DIRECTIVES

DIRECTIVE 2008/46/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 23 April 2008

amending Directive 2004/40/EC on minimum health and safety requirements regarding the
exposure of workers to the risks arising from physical agents (electromagnetic fields)
(18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee (1),

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in
Article 251 of the Treaty (2),

Whereas:

the Council (3) establishes minimum health and safety
requirements to protect workers against the risks
arising from exposure to electromagnetic fields. Article 13(1) of that Directive provides that Member
States are to bring into force the laws, regulations and
administrative provisions necessary to comply with the

(2) Directive 2004/40/EC provides for action values and
limit values based on the recommendations of the International Commission for Non-Ionizing Radiation
Protection (ICNIRP). New scientific studies on the
impact on health of exposure to electromagnetic
radiation, made public after the Directive was adopted,
have been brought to the attention of the European
Parliament, the Council and the Commission. The
results of those scientific studies are currently being
examined by the ICNIRP as part of the ongoing review
of its recommendations on the one hand, and by the
World Health Organisation as part of the review of its
environmental health criteria on the other. Those new
recommendations, due to be published by the end of
2008, are likely to contain elements that could lead to
substantial amendments to the action and limit values.

(3) In this context, the potential impact of the implementa-
tion of Directive 2004/40/EC on the use of medical
procedures based on medical imaging and certain
industrial activities should be reconsidered thoroughly.
A study has been launched by the Commission to
assess directly and quantitatively the situation regarding
medical imaging. The results of that study, which are
expected in early 2008, should therefore be taken on
board, in addition to the results of similar studies
launched in the Member States, in order to ensure a
balance between the prevention of potential risks to
the health of workers and access to the benefits
available from the effective use of the medical tech-
nologies in question.

(4) Article 3(3) of Directive 2004/40/EC provides that the
assessment, measurement and/or calculation of workers' exposure to electromagnetic fields are governed by
harmonised European standards of the European
Committee for Electrotechnical Standardization
(Cenelec). These harmonised standards, which are
essential for ensuring smooth application of the
Directive, must be taken into account and are expected
in 2008.

(5) The time required to obtain and analyse that new
information and to draw up and adopt a new proposal for a
directive justifies the four-year postponement of the
deadline for transposition of Directive 2004/40/EC,
HAVE ADOPTED THIS DIRECTIVE:

\textit{Article 1}

In Article 13(1) of Directive 2004/40/EC, the first subparagraph shall be replaced by the following:

‘1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 April 2012. They shall forthwith inform the Commission thereof.’

\textit{Article 2}

This Directive shall enter into force on the day of its publication in the \textit{Official Journal of the European Union}.

\textit{Article 3}

This Directive is addressed to the Member States.

Done at Strasbourg, 23 April 2008.

For the European Parliament
\begin{tabular}{l} 
The President \\
H.-G. PÖTTERING
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For the Council
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The President \\
J. LENARČIČ
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