

## Transposition Schedule

**Council Directive 83/477/EEC of 19 September 1983 as amended by Council Directive 91/382/EEC of 25 June 1991 and as amended by Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003 on the protection of workers from the risks related to exposure to asbestos at work as transposed through the Draft Safety, Health and Welfare at Work (Protection of Employees) (Exposure to Asbestos) Regulations 2006**

<b>Directive 83/477/EEC as amended by Directive 91/382/EEC and as amended by Directive 2003/18/EC</b>	<b>Provision of Safety, Health and Welfare at Work (Protection of Employees) (Exposure to Asbestos) Regulations 2006</b>	<b>Comment/Title</b>
<p><b>Article 1 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 1.1 – Aim of Directive</p> <p>Article 1.2 – Deleted</p> <p>Article 1.3 – Right of Member States to apply provisions ensuring greater protection</p>	<p>None</p> <hr/> <p>None</p>	<p>No specific regulatory provisions necessary</p> <p>No specific regulatory provisions necessary</p>
<p><b>Article 2 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 2 – Definition of asbestos</p>	<p>Regulation 2(1) and Schedule 1</p>	<p>Meaning of “Asbestos”</p>
<p><b>Article 3 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 3.1 – Application of Directive</p> <p>Article 3.2 – Assessment of risk of exposure to asbestos</p> <p>Article 3.3 – Waiver of Articles 4, 15 and 16 in</p>	<p>Regulation 3</p> <p>Regulation 5(a) and Schedule 2</p> <p>Regulation 5(b)</p>	<p>Application</p> <p>General duties of employe and Measures to be taken to ensure the safety and health of employees</p> <p>General duties of employer</p>

<p>certain specified circumstances</p> <p>Article 3.3 bis – Member States’ practical guidelines re. sporadic and low intensity exposure</p> <p>Article 3.4 – Assessment of risk of exposure to asbestos subject of consultation</p>	<p>None</p> <hr/>	<p>No specific regulatory provisions necessary</p> <p>Sections 19 (Hazard identification and risk assessment) and 26 (Consultation and participation of employees, safety committees) of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), under which these Regulations are made refer.</p>
<p><b>Article 4 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 4. – Notification system etc.</p>	<p>Regulation 11 and Schedulle 3</p>	<p>Notification requirements</p> <p>Particulars to be notified to the Health and Safety Authority</p>
<p><b>Article 5 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 5 – Prohibition of spraying and other asbestos-related activities</p>	<p>Regulation 26</p>	<p>Prohibitions</p>
<p><b>Article 6 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 6 – Exposure to asbesto to be reduced to a minimum, and below the limit value</p>	<p>Regulation 9(1) and (2)</p>	<p>General measures relating to exposure to asbestos</p> <p>Schedule 2 - Measures to be taken to ensure the safety and health of employees – also refers</p>

<p><b>Article 7 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 7 – Measurement of asbestos fibres in air and sampling</p>	<p>Regulation 10</p>	<p>Measurement of asbestos in the air</p>
<p><b>Article 8 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 8 – Limit value</p>	<p>Regulation 6</p>	<p>Exposure limit value</p>
<p><b>Article 9 of Directive 83/477/EEC - Deleted</b></p>	<p>_____</p>	
<p><b>Article 10 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 10.1 – Limit value exceeded, Unforeseeable</p> <p>Article 10.2 – Further determination of asbestos in air concentrations</p> <p>Article 10.3 – Individual protective breathing equipment</p>	<p>Regulation 13(1) and (2)</p> <p>Regulation 13(3)</p> <p>Regulation 13(4) and (5)</p>	<p>Measures to be taken if the exposure limit value is exceeded (Unforeseeable)</p>
<p><b>Article 10a of Directive 83/477/EEC as inserted by Directive 2003/18/EC</b></p> <p>Article 10a – Necessary steps to identify presumed asbestos-containing materials</p>	<p>Regulation 12</p>	<p>Presumed Asbestos-containing material</p>

<p><b>Article 11 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 11.1 – Limit value exceeded, Foreseeable</p> <p>Article 11.2 – Consultation of workers etc.</p>	<p>Regulation 14(1)</p> <p>Regulation 14(3)</p>	<p>Measures to be taken if the exposure limit value is exceeded (Foreseeable)</p>
<p><b>Article 12 of Directive 83/477/EEC as amended by Directive 91/382/EEC and as amended by Directive 2003/18/EC</b></p> <p>Article 12. - Pre work, Plan of Work</p> <p><b>Plus</b></p> <p><b>Article 7 of Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos as it relates to Article 12 of Directive 83/477/EEC</b></p>	<p>Regulation 15(1) to (3) and (7) to (9)</p> <p>Regulation 15(4)</p>	<p>Plan of Work</p>
<p><b>Article 12a of Directive 83/477/EEC as inserted by Directive 2003/18/EC</b></p> <p>Article 12a.1 – Training of workers</p> <p>Article 12a.2 – Necessary knowledge and skills</p> <p>Article 12a.3 – Development of Community Guidelines for training of asbestos-removal workers</p>	<p>Regulation 17(1) and (3)(a)</p> <p>Regulation 17(2)(c), (d), (f), (g), (i), (j), (l), (m), (n) and (o)</p> <p>Regulation 17(5)</p>	<p>Training, information and instruction</p> <p>SHWWA Cost also refers</p>



<p><b>Article 15 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 15.1 – Assessment of workers’ state of health and individual health records</p> <p>Article 15.2 – Individual protective or preventive measures</p> <p>Article 15.3 – Information and advice</p> <p>Article 15.4 – Review of assessments</p>	<p>Regulations 20, 21 22 and 23</p>	<p>Assessment of the health of employees, Medical records relating to health assessments, review of the determination of the health assessment and Disclosure of information contained in health assessments</p>
<p><b>Article 16 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 16.1 – Asbestos Exposure Register</p> <p>Article 16.2 – Retention of Register and Health/Medical Records</p> <p>Article 16.3 – Keeping of Register and Health/Medical Records where undertaking ceases trading</p>	<p>Regulation 25(1) to (5) and Schedule 6</p> <p>Regulation 25(6)</p> <p>Regulation 25(7) and (8)</p>	<p>Occupational Health Register</p>
<p><b>Article 16a of Directive 83/477/EEC as inserted by Directive 2003/18/EC</b></p> <p>Article 16a – Sanctions for infringement of transposition legislation</p>	<p>_____</p>	<p>Sections 77 (Offences) and 78 (Penalties) of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), under which these Regulations are made refer.</p>

		<p>On summary conviction, fine not exceeding €3,000 per charge or up to 6 months imprisonment, or both</p> <p>On conviction on indictment, fine not exceeding €3,000,000 per charge or or up to 2 years imprisonment, or both</p>
<p><b>Article 17 of Directive 83/477/EEC</b></p> <p>Article 17 – Asbestosis and Mesothelioma Register</p>	Regulation 24	Asbestosis and Mesothelioma Register
<p><b>Article 18 of Directive 83/477/EEC as amended by Directive 2003/18/EC</b></p> <p>Article 18.1 – Adoption of laws, regulations and administrative provisions by Member States</p> <p>Article 18.2 – Communication of national transposition provisions by Member States to the Commission</p>	<p>None</p> <p>None</p>	<p>No specific regulatory provisions necessary</p> <p>No specific regulatory provisions necessary</p>
<p><b>Article 19 of Directive 83/477/EEC</b></p> <p>Article 19 – Directive addressed to the Member States</p>	None	No specific regulatory provisions necessary
<p><b>Annex 1 – Reference method referred to in Article 7(1) for the measurement of asbestos in air at the place of work – Deleted by Directive 2003/18/EC</b></p>	_____	Not now relevant

<b>Annex II – Practical recommendations for the clinical assessment of workers, as referred to in Article 15(1) – as amended by Directive 2003/18/EC</b>	Schedule 5, Part B	Recommendations for the Clinical Assessment of Employees
--	--------------------	--

8 May 2006