



## **ETUC Resolution on Upholding tripartite consensus in EU OSH legislation - Assessment of the EC proposal for a 6th revision of the Directive CMRD**

Adopted at the Executive Committee meeting of 1 and 2 October 2025

ETUC calls on the European Commission to uphold and respect the outcomes of tripartite consensual agreements in the ordinary legislative procedure concerning occupational safety and health.

The Advisory Committee on Safety and Health at Work (ACSH) plays a central role in shaping EU OSH policy in the preparation, implementation, and evaluation of initiatives related to occupational safety and health. This role is important, among other things, in the context of establishing binding occupational exposure limits for dangerous substances, where the ACSH provides expert opinions. Comprising representatives from governments, employers' organisations, and trade unions from all EU member states, its tripartite structure ensures that all voices are fairly represented. When the ACSH adopts a consensus opinion, it reflects a broad and sound foundation of support grounded in practical experience and workplace realities across the EU. These opinions - particularly those adopted by consensus - are the result of extensive and thorough discussions, where all interest groups make a genuine effort - and succeed - in overcoming their differences. This process lends legitimacy and weight to EU initiatives and contributes to stronger cooperation and more effective implementation across Member States. Historically, the European Commission has respected the outcomes of these consensus opinions when drafting legislative proposals or revisions, as well as policy, in the field of OSH.

In July, the European Commission presented a proposal amending the Directive 2004/37/EC (on the protection of workers from the risks related to exposure to carcinogens or mutagens at work) as regards the addition of substances and setting limit values in its Annexes I, II and III. ETUC has assessed the legislative proposal in light of our political reference document, the ETUC position on the response to the social partner consultation on CMRD6 (adopted by the Executive Committee on 27–28 September 2023). Whereas we welcome the fact that four out of five of the substances identified have been taken on board in the proposal, we note with concern that, for the first time, the Commission has diverged substantially from an opinion of the ACSH when putting forth the legislative proposal. In September 2023, this Committee adopted an opinion by consensus which called for the inclusion of a binding exposure limit for isoprene in Annex III of the Directive. This demand was supported by ETUC.



Isoprene polymers are the primary component of natural rubber, with tyres being the most common products manufactured from isoprene. Short-term or single exposure to isoprene may cause irritation to the nose, throat, and lungs, and can lead to symptoms such as headache or dizziness. Long-term or repeated exposure has been associated with serious health conditions, including liver cancer.

The argument used by the European Commission that a limit value is unnecessary due to low current exposure is a weak one, as data may not reflect actual workplace conditions and future exposure could increase. ETUC recalls that setting an occupational limit is a preventive measure, especially given past cases of hazardous substances being reintroduced in workplaces. Moreover, if current exposure is already below the proposed limit, it supports implementation without placing a burden on companies.

The Commission appears to be questioning the feasibility of tripartite consensual opinions, particularly in relation to their implementation in small and medium-sized enterprises. This narrative echoes broader deregulatory tendencies, such as those seen in the “omnibus” legislative initiatives.

In our view, this risks undermining the democratic and participatory nature of EU social policymaking. The ACSH consensus opinion itself demonstrates the feasibility of the proposed regulatory revision, reflecting the commitment of all stakeholders to their successful implementation.

In addition to the elements from the ACSH opinions that were not included in the European Commission’s legislative proposal, several important demands from the ETUC’s reply to the social partners’ consultation have also been omitted. These are key priorities for ETUC which, unfortunately, could not be incorporated into the ACSH opinions due to a lack of consensus with the other two interest groups. As a result, they were included in our independent reply to the social partners’ consultation. It should be noted that when the ACSH does not address a topic, there remains the possibility that it may still be taken up by the Commission in its legislative proposal. It is important to underline that the European Commission should not weaken a consensual opinion in its legislative proposal by altering or removing elements on which the parties have reached agreement. However, it may add further measures on issues not explicitly tackled by the ACSH. Similarly, the European Parliament can strengthen the package of measures, including by taking into account the requests received during the consultation of the social partners.

These further ETUC demands of the social partners’ consultation were the following: The proposal does not make reference to gender or vulnerable groups, as recommended by ETUC. Furthermore, ETUC had explicitly advised the inclusion of firefighters as a protected occupation; however, the proposal only briefly mentions them in the context of exposure to polycyclic aromatic hydrocarbons (air contaminated with engine exhaust, or other dangerous fumes). ETUC also called for the establishment of a generic occupational exposure limit for inhalable and respirable dust, which has not been incorporated (and for which a consensus opinion of the ACSH agreed to establish a binding occupational limit in May 2024). Additionally, the Commission had committed to presenting a proposal for the definition of hazardous medical substances, following previous advocacy efforts by European trade unions and in line with legal obligations stemming from earlier revisions of the Directive, and this has not been met.

In light of these developments, the ETUC urges the European Commission to:

- Respect the outcomes of tripartite consensus opinions issued by the ACSH in the drafting of OSH legislation.
- Refrain from introducing in the impact assessment new scenarios other than those included in the consensus opinions, as it undermines the legitimacy, effectiveness and efficiency of the tripartite process. At this regard, the jurisprudence of the General



Court makes clear that the European Commission cannot hide behind procedural considerations, to postpone regulatory action. In *Kingdom of Sweden v European Commission* (Case T-521/14, 16 December 2015), the Court ruled that EU legislation imposes a clear and unconditional duty to act to protect health and safety, and such obligations take precedence over procedural convenience. For OSH and chemicals, this precedent reinforces our demand that the protection of workers' health is not undermined by protracted assessments or external pressures.

- Regarding the specific case of the 6th revision of the Directive CMRD, it is essential to respect the content of the tripartite consensus opinions adopted by the ACSH in September 2023 on dangerous substances, therefore including the recognition of isoprene as a dangerous substance, as well as the demands expressed by ETUC in its two responses to the social partners' consultation.

ETUC reaffirms its commitment to protecting the safety and health of workers and calls for a legislative process that values and upholds social dialogue. The European Commission's proposal is now proceeding through the ordinary legislative procedure, where the European Parliament and the Council will negotiate their respective positions and engage in trilogue discussions with the Commission to reach a final agreement. ETUC calls on the co-legislators to ensure that trade union demands are fully reflected in the adopted legislation.