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DRAFT REPORT


Committee on Employment and Social Affairs

Rapporteur: Elisabeth Morin-Chartier
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in **bold italics**. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (XXth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

(COM(2011)0348 – C7-0191/2011 – 2011/0152(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2011)0348),

– having regard to Article 294(2) and Article 153(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0191/2011),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of .....2011¹,

– having consulted the Committee of the Regions,

– having regard to Rule 55 of its Rules of Procedure,

– having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0000/2011),

1. Adopts the position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1
Proposal for a directive
Recital 7

¹ Not yet published in the Official Journal.
(7) This Directive lays down minimum requirements, thus giving Member States the option of maintaining or adopting more favourable provisions for the protection of workers, in particular the fixing of lower values for the orientation values and action values or the exposure limit values for electromagnetic fields. However, the implementation of this Directive should not serve to justify any regression in relation to the situation already prevailing in each Member State.

Amendment 2
Proposal for a directive
Recital 12

(12) Employers should make adjustments in the light of technical progress and scientific knowledge regarding the risks related to exposure to electromagnetic fields, with a view to improving the safety and health protection of workers.

Amendment 3
Proposal for a directive
Article 1 – paragraph 3

3. This Directive does not address long-term effects.
Amendment 4
Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘exposure limit values’: limits on exposure to electromagnetic fields which have been established on the basis of known health effects and biological considerations. Compliance with the exposure limits values for health effects will ensure that workers exposed to electromagnetic fields are protected against all known adverse health effects. Compliance with the exposure limits values for safety effects will ensure that workers exposed to electromagnetic fields are protected against all known adverse health and safety effects;

Amendment

(e) ‘exposure limit values’: limits on exposure to electromagnetic fields which have been established on the basis of known health effects and biophysical considerations. Compliance with the exposure limits values for safety effects will ensure that workers exposed to electromagnetic fields are protected against all known adverse health and safety effects.

Or. fr

Amendment 5
Proposal for a directive
Article 3 – paragraph 4 - subparagraph 1 a (new)

Text proposed by the Commission

In order to provide adequate protection for people working in the vicinity of magnetic resonance imaging (MRI) equipment while it is in operation and to take due account of existing precautionary and protective measures against exposure to electromagnetic fields, employers shall perform risk assessments and take appropriate technical and organisational measures to protect workers against potential risks arising from exposure to electromagnetic fields. The only workers permitted to be in the vicinity of MRI equipment while it is
in operation are those performing medical procedures which strictly necessitate their presence. Employers shall define a controlled access zone around the static magnetic field and take technical, organisational, information and training measures for workers who can enter the controlled access zone so as to reduce exposure and prevent risks.

Amendment 6
Proposal for a directive
Article 4 – paragraph 5 – point c

Text proposed by the Commission
(c) any effects concerning the health and safety of workers at particular risk such as workers who have declared to the employer that they wear an Active Implanted Medical Device and women who have declared that they are pregnant;

Amendment
(c) any effects concerning the health and safety of workers at particular risk such as workers who wear an Active or Passive Implanted Medical Device (e.g. a pacemaker), workers equipped with portable medical devices (such as insulin pumps) and pregnant women;

Amendment 7
Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission
1. Taking account of technical progress and the availability of measures to control the production of electromagnetic fields at the source, the exposure to electromagnetic fields shall be eliminated or reduced to a minimum.

Amendment
1. Taking account of technical progress and the availability of measures to control the production of electromagnetic fields at the source, risks arising from exposure to electromagnetic fields shall be eliminated or reduced to a minimum.
Amendment 8  
Proposal for a directive  
Article 5 – paragraph 4

**Text proposed by the Commission**

4. In any event, workers shall not be exposed above the exposure limit values for health effects unless the conditions under Article 3(6) are fulfilled. If, despite the measures taken by the employer to comply with this Directive, the exposure limit values for health effects are exceeded, the employer shall take immediate action to reduce exposure below these exposure limit values. The employer shall identify the reasons why the exposure limit values for health effects have been exceeded, and shall amend the protection and prevention measures accordingly **in order to prevent them being exceeded again.**

**Amendment**

4. In any event, workers shall not be exposed above the exposure limit values for health effects unless the conditions under Article 3(6) are fulfilled. If, despite the measures taken by the employer to comply with this Directive, the exposure limit values for health effects are exceeded, the employer shall take immediate action to reduce exposure below these exposure limit values. The employer shall identify the reasons why the exposure limit values for health effects have been exceeded, and shall amend the protection and prevention measures accordingly, ensuring that the changes made are traceable.

Or. fr

Amendment 9  
Proposal for a directive  
Article 5 – paragraph 5

**Text proposed by the Commission**

5. Pursuant to Article 15 of Directive 89/391/EEC, the employer shall adapt the measures referred to in this Article and in Annexes II and III to the requirements of workers at particular risk.

**Amendment**

5. Pursuant to Article 15 of Directive 89/391/EEC, the employer shall adapt the measures referred to in this Article and in Annexes II and III to the requirements of workers at particular risk, **particularly workers equipped with implantable or portable medical devices and pregnant women.**

Or. fr

Amendment 10  
Proposal for a directive  
Article 6 – paragraph 1 – introductory part
Without prejudice to Articles 10 and 12 of Directive 89/391/EEC, the employer shall ensure that workers who are exposed to risks from electromagnetic fields at work and/or their representatives receive any necessary information and training relating to the outcome of the risk assessment provided for in Article 4(1) of this Directive, concerning in particular:

**Amendment**

Without prejudice to Articles 10 and 12 of Directive 89/391/EEC, the employer shall ensure that workers who are exposed to risks from electromagnetic fields at work and/or their representatives appointed in accordance with national practices and legislation receive any necessary information and training relating to the outcome of the risk assessment provided for in Article 4(1) of this Directive, concerning in particular:

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**Amendment 11**
Proposal for a directive
Article 6 – paragraph 1 – point b a (new)

**Text proposed by the Commission**

(ba) the possible indirect effects of exposure;

**Amendment**

Or. fr

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**Amendment 12**
Proposal for a directive
Article 8 – paragraph 1 – subparagraph 3

**Text proposed by the Commission**

For exposure in the range from 100 kHz up to 300 GHz, and in any event where exposure above the exposure limit values is detected, a medical examination shall be made available to the worker(s) concerned in accordance with national law and practice. If health damage resulting from such exposure is detected, a reassessment of the risks shall be carried out by the employer in accordance with Article 4.

**Amendment**

For exposure in the range from 100 kHz up to 300 GHz, and in any event where exposure above the exposure limit values is detected, a medical examination shall be made available to the worker(s) concerned in accordance with national law and practice. This examination shall be performed during working hours, and the costs arising from it shall be borne by the employer. If health damage resulting from
such exposure is detected, a reassessment of the risks shall be carried out by the employer in accordance with Article 4.

Amendment 13
Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. The employer shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for health surveillance have access to the results of the risk assessment referred to in Article 4.

Amendment

2. The employer, assisted if necessary by the occupational health professional, shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for health surveillance have access to the results of the risk assessment referred to in Article 4.

Amendment 14
Proposal for a directive
Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) take into account the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment or workplaces;

Amendment

(a) take into account the adoption of Directives in the field of technical harmonisation and standardisation with regard to the building, manufacture or construction of work equipment or workplaces;

Amendment 15
Proposal for a directive
Article 11 – paragraph 2
Text proposed by the Commission

2. The delegation of power referred to in Article 10 shall be conferred for an **indeterminate** period of time from [the date of entry into force of the present Directive].

Amendment

2. The delegation of power referred to in Article 10 shall be conferred **on the Commission** for a period of **five years** from [the date of entry into force of the present Directive]. The Commission shall **draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.** The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. fr

Amendment 16
Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

Amendment

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure **for compelling reasons relating to the health and protection of workers.**

Or. fr

Amendment 17
Proposal for a directive
Article 13
**Text proposed by the Commission**

In order to facilitate implementation of this Directive, in particular the conduct of the risk assessment, the Commission shall draw up practical guides to the provisions of Articles 4 and 5 and Annexes II to IV. The Commission shall work in close cooperation with the Advisory Committee for Safety and Health at Work.

**Amendment**

In order to facilitate implementation of this Directive, in particular the conduct of the risk assessment and medical examinations, the Commission shall draw up practical guides to the provisions of Articles 4 and 5 and Annexes II to IV. The Commission shall work in close cooperation with the Advisory Committee for Safety and Health at Work. *These practical guides shall be adopted in accordance with the procedure laid down in Article 11.*

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**Amendment 18**

**Proposal for a directive**

**Article 14**

**Text proposed by the Commission**

The report to be established in accordance to Article 17(a) of Directive 89/391/EEC shall notably report on the effectiveness of the Directive in reducing exposure to electromagnetic fields and the percentage of workplaces that required corrective action.

**Amendment**

*Without prejudice to* the report to be established in accordance to Article 17(a) of Directive 89/391/EEC, *the Commission shall draft a specific report within five years from … [the date of entry into force of this Directive]. This specific report shall notably report on the effectiveness of the Directive in reducing exposure to electromagnetic fields and the percentage of workplaces that required corrective action.*