

THE MERCHANT SHIPPING AND FISHING VESSELS (HEALTH AND SAFETY AT WORK) (ELECTROMAGNETIC FIELDS) REGULATIONS 2016

(‘the 2016 Regulations’)

TRANSPOSITION TABLE FOR DIRECTIVE 2013/35/EU

Article	Obligation	Implementing provision (references are to the 2016 Regulations unless otherwise indicated)
1(1) – (4)	None- subject matter and scope provisions	N/A
2	Definitions	Regulation 2
3(1)	Physical quantities regarding exposure to electromagnetic fields are indicated in Annex I. Health effects ELVs, sensory effects ELVs and ALs are set out in Annexes II and III.	Regulation 2 and the Schedule
3(2)	Member States shall require that employers ensure that the exposure of workers to electromagnetic fields is limited to the health effects ELVs and sensory effects ELVs set out in Annex II, for non-thermal effects, and in Annex III, for thermal effects.	Regulation 5(1)
	Compliance with health effects ELVs and sensory effects ELVs must be established by the use of relevant exposure assessment procedures referred to in Article 4.	Regulation 6(1)
	Where the exposure of workers to electromagnetic fields exceeds the ELVs, the employer shall take immediate action.	Regulation 8(3)
3(3)	For the purpose of this Directive, where it is demonstrated that the relevant ALs set out in Annex II and III are not exceeded, the employer shall be deemed to be in compliance with the health effects ELVs and sensory effects ELVs.	Regulation 6(2), and the Schedule
	Where the exposure exceeds the ALs, the employer shall act in accordance with Article 5(2), unless the assessment carried out in accordance with Article 4(1), (2) and (3) demonstrates that the relevant ELVs are not exceeded and that safety risks can be excluded.	Regulation 7 and 8

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3(3) (a) to 3(4) (b)	Notwithstanding 3(3), exposure may exceed specific ALs and ELVs when certain conditions are met.	Regulation 5(2)
4 (1)	The employer shall assess all risks for workers arising from electromagnetic fields at the workplace and, if necessary, measure or calculate the levels of electromagnetic fields to which workers are exposed. These assessments can be made public in accordance with national laws.	Regulations 6 and 9
4(2)	The employer shall identify and assess electromagnetic fields at the workplace. Employers can take into account available data and guidance when assessing exposure.	Regulation 6
4(3)	If compliance with the ELVs cannot be reliably determined on the basis of available data and guidance, the assessment of the exposure shall be carried out on the basis of measurements or calculations.	Regulation 6(2)
4(4)	The assessment, measurement and calculations etc. shall be planned and carried out by competent services or persons at suitable intervals.	Competence - Regulations 6(1) and 8(1) and 9(1) Suitable intervals – Regulations 6(4), 8(3) and 9(4).
	The data obtained from the assessments shall be preserved in a suitable traceable form so as to permit consultation at a later stage.	Not directly transposed
4(5)	When carrying out the risk assessment pursuant to Article 6(3) of Directive 89/391/EEC, the employer shall give particular attention to specific factors.	Regulation 9(2)
4(6)	In workplaces open to the public it is not necessary for the exposure assessment to be carried out if provisions on the limitation of exposure of the general public are in place in respect of the workforce.	Not directly transposed
4(7)	The employer shall be in possession of an assessment of the risks and identify which measures must be taken to address	Regulations 21 and 7

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	those risks. This may include the reasons why a further detailed assessment is not necessary.	
	The risk assessment shall be updated on a regular basis, particularly if there have been significant changes which could render it out of date, or if the results of the health surveillance referred to in Article 8 show this to be necessary.	9(4)
5 (1)	The employer shall take the necessary actions to ensure that risks arising from electromagnetic fields at the workplace are eliminated or reduced to a minimum.	Regulation 10
5(2)	The employer shall devise and implement an action plan to prevent exposure exceeding the ELVs unless exposure is beneath the ALs and safety risks can be excluded.	Not directly transposed.
5(3)	On the basis of the risk assessment referred to in Article 4, the employer shall devise and implement an action plan that shall include technical and/or organisational measures to prevent any risks to workers at particular risk, and any risks due to indirect effects, referred to in Article 4.	Not directly transposed.
5(4)	The employer shall adapt the measures referred to in this Article to the requirements of workers at particular risk and, where applicable, to individual risks assessments.	Not directly transposed.
5(5)	Workplaces where workers are likely to be exposed to electromagnetic fields in excess of the ALs shall be indicated by appropriate signs in accordance with the Safety Signs and Signals Directive 92/58/EEC). The areas in question shall be identified and access to them limited, as appropriate.	Not directly transposed
5(6)	Where Article 3(3)(a) applies, specific protection measures shall be taken, such as the training of workers in accordance with Article 6 and the use of technical means and personal protection.	Schedule, Note 2 to Table ELV3
5(7)	Where Article 3(4)(a) applies, specific protection measures, such as controlling movements, shall be taken.	Schedule, the note to Table ELV1

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5(8)	If, despite the measures taken by the employer, the ELVs are exceeded, the employer shall take immediate action to reduce exposure below these ELVs.	Regulations 8(3)
	The employer shall identify and record the reasons why ELVs have been exceeded, and amend the protection and prevention measures accordingly.	Regulations 6(4) and 13, and SI 2012/1743
5(9)	Where paragraphs 3 and 4 of Article 3 apply and where the worker reports transient symptoms, the employer shall, if necessary, update the risk assessment and the prevention measures.	Regulation 10 and the Schedule notes to Tables ELV3 and ELV5
6	Without prejudice to Articles 10 and 12 of Directive 89/391/EEC, the employer shall ensure that workers who are likely to be exposed to risks from electromagnetic fields at work and/or their representatives receive any necessary information and training relating to the outcome of the risk assessment.	Regulation 19
7	Consultation and participation of workers and/or their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC.	Not directly transposed.
8(1)	With the objective of the prevention and the early diagnosis of any adverse health effects due to exposure to electromagnetic fields, appropriate health surveillance shall be carried out in accordance with Article 14 of Directive 89/391/EEC.	Not directly transposed.
	Health records and their availability shall be provided for in accordance with national law and/or practice.	Not directly transposed.
8(2)	If any undesired or unexpected health effect is reported by a worker, or in any event where exposure above the ELVs is detected, the employer shall ensure that appropriate medical examinations or individual health surveillance is provided.	Regulation 20 and 18.
9	Member States shall provide for adequate penalties applicable in the event of infringements of national legislation adopted pursuant to this Directive. These penalties must be effective, proportionate and dissuasive.	Regulation 11, 13, 14 and 16
10(1) (a)	Exposure may exceed the ELVs if the exposure is related to the installation, testing, use, development, maintenance	Regulation 5(3)(b)

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	of or research related to magnetic resonance imaging (MRI) equipment for patients in the health sector, provided that specified safety conditions are met.	
10(1)(b)	Member States may allow for an equivalent or more specific protection system to be implemented for personnel working in operational military installations or involved in military activities, including in joint international military exercises, provided that adverse health effects and safety risks are prevented;	Regulation 4(2)
10(1)(c)	Member States may allow, in duly justified circumstances and only for as long as they remain duly justified, for the ELVs to be temporarily exceeded in specific sectors or for specific activities outside the scope of points (a) and (b). For the purposes of this point, 'duly justified circumstances' shall mean circumstances in which the following conditions are met.	Regulation 23
11-19	None - Articles 11 to 19 contain administrative provisions relevant to the EU institutions, except for the article 16 requirement to effect transposition by 1 st July 2016.	Not transposed.
Annex 1	Physical quantities regarding exposure to electromagnetic fields	Part 1 of the Schedule.
Annex 2 and 3	Exposure limit values and action levels	Parts 2 and 3 of the Schedule.