

Mr. Ján Figel'  
Member of the European Commission  
Rue de la Loi,  
B-1049 Brussels

Brussels, 1 June 2004

**Prospects for a Directive on the protection of workers  
from risks arising from exposure to optical radiation at work**

Dear Commissioner,

We are writing to outline our concerns on the anticipated announcement from the Irish Presidency that it intends to produce an amended draft proposal for a Directive on the protection of workers from exposure to optical radiation at work - thus completing the "physical agents" package launched by the Commission in 1994.

CEEMET is the Council of European Employers for the Metal, Engineering and Technology-based industries. CEEMET represents national employer organisations from these industries in 15 European countries. ORGALIME represents the mechanical, electrical, electronic and metal working industries of 23 European countries. Between them CEEMET and ORGALIME represent about 200,000 companies employing some 12 million people.

Our main concern on this proposed legislative dossier is that it is at odds with the Commission's better regulation principles adopted in a "Communication package" in June 2002. There is no detailed impact assessment for the dossier, nor has any proper consultation of stakeholders been undertaken to accompany the text. The impact on business is currently unknown and any benefits said to accrue from its introduction have not yet been identified. In 1994 a cursory "Fiche d'impact" was produced for this proposal, but this failed to provide evidence of work accidents or ill-health directly linked to exposure to optical radiations.

At the 'Experts' Seminar on Occupational Exposure to Optical Radiation' convened by the Commission and the Irish Presidency on 27 February in Luxembourg, a number of speakers, including Dr Alastair Mc Kinlay, Chairman of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), questioned the need for action or limit values as these may prove very difficult to enforce.

We have expressed several times our concerns to Mrs Diamantopoulou about the lack of an impact assessment for the Physical Agents (Electromagnetic Fields) proposal, which has nevertheless been adopted as a new directive. We hope that this time the Commission will take into account the state of the art in manufacturing processes that has considerably evolved since 1994 and its own principles. We believe that if the issue is brought to the table by the Presidency of the Council after a 12-year period, the Commission should withdraw its initial proposal. Before re-introducing a proposal for a specific directive on optical radiations, the Commission should carry out a detailed impact assessment in line with its own better regulation package.

Such an assessment would provide the Commission with a sound basis to decide whether a directive is necessary or if the prevention of accidents to workers exposed to the risk arising from optical radiations could not be better met by other tools, such as the promotion of existing standards and the use of appropriate guidelines regarding instruction and training of exposed workers. Our member organisations would of course be pleased to provide expert input to the Commission for this assessment.

A similar letter has been sent to Commissioner Erkki Liikanen, Commissioner Dimas and to Secretary General O'Sullivan.

We welcome the opportunity to discuss this issue with you further.

Yours sincerely,

Uwe Combüchen  
Secretary General of CEEMET

Adrian Harris  
Secretary General of ORGALIME

*(No signature Original sent by mail)*

CC.: Messrs Javorčik, Šuplata,  
Messrs Zourek, Ayrat, Montoya, Mrs Cotter and Mr. Bogers (DG Enterprise)