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

1992/0449B(COD) - 05/04/2006 - Final act

PURPOSE: to lay down minimum requirements for the protection of workers from risks to their health and safety arising from artificial **optical radiation** during work.

LEGISLATIVE ACT: Directive 2006/25/EC of 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 Directive within the meaning of Article 16(1) of Directive 89/391 /EEC).

BACKGROUND: this Directive forms part of an overall package of legislation designed to adopt minimum requirements to improve the working environment of employees and to offer them a high level of health and safety protection.

In 1999, the Council decided to **split the initial proposal** into its constituent parts and to adopt an individual Directive for each type of physical agent. Its sister Directives are:

- Directive 2002/44/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (**vibration**): 16th individual Directive. (See COD /1992/0449);
- Directive 2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (**noise**): 17th individual Directive. (See COD/1992 /0449A);
- Directive 2004/40/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (**electromagnetic field**); 18th individual Directive. (See COD/1992/0449C).

CONTENT:

Aim and Scope

This Directive lays down the 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 during their work and refers in particular to the eyes and to the skin. Since the Directive lays down the “minimum” requirements, Member States are free to adopt more stringent provisions for the protection workers by, for example, fixing lower exposure limit values than those set out in this Directive.

Definitions

The Directive defines a number of terms. They are: optical radiation; ultraviolet radiation; visible radiation; infrared radiation; laser light; laser radiation; non-coherent radiation; exposure limit values; irradiance (E) or power density; radiant exposure; radiance (L); and level. The exposure limit values for non-coherent radiation (other than that omitted by natural sources of optical radiation) are set out in Annex I. The exposure limit values for laser radiation are set out in Annex II.

Provisions

The Directive establishes a number of provisions in relation to the safe use of artificial optical radiation. In summary, these provisions include:

- Obliging employers to assess and calculate the levels of workers' exposure to optical radiation so that measures needed to restrict their exposure can be put into effect. Assessment must be planned and carried out by competent services or persons. The assessments must be done at suitable intervals. The factors an employer must be aware of include, for example, the level and range of exposure; exposure limits; any possible effects on workers' health; any indirect effects such as temporary blinding, explosion or fire; multiple sources of exposure etc. Lastly, the employer must be in possession of a report assessing the risks and must, in turn, identify what measures may need to be taken to eliminate any harmful effects.
- Risks arising from exposure to artificial optical radiation must be either eliminated, or else, kept to a minimum. Employers will be obliged to implement and devise plans designed to prevent the exposure exceeding limit by, for example, looking into other working methods, choosing technical equipment emitting less optical radiation and the design and layout of workplaces and workstations. Workers will not be allowed to expose themselves to "above the exposure limit values".
- Employers will be obliged to ensure that workers who are exposed to risks from artificial optical radiation at work will receive the necessary information and training. This information should contain, in particular, the measures taken to implement the Directive; the exposure limit values; the results of assessments; how to detect adverse health effects of exposure and how to report them; the circumstances under which workers are entitled to health surveillance; safe working practices to minimise risks from exposure; and the proper use of appropriate personal protective equipment.
- The Member States will be responsible for adopting provisions to ensure the proper health surveillance of workers is carried out. Such health surveillance can be carried out be either a doctor, an occupational health professional or a medical authority. Further, the Member States should establish arrangements allowing for individual health records which are to be kept up to date. Individual workers may have access to their own personal health records. Where exposure to "above the limit values" has been detected, a medical examination will need to be made available to the effected worker.
- The Member States will be responsible for introducing adequate penalties in the event of infringements of the national legislation. They must be effective, proportionate and dissuasive.

Practical guide: at the Parliament's request, and to facilitate the implementation of the Directive, the Commission should draw up a practical guide to help employers, in particular managers of SMEs, better to understand the technical provisions of this Directive. The Commission should strive to complete this guide as quickly as possible so as to facilitate adoption by the Member States of the measures necessary to implement this Directive.

Technical amendments: any modification of the exposure limit values set out in the Annexes shall be adopted by the European Parliament and the Council. On the other hand, amendments to the Annexes of a strictly technical nature in line with: (a) the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces; (b) technical progress, changes in the most relevant harmonised European standards or international specifications, and new scientific findings concerning occupational exposure to optical radiation, shall be adopted by the Commission (in accordance with the comitology procedure.

Lastly, the Commission will prepare a report on the practical implementation of the Directive based on five-yearly reports prepared by the Member States.

TRANSPOSITION: 27 April 2010.

ENTRY INTO FORCE: 27 April 2006.