1. Conclusions

1.1 The EESC believes that the protection of workers’ health against the negative direct and indirect impact of electromagnetic fields should be covered by the provisions of a European directive as soon as possible. Nonetheless, taking into account the arguments put forward by the Commission and those presented in this opinion, the EESC takes a positive view of the Commission’s proposal.

1.2 Simply postponing the transposition of Directive 2004/40/EC will not solve the problems arising from the practical implementation of its provisions. The EESC therefore agrees with the Commission on the need to undertake urgent work on improving this directive.

1.3 The EESC emphasises that the postponement by four years of the date on which the current directive will enter into force and the planned amendments to its content will give workers and employers an unclear message about the Commission’s legislative plans. The EESC therefore expects the Commission to take urgent action to mitigate the negative effects of this uncertainty within the EU legal system.

1.4 The Committee recommends that the Commission take into account in its future work the detailed comments and proposals contained in this opinion.

2. Background to the opinion

2.1 The purpose of the Commission’s proposal is to postpone by four years, until 30 April 2012, the transposition of Directive 2004/40/EC on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).

2.2 The main justification for the Commission’s proposal is the concern that the exposure limit values for workers laid down in the directive may impede the development of medical diagnosis using magnetic resonance imaging (MRI). The Commission also wishes to have more time to carry out a detailed assessment of the impact of the directive on the safety of other categories of worker and on the development of other sectors of the economy which use electromagnetic fields.

2.3 At the same time, the Commission has announced that it will propose changes to Directive 2004/40/EC in connection with the scheduled publication in 2008 and 2009 of the results of new scientific research, including the ICNIRP (1) and WHO (2) recommendations, which the Commission expects to propose exposure limit values different from those currently stipulated in the Directive.

2.4 The Commission’s proposal has not been the subject of an opinion by the European social partners.

2.5 The proposal amending Directive 2004/40/EC is the eighteenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC; it concerns the protection of all

(1) ICNIRP — International Commission on Non-Ionizing Radiation Protection.
(2) WHO — World Health Organisation.
categories of worker against the risk of exposure to electromagnetic fields in the workplace (1). The original draft Directive (2) was not submitted to the EESC for its opinion, as the EESC opinion of 1993 (3) on the directive relating to the four physical agents in the workplace was considered to be sufficient for this purpose.

2.6 Protection against excessive exposure to electromagnetic fields currently varies significantly among the Member States — seven countries have already informed the Commission that they have completed the implementation of the directives in their national law (Austria, Czech Republic, Slovakia, Lithuania, Latvia, Estonia and Italy (4)); in other countries, older provisions continue to apply (Sweden, Finland, Poland, Bulgaria, Romania, United Kingdom, France etc.); finally, there are some countries which lack any detailed provisions in this area (5).

3. General comments

3.1 Taking into account the provisions of the Framework Directive 89/391/EC and the extensive scientific data available, these issues clearly must be covered by a European directive in order to ensure the appropriate protection of workers' health taking into special consideration potential mothers against the direct and indirect negative impact of electromagnetic fields and to enable workers to carry out their professional duties correctly.

3.2 Nonetheless, taking into account the arguments put forward by the Commission and those presented in this opinion, the EESC takes a positive view of the Commission's proposal.

3.3 The EESC agrees with the Commission that improvements to the directive are urgently needed in order to ensure practical implementation of provisions from the Directive. The EESC believes that the improved directive should take a more sophisticated approach to the issue of protection against the risk of exposure to electromagnetic fields, and take account of the detailed comments outlined below.

3.4 The Committee notes with regret that the European Commission has, for the first time in its history, significantly delayed the entry into force of the provisions of a binding directive concerning minimum safety requirements for workers and their protection against risks in the workplace.

3.5 The Commission's announcement that changes are needed to the contents of the directive and its call to the Member States to halt transposition (6), effectively means the withdrawal of the directive in its current form. Yet, formally, all that will happen will be the postponement of the date of entry into force. This will lead to legal inconsistencies, as the parties concerned will receive conflicting signals as to the scope of the action needed to limit European workers' exposure to electromagnetic fields. The EESC would therefore stress the importance of establishing consistent rules as soon as possible.

3.6 An analysis of the provisions of Directive 2004/40/EC carried out in a number of Member States in preparation for transposition revealed a number of shortcomings which made full transposition difficult. The Committee expects the draft version of the improved directive, which the Commission hopes to have ready in 2009, to be submitted for its opinion, and any comments it may make to be given serious consideration.

3.7 The Committee notes that the current levels of protection for workers against the risks of exposure to electromagnetic fields vary between individual Member States. The urgent preparation of an improved text for the directive, providing all workers with an appropriate level of safety during exposure to electromagnetic fields, should be treated as a matter of priority.

4. Specific comments

4.1 The Commission's reasons for postponing the deadline for the transposition of the directive would appear somewhat one-sided, focusing on only a very small group of workers (several hundred individuals across Europe) who are particularly exposed to such risks, i.e. MRI equipment operators. The Commission does not take account of the effect of postponing
action on a much larger group of workers exposed to electromagnetic fields used in various economic sectors (welding, electrotyric equipment, transmitter aerials, power installations etc.), at least to number in millions Europe-wide.

4.2 The EESC emphasizes that the postponement of the transposition deadline will not, on its own, solve the recently identified problems, which are related to imprecise definitions. This would be necessary to create a level playing field for both sides of industry.

4.3 The EESC believes that it is important that the rules that are laid down have a solid scientific foundation. The history of scientific research into the effects of exposure to electromagnetic fields dates back to the mid 20th century, giving well established scientific background for minimum health and safety limits of workers’ exposure. The EESC therefore believes that the adoption of the improved directive should be executed without a longer delay than the four years proposed by the Commission.

4.4 The EESC believes that the European Commission should show more initiative and independence by actively drawing up a policy for protecting workers against excessive exposure to electromagnetic fields in the workplace (particularly, given that the general public already enjoys such protection under Recommendation 519/1999 (11)), and some countries already created the legal systems for protection of workers against electromagnetic fields exposure.

4.5 The Committee believes that, by Europe-wide consultation of scientific and legal experts and institutions, from all 27 Member States, the Commission will be able to make effective use of their practical experience and take account of the specific legislative solutions adopted in various regions to solve recently identified problems which are now preventing the transposition and effective application of Directive 2004/40/EC.

4.6 The EESC calls on the Commission, like in its opinion of 1993 (12) to conduct research to identify the risks to workers’ health caused by conditions in the workplace such as exposure to static magnetic fields or intermediate frequency electromagnetic fields (including exposure over many years).

4.7 Taking into account the Commission’s planned improvements to Directive 2004/40/EC and its call to the Member States to cease all work on the formal implementation of the provisions of the Directive, published CENELEC (13) standards should not include references to their ‘harmonisation with Directive 2004/40/EC until such time as the improved text has been drawn up. This will make it possible to maintain an appropriate level of consistency within the EU legal system.

4.8 Bringing the conditions of exposure of workers into line with the provisions of the directive may, in certain cases, involve significant technical adjustments (including the replacement of equipment), and the implementation of the directive by businesses should therefore, to a certain extent, take into account economic considerations. In this context, it is worth examining past experience of implementing the provisions of the work equipment directive (14), which included an appropriate period for adapting work stations to the directive’s requirements.

4.9 From the employers’ perspective, provisions on new equipment are most urgently needed, as the cheapest and most effective approach to the problem is for manufacturers to produce technical solutions that reduce or completely eliminate the risk to workers. The EESC stresses that such action also protects from exposure persons who use such equipment for independent economic activity and who are not formally covered by the employee protection provisions of the directive (e.g. during welding work in family craft firms, or on farms).

4.10 Furthermore, the provision by manufacturers or suppliers of documentation on the nature and extent of the electromagnetic fields generated by various appliances will, in future, make it possible to significantly cut the cost of assessing work-related exposure risks. At present, the absence of any

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(12) The ICNIRP referred to above, which has played an important role in developing EU regulations in this field for many years, bases its work on studies drawn up by a group of a dozen or so experts from 9 EU countries, without the participation of social partners and experts from those countries which joined the EU from 2004.


(14) CENELEC — European Committee for Electrotechnical Standardisation.

effective regulations at European level means that such documentation is often not provided. This is particularly burdensome for SMEs, which can often ill afford to carry out professional risk assessments.

4.11 The access to the adequate manufacturers' documentation would enable trade unions and insurance companies to undertake various activities aimed at protecting workers, irrespective of the deadline for the implementation of the directive and its future provisions (in line with the universally recommended practice of avoiding unnecessary risk, where possible).

4.12 The EESC is concerned that the postponement of the transposition deadline may lead to new equipment entering into service which lacks any documentation on the risks arising during use or repair.


The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

Opinion of the European Economic and Social Committee on EU budget reform and future financing
(2008/C 204/23)

On 25 September 2007 the European Economic and Social Committee decided to draw up an own-initiative opinion, under Rule 29(2) of its Rules of Procedure, on EU budget reform and future financing.

The Section for Economic and Monetary Union and Economic and Social Cohesion, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 20 February 2008. The rapporteur was Ms Florio.

At its 443rd plenary session, on 12 March 2008, the European Economic and Social Committee adopted the following opinion by 113 votes to 18 with 15 abstentions.

1. Conclusions and recommendations

1.1 The radical changes of recent decades have led the European Union to launch a new political agenda whose priorities include climate change, energy and immigration: new issues requiring a rapid response. The EESC is keen to take part in the debate opened up by the Commission on budget policy, the key to rising to the above challenges.

1.2 The review of the European budget comes in the context of the sensitive ratification period of the Lisbon Treaty and is directly connected to the debate on cohesion and research policy and the CAP ‘health check’. Moreover, the elections to the European Parliament and the installation of the new Commission are in sight. For this reason, the EESC would stress the difficulty of holding such an important debate at a time when two major institutions are undergoing renewal. The EESC also hopes that the governments of the 27 Member States will be prepared to take bold strategic decisions. The Committee urges the Commission to clarify which instruments it intends to use in the consultation procedure.

1.3 There is a fundamental choice to be made when shaping budget policy: federalism or an intergovernmental system. Clearly, the arrangements for financing the budget are one measure of the level of advancement of European integration.

1.4 Before assessing what economic resources are needed and what methods will be used to locate them, it will be necessary to ensure that the Community's policies are up to date, in particular those that have a long history and which, despite having had a positive impact on development and economic growth, will need to be adjusted and bolstered if they are to respond to the new challenges. An in-depth, courageous analysis of the Structural Funds, cohesion funds, regional policies etc. needs to be carried out, to analyse in particular their impact and effectiveness in the new Member States, taking into account the Fourth report on economic and social cohesion (COM(2007) 273 final) on which the EESC recently issued an opinion (1).