifications and new findings concerning chemical agents, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]** the Annexes to Directive 98/24/EC [...], and to supplement that Directive by establishing or revising indicative occupational exposure limit values. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

24 OJ L 131, 5.5.1998, p. 11.

Accordingly, Directive 98/24/EC is amended as follows:

(1) in Article 3(2), the second subparagraph is replaced by the following:

"The Commission is empowered to adopt delegated acts in accordance with Article 12a **in order to supplement this Directive by establishing or revising the [...]** indicative occupational exposure limit values **referred to in the first subparagraph of this paragraph**, taking into account the availability of measurement techniques.

Member States shall keep workers' and employers' organisations informed of indicative occupational exposure limit values set at Union level.

[...]"

(2) in Article 12, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 12a **introducing strictly technical amendments to [...]** the Annexes, [...] in order to take account of technical harmonisation and standardisation concerning chemical agents, as well as technical progress, changes in international standards or specifications and new findings with regard to chemical agents.

[...]"

(3) the following Article [...] **is** inserted:

"Article 12a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in **the second subparagraph of Article 3(2) and Article 12(1)** shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in **the second subparagraph of Article 3(2) and Article 12(1)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...].
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to **the second subparagraph of Article 3(2)** and Article 12(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

21. Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)²⁵

[...]

There is no need to empower the Commission to amend the Annexes to Directive 1999/92/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 1999/92/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Article 10 of Directive 1999/92/EC is deleted. [...]

22. Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC)²⁶

²⁵ OJ L 23, 28.1.2000, p. 57.

²⁶ OJ L 262, 17.10.2000, p. 21.

In order to take account of technical progress, changes in international regulations or specifications and new findings with regard to exposure to biological agents, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...] Annexes II, III, IV and VII** to Directive 2000/54/EC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003²⁷.

There is no need to empower the Commission to amend Annexes I, V, VI, VIII and IX to Directive 2000/54/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2000/54/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 2000/54/EC is amended as follows:

(1) Article 19 is replaced by the following:

"Article 19
Amendments to [...]Annexes II, III, IV and VII

The Commission is empowered to adopt delegated acts in accordance with Article 19a **introducing strictly technical amendments to [...] Annexes II, III, IV and VII, [...]** in order to adapt them to technical progress, changes in international regulations or specifications and new findings in the field of exposure to biological agents.

[...]"

²⁷ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

- (2) the following Article [...] is inserted:

"Article 19a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 19 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 19 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 19 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

23. Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)²⁸

In order to take account of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and workplaces, technical progress, changes in harmonised European standards or specifications and new findings concerning mechanical vibration, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to** [...] the Annex to Directive 2002/44/EC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁸ OJ L 177, 6.7.2002, p. 13.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003²⁹.

Accordingly, Directive 2002/44/EC is amended as follows:

- (1) Article 11 is replaced by the following:

"Article 11
Amendments to the Annex

The Commission is empowered to adopt delegated acts in accordance with Article 11a **introducing strictly technical amendments to [...]** the Annex, [...] in order to take account of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and workplaces, technical progress, changes in harmonised European standards or specifications and new findings concerning mechanical vibration.

[...]"

- (2) the following Article [...] **is** inserted:

"Article 11a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

²⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

(3) Article 12 is deleted.

24. Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)³⁰

In order to take account of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and workplaces, technical progress, changes in harmonised European standards or specifications and new findings concerning noise, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to [...]** Directive 2003/10/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003³¹.

Accordingly, Directive 2003/10/EC is amended as follows:

- (1) Article 12 is replaced by the following:

"Article 12
Amendments to the Directive

The Commission is empowered to adopt delegated acts in accordance with Article 12a **introducing strictly technical amendments to [...]** this Directive in order to take account of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and workplaces, technical progress, changes in harmonised European standards or specifications and new findings concerning noise.

[...]"

- (2) the following Article [...] **is** inserted:

³⁰ OJ L 042, 15.2.2003, p. 38.

³¹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

"Article 12a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

(3) Article 13 is deleted.

25. Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)³²

In order to take account of technical progress, changes in international regulations or specifications and new findings with regard to carcinogens or mutagens, the power to adopt acts in accordance with Article 290 of the Treaty Union should be delegated to the Commission to **make strictly technical amendments to [...]** Annex II to Directive 2004/37/EC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

³² OJ L 158, 30.4.2004, p. 50.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003³³.

Accordingly, Directive 2004/37/EC is amended as follows:

- (1) Article 17 is replaced by the following:

"Article 17
Amendment of Annex II

The Commission is empowered to adopt delegated acts in accordance with Article 17a **introducing strictly technical amendments to [...]** Annex II, [...] in order to take account of technical progress, changes in international regulations or specifications and new findings with regard to carcinogens or mutagens.

[...]"

- (2) the following Article [...] **is inserted:**

"Article 17a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

³³ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

3. The delegation of power referred to in Article 17 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

26. Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)³⁴

In order to take account of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment or workplaces, technical progress, changes in harmonised European standards or international specifications and new scientific findings concerning occupational exposure to optical radiation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **make strictly technical amendments to** [...] the Annexes to Directive 2006/25/EC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003³⁵.

Accordingly, Directive 2006/25/EC is amended as follows:

³⁴ OJ L 114, 27.4.2006, p. 38.

³⁵ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

(1) Article 10 is replaced by the following:

"Article 10
Amendment of the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 10a **introducing strictly technical amendments to [...]** the Annexes, [...] in order to take account of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment or workplaces, technical progress, changes in harmonised European standards or international specifications and new scientific findings concerning occupational exposure to optical radiation. **Those amendments may not result in a modification of the exposure limit values set out in the Annexes.**

[...]"

(2) the following Article [...] is inserted:

"Article 10a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1.";

(3) Article 11 is deleted.

27. Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)³⁶

[...]

There is no need to empower the Commission to amend Annexes I and II to Directive 2009/104/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2009/104/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, **Article 11 of Directive 2009/104/EC is deleted.** [...]

[...]

28. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work³⁷

In order to take account of technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex I to Directive 2009/148/EC [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003³⁸.

Accordingly, Directive 2009/148/EC is amended as follows:

- (1) Article 9 is deleted;
- (2) in Article 18, paragraph 2 is replaced by the following:

"2. An assessment of each worker's state of health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work.

That assessment shall include a specific examination of the chest. Annex I gives practical recommendations to which the Member States may refer for the clinical surveillance of workers. The Commission is empowered to adopt delegated acts in accordance with Article 18a amending Annex I, [...] to adapt it to technical progress.

[...]

³⁷ OJ L 330, 16.12.2009, p. 28.

³⁸ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

A new assessment must be available at least once every 3 years for as long as exposure continues.

An individual health record shall be established in accordance with national laws and/or practices for each worker referred to in the first subparagraph.";

(3) the following Article[...] 18a [...] is [...] inserted:

"Article 18a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 18(2) shall be conferred on the Commission [...] **for a period of 5 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 18(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement **of 13 April 2016** on Better Law-Making [...]*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 18(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

[...]

* OJ L 123, 12.5.2016, p. 1."