

Basic information	
1992/0449B(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Safety and health at work: exposure of workers to optical radiations	
Amended by 2013/0192(COD) Subject 4.15.15 Health and safety at work, occupational medicine	

Key players			
European Parliament	Committee responsible		Rapporteur
	CODE EP Delegation to Conciliation Committee		Appointed ŐRY Csaba (PPE-DE)
	Former committee responsible		Former rapporteur
	EMPL Employment and Social Affairs		Appointed ŐRY Csaba (PPE-DE)
Council of the European Union	Council configuration		Meetings
	Employment, Social Policy, Health and Consumer Affairs		2627
	Competitiveness (Internal Market, Industry, Research and Space)		2653
	Agriculture and Fisheries		2692
	Education, Youth, Culture and Sport		2710
European Commission	Commission DG		Commissioner
	Employment, Social Affairs and Inclusion		

Key events			
Date	Event	Reference	Summary
23/12/1992	Legislative proposal published	COM(1992)0560 	
19/04/1993	Committee referral announced in Parliament, 1st reading		
29/03/1994	Vote in committee, 1st reading		

19/04/1994	Debate in Parliament		
08/07/1994	Modified legislative proposal published	COM(1994)0284 	
01/09/1999	Vote in committee, 1st reading		
01/09/1999	Committee report tabled for plenary confirming Parliament's position	A5-0006/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0012/1999	
18/04/2005	Council position published	05571/6/2005	Summary
12/05/2005	Committee referral announced in Parliament, 2nd reading		
12/07/2005	Vote in committee, 2nd reading		Summary
20/07/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0249/2005	
06/09/2005	Debate in Parliament		
07/09/2005	Decision by Parliament, 2nd reading	T6-0329/2005	Summary
07/09/2005	Results of vote in Parliament		
23/11/2005	Parliament's amendments rejected by Council		Summary
06/12/2005	Formal meeting of Conciliation Committee		
06/12/2005	Final decision by Conciliation Committee		Summary
18/01/2006	Joint text approved by Conciliation Committee co-chairs	03668/2005	
06/02/2006	Report tabled for plenary, 3rd reading	A6-0026/2006	
13/02/2006	Debate in Parliament		
14/02/2006	Decision by Parliament, 3rd reading	T6-0052/2006	Summary
14/02/2006	Results of vote in Parliament		
23/02/2006	Decision by Council, 3rd reading		
05/04/2006	Final act signed		
05/04/2006	End of procedure in Parliament		
27/04/2006	Final act published in Official Journal		

Technical information	
Procedure reference	1992/0449B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amended by 2013/0192(COD)
Legal basis	EC Treaty (after Amsterdam) EC 137-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/30943

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0192/1994 OJ C 128 09.05.1994, p. 0009	29/03/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0239/1994 OJ C 128 09.05.1994, p. 0128-0146	20/04/1994	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0006/1999 OJ C 054 25.02.2000, p. 0010	01/09/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0012/1999 OJ C 054 25.02.2000, p. 0055-0075	16/09/1999	Summary
Amendments tabled in committee		PE359.871	01/06/2005	
Committee recommendation tabled for plenary, 2nd reading		A6-0249/2005	20/07/2005	
Text adopted by Parliament, 2nd reading		T6-0329/2005 OJ C 193 17.08.2006, p. 0125-0198 E	07/09/2005	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0026/2006	06/02/2006	
Text adopted by Parliament, 3rd reading		T6-0052/2006	14/02/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	07788/2005	05/04/2005	
Council position	05571/6/2005 OJ C 172 12.07.2005, p. 0026-0050 E	18/04/2005	Summary
Draft final act	03668/5/2005	05/04/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1992)0560  OJ C 077 18.03.1993, p. 0012	23/12/1992	Summary
Modified legislative proposal	COM(1994)0284  OJ C 230 19.08.1994, p. 0003	08/07/1994	Summary
Reconsultation	SEC(1999)0581 	28/04/1999	
Commission communication on Council's position	COM(2005)0189 	04/05/2005	Summary
	COM(2005)0526		

Commission opinion on Parliament's position at 2nd reading		21/10/2005	Summary	
Commission working document (SWD)	SWD(2017)0010 	12/01/2017	Summary	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0716/1993 OJ C 249 13.09.1993, p. 0028	30/06/1993	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03668/2005	18/01/2006	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Directive 2006/0025 OJ L 114 27.04.2006, p. 0038-0059 Summary

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

1992/0449B(COD) - 14/02/2006 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation Committee. (For details of the joint text, please see the summary of 06/12/2005.) The resolution was adopted by 570 votes in favour, 16 against with 49 abstentions.

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 by 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.

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

1992/0449B(COD) - 23/11/2005

The Council decided not to approve all the European Parliament's second reading amendments concerning a proposal for a Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (optical radiation) and hence to convene the Conciliation Committee.

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

1992/0449B(COD) - 04/05/2005 - Commission communication on Council's position

The Commission supports the common position in its entirety. However, it should be noted that Commission has accepted Article 8 (health surveillance) as a matter of compromise despite the fact that the preventative aspects of health surveillance is not made explicit and that the workers are not entitled to a specific medical examination in the event of overexposure.

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

1992/0449B(COD) - 08/07/1994

The Commission submits to the Council an amended proposal. There are two main types of amendments:

-one group of amendments provides useful additional detail and clarification of the initial proposal;

-a second group of amendments strengthen the proposal by enhancing the protection offered to the health and safety of workers.

The Commission's amended proposal retains the general structure and objectives of the initial proposal but extends and expands on certain provisions. Of the 41 amendments adopted by Parliament, 31 have been accepted, 4 of these in part.

Six amendments have been rejected because they sought to exclude audible acoustic fields (Annex 1) from the scope of the proposal. The Commission has not accepted these amendments because they are contrary to the Commission's obligations under Article 10 of Directive 86/188/EEC and under the European Parliament resolution of 13 September 1990 which requires the Commission to put forward a proposal on a directive on the basis of Article 118A of the Treaty with regard to the risks arising from noise and vibration and other physical agents.

The Commission has also refused an amendment which imposes upon it an obligation already fulfilled by the Commission in producing its annual report on the implementation of Community legislation.

Three amendments could not be accepted because their extremely binding nature would impose additional costs on employers yet not contribute to enhancing the health and safety of workers.

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

1992/0449B(COD) - 30/06/1993

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

1992/0449B(COD) - 20/04/1994

The European Parliament adopted the report by Mr HUGHES on the exposure of workers to risks arising from physical agents.

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

1992/0449B(COD) - 18/04/2005 - Council position

The Council's common position follows the lines of the Commission's proposal, even if its structure differs as a result of the splitting of the proposal and if some changes have been introduced due to the evolution of the technical progress and of the scientific knowledge in this field since the adoption in 1994 of the Commission proposal.

Owing to the splitting of the proposal, the common position is concerned only with the specific minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to optical radiation.

The common position adopts a different approach for exposure to artificial sources and for natural sources. In the case of exposure to artificial sources, the common position sets exposure limit values (ELVs) which are based directly on health effects and biological considerations. Compliance with these limits will ensure that workers exposed to optical radiation are protected from all known harmful effects on their health. These values are very conservative and largely based on the ICNIRP guidelines and recommendations for limiting exposure to non-ionising radiation. These scientifically based guidelines are designed to prevent the acute and long-term effects to the eyes and the skin that can occur at high levels of exposure. The ELVs prescribed in the ICNIRP Guidelines correspond with those developed by other independent scientific advisory bodies. Because of the conservative nature of the

recommended ELVs for exposure to optical radiation, the common position abstains from introducing lower action values as it was the case for exposure to electromagnetic fields (Directive 2004/40/EC).

Since the application of ELVs is not deemed appropriate in the case of exposure to natural sources of optical radiation, for instance the exposure to the sun radiation or natural fires, the common position emphasises the importance of the information and training of the workers, of the *ex ante* assessment of risks and of the subsequent preventive measures in order to eliminate or reduce the effects of the exposure to natural sources.

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 of workers to optical radiation during their work. One of the main elements in the common position is therefore the assessment of the levels of optical radiation to which workers are exposed, which may require measurements and/or calculations. In this connection, the common position includes instructions concerning the methodology to be applied in order to assess the levels of exposure: the standards and recommendations of IEC, CEI or CEN should be used and, if these are not available, national or international science-based guidelines should be followed. Moreover, in order to avoid unnecessary burden to the enterprises, the assessment may take account of data provided by manufacturers of the equipment producing optical radiation where it is covered by a relevant Community Directive. 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 optical radiation. It also imposes "appropriate health surveillance" for workers who might suffer adverse health or safety effects.

The main differences between the common position and the Commission's amended proposal are as follows:

- the new structure due to the fact that optical radiation is dealt with in a specific directive;
- the restructuring and redefinition of the exposure limit values, including the deletion of the action value and the threshold level. This was done in order to bring the provisions of the directive in line with the latest technical and scientific developments in the matter;
- the Tables and provisions in the Annexes which closely follow the ICNIRP recommendations. In the very limited number of cases where ICNIRP did not make a quantifiable recommendation, namely for special situations with coherent optical radiation (lasers), those from IEC were introduced. It must be

noted that there are few areas in occupational health and safety where there is such widespread agreement among national and international health advisory authorities concerning safe levels of exposure;

- the reference to standards, recommendations and science-based guidelines for the assessment, measurement and calculation of the levels of exposure to artificial sources of optical radiation to be done in the context of the risk assessment;
- the abolition of the requirement to consider certain activities as presenting an increased risk to the responsible authority;
- the granting of outdoor workers the same level of protection as indoor workers.

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.

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

1992/0449B(COD) - 06/12/2004

The Council reached political agreement on the draft Directive. To recall, the Directive:

- lays down minimum health and safety requirements regarding the exposure of workers to the risks arising from optical radiation;
- seeks to do so by relying upon the well-accepted guidelines for restrictions on exposure that have been produced by the International Commission for Non-Ionising Radiation Protection (ICNIRP). These scientifically-based guidelines are designed to prevent the acute and long-term effects to the eyes and the skin that can occur at extremely high levels of exposure.
- places a range of responsibilities on employers, including the requirements to assess risk, reduce exposure, undertake health surveillance and provide information and training to workers;
- the workers to whom this Directive will apply include, for example, those working with lasers and electrical welding equipment, those in the steel and glass industries and those working in artificial tanning businesses.

After its finalisation in all Community languages, the text as agreed will be adopted in the form of a common position, without further debate, at a forthcoming Council meeting, and be sent to the European Parliament with a view to its second reading.

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

1992/0449B(COD) - 23/12/1992

PURPOSE : proposal to protect workers from the risks of exposure to physical agents.

PROPOSED ACT : Council Directive.

CONTENT : The proposal aims to protect workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise from exposure to physical agents. It lays down particular minimum requirements in this area.

The physical agents are defined as:

-audible acoustic fields;

-vibrations;

-electric or magnetic fields or combinations of these with a frequency equal to or less than 3,10(15) Hertz (wavelength of 100 nanometres or more.)

The directive will apply to activities where workers are likely to be exposed to these physical agents as a result of their work. The employer must then carry out an assessment of the risks resulting from exposure. Under the conditions laid down in the relevant Annexes, certain activities must be considered as presenting an increased risk and must be declared to the authority responsible. Each physical agent must be assessed, and where necessary, measured. The risk arising from exposure must be reduced to the lowest achievable level, with the aim of reducing exposure to below the threshold level referred to in the relevant Annex.

The proposal proceeds on the basis that minimum requirements in the field must establish the general principles of protection and the objectives to be achieved, whilst leaving open the detailed rules translating the safety levels in operational terms, to be adopted in order to comply with the provisions of the Directive.

The proposal makes provisions on personal protection, as well as worker information and training, consultation and participation of workers.

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

1992/0449B(COD) - 07/09/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a report drafted by Csaba **ÓRY**(EPP-ED, HU) and made some amendments to the common position:

-A new clause states clearly that the aims of the Directive include the prevention and early diagnosis of any adverse health effects, as well as the prevention of any long-term health risks and any risk of chronic diseases, resulting from exposure to optical radiation.

-The implementation of the Directive must not serve to justify any regression in relation to the situation which already prevails in each Member State .

- The definition of any obligations on the employer to assess risks to health and safety arising from natural sources of optical radiation should come within the regulatory competence of the Member States and not within Community competence. The Council's text had stated that the employer, in the case of workers exposed to natural sources of optical radiation, must assess the risks to health and safety so that the measures needed to minimise these risks can be identified and put into effect. The Council's text had also required employers to set up an action plan if a risk is identified.

- It should be clearly stated that the purpose of health surveillance of workers is "the prevention and early diagnosis of any adverse health effects, as well as the prevention of any long-term health risks and any risk of chronic diseases, resulting from exposure to optical radiation". In the event of over-exposure, workers should be entitled to a medical examination;

-The Commission should draw up a practical guide to help employers, in particular managers of small and medium-sized enterprises (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.

-Member States must ensure that health surveillance is carried out by a doctor, an occupational health professional or a medical authority responsible for health surveillance in accordance with national law and practice. The employer must take appropriate measures to ensure that the doctor, the occupational health professional or the medical authority responsible for the health surveillance, as determined by Member States as appropriate, has access to the results of the risk assessment referred to in Article 4 where such results may be relevant to the health surveillance.

It should be noted that Parliament did not follow the Parliamentary committee's recommendations in certain matters:

-the clause which provided for an evaluation of risks from natural optical radiation (as well as an action plan to reduce these risks to the minimum) deleted by 377 votes for, 279 against and 15 abstentions;

MEPs agreed that rules on radiation from artificial sources are best laid down at EU level. Concerning radiation from lasers, for example, the Council common position sets exposure limit values for the exposure of workers to this kind of radiation and gives details on the measures the employer has to take to protect employees. If, in spite of everything, these values are exceeded, employers must immediately take measures to reduce exposure below the limit values, identify the reasons why they have been exceeded and adapt the protection and prevention measures accordingly in order to prevent any recurrence of such incidents. MEPs agree with these rules, although they want the Commission to draw up a practical guide to help employers, in particular managers of smaller firms, to understand the technical provisions of the directive.

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

1992/0449B(COD) - 16/09/1999

The European Parliament confirmed as its first reading in the context of the codecision procedure the text voted upon on 20.04.1994 concerning this proposal for a directive.

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

1992/0449B(COD) - 12/01/2017

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.