

**Question for written answer E-007925/2013**

**to the Commission**

Rule 117

**Stephen Hughes (S&D)**

Subject: Asbestos

The UK's Department for the Environment, Food and Rural Affairs (DEFRA) is opening a consultation on proposals to give the Office of Rail Regulation (ORR) the power to grant exemptions from the EU regulation aimed at restricting the supply of second-hand articles (including rolling stock) containing asbestos. The ORR is aiming to consult, at the same time, on a draft exemption for the rail sector.

Would such exemptions require the approval of the Commission? What steps would be involved in this process?

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**Written answer E-007925/2013**

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Answer given by Mr Tajani  
on behalf of the Commission  
(27.8.2013)

Entry 6 of Annex XVII to Regulation (EC) No 1907/2006 prohibits the manufacture, placing on the market or use of articles containing intentionally added asbestos fibres.

However, the continued use of such articles which were already installed or in service prior to 1 January 2005 is permitted until they are disposed of or reach the end of their service life.

Additionally, in order to allow those articles (already installed or in service prior to 1 January 2005) to continue to change hands as well as be used, Member States may allow their placing on the market in their entirety and under specific conditions ensuring a high level of protection of public health. The purpose of introducing this provision was to allow Member States to mitigate the effects of a total prohibition of trade in second hand goods, which could have led to severe impacts for certain specific situations: for example airplanes, ships or historic objects in museums containing asbestos could no longer be sold or even leased. Member States were required to communicate these national measures to the Commission by 1 June 2011, in order for the Commission to make this information publicly available. There are no provisions that such exemptions require the approval of the Commission.

The United Kingdom communicated to the Commission on 8 November 2011 that it intended to adopt national measures to give effect to the derogation in entry 6 for certain articles already installed or in service prior to 1 January 2005, including railway rolling stock.