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Council and European Parliament reach agreement on rules on exposure of workers to electromagnetic fields

The Council and the European Parliament, with the help of the Commission, successfully concluded their negotiations on a new directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields. Today, the member states' Permanent Representatives endorsed the compromise reached, thus paving the way for the adoption of the draft directive at first reading. In order to enter into force, the text still needs to be formally approved by the Parliament, whose vote in plenary is expected to take place in June, and by the Council, which is due to take its decision shortly after the vote in Parliament, so that the adoption can be completed before the summer break.

The new directive is to replace a 2004 directive which has never entered into force because of problems with its implementation. The agreed text reviews exposure limitations on the basis of new scientific evidence and provides for derogations, in particular for medical applications using magnetic resonance imaging.

P R E S S

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With respect to the main issues of discussion between the Council and Parliament on this draft directive, the negotiations have delivered the following compromise solutions:

- Long-term effects of exposure are not covered by the directive as there is currently no conclusive evidence of a causal relationship. However, the Commission will monitor scientific developments and, if need be, consider appropriate means to address such effects.
- In the interest of transparency, risk assessments to be carried out by the employer can be made public on request. National administrations and companies may, however, refuse access to a risk assessment in cases where disclosure would undermine the commercial interests of the employer, unless there is an overriding public interest in disclosure.
- Rules on health surveillance and on the records to be established regarding risks, prevention and protection measures have been strengthened.
- Member states will have to enact the directive in their national law three years after the directive's entry into force. However, if Parliament approves the text by the end of June 2013, the deadline will be 1 July 2016.

The Commission presented its proposal in June 2012 ([11951/11](#)). The negotiations between the Council and the European Parliament were based on the general approach that the Council had reached on the text last October ([14020/12](#)), on the one hand, and on the amendments adopted by the competent committee of the European Parliament last December, on the other.

The revision of the 2004 directive has proved necessary as, after the adoption of that directive, the medical community claimed that work with magnetic resonance imaging (MRI) would be hampered by the strict exposure limit values laid down in the text. Other industrial sectors also expressed concerns about the impact of the directive. As a result of these problems, the transposition of the directive into national law has been postponed twice, most recently until 31 October 2013, in order to allow the Commission, the Council and the European Parliament to amend the directive.

The new draft directive takes account of new scientific studies in order to review exposure limitations, in particular in the low frequency range, so as to avoid the difficulties encountered with the implementation of the 2004 directive, while ensuring a high level of worker protection. The text also addresses the problems encountered by introducing derogations from the exposure limitations for medical applications using magnetic resonance imaging and, in duly justified circumstances, upon authorisation by the member state and provided that limits are only temporarily exceeded, for specific industry sectors or activities. In both cases, however, protection against adverse health effects and safety risks must be ensured. The directive also enables the member states to authorise, on their territory, an equivalent or a more specific protection system for the armed forces. As the directive only defines minimum requirements, member states are free to maintain or establish stricter requirements.

In order to facilitate the implementation of the directive, the Commission will draw up a practical guide.
