

ЕВРОПЕЙСКИ ПАРЛАМЕНТ

2004



2009

Документ за разглеждане в заседание

A6-0012/2008

28.1.2008

*****I**

ДОКЛАД

относно предложението за директива на Европейския парламент и на Съвета за изменение на Директива 2004/40/ЕО относно минималните изисквания за здраве и безопасност, свързани с експозицията на работниците на рискове, дължащи се на физически агенти (електромагнитни полета) (осемнадесета специална директива по смисъла на член 16, параграф 1 от Директива 89/391/ЕИО) (СОМ(2007)0669 – С6-0394/2007 – 2007/0230(COD))

Комисия по заетост и социални въпроси

Докладчик: Jan Andersson

(Опростена процедура – член 43, параграф 1 от правилника)

Легенда на използваните знаци

- * Процедура на консултация
мнозинство от подадените гласове
- **I Процедура на сътрудничество (първо четене)
мнозинство от подадените гласове
- **II Процедура на сътрудничество (второ четене)
мнозинство от подадените гласове за одобряване на общата позиция
мнозинство от всички членове на Парламента за отхвърляне или изменение на общата позиция
- *** Одобрение
мнозинство от всички членове на Парламента, освен в случаите по членове 105, 107, 161 и 300 от Договора за ЕО и член 7 от Договора за ЕС
- ***I Процедура на съвместно вземане на решение (първо четене)
мнозинство от подадените гласове
- ***II Процедура на съвместно вземане на решение (второ четене)
мнозинство от подадените гласове за одобряване на общата позиция
мнозинство от всички членове на Парламента за отхвърляне или изменение на общата позиция
- ***III Процедура на съвместно вземане на решение (трето четене)
мнозинство от подадените гласове за одобряване на съвместния проект

(Посочената процедура се базира на правното основание, предложено от Комисията.)

Изменения на законодателен текст

Измененията, внесени от Парламента, се обозначават в ***получер курсив***. Отбелязването в *курсив* е предназначено за съответните специализирани отдели и се отнася до частите от законодателния текст, за които е предложено изменение с цел изготвяне на окончателния текст (например очевидно грешни или липсващи части в дадена езикова версия). Поправките от този вид подлежат на съгласуване между съответните служби.

СЪДЪРЖАНИЕ

	Страница
ПРОЕКТ НА ЗАКОНОДАТЕЛНА РЕЗОЛЮЦИЯ НА ЕВРОПЕЙСКИЯ ПАРЛАМЕНТ	.5
ИЗЛОЖЕНИЕ НА МОТИВИТЕ.....	6
ПРОЦЕДУРА.....	10

ПРОЕКТ НА ЗАКОНОДАТЕЛНА РЕЗОЛЮЦИЯ НА ЕВРОПЕЙСКИЯ ПАРЛАМЕНТ

относно предложението за директива на Европейския парламент и на Съвета за изменение на Директива 2004/40/ЕО относно минималните изисквания за здраве и безопасност, свързани с експозицията на работниците на рискове, дължащи се на физически агенти (електромагнитни полета) (осемнадесета специална директива по смисъла на член 16, параграф 1 от Директива 89/391/ЕИО) (СОМ(2007)0669 – С6-0394/2007 – 2007/0230(COD))

(Процедура на съвместно вземане на решение: първо четене)

Европейският парламент,

- като взе предвид предложението на Комисията към Европейския парламент и към Съвета (СОМ(2007)0669),
 - като взе предвид член 251, параграф 2 и член 137, параграф 2 от Договора за ЕО, съгласно които предложението е внесено от Комисията (С6-0394/2007),
 - като взе предвид член 51 и член 43, параграф 1 от своя правилник,
 - като взе предвид доклада на комисията по заетост и социални въпроси (А6-0012/2008),
1. одобрява предложението на Комисията;
 2. призовава Комисията да се отнесе до него отново, в случай че възнамерява да внесе съществени промени в своето предложение или да го замени с друг текст;
 3. възлага на своя председател да предаде позицията на Парламента съответно на Съвета и на Комисията.

ИЗЛОЖЕНИЕ НА МОТИВИТЕ

Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields)¹ is the eighteenth individual Directive within the meaning of Article 16(1) of framework Directive 89/391/EEC.

This Directive forms part of a "package" of four directives on the exposure of workers to the risks arising from physical agents: noise, vibration, electromagnetic fields and optical radiation. It provides for measures to protect workers from the risks related to electric, magnetic and electromagnetic fields. However, it does not address the long-term effects, including the carcinogenic effects, that could result from exposure to electric, magnetic and electromagnetic fields, for which there is no conclusive scientific data establishing a causal link.

The measures foreseen create a minimum basis of protection for all workers in the Union, leaving the Member States the option of keeping or adopting more favourable provisions. Moreover, its implementation cannot be used to justify any regression of the (possibly more favourable) provisions that apply in each Member State before its entry into force.

The Directive lays down two types of value for exposure of workers:

- "exposure limit values" defined in Table 1 of the Annex to the Directive on the basis of the various frequencies that are recognised as having harmful effects on the human cardiovascular system or the central nervous system or as being capable of causing whole-body heat stress or excessive localised heating of tissues;
- "action values", or values above which employers must take the measures specified in the Directive. Compliance with these action values will ensure compliance with the relevant exposure limit values. These action values are obtained from the guidelines laid down by the International Commission on Non-Ionising Radiation Protection (ICNIRP). They are set out in Table 2 of the Annex to the Directive (13 frequency ranges that apply to all electromagnetic fields and are based on directly measurable parameters).

The Directive also lays down various types of obligation with which employers must comply.

Determination of exposure and assessment of risks

- assessment, measurement and calculation, by the appropriate services and at regular intervals, of the levels of electromagnetic fields to which workers are exposed;
- saving of the results of this assessment on a suitable data storage medium so that they can be consulted at a later stage;

¹ OJ L 159 of 30.4.2004, p. 1. Corrigendum: OJ L 184 of 24.05.2004, p. 1.

- consideration in the assessment of risks (among other things, of the level, frequency spectrum, duration and type of exposure), of the indirect effects, such as interference with medical electronic equipment and devices, fires and explosions resulting from ignition of flammable materials.

Provisions designed to avoid or reduce risks

Once the action values are exceeded, employers must devise and implement an action plan comprising technical and/or organisational measures intended to prevent exposure from exceeding the exposure limit values (modification of working methods, choice of appropriate work equipment, better design of work stations, etc.). However, employers are not obliged to do so if they prove that there are no risks to the health of workers.

If, despite the measures taken by the employer to limit the risks, the exposure limit values are exceeded, the employer must take immediate action in order to reduce exposure to an authorised level.

Health surveillance

The Directive provides for the requirement of appropriate surveillance of the health of exposed workers with the objective of preventing any adverse effects due to exposure to electromagnetic fields.

Where exposure exceeds the limit values, a medical examination is foreseen. If it transpires that the health of the workers concerned has been harmed as a result of this exposure, a reassessment of the risks must be carried out.

Adoption and transposition deadline

This Directive was adopted on 29 April 2004 and entered into force on 30 April 2004, date of its publication in the Official Journal. Article 13 of the Directive provided for a deadline for the transposition of this directive into national law that expires on 30 April 2008.

New scientific evidence, growing concerns

In the last months, professional groups and other stakeholders have expressed doubts about the certainty of the scientific basis of the Directive and claimed, in particular, that the action and limit values set therein are disproportionate and would have unwanted effects on the work carried out in some sectors, such as industry, research and medicine, and in activities like magnetic resonance imaging, as they would pose a threat to the normal performance and further development of their activities, without providing any extra protection to the health of workers using this equipment.

The EMPL committee wanted to hear first-hand about these concerns and, at its meeting of 7 May 2007, representatives of the European Society of Radiology were invited to present their views on the threats posed by the Directive on medical and research activities, and in particular on magnetic resonance imaging. The Commission, represented by Director Mr. Van

der Pas, committed itself to listening to these concerns, to commanding studies to verify whether the action and limit values set in the Directive are indeed too strict and to keeping this committee fully informed about the new elements arising from these studies and the options available for further action. In the view of this, the Commission also announced the possibility of postponing the implementation deadline of the directive should the preliminary results of these studies show that the claims were well-founded.

The Commission has fulfilled its commitment and now comes with the current proposal for a Directive which aims at amending the original Directive 2004/40/EC as for its implementation date, postponing it for four years, that is, until 30 April 2012. During this period, the Commission will gather new scientific evidence on the effects of electromagnetic fields on the health of workers using these machines in different sectors and activities and, most likely, will come back with a new proposal including more accurate action and limit values for electromagnetic fields which may ensure a balance between the prevention of potential risks to the health of workers and access to the benefits available from the effective use of the technologies in question.

In fact, some action is already being taken: a study launched by the British Government on the "assessment of electromagnetic fields around magnetic resonance imaging equipment", together with the "Comments concerning possible MRI restrictions due to implementation of a EU Directive" issued by the Health Council of the Netherlands in cooperation with its Belgian counterpart have been published in June 2007. Both documents shed light on the real import of the claims made by the medical community. In addition, the International Commission for Non-Ionising Radiation Protection (ICNIRP) is currently in the process of revising the guidelines regarding static magnetic fields and time varying low frequency range fields on which the directive was originally based: these studies could confirm the need to set less stringent action and limit values than those set by the directive for low frequency fields. At the same time, the World Health Organisation is also revising its environmental health criteria for electromagnetic fields to reflect the latest available scientific studies. Last but not least, the Commission has launched an independent study, which is now well on track: the results of this study are due in 2008.

Rapporteur's position

Your rapporteur supports the aims of the Commission: he is of the view that it is wise to postpone the deadline for the transposition of this directive into national law as proposed by the Commission given that the concerns expressed by some sectors of activity seem to be well founded, and look for new scientific evidence on the effects of the electromagnetic fields on the health of workers using these machines. Your rapporteur considered the possibility of introducing an amendment whereby the Commission would be required to present an intermediate report to the European Parliament on the state of play of the research being carried out, but finally decided not to do so because he considers it preferable to give sufficient time to the Commission to make the necessary research and analyze the data gathered, in order to have a whole picture of the studies carried out, and of their findings.

However, your rapporteur considers that the Commission must be held accountable to the European Parliament and, therefore, this committee reserves its right to call the Commission

at any time to explain the state of play with regard to the studies carried out and the first findings deriving thereto.

At the same time, your rapporteur has no doubts about the necessity for a directive on the protection of workers against the effects of electromagnetic fields. Therefore, he considers that the Commission must not postpone a legal instrument in this field. The postponement until 2012 of the entry into force of the current directive to allow for a revision of the exposure limits set therein seems adequate and in principle there would be no reason to further postpone this deadline for the revision of the directive and its entry into force. The EMPL committee will continuously monitor the Commission's course of action in this regard.

For all the reasons explained above, your rapporteur proposes the quick adoption of the Commission proposal under study without amendments.

ПРОЦЕДУРА

Заглавие	Експозиция на работниците на рискове, дължащи се на физически агенти (електромагнитни полета)
Позовавания	COM(2007)0669 – C6-0394/2007 – 2007/0230(COD)
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Докладчик(ци) Дата на назначаване	Jan Andersson 20.11.2007
Опростена процедура - Дата на решението	17.12.2007
Разглеждане в комисия	22.1.2008
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