Question for written answer E-003944/2019
to the Commission
Rule 138
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Subject: Portuguese imports of asbestos-containing materials

Asbestos is a natural fibre derived from six different types of mineral and has been shown to have carcinogenic effects when it is inhaled by people who, either occasionally or on a regular basis, are exposed to it.


Despite this ban, Portugal has recently imported an alarming quantity of hazardous materials – these totalled more than 50 tonnes in 2016 and 2017 – including asbestos-containing materials and waste containing asbestos to be put into landfill.

Given the undeniable dangers of asbestos to public health and the clear violation of existing legislation on the marketing of asbestos and/or asbestos-containing products, what measures will the Commission take in order to ensure that Portugal complies with the legislation in force and how will it monitor such compliance?
The manufacture, placing on the market and use of asbestos fibres and of articles and mixtures containing such fibres added intentionally is prohibited pursuant to entry 6 of Annex XVII to the REACH Regulation, which repealed and replaced Directive 1999/77/EC referred to by the Honourable Members, in 2009. Directive 2009/148/EC, which replaced Directive 2003/18/EC referred to by the Honourable Members, lays down provisions regarding the protection of workers against risks to their health arising from exposure to asbestos at work.

The Commission is not aware of the recent imports by Portugal referred to by the Honourable Members. Import of asbestos-containing waste is not in breach of the REACH Regulation, since waste is not a substance, mixture or article within the meaning of REACH. The import of hazardous waste into EU can occur in line with the EU law and must undergo environmentally sound treatment, including disposal, in accordance with the applicable rules on hazardous waste and landfilling of waste.

Buildings are not articles within the meaning of the REACH prohibition on asbestos and the REACH Regulation does thus not require the removal of asbestos already incorporated in buildings before 1 January 2005. Where the owner does take the decision to remove asbestos from (public) buildings or to demolish these buildings, Directive 1987/217/EEC on the prevention and reduction of environmental pollution by asbestos requires Member States to take necessary measures to ensure that these activities do not cause significant asbestos environmental pollution with a view to protect human health and the environment in general.

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1 Imports of materials containing asbestos fibres are only in breach of the REACH Regulation if the asbestos fibres were added intentionally to those materials.