



To: EMPL members and substitutes

28 November 2012

Dear Madam/Sir,

In view of the forthcoming vote in the Employment Committee, we would like to provide you with the views of European companies on the report by Ms Morin-Chartier on electromagnetic fields (EMF). This builds on comments we made in our letter of 1 February 2012 during the preliminary discussions in the Employment Committee. The vote will crucially form the basis of an agreement between the European Parliament and the Council.

We would like to reiterate that in the overwhelming majority of everyday work situations, exposure to EMFs is significantly below the exposure limits. Therefore the aim should be to ensure a risk-based and proportionate approach, targeted to cases where electro-magnetic fields pose a real risk to workers' health and safety. The Commission's proposal was based on this, by distinguishing between adverse health effects and adverse safety effects.

Adverse safety effects can cause annoyance to the worker or affect his/her ability to undertake work safely, e.g. vertigo and phosphenes (seeing flashes of light). However, they are not harmful to workers' health. Such safety problems have to be dealt with in an adequate manner, however the impact on safety should not be treated at the same level as health effects, which in the most extreme cases includes burns.

Please find attached our comments on some of the compromise amendments for the vote.

We hope that the final provisions whilst protecting workers' health and safety will be workable and provide legal certainty for companies. It is important that they do not create unnecessary costs or administrative burdens for companies, in particular SMEs. Once there is agreement on the Directive, given it is highly technical and complex, it will be essential to provide clear guidance to companies to ensure that it is effectively implemented.

I hope that you are able to take these views into account in the vote on the report. Should you have further questions, please do not hesitate to contact us.

Yours sincerely

Philippe de Buck



EMPLOYMENT COMMITTEE VOTE ON ELECTRO-MAGNETIC FIELDS

COMMENTS ON COMPROMISE AMENDMENTS:

Compromise amendment I: This importantly clarifies the different types of effect of exposure to EMF. However, some further clarification is necessary to explain that 'sensory effects' (e.g. disturbances such as flashes of light) can have an impact on safety, but do not affect workers' health. Therefore, the limit values for such effects may be exceeded when controls are in place. Positively, the compromise amendment does not mention headaches or general well-being as a direct effect of exposure to EMF. Since both may be caused by a range of factors, it is difficult, if not impossible, to identify the cause as exposure to EMF.

Compromise amendment K: We support the directive allowing a certain amount of flexibility for member states and companies. There are some activities that may exceed the exposure limits for health effects, including common manufacturing processes such as certain types of welding. Without the flexibility provided for in the Commission's proposal, important processes in a number of industries could effectively be prohibited. This compromise amendment importantly retains this flexibility, albeit with some justifiable conditions. However, we do not agree that it is necessary to make the provision of information to workers such a condition, as this is already covered in a general way in Article 6.

Compromise amendment T: It is important that member states are also given some flexibility to allow them to apply other measurement methods, as this differs from one national context to another. There are some concerns that this compromise amendment, does not adequately allow for this.

Compromise amendment H: We believe that the scope of the directive should be restricted to addressing risks due to known short-term adverse effects. This is necessary as there is no conclusive scientific evidence establishing a causal relation between long-term exposure to EMF and health effects. Therefore, we do not agree with the proposal in this compromise amendment that on the basis of new scientific evidence the commission will present within 8 years a new proposal to address some long-term effects. This supposes that such effects have already been established, which is not the case. Any proposals should be based on robust scientific evidence.