



REVISION OF ELECTRO-MAGNETIC FIELDS DIRECTIVE

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Rebekah Smith, Social Affairs Adviser, BUSINESSEUROPE

A. Introduction on BUSINESSEUROPE and relevance of issue

- BUSINESSEUROPE, the Confederation of European business, represents more than 20 million small, medium and large companies across Europe. It comprises 40 member federations in 34 countries. We also have a supporting network of individual multinational companies, called the Advisory and Support Group.
- BUSINESSEUROPE activities are threefold in the area of social affairs:
 - Lobbying to influence the European Commission, European Parliament and Council
 - Social dialogue with other employer and trade union social partners at European level
 - Tripartite work with government and trade union representatives in various advisory committees, including the Advisory Committee on Safety and Health.
- BUSINESSEUROPE's general position on health and safety issues is to promote a preventative safety culture at work. In this respect, EU legislation must be proportionate to its aims and practical to ensure effective and efficient implementation.
- BUSINESSEUROPE's role is to provide the view of European employers, cross-sector.
- As European social partner representing employers, BUSINESSEUROPE will respond to the European Social Partner consultation on this issue in March. This will be BUSINESSEUROPE's formal opinion. The social partner consultation is a separate initiative to the current impact assessment study being undertaken by the FICETTI consortium. It is required in the European Treaty, since the issue falls under the remit of Social Affairs.
- Comments on the five policy options below are therefore only preliminary. Further discussion will take place with BUSINESSEUROPE member federations before coming to a formal position



B. Preliminary remarks on proposed policy options

POLICY OPTION		EXPLANATION	BUSINESSEUROPE POSITION
A	No new legislative action	Directive 2004/40/EC and national regulatory provisions on the subject are considered to be appropriate and remain in force.	Implementation of the current directive would pose problems for many sectors of industry in terms of compliance. In particular the exposure limits, but also the directive in general. Therefore we cannot go forward on the basis of the current directive.
B	New binding legislation	Introduction of new exposure limit values based on the latest international recommendation.	<p>A revised directive would be the preferred option for BUSINESSEUROPE, in order to take into account the problems of implementation for companies of all sizes, across different sectors. However we advocate further revision than that highlighted by consortium. This could include new exposure limit values, however not solely – it should be alongside other more general solutions to reflect a more practical approach. This is needed not only in terms of limit values but also measures to be taken by companies.</p> <p>The aim should be to ensure a risk-based approach, which targets companies/sectors where electro-magnetic fields pose a real risk to workers' health and safety. In many workplaces, although there is exposure, this does not mean that there is a risk to workers' health and safety. It is important to talk about effect, rather than harm, as there is a large difference. Unnecessary administrative burdens should not be placed on companies or sectors where there is no evidence of negative health effects in terms of exposure to electro-magnetic fields.</p> <p>What are we talking about regarding administrative burdens?</p> <p>- The assessment of the risk in individual companies should be made much simpler, in particular for SMEs. The need to request external expertise, which can be very costly, should be avoided in any case.</p>



			<p>- The practical approach must be guaranteed especially with regard to the requested measurements and the related techniques.</p> <p>Regarding exposure limit values: We need to bear in mind that low frequency EMF values of ICNIRP were never intended to be used as compulsory limit values. ICNIRP simply gives a guideline of recommended values including sufficient safety factors. However this is not necessarily in the context of legal or practical consequences and effects – as this is not the role of ICNIRP. ICNIRP should not take on this role in the future - it should continue to give a science-based recommendation. The practical implications of integrating ICNIRP recommended values into a revised directive, if this is the case, should be dealt with directly in the directive.</p> <p>Another question is - perhaps action values are the most appropriate way to ensure worker protection regarding low frequency EMF?</p> <p>Comparison between ICNIRP and IEEE standards is not an area that BUSINESSEUROPE has looked into yet, as it is very technical. This will be assessed at a later stage, following consultation of BUSINESSEUROPE member federations.</p>
C	New binding legislative action, with exemptions	The EU takes due account of the latest international recommendation and introduces new exposure limit values. However, conditional exemptions are foreseen for specific cases.	<p>From BUSINESSEUROPE’s point of view, as cross-sectoral representative of European companies and European social partner representing employers, this would not be an ideal option.</p> <p>The directive should be revised in such a way to find a solution for all European companies potentially affected by the directive, rather than solutions which are only acceptable to certain sectors. This is particularly the case for exemptions from the entire directive</p> <p>Regarding exemptions from compliance with exposure limit values, BUSINESSEUROPE is still formulating its position on this issue. We</p>



			<p>would certainly not advocate this approach for specific sectors, however some kind of flexibility for all sectors, in terms of a general EMF risk management requirement in order to be exempt from compliance with the ELVs could be an option.</p> <p>The best result would be a directive which can be implemented by companies in all sectors, thereby assuring the protection of worker health and safety across the board. If a directive is effective, it should not be necessary to provide exceptions for certain sectors.</p>
D	New, non-binding legislative action	<p>The EU takes due account of the latest international recommendations and introduces new recommendations. This may also entail: production of good practise guides, launch of regular information campaigns, setting up of appropriate training programmes, establishment of voluntary agreements at European or sector level between social partners.</p>	<p>BUSINESSEUROPE believes that a revision is necessary in order for the directive to be proportional to its aims and effective (as stated before). However, we agree with the principles of the directive in terms of protecting worker health and safety. Therefore we do not believe that non-binding recommendations would be the most effective way forward. Whether these be a council recommendation, advice/guidelines or social partner agreements.</p> <p>This is not to say that non-binding action would not be useful in addition. Good practice guides, information campaigns, training etc are complementary in terms of raising awareness and assisting companies with implementation.</p> <p>We do not agree that voluntary social partner agreements at European or sectoral level would be appropriate. Firstly an industry-wide solution should be found. Secondly, we are not convinced that it would be possible to come to satisfactory solutions and agreements. Framework agreements by social partners mean that different approaches exist at national level. In some areas this works, but in this case, this could prevent a practical approach for European companies, as they would have to be informed and to comply with different regulations across the EU.</p>
E	Directive withdrawn –	The EU considers inappropriate to take	BUSINESSEUROPE does not agree that there should be no new legislative action, however



	no new legislative action	any legislative initiative in this field. Directive 2004/40/EC is repealed and national regulatory provisions on the subject are considered to be appropriate and remain in force.	the current directive is not an option - revision is necessary in order for it to be proportional to its aims and effective. Also, there would be differences between member states, as some countries have already transposed the legislation or have their own legal frameworks. This would hamper legal certainty, which is required for companies across sectors and across member states.
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C. Conclusion

- Revision of the directive is necessary to ensure effective implementation by European companies at large and to ensure that they have legal certainty.
- However this should not be based on the assumption that only the ELVs are revised. In addition, a more practical approach needs to be integrated into the new directive.
- A revised directive must work for companies of all sizes, across all sectors, in all member states.
- A revised directive would need to be complemented by guidelines, information campaigns, training etc, in order to be effective.