Minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields)

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The Council took note of a **progress report** on a directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).

To recall, the aim of the proposal is to revise directive 2004/40/EC in order to take into account new scientific studies, while ensuring high levels of worker protection and, inter alia, to review the impact of exposure limit values for magnetic resonance imaging (MRI) scanners. Directive 2004/40/EC was adopted together with other measures intended to protect workers from the health effects of noise, vibration and optical radiation. However, soon after its adoption in 2004, the medical community working with magnetic resonance imaging (MRI) claimed that its activities would be hampered by the strict exposure limit values laid down therein.

Due to these difficulties in its application and to allow time for the directive to be amended in the light of new scientific information, Parliament and Council decided at that time to delay its transposition until 30 April 2012.

The activities performed under the Presidency resulted in reducing the area of non-consensus on the proposal, in particular in:

- clarifying the scope of the Directive and clarifying its relation with the Framework Directive;
- clarifying the provisions concerning the obligations of employers, risk assessment and limitations;
- clarifying the meaning of the term “workers at particular risk’ in respect to electromagnetic field exposure and rules of protection applicable to this group;
- elaborating a compromise approach by referring to national law and/or practice, as regards health surveillance;
- redrafting Annexes II and III, while merging them to express exposure limitation over one continuous frequency range, in order to, inter alia: (i) link the figures directly to international science-based safety guidelines, namely those of ICNIRP, following comments expressed by Member States´ representatives; (ii) make the figures measurable and rename some of the values in order to facilitate their use, when translating them into Member States languages and monitoring exposure at the workplace, especially in SMEs; (iii) clarify the meaning of parameters used to express exposure limitation in order to facilitate their interpretation in practical use;
- suggesting a set of possible compromise options which would allow to derogate from binding exposure limits under certain circumstances.

Despite considerable efforts deployed by the Presidency and the delegations in drafting compromise proposals and significant progress made in the Working Party, there is still a need for further consultations with experts on **two main sets of issues**:

(1) **To binding exposure limit values** (none of the compromise proposals gained sufficient support, nevertheless, many delegations were in favour of a slightly modified Commission proposal containing sectoral derogations, while a number of delegations supported a compromise proposal based on a general derogation);

(2) **Exposure limitations and action values as well as methodology used**, by deriving it from international science-based safety guidelines, in particular in Annex II of the current draft Directive.

Other issues to be further discussed are: (i) scope of the Directive with regard to long-term effects of electromagnetic field exposure; (ii) delegation of powers to the Commission; (iii) transposition (correlation tables/explanatory documents).