



**COUNCIL OF  
THE EUROPEAN UNION**

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**From:** General Secretariat of the Council

**To:** Permanent Representatives Committee/Council

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**Subject:** 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) (20<sup>th</sup> individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC (**first reading**)

- Adoption of the legislative act (**LA + S**)  
= Statements

**COMMON GUIDELINES**  
**Consultation deadline for Croatia: 19.6.2013**

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**Statement by Austrian delegation**

The Directive on Electromagnetic Fields (EMF) aims at the protection of health and safety of workers against the effects of electromagnetic fields. For this purpose, the directive is based on article 153(2) TFEU, which provides the legal basis for directives laying down minimum requirements in the field of protection of health and safety of employees at the workplace.

Article 4(1) of the directive on EMF defining the employer's obligation to make risk assessments public on request cannot be considered as protection of health and safety of workers.

Article 4 (1) falls within the competence of "Public Health" however article 168 TFEU does not provide the appropriate legal basis for the directive on EMF.

To this end, article 4(1) is not compatible with Article 153(2) TFEU and the directive should not contain the provision in Article 4(1).

### **Statement by German delegation**

The Federal Republic of Germany rejects the proposal for a Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields.

For the evaluation of pulsed electromagnetic fields at the workplace, the proposal for a directive only allows for the so-called "**weighted peak method**" cited in Annex II as a reference method. Alternative and less conservative evaluation methods, however, equally allow for a reliable safety evaluation of technical applications in operation, thus ensuring a comparably high level of protection of the health and safety of workers.

In Germany, these evaluation methods have been applied successfully for more than ten years already by companies, enforcement authorities and the occupational accident insurance funds (BGs); they guarantee a comparably high level of protection of the health and safety of workers. If the application of the "weighted peak method" becomes the compulsory method, negative economic consequences cannot be excluded in connection with the application of many technical processes (e.g. resistance welding, electrolysis, electroplating) while at the same time there is no gain in safety for the workers.

In the negotiations the Federal Government always supported the idea that the Directive should also approve other recognised evaluation methods, which allow for a safety assessment of the technical applications in operation and at the same time guarantee a high level of protection for workers.