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Committee on Employment and Social Affairs

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AMENDMENTS

13 - 52

Draft opinion
Anthea McIntyre
(PE500.513v01)

on the proposal for a Council directive laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation

Proposal for a directive
(COM(2012)242 – C7-0151/2012 – 2011/0254(NLE))

AM_Com_LegOpinion

Amendment 13

Csaba Óry

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive applies to the protection of the environment as **a** pathway from radiation sources to the exposure of man, complemented where appropriate with specific consideration of the exposure of biota in the environment as a whole.

Amendment

2. This Directive applies to the protection of the environment as **the** pathway from radiation sources to the **possible** exposure of man, complemented where appropriate with specific consideration of the exposure of biota in the environment as a whole.

Or. en

Amendment 14

Jutta Steinruck, Ole Christensen

Article 2 – paragraph 2 – point c – point i

Text proposed by the Commission

i) the operation of aircraft and spacecraft;

Amendment

i) **practices exposing workers to cosmic radiation, including** the operation of aircraft and spacecraft **as well as frequent flying**;

Or. en

Amendment 15

Csaba Óry

Article 4 – paragraph 1 – point 1

Text proposed by the Commission

(1) Medical exposure means exposure incurred by patients or asymptomatic individuals as part of their own medical or dental diagnosis or treatment, and intended to benefit their health **or well-being**, as well as exposure incurred by carers and

Amendment

(1) Medical exposure means exposure incurred by patients or asymptomatic individuals as part of their own medical or dental diagnosis or treatment, and intended to benefit their health, as well as exposure incurred by carers and comforters and by

comforters and by volunteers in biomedical research;

volunteers in biomedical research;

Or. en

Amendment 16

Jutta Steinruck, Claudiu Ciprian Tănăsescu, Ole Christensen

Article 4 – paragraph 1 – point 24

Text proposed by the Commission

(24) Occupational exposure means exposure of workers incurred in the course of their work;

Amendment

(24) Occupational exposure means exposure of workers, ***including employees and self-employed as well as trainees and volunteers***, incurred in the course of their work, ***including work-related frequent flying, or during their presence within the territory of their workplace; persons under the age of 18 shall not be assigned to any work which would make them subject to occupational exposure;***

Or. en

Amendment 17

Jutta Steinruck, Claudiu Ciprian Tănăsescu, Ole Christensen

Article 4 – paragraph 1 – point 35

Text proposed by the Commission

(35) Exposed worker means a person, either self-employed or working under an employer, who is subject to exposure at work carried out within a practice regulated by this Directive and who is liable to receive doses exceeding one or other of the dose limits for public exposure;

Amendment

(35) Exposed worker means a person, either self-employed or working under an employer, ***including a trainee or volunteer***, who is subject to exposure at work carried out within a practice regulated by this Directive and who is liable to receive doses exceeding one or other of the dose limits for public exposure; ***persons under 18 years of age shall not be assigned to any work which would define them as exposed workers.***

Amendment 18
Csaba Óry

Article 4 – paragraph 1 – point 54

Text proposed by the Commission

(54) Non-medical imaging exposure means any deliberate exposure of humans for imaging purposes where the primary motivation for the exposure is not related to the health *or well-being* of the individual being exposed;

Amendment

(54) Non-medical imaging exposure means any deliberate exposure of humans for imaging purposes where the primary motivation for the exposure is not related to the health of the individual being exposed;

Amendment 19
Jutta Steinruck, Ole Christensen

Article 6 – paragraph 1

Text proposed by the Commission

1. For occupational exposure, the dose constraint shall be established as an operational tool for optimisation by the undertaking *under the general supervision* of the competent authorities. In the case of outside workers the dose constraint shall be established in cooperation between the employer and the undertaking.

Amendment

1. For occupational exposure, the dose constraint shall be established as an operational tool for optimisation by the undertaking *in consultation with worker representatives. Their decision shall be supervised by* the competent authorities. In the case of outside workers the dose constraint shall be established in cooperation between the employer and the undertaking *in consultation with worker representatives.*

Amendment 20
Jutta Steinruck, Claudiu Ciprian Tănăsescu, Ole Christensen

Article 11 – paragraph 1

Text proposed by the Commission

1. As soon as a pregnant woman informs the undertaking of her condition, in accordance with national legislation or national practice, the protection of the unborn child shall be **comparable with** that provided for members of the public. The employment conditions for the pregnant woman shall be such that the equivalent dose to the unborn child is as low as reasonably achievable and unlikely to exceed 1 mSv during at least the remainder of the pregnancy.

Amendment

1. As soon as a pregnant woman informs the undertaking of her condition, in accordance with national legislation or national practice, the protection of the unborn child shall be **equivalent to** that provided for members of the public. The employment conditions for the pregnant woman shall be such that the equivalent dose to the unborn child is as low as reasonably achievable and unlikely to exceed 1 mSv during at least the remainder of the pregnancy. ***In case of after-effects because of the undertaking's non-compliance with these provisions, the parties concerned shall be entitled to financial compensation by the undertaking.***

Or. en

Amendment 21

Jutta Steinruck, Ole Christensen

Article 11 – paragraph 2

Text proposed by the Commission

2. As soon as a breastfeeding woman informs the undertaking of her condition, she shall not be **employed in work involving** a significant risk of intake of radionuclides.

Amendment

2. As soon as a breastfeeding woman informs the undertaking of her condition, she shall not be **exposed to** a significant risk of intake of radionuclides.

Or. en

Amendment 22

Csaba Óry

Article 12 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the limit on the equivalent dose for the lens of the eye shall be **20** mSv in a year;

(a) the limit on the equivalent dose for the lens of the eye shall be **15** mSv in a year;

Or. en

Amendment 23

Csaba Óry

Article 12 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) the limit on the equivalent dose for the skin shall be **150** mSv in a year, averaged over any area of 1 cm², regardless of the area exposed;

(b) the limit on the equivalent dose for the skin shall be **50** mSv in a year, averaged over any area of 1 cm², regardless of the area exposed;

Or. en

Amendment 24

Csaba Óry

Article 12 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) the limit on the equivalent dose for the hands, forearms, feet and ankles shall be **150** mSv in a year.

(c) the limit on the equivalent dose for the hands, forearms, feet and ankles shall be **50** mSv in a year.

Or. en

Amendment 25

Jutta Steinruck, Claudiu Ciprian Tănăsescu, Ole Christensen

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall require the undertaking or the employer to inform exposed workers, apprentices and students who are subject to occupational exposure on:

Amendment

1. Member States shall require the undertaking or the employer to inform exposed workers ***without exception***, apprentices and students who are subject to occupational exposure on:

Or. en

Justification

The scope of the directive should cover frequent flyers

Amendment 26

Csaba Óry

Article 16 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) safe working procedures minimizing the risks;

Or. en

Amendment 27

Csaba Óry

Article 16 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the conditions under which workers are entitled to health surveillance;

Or. en

Amendment 28

Csaba Óry

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) advised and trained in the visual detection of sources ***and their containers***;

Amendment

(b) advised and trained in the visual detection of sources ***and their containers as well as in how to report them***;

Or. en

Amendment 29 Phil Bennion

Article 27 – paragraph 1

Text proposed by the Commission

In cases where a limited risk of exposure does not necessitate the examination of individual cases and the practice is undertaken in accordance with conditions laid down in national legislation, competent authorities may limit regulatory control to registration of the practice and an appropriate frequency of inspections.

Amendment

In cases where ***a quantifiable dose limit can be established for a practice***, a limited risk of exposure does not necessitate the examination of individual cases and the practice is undertaken in accordance with conditions laid down in national legislation, competent authorities may limit regulatory control to registration of the practice and an appropriate frequency of inspections. ***Licensing shall only be requested where the authorisation is applied to the overall activities of an undertaking.***

Or. en

Justification

Licensing systems allow approval of certain industries to operate, whereas registration regulates the practices carried out and their quantifiable effects therefore the different systems have different appropriate uses.

Amendment 30 Phil Bennion

Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall require licensing for the following practices:

Amendment

2. Member States shall require licensing ***for undertakings performing the following activities, or, where appropriate in accordance with paragraph 1, registration*** for the following practices:

Or. en

Amendment 31 Anthea McIntyre

Article 27 – paragraph 2 – point e

Text proposed by the Commission

(e) practices in which workers are liable to receive an annual effective dose of more than 6 mSv in normal operation and under normal working conditions;

Amendment

deleted

Or. en

Amendment 32 Anthea McIntyre

Article 27 – paragraph 3 – point e

Text proposed by the Commission

(e) practices in which workers are liable to receive an annual effective dose of more than 1 mSv in normal operation and under normal working conditions;

Amendment

deleted

Or. en

Amendment 33 Csaba Óry

Article 28 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) measures taken due to this directive;

Or. en

Amendment 34

Csaba Óry

Article 31 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) medical surveillance.

(e) medical surveillance **and examination of the workers, which take place during working hours and without costs for them;**

Or. en

Amendment 35

Ole Christensen, Jutta Steinruck

Article 33 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. For undertakings ***operating aircraft*** where the effective dose to the crew from cosmic radiation is liable to exceed 6 mSv per year, the relevant requirements set out in this Chapter shall apply. Where the effective dose to the crew is less than or equal to 6 mSv per year and liable to be above 1 mSv per year, the competent authorities shall at least require undertakings to keep exposures under review, taking into account the potential for doses to change over time or as a result of changes in the work arrangements. The undertakings shall take appropriate

3. For undertakings where the effective dose to the crew ***or workers subject to work-related frequent flying*** from cosmic radiation is liable to exceed 6 mSv per year, the relevant requirements set out in this Chapter shall apply. Where the effective dose to the crew ***or workers subject to work-related frequent flying*** is less than or equal to 6 mSv per year and liable to be above 1 mSv per year, the competent authorities shall at least require undertakings to keep exposures under review, taking into account the potential for doses to change over time or as a result

measures, in particular:

of changes in the work arrangements. The undertakings shall take appropriate measures, in particular:

Or. en

Amendment 36

Ole Christensen, Jutta Steinruck

Article 33 – paragraph 3 – point a

Text proposed by the Commission

(a) to assess the exposure of the crew concerned;

Amendment

(a) to assess the exposure of the crew **or workers** concerned;

Or. en

Amendment 37

Ole Christensen, Jutta Steinruck

Article 33 – paragraph 3 – point b

Text proposed by the Commission

(b) to take into account the assessed exposure when organising working schedules with a view to reducing the doses of highly exposed crew;

Amendment

(b) to take into account the assessed exposure when organising working schedules with a view to reducing the doses of highly exposed crew **or workers subject to work-related frequent flying**;

Or. en

Amendment 38

Csaba Óry

Article 38 – paragraph 1 – point a

Text proposed by the Commission

(a) category A: exposed workers who are liable to receive an effective dose greater

Amendment

(a) category A: exposed workers who are liable to receive an effective dose greater

than 6 mSv per year or an equivalent dose greater than 15 mSv per year for the lens of the eye or greater than **150** mSv per year for skin and extremities;

than 6 mSv per year or an equivalent dose greater than 15 mSv per year for the lens of the eye or greater than **50** mSv per year for skin and extremities;

Or. en

Amendment 39 **Csaba Óry**

Article 39 – paragraph 2

Text proposed by the Commission

2. Monitoring for category B workers shall be at least sufficient to demonstrate that such workers are correctly classified in category B. Member States **may** require individual monitoring and if necessary individual measurements, performed by a dosimetry service, for category B workers.

Amendment

2. Monitoring for category B workers shall be at least sufficient to demonstrate that such workers are correctly classified in category B. Member States **have to** require individual monitoring and if necessary individual measurements, performed by a dosimetry service, for category B workers.

Or. en

Amendment 40 **Anthea McIntyre**

Article 41 – paragraph 3

Text proposed by the Commission

3. The information referred in paragraph 1 shall be retained during the period of their working life involving exposure to ionising radiation and afterwards until they have or would have attained the age of 75 years, but in any case not less than 30 years after termination of the work involving exposure.

Amendment

3. ***The dose record referred to in paragraph 1 shall be submitted to the data system for individual radiological monitoring established by the Member State in accordance with the provisions of Annex VIII.*** The information referred in paragraph 1 shall be retained during the period of their working life involving exposure to ionising radiation and afterwards until they have or would have attained the age of 75 years, but in any case not less than 30 years after termination of the work involving exposure.

Amendment 41
Csaba Óry

Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall require workers to have access at their request to the results of their individual monitoring, including the results of measurements which may have been used in estimating these results, or to the results of the assessment of their doses made as a result of workplace measurements.

Amendment

1. Member States shall require workers to have access at **any time** to the results of their individual monitoring, including the results of measurements which may have been used in estimating these results, or to the results of the assessment of their doses made as a result of workplace measurements.

Or. en

Amendment 42
Csaba Óry

Article 46 – paragraph 1

Text proposed by the Commission

No worker may be employed or classified for any period in a specific post as a category A worker if medical surveillance establishes that the worker is unfit for that specific post.

Amendment

No worker may be employed or classified for any period in a specific post as a category A worker if medical surveillance establishes that the worker is unfit for that specific post **or fit for limited duties**.

Or. en

Amendment 43
Csaba Óry

Article 47 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The employee shall have access to his or her personal health file at any time.

Or. en

Amendment 44
Csaba Óry

Article 49 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall lay down the procedure for appeal against the findings and decisions made pursuant to Articles 45, 46 and 48.

Member States shall lay down the procedure for appeal against the findings and decisions made pursuant to Articles 45, 46 and 48.

Consultation and participation of workers and/or their representatives shall be regulated by Article 11 of Council Directive 89/391/EEC.

Or. en

Amendment 45
Csaba Óry

Article 50 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the system for individual radiological monitoring affords outside workers equivalent protection to that for workers employed on a permanent basis by the undertaking.

1. Member States shall ensure that the system for individual radiological monitoring affords outside workers equivalent protection ***and medical care*** to that for workers employed on a permanent basis by the undertaking.

Or. en

Amendment 46
Csaba Óry

Article 54 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Medical exposure shall show a sufficient net benefit, weighing the total potential diagnostic or therapeutic benefits it produces, including the direct benefits to health **or well-being** of an individual and the benefits to society, against the individual detriment that the exposure might cause, taking into account the efficacy, benefits and risks of available alternative techniques having the same objective but involving no or less exposure to ionising radiation.

Amendment

Medical exposure shall show a sufficient net benefit, weighing the total potential diagnostic or therapeutic benefits it produces, including the direct benefits to health of an individual and the benefits to society, against the individual detriment that the exposure might cause, taking into account the efficacy, benefits and risks of available alternative techniques having the same objective but involving no or less exposure to ionising radiation.

Or. en

Amendment 47
Csaba Óry

Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Staff shall be trained regularly and compliance with the applicable rules shall be monitored.

Or. en

Amendment 48
Phil Bennion

Article 70 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall require the undertaking responsible for a practice to

1. Member States shall require the undertaking responsible for a **licensed**

notify the competent authorities immediately of any emergency occurring in its facility or related to its activities and to take all appropriate action to reduce the consequences.

practice to notify the competent authorities immediately of any emergency occurring in its facility or related to its activities and to take all appropriate action to reduce the consequences.

Or. en

Justification

The provisions set out here refer to the practices falling under the categories which present high levels of risk and thus fall within the licensed category of practices.

Amendment 49 **Csaba Óry**

Article 85 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) establishing documented procedures used for information and training of exposed workers.

Or. en

Amendment 50 **Csaba Óry**

Article 86 – paragraph 2 – point l a (new)

Text proposed by the Commission

Amendment

(la) establishing documented procedures used for information and training of exposed workers.

Or. en

Amendment 51 **Csaba Óry**

Annex 4 – paragraph 1 – point A – point 4

Text proposed by the Commission

4. Radiological health assessment for other purposes not intended to benefit the health **and well-being** of the exposed individual;

Amendment

4. Radiological health assessment for other purposes not intended to benefit the health of the exposed individual;

Or. en

Amendment 52 **Csaba Óry**

Annex 8 – paragraph 2

Text proposed by the Commission

The data system for individual radiological monitoring established by a Member State may be realised either as a centralised national network or as a national dose register. These networks or registers **may** be supplemented by the issuance of individual radiological monitoring documents for every outside worker.

Amendment

The data system for individual radiological monitoring established by a Member State may be realised either as a centralised national network or as a national dose register. These networks or registers **shall** be supplemented by the issuance of individual radiological monitoring documents for every outside worker.

Or. en