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

1992/0449C(COD) - 12/01/2004 - Commission communication on Council's position

In its opinion on the Council's common position, the Commission states that it can accept the Council's text which was adopted by unanimity. Overall, the Council's common position follows the lines of the Commission's proposal, even though its structure differs as a result of the splitting of the proposal. However, one major difference compared with the Commission's amended proposal lies in the watering down of the provisions on health surveillance. The Commission has expressed a reservation on this; it feels that the provisions are inadequate, as they take away the preventive aspect of health surveillance and do not entitle workers to a medical examination in the event of overexposure. The Commission regards this as unjustifiable in a directive specifically concerned with excessive exposure to electromagnetic fields, the main consequences of which are harmful effects on health. It is a fact that internal damage resulting from unrecognised overexposure can only be detected by a health professional through regular health surveillance. Furthermore, Article 8 of the common position (health surveillance) does not comply with the rules on legislative drafting, as it does not contain any additional obligation compared with Article 14 of the Framework Directive 89/391/EEC. In practice, the text of the common position merely copies the said Article 14, despite the fact that the proposed Directive is concerned with the specific risks of exposure to electromagnetic fields. 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 Commission has accepted this split, provided that the amended proposal remains on the Council's agenda until all physical agents have been covered and the Council gives a firm undertaking to continue its work until all the remaining parts of the proposal have been dealt with; - the definitions of exposure limit values and action values have been amended. The Commission accepts the new definitions, which emphasise the significance of these values; - the common position no longer includes threshold levels. The Commission agrees to this, as threshold levels are of no significance in respect of electromagnetic fields, since there are no established health effects below the exposure limit values; - 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 Commission accepts this reference, which improves the implementation of the Directive by making it easier for employers (especially SMEs) to fulfil their obligations; - 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 Recommendation1999/519/EC. The Commission accepts this new provision, which avoids bureaucratic constraints and the duplicated assessment of exposure levels while ensuring health protection for workers, as the values laid down for the public are five times more severe than those set out in the common position; - the provisions on health surveillance have been significantly watered down; the common position merely refers to Articles 14 and 15 of Framework Directive 89/391/EEC. The Commission has a reservation concerning this aspect of the common position and has had a statement entered in the Council minutes regretting that the common position does not include those elements of the Commission's amended proposal, following two amendments of the European Parliament, that emphasise the preventive character of medical surveillance by giving workers the right to a medical examination in the event of overexposure and allowing additions to the undertaking's prevention system based on the findings; - the provisions on activities involving an increased risk which should be declared to the competent authorities have been deleted. The Commission accepts this deletion, as the risk assessment should in any event identify such cases; - the appended tables and provisions have been updated in relation to the latest ICNIRP recommendations on this subject. The Commission of course accepts this update, which is based on the latest scientific and technical developments.