

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

1992/0449B(COD) - 21/10/2005 - Commission opinion on Parliament's position at 2nd reading

The Commission is able to accept all the European Parliament's amendments in their entirety with the exception of one. It considers that nine of these amendments will extend and improve the text of the common position and strengthen the provisions of the common position regarding health surveillance; it also considers that acceptance of the other two amendments will make it easier to reach a compromise quickly. As regards the other ten amendments adopted which aim to exclude risks arising from the exposure of workers to natural radiation from the common position, the Commission considers that it should meet the wishes of Parliament but points out that workers exposed to risks arising from natural optical radiation (chiefly the sun) will not be covered by the Directive.

Amongst the amendments accepted are the following:

- a new recital making reference to the prevention and early diagnosis of adverse health effects;
- a paragraph indicating the need for a guide to good practice to help employers better to understand the technical provisions of the Directive and inviting the Commission to draw up such a guide;
- an amendment stressing the importance of the mechanism to be put in place where the assessment of the risks to which workers are liable to be exposed shows any possibility that the exposure limit values may be exceeded;
- a new phrase indicating the need to place the emphasis on prevention and early diagnosis;
- surveillance of the health of workers exposed to the risks covered by the Directive should be carried out by qualified personnel in accordance with national law and practice;
- strengthening of the provisions to allow the competent medical authority to have access to the results of the risk assessment;
- amendment introducing the requirement that a worker exposed to the risks covered by the proposal for a Directive must undergo a medical examination in certain cases, particularly where exposure exceeds the exposure limit values;
- an amendment specifying details regarding the Commission's assessment of the reports on implementation of the Directive which the Member States must submit to the Commission every five years;
- the Commission is to draw up a practical guide to help employers better understand the technical provisions of the Directive;
- an amendment deleting the reference to assessment of the risks in case of exposure to natural sources.

The Commission has noted that the Parliament does not wish the risks arising from exposure of workers to natural radiation to be included in the scope of the proposal. This amendment adapts the text of the article concerned to take account of this decision. The Commission can understand the arguments put forward by the Parliament and can accept these amendments. Nevertheless, it wishes to point out that this acceptance

does not mean that it considers that exposure to natural optical radiation is not a risk to workers working outside.

-amendments deleting the reference to natural optical radiation and including a reference to artificial radiation;

-As regards the clause concerning exposure to artificial radiation, the Commission can accept this amendment. As regards the deletion of the part of the sentence specifically mentioning the possibility of assigning a worker who has suffered adverse health effects following exposure to optical radiation to alternative work, the Commission considers that its acceptance will make it easier to reach a compromise quickly.

The Commission rejects the amendment regarding the transfer of competence to the Member States regarding the obligation to assess risks in the case of occupational exposure to natural radiation. The Commission cannot accept this amendment as it stands, since it maintains natural radiation within the scope of the common position, but allows the Member States competences which jeopardise the Community legal framework established by framework Directive 89/391.