



CEEMET POSITION ON THE PROPOSAL FOR A DIRECTIVE AMENDING DIRECTIVE 2004/40/EC ON ELECTROMAGNETIC FIELDS

Over the past years, CEEMET has been following closely the ongoing work concerning a review of the EMF Directive, in order to make it **proportionate and workable**. Whereas some progress has been achieved over the last few months, we consider that there is still room for improvement in the body of the Directive as well as in the exposure limitation system as defined in the annexes.

Regarding the exposure limitation systems defined in the annexes, the Industry Expert Group (IEG) has identified a number of technical issues that should be addressed including notably:

Excessive conservatism in the Action Levels for PNS (peripheral nervous system)

Comparing the Commission's proposal (14 June 2011) with the Council Presidency proposal of

June 2012, the IEG finds that the latter removes some flexibility concerning the Action Values for PNS that was initially provided in the Commission's proposal. This change will present critical challenges for our sectors because it will lead to an increased number of situations that do not allow realistic workplace evaluation based on Action Levels, and will require more complex and therefore more expensive methods that can be applied by specialists only. Examples for such cases are a number of welding processes. It should also be noted that processes potentially affected have been commonly used in our sectors for decades, without any evidence of harm to operators associated with exposure to electromagnetic fields. We therefore consider that the proposed change concerning the Action Levels for PNS fails to strike the right balance between assessment requirements and potential benefits.

Regarding the body of the Directive, CEEMET welcomes a number of improvements including clarification of the allowance for the exposure limit values for sensory effects (CNS – Central Nervous System) to be exceeded subject to suitable controls, and clarification of the provisions regarding employers' obligations in general. However we consider that:

The status of Action Levels needs to be clarified and coherent throughout the Directive

It should be clear that Action Levels can be exceeded and that, when they are exceeded, appropriate measures shall be taken to prevent exposure exceeding the Exposure Limit Values unless it is demonstrated that the Exposure Limit Values are not exceeded. The latest version of the text introduces some ambiguity regarding the status of the action levels. In our view, it should be further clarified that exceeding the Action

Levels does not imply automatically that compliance with the Exposure Limit Values needs to be verified as this is a very complex process requiring high expertise and implying important costs whereas other actions can be alternatively taken to prevent exposure exceeding the Exposure Limit Values. Further, if the Exposure Limit Values are verified and it appears that the exposure does not exceed them, no further action should be required from employers since no risk can occur.

For the implementation of the Directive to be possible in companies and especially in SMEs, proper guidance, information and assessment tools will be necessary that are not yet available and need to be developed. It is unrealistic to foresee a proper implementation in the short term. Therefore CEEMET strongly recommends that the deadline to transpose the Directive is extended by 5 years to give time to develop the tools and guidance that will be required for proper implementation.

Practicality of the derogation for specific sectors and specific equipment

Brussels, 20 July 2012

The flexibility to temporarily exceed the Exposure Limit Values in specific sectors or specific activities is crucial. It is therefore important not to limit its practicality by imposing unnecessary cumulative conditions.

Practical Guidance is pivotal for a correct implementation of the Directive

We welcome the fact that the importance of guidance is acknowledged in the Directive as it will be indispensable to make the implementation possible. There should however be no confusion about the fact that the legal status of the Directive does not extend to the practical guides that are to be produced by the Commission. Further guidance for specific exposure situations should be provided in European standards; therefore we call for a mandate by the Commission to CENELEC to develop such standards.

More time is needed to prepare for the implementation of the Directive

