Basic information

2007/0230(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Health and safety at work: exposure of workers to the risks arising from physical agents (electromagnetic fields) Amending Directive 2004/40/EC 1992/0449C(COD) **Subject** 4.15.15 Health and safety at work, occupational medicine	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	ANDERSSON Jan (PSE)	20/11/2007

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2861	2008-04-07

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ŠPIDLA Vladimír

Key events

Date	Event	Reference	Summary
26/10/2007	Legislative proposal published	COM(2007)0669	Summary
13/11/2007	Committee referral announced in Parliament, 1st reading		
23/01/2008	Vote in committee, 1st reading		Summary
28/01/2008	Committee report tabled for plenary, 1st reading	A6-0012/2008	
19/02/2008	Decision by Parliament, 1st reading	T6-0038/2008	Summary
19/02/2008	Results of vote in Parliament		
07/04/2008	Act adopted by Council after Parliament's 1st reading		
23/04/2008	Final act signed		
23/04/2008	End of procedure in Parliament		
26/04/2008	Final act published in Official Journal		

Technical information

Procedure reference	2007/0230(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2004/40/EC 1992/0449C(COD)
Legal basis	EC Treaty (after Amsterdam) EC 137-p2
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/6/55655

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE398.470	04/12/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0012/2008	28/01/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0038/2008	19/02/2008	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03611/2008/LEX	23/04/2008	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2007)0669	26/10/2007	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	CES0502/2008	12/03/2008	

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2008/0046 OJ L 114 26.04.2008, p. 0088	Summary

Health and safety at work: exposure of workers to the risks arising from physical agents (electromagnetic fields)

2007/0230(COD) - 23/04/2008 - Final act

PURPOSE: to postpone by four years the deadline for the transposition of Directive 2004/40/EC on the exposure of workers to electromagnetic fields in the Member States to take into account new scientific evidence.

LEGISLATIVE ACT: Directive 2008/46/EC of the European Parliament and of the Council Directive 2004/40/EC on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

BACKGROUND: Directive 2004/40/EC of the European Parliament and of the Council on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (or 'electromagnetic fields' Directive) was adopted on 29 April 2004 and was to be transposed in the Member States no later than 30 April 2008. This Directive provides for action values and limit values based on the recommendations of the International Commission for Non-Ionizing Radiation Protection (ICNIRP). New scientific studies on the impact on health of exposure to electromagnetic radiation, made public after the Directive was adopted, have been brought to the attention of the European Parliament, the Council and the Commission. The results of those scientific studies are currently being examined by the ICNIRP and by the World Health Organisation. Those new recommendations, due to be published by the end of 2008, are likely to contain elements that could lead to substantial amendments to the action and limit values of Directive 2004/40/EC.

Moreover, the Commission launched a study to assess directly and quantitatively the situation regarding medical imaging (sector directly concerned by Directive 2004/40/EC). In this context, the results of that study should be taken on board, in addition to the results of similar studies concerning European standards (as defined by the European Committee for Electrotechnical Standardization (Cenelec)) in order to ensure smooth application of the Directive by taking account of latest scientific evidence.

Given that the majority of these studies and new standards should be published during the course of 2008, a period of four years will be necessary to obtain and analyse this new information and to take it into account with a view to a new proposal for a Directive. That is why it is necessary to postpone by four years the deadline for the transposition of the initial Directive.

CONTENT: in view of the above, the aim of this amending Directive is to provide for a new date of transposition of Directive 2004/40/EC. The original date of 30 April 2008 is therefore deleted and replaced by **30 April 2012**.

ENTRY INTO FORCE: the Directive enters into force on 26 April 2008.

Health and safety at work: exposure of workers to the risks arising from physical agents (electromagnetic fields)

2007/0230(COD) - 19/02/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution based on the report drafted by Jan **ANDERSSON** (PES, SE) approving the proposal for a directive of the European Parliament and of the Council amending Directive 2004/40/EC on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).

Health and safety at work: exposure of workers to the risks arising from physical agents (electromagnetic fields)

2007/0230(COD) - 26/10/2007 - Legislative proposal

PURPOSE : to postpone until 30 April 2012 the deadline for the transposition of Directive 2004/40/EC.

PROPOSED ACT : Directive of the European Parliament and of the Council

CONTENT : Directive 2004/40/EC has to be transposed into national legislation no later than 30 April 2008**.** This proposal aims to amend Article 13(1) of Directive 2004/40/EC in order to postpone the date of transposition until 30 April 2012.

In 2006, the medical community informed the Commission of its concerns regarding the implementation of this Directive, claiming that the exposure limit values laid down in the Directive would limit to a disproportionate extent the use and development of magnetic resonance imaging (MRI), considered today to be a vital tool for the diagnosis and treatment of several diseases. Other industrial sectors also subsequently expressed their concerns about the impact of the Directive on their activities.

The Commission discusses two recent studies that confirm the possibility that the limit values established in the Directive may interfere with medical procedures using MRI. Moreover, the International Commission for Non-ionising Radiation Protection (ICNIRP) is currently reviewing the guidelines on static magnetic fields and low-frequency time-varying fields on which the Directive is based. In both cases, new recommendations will probably provide for less strict limit values for low-frequency fields than those laid down in the Directive. These changes are likely to be backed up by the new scientific studies conducted since the adoption of the Directive. The new recommendations of the ICNIRP are expected in November 2007 and autumn 2008 respectively. The World Health Organisation (WHO) is also currently revising its environmental health criteria for electromagnetic fields in order to reflect the latest scientific studies available.

In view of these, the current deadline of 30 April 2008 should be postponed for four years:

-to allow a full analysis of the studies, including that launched by the Commission, regarding the potential negative impact of the exposure limit values set by the

Directive on the medical use of MRI;

-pending the results of the review of the ICNIRP recommendations, to take into account the WHO's environmental health criteria for electromagnetic fields based on the latest scientific studies concerning the impact of electromagnetic fields on human health published since the adoption of the directive; and

-to conduct an in-depth impact analysis of the Directive's provisions and propose amendments to it in order to guarantee both a high level of health and safety protection for workers and the continuation and development of medical and industrial activities using electromagnetic fields.

Health and safety at work: exposure of workers to the risks arising from physical agents (electromagnetic fields)

2007/0230(COD) - 12/01/2017 - Follow-up document

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 2004/40/EC of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)) **as amended by Directive 2008/46/EC**.

Given that **Directive 2004/40/EC** has been repealed and replaced by the Directive 2013/35/EU (with a transposition deadline of 1 July 2016), **its evaluation has been postponed**.