



EUROPEAN COMMISSION

Brussels, 20.07.2012
C(2012) 5039 final

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion on the proposal for a directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) {COM(2011) 348 final} and apologises for the long delay in replying.

The Commission takes note of the concerns of the Senato della Repubblica related to the good use of the ICNIRP guidelines for establishing the exposure limits. The figures which can be found in the proposal are derived from the data and principles given by ICNIRP in its latest recommendations. Concerning the “minor effects” referred to by the Senato della Repubblica, the Commission understands that reference is made to temporary effects such as phosphenes under 400 Hz. The Commission recognises that it is difficult to reconcile these aspects of the ICNIRP recommendations with the needs of the industry where flexibility and proportionality are necessary and the main objective is to ensure an effective protection of workers exposed to electromagnetic fields. The Commission wants to reassure the Senato della Repubblica that due consideration has been given to the so-called “minor effects” and efforts are currently made in cooperation with experts from the Member States to improve the structure and content of the annexes. This will de facto also affect Article 3(1) as is suggested by the Senato della Repubblica.

Article 2(2) of the proposal relates to the introduction of “action values” (as in Directive 2004/40/ EC). These are equivalent to the ICNIRP “reference levels” and are directly measurable values. The new “orientation values” are also directly measurable values and are directly linked to the “minor effects” referred to by the Senato della Repubblica. They are intended to introduce some flexibility for the industry and some proportionality for the carrying out of the mandatory risk assessment. In no case are they to eliminate the obligation to carry out the risk assessment which is compulsory under framework directive 89/391/EEC.

Concerning Article 3(5) the Commission would like to point out that this paragraph does not introduce a derogation but indicates that the protection of workers of the armed forces are submitted to another but broadly equivalent protection system due to the nature of their activities. The exposure limits used by NATO are imported from the protection system in use in the USA as a whole (IEEE system) and do not deviate significantly from the ICNIRP values. Favouring the use of this system will also ensure interoperability of the armed forces of the 22 Member States which are also NATO members.

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Article 3(6), was deemed necessary by the Commission to allow in special cases, after due justification and in a controlled environment, to temporally exceed the exposure limit values. There is no intention to permanently exclude any industrial activity from the provisions of the future directive.

Concerning the specific case of medical applications using the magnetic resonance effect dealt with in Article 3(4), the proposed text is the result of a very thorough and comprehensive analysis of the situation. The Commission is convinced that the system which would be put in place by this Article in connection with Annex IV of the proposal will be much more efficient than any other alternative: risk assessments will still be necessary and will be better planned. Information and training for workers will be of high quality and equivalent in all Member States; procedures will be much better defined and, moreover, the system will include monitoring and reporting on a regular basis.

Concerning Article 5(5), the intention is to include all categories of workers at particular risk as is suggested by the Senato della Repubblica. There seems to be agreement on this in both the European Parliament and the Council.

Finally, as regards the separation of the health surveillance provisions for exposure to low or high frequency radiation in Article 8, the Commission underlines that this has been suggested by expert medical doctors themselves because the effects on the human body are of different nature.

The Commission hopes that this reply addresses the issues raised in your Opinion and looks forward to continuing the political dialogue with the Senato della Repubblica.

Yours faithfully,

*Maroš Šefčovič
Vice-President*