Safety and health at work: exposure of workers to optical radiations

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The Commission presented a working document accompanying the Commission communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the modernisation of the EU occupational safety and health legislation and policy.

The detailed ex-post evaluation of the EU acquis, checking their relevance as well as efficiency, effectiveness, coherence and EU added value, carried out by the Commission confirms that the framework meets its ambition to adequately protect workers.

Main conclusions: the evaluation concluded that the overall structure of the EU occupational safety and health acquis, consisting of a goal-oriented Framework Directive complemented by specific Directives, is generally effective and fit-for-purpose.

However, it pointed to **specific provisions of individual Directives that have become outdated or obsolete**, and highlighted the need to find effective ways to **address new risks**.

The way in which Member States have transposed the EU occupational safety and health Directives varies considerably across Member States. Compliance costs therefore vary and cannot be easily dissociated from more detailed national requirements.

As regards SMEs: the evaluation clearly concluded that compliance with the occupational safety and health Directives is more challenging for SMEs than large establishments, while at the same time the **major and fatal injury rates are higher for SMEs**. Specific support measures are therefore necessary to **reach SMEs** and help them increase their compliance in an efficient and effective way.

Next steps: the evaluation considered that occupational safety and health measures should reach the widest number of people at work, **no matter the type of working relationship they are in, and no matter the size of company they work for**. Compliance with occupational safety and health rules should be manageable for businesses of all sizes and effectively monitored on the ground.

Measures must be result-oriented, instead of paper-driven, and maximum use should be made of **new digital tools** to facilitate implementation.

Characteristics of the evaluation: this exercise also forms part of the Commission's Regulatory Fitness (REFIT) Programme with a special focus on SMEs. In this respect, the evaluation concentrated both on Framework Directive 89/391/EEC and on the other 23 directives related to it.

The evaluation also concerned Directive 2006/25/EC the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

The Directive lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation. It places obligations on the

employer, in the case of workers exposed to artificial sources of optical radiation, to assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed.

The evaluation noted that the artificial optical radiation Directive remains relevant.

It should however be noted that during the evaluation process, the Directive attracted **most contradicting comments as regards its relevance**, with some stakeholders advocating for a **broadening** of its provisions to natural optical radiation and others suggesting the **repealing of the Directive**.

The stakeholders interviewed in the framework of the evaluation study assessed that the Directive has met its objectives to a large extent. As regards its impact on the health and safety of workers, better quality data on the both acute and chronic effects of workers' exposure to artificial optical radiation in the EU should be developed in order to assist the Commission's services in future evaluations of the effectiveness of the artificial optical radiation Directive.

In addition, the evaluation study recommended a review of the exposure limit values enshrined in the Directive. This should be considered having regard to the recent (2013) guidance and up-to-date scientific evidence.

Consideration should also be given to the suggestions of the evaluation study as regards its scope and synergies between the provisions of the Directive and the emergence of **harmonised standards** on products emitting artificial optical radiation which include health and safety aspects.