Safety and health at work: exposure of workers to electromagnetic fields

1992/0449C(COD) - 18/12/2003 - Council position

To recall, owing to the splitting of the 1992 initial proposal on the exposure of workers to the risks arising from physical agents, this common position concerns specifically the risks arising from exposure to electromagnetic fields. The Council considers that, as a whole, the common position is in line with the fundamental objectives of the Commission's amended proposal. The Council also considers that it has taken account of the principal objectives pursued by the European Parliament in its proposed amendments. The general structure of the common position, for instance the introduction of exposure limit values and action values, the articles on worker information and training, consultation and participation and the miscellaneous provisions, closely follows the provisions of the Directives on vibration and noise. This is also in line with the general structure of the Commission's amended proposal. The Common Position refers to risks to the health and safety of workers due to known short-term effects in the human body and explicitly excludes possible long-term effects. The common position is based on the introduction of exposure limit values and action values as defined in Article 2 and set out in the Tables in the Annex according to Article 3. These values are to a large extent based on the recommendations established by the International Commission on Non-Ionising Radiation Protection (ICNIRP). Table 1 of the Annex contains the exposure limit values fixed for 7 different frequency ranges with the intention of preventing adverse effects on different parts or functions of the human body, such as the cardiovascular and central nervous systems or whole-body heat stress and excessive localised heating of tissues. The exposure limit values do not apply to static magnetic fields, as for the moment there is not enough scientific evidence about possible adverse health effects resulting from exposure to static magnetic fields. This means, for example, that there are no exposure limit values for the handling of magnetic resonance facilities in the medical sector. Nevertheless, the Council adopted a statement to the Minutes inviting the Commission to closely monitor developments in this area in order to include exposure limit values for static magnetic fields in the Directive at a later stage, when scientific findings make this possible. Table 2 of the Annex contains action values fixed for 13 different frequency ranges. The action values are obtained from the exposure limit values according to the rationale used by ICNIRP in its guidelines on limiting exposure to non-ionising radiation (ICNIRP 7/99). In contrast to the exposure limit values, the action values also apply to static magnetic fields in order to prevent dangers like the projectile risk from ferromagnetic objects in static magnetic fields. The common position does not cover long-term effects, including carcinogenic effects, which could arise as a result of exposure to electrical, magnetic and electromagnetic fields which vary in time, in respect of which there are as yet no scientific data which make it possible to establish a causal link. The common position lays down action values for static magnetic fields. However, like the Commission's proposal, and to the extent that current scientific knowledge is uncertain as to thehealth effects of exposure to such fields, the common position does not stipulate exposure limit values for static magnetic fields. In a statement entered in its minutes, the Council regretted that it was not able to address the health effects resulting from occupational exposure to static magnetic fields and invited the Commission to closely monitor developments at the ICNIRP in this area. The Commission replied to this statement by explaining that it will propose any updating that it considers necessary in the light of the evolution of scientific knowledge in this field. The common position describes the preventive measures needed to reduce the risks to which workers are exposed. These preventive measures are primarily based on the employer's obligation to identify and assess the various risks resulting from exposure to electromagnetic fields. One of the main elements in the common position is therefore the assessment of the levels of electromagnetic fields to which workers are exposed, which may require measurements and /or calculations. In this connection, the common position states that until harmonised European standards established by the European Committee for Electrotechnical Standardisation (CENELEC) cover all assessment, measurement and calculation situations, Member States may employ other scientifically-based standards or guidelines. On the basis of the risk assessment, and unless the assessment carried out

demonstrates that the exposure limit values are not exceeded and safety risks can be excluded, the employer is required to devise and implement an action plan comprising technical and/or organisational measures intended to prevent exposure exceeding the limit values. The common position includes detailed provisions on information and training for workers exposed to risks from electromagnetic fields. It also imposes "appropriate health surveillance" for workers who might suffer adverse health or safety effects. Concerning the European Parliament's amendments, the common position accepts 13 of the 24 approved at first reading. Amongst the amendments rejected, some have been taken up in the Commission's amended proposal such as those concerning health surveillance. The main differences between the amended proposal and the Council's common position are as follows: - the structure has been modified and the articles renumbered following the decision to replace a general directive on physical agents by four individual directives dealing separately with the four physical agents; - the definitions of exposure limit values and action values have been amended; - the common position no longer includes threshold levels; - there is a reference to harmonised European standards from the European Committee for Electrotechnical Standardisation (CENELEC) for the assessment, measurement and/or calculation of workers' exposure to electromagnetic fields; - the common position makes provision for the possibility of not carrying out the assessment, measurement and/or calculation of exposure to electromagnetic fields in workplaces open to the public provided that an evaluation has already been undertaken in accordance with the provisions of Council Recommendation 1999/519/EC; - the provisions on health surveillance have been significantlywatered down; - the common position merely refers to Articles 14 and 15 of Framework Directive 89/391/EEC; - the provisions on activities involving an increased risk which should be declared to the competent authorities have been deleted; - the appended tables and provisions have been updated in the Annex in relation to the latest ICNIRP recommendations on this subject. It should be noted that the in the draft statements to be entered in the Council minutes, the Council regrets that it was not able to address in the present Directive the health effects resulting from occupational exposure to static magnetic fields due to the delay in the production of an updated review of the scientific evidence of health effects of static magnetic fields which would remove uncertainties in existing knowledge. The Greek delegation also states that by including neither specific measures nor any preventative elements, the Directive will be poorer.