

| Health and Safety Commission Paper | | MISC/03/33 | |
|------------------------------------|------|-------------------|----------------|
| Meeting Date: | | Open Gov. Status: | Fully open |
| Type of Paper: | MISC | Paper File Ref: | HD/241/1030/02 |
| Exemptions: | None | | |

HEALTH AND SAFETY COMMISSION

Notification of Political Agreement on the proposed Physical Agents (Electromagnetic Fields) Directive.

A Paper by Norman Smith

Advisor(s): Mike Shepherd

Cleared by Bill Gillan on 19 November 2003

Issue

1. This paper informs the Commission of the political agreement reached at the Employment, Social Policy, Health and Consumer Affairs Council on 20 October on a Danish Presidency proposal for a Physical Agents (Electromagnetic Fields) Directive. A text is at Annex A.

Timing

2. Routine

Recommendation

3. That the Commission note that political agreement has been secured and the text will now be considered by the European Parliament at its second reading.

Background

Physical Agents Directive

4. The background to the electromagnetic fields Physical Agents Directive was provided to the Commission in paper HSC/03/16 submitted on 14 January 2003. This also sought the Commission's endorsement of the UK negotiating line that subsequently received Ministerial approval.

Argument

Negotiations

5. With no known experience in the UK of ill health from intentional exposure to EMFs, we did not feel that this Directive was necessary as it does not address any significant health and safety problem; any benefit comes from harmonisation of guidelines for control of exposure. But there was no support from any other Member State to block the proposal and the European Commission would not undertake a fiche d'impact. Therefore, as outright opposition was not a tenable option, we developed a negotiating strategy that ensured that the Directive applied to acute effects only and argued for requirements that would place the minimum additional burdens on industry.
6. Negotiations in the Social Questions Working Group began under the Greek Presidency and concluded in September under the Italian Presidency.

Key achievements

7. UK officials achieved considerable success in Council negotiations and the Directive now:
 - largely reflects the concepts and details of the guidelines produced by the International Commission on Non-Ionising Radiation Protection;
 - recognises that since ill-health effects do not occur below the exposure limit values, there is no purpose in further reduction in exposure;
 - recognises that the purpose of the action values (which are field strengths, not measures of exposure) is to act as a marker for further investigation as to whether the limit values have been exceeded, not as a trigger for costly actions and
 - means that those industries that are already operating in accordance with the National Radiological Protection Board (NRPB) guidelines should have little difficulty in complying with the Directive although we are aware that some industries who may not have carried out appropriate risk assessments may be concerned about the costs and expertise involved.

Next Steps

8. If the text is adopted in 2004 following the European Parliament's second reading, then transposition into national legislation will occur four years later.

Consultation

9. Key stakeholders in both industry and Government have been kept informed of progress.

Presentation

10. We do not anticipate any media interest at this stage.

Costs and Benefits

11. A MISC paper sent to Health and Safety Commission members in May included a Regulatory Impact Assessment of the Danish Presidency proposal; the estimated costs at that time were considerable. A revised RIA (annex B) has been undertaken and shows significantly lower costs. The costs will be mainly confined to familiarisation, provision of information to workers and assessments of risks by those not already in compliance with UK guidelines produced by the NRPB.

Financial/Resource Implications for HSE

12. Future costs falling to HSE include:

- staff costs to develop regulations and guidance to implement the Directive when adopted. It is expected that this will be recognised as an HSE core activity. It will require continuation over the next five years of current resources: in policy 0.25 Band 2 as part of managing the programme of Directives and one Band 3 leading the project with 0.5 Band 4 support, and 0.5 Band 2 input from the Radiation Corporate Topic Group. Other input will be required from Solicitors, DIAS and Operational Divisions, particularly Radiation Specialist Inspectors;
- travel and subsistence costs for further trips to Brussels to brief MEPs and discuss Parliament amendments;
- research and consultancy expenditure. We are starting from a relatively low knowledge base about current industry compliance and control measures compared with other physical agents such as noise and vibration, and we will need to commission some additional research and 'buy-in' other expertise as and when required.

We will in due course send a project plan to the Commission that will contain more detailed costings.

Environmental Implications

13. There are no environmental implications.

Other Implications

14. None

Action

15. To note the position. We will keep the Commission informed of subsequent developments.