

Procedure file

| Basic information | |
|--|---------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Directive | Procedure completed |
| Safety and health at work: exposure of workers to noise | |
| Subject 3.70.07 Noise pollution 4.15.15 Health and safety at work, occupational medicine | |

| Key players | | | |
|-------------------------------|---|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | DELE EP Delegation to Conciliation Committee | | 20/03/2002 |
| | | PSE THORNING-SCHMIDT Helle | |
| | Former committee responsible | | |
| | EMPL Employment and Social Affairs | | 26/07/1999 |
| | | PSE THORNING-SCHMIDT Helle | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Environment | 2473 | 09/12/2002 |
| | Economic and Financial Affairs ECOFIN | 2460 | 05/11/2002 |
| | Environment | 2378 | 29/10/2001 |

| Key events | | | |
|------------|---|---|---------|
| 23/12/1992 | Legislative proposal published | COM(1992)0560 | Summary |
| 19/04/1993 | Committee referral announced in Parliament, 1st reading | | |
| 29/03/1994 | Vote in committee, 1st reading | | Summary |
| 29/03/1994 | Committee report tabled for plenary, 1st reading | A3-0192/1994 | |
| 19/04/1994 | Debate in Parliament |  | |
| 20/04/1994 | Decision by Parliament, 1st reading | T3-0239/1994 | Summary |
| 08/07/1994 | Modified legislative proposal published | COM(1994)0284 | Summary |
| 01/09/1999 | Vote in committee, 1st reading | | |
| 01/09/1999 | Committee report tabled for plenary | A5-0006/1999 | |

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|------------|--|--|---------|
| | confirming Parliament's position | | |
| 16/09/1999 | Decision by Parliament, 1st reading | T5-0012/1999 | Summary |
| 29/10/2001 | Council position published | 10479/1/2001 | Summary |
| 15/11/2001 | Committee referral announced in Parliament, 2nd reading | | |
| 19/02/2002 | Vote in committee, 2nd reading | | Summary |
| 19/02/2002 | Committee recommendation tabled for plenary, 2nd reading | A5-0038/2002 | |
| 12/03/2002 | Debate in Parliament |  | |
| 13/03/2002 | Decision by Parliament, 2nd reading | T5-0102/2002 | Summary |
| 02/08/2002 | Parliament's amendments rejected by Council | | |
| 12/09/2002 | Formal meeting of Conciliation Committee | | |
| 22/10/2002 | Report tabled for plenary, 3rd reading | A5-0401/2002 | |
| 23/10/2002 | Final decision by Conciliation Committee | | Summary |
| 08/11/2002 | Joint text approved by Conciliation Committee co-chairs | 3666/2002 | |
| 04/12/2002 | Debate in Parliament |  | |
| 05/12/2002 | Decision by Parliament, 3rd reading | T5-0585/2002 | Summary |
| 09/12/2002 | Decision by Council, 3rd reading | | |
| 06/02/2003 | Final act signed | | |
| 06/02/2003 | End of procedure in Parliament | | |
| 15/02/2003 | Final act published in Official Journal | | |

Technical information

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|----------------------------|--|
| Procedure reference | 1992/0449A(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| Legal basis | EC Treaty (after Amsterdam) EC 137-p2 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | CODE/5/16050 |

Documentation gateway

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|--|---|------------|-----|---------|
| Legislative proposal | COM(1992)0560 OJ C 077 18.03.1993, p. 0012 | 23/12/1992 | EC | Summary |
| Economic and Social Committee: opinion, report | CES0716/1993 OJ C 249 13.09.1993, p. 0028 | 30/06/1993 | ESC | Summary |
| Committee report tabled for plenary, 1st | A3-0192/1994 | 29/03/1994 | EP | |

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|---|--|---|------------|--------|---------|
| reading/single reading | | OJ C 128 09.05.1994, p. 0009 | | | |
| Text adopted by Parliament, 1st reading/single reading | | T3-0239/1994 OJ C 128 09.05.1994, p. 0128-0146 | 20/04/1994 | EP | Summary |
| Modified legislative proposal | | COM(1994)0284 OJ C 230 19.08.1994, p. 0003 | 08/07/1994 | EC | Summary |
| Reconsultation | | SEC(1999)0581 | 28/04/1999 | EC | |
| Committee final report tabled for plenary, 1st reading/single reading | | A5-0006/1999 OJ C 054 25.02.2000, p. 0010 | 01/09/1999 | EP | |
| Text adopted by Parliament confirming position adopted at 1st reading | | T5-0012/1999 OJ C 054 25.02.2000, p. 0055-0075 | 16/09/1999 | EP | Summary |
| Council position | | 10479/1/2001 OJ C 045 19.02.2002, p. 0041 E | 29/10/2001 | CSL | Summary |
| Commission communication on Council's position | | SEC(2001)1724 | 08/11/2001 | EC | Summary |
| Committee recommendation tabled for plenary, 2nd reading | | A5-0038/2002 | 19/02/2002 | EP | |
| Text adopted by Parliament, 2nd reading | | T5-0102/2002 OJ C 047 27.02.2003, p. 0087-0227 E | 13/03/2002 | EP | Summary |
| Commission opinion on Parliament's position at 2nd reading | | COM(2002)0229 | 03/05/2002 | EC | Summary |
| Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading | | A5-0401/2002 | 22/10/2002 | EP | |
| Joint text approved by Conciliation Committee co-chairs | | 3666/2002 | 08/11/2002 | CSL/EP | |
| Text adopted by Parliament, 3rd reading | | T5-0585/2002 OJ C 027 30.01.2004, p. 0025-0111 E | 05/12/2002 | EP | Summary |
| Follow-up document | | SWD(2017)0010 | 12/01/2017 | EC | Summary |

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2003/10](#)
[OJ L 042 15.02.2003, p. 0038-0044](#) Summary

Safety and health at work: exposure of workers to noise

The Council has presented its common position regarding minimum health and safety requirements relating to the exposure of workers to excessive noise. Originally the subject of an annex under an overall framework Directive it has since been agreed to proceed with a separate Directive for the provision of noise protection. This line of reasoning applies to other physical agents originally covered by the framework Directive, namely (as well as noise) mechanical vibration, optical radiation, electro-magnetic fields and waves. The newly proposed Directive will eventually replace the existing 1986 Directive on noise at work the provisions of which are now deemed outdated and therefore inappropriate. The common position fixes the values of three levels of noise exposure - lower exposure action values, upper exposure action values and exposure limit values. Each of these values is expressed both as a time-weighted average and as a peak sound pressure. The time-weighted averages are defined in accordance with the international standard ISO 1999:1990. As a rule, the time-weighted average should be measured on a daily basis but Member States may, in rare cases, use a weekly noise exposure level. The Common position further sets

the exposure values which must be adhered to. Whilst exact comparisons with the 1986 Directive are difficult to make it can be assumed that the new levels set are generally speaking lower. The current levels, according to the Council, strike an appropriate balance between the need to protect workers and the need to avoid excessive costs for undertakings - in particular Small and Medium Sized Enterprises. The provisions of the Directive are designed to trigger certain actions once the exposure values have been exceeded. Thus, when the lower exposure action values have been reached, the employer shall ensure that the workers concerned will receive information and training related to the risk. If the values have been exceeded the employer shall make individual hearing protectors available to the workers. In workplace where the upper exposure action values are likely to be exceeded areas affected by the excessive noise levels must be delineated with signs and markets. Individual hearing protectors must be used by the workers should these levels be exceeded. In addition workers will have the right to have a hearing check. Certain derogations to these requirements are incorporated into the draft legislation but these are rare and stringently applied. As far as the exposure limit values are concerned they must under no circumstances be exceeded. Should, in spite of preventative measures having been taken, this occur then the employer is obliged to take immediate action to reduce the exposure. As well as being in possession of a risk assessment, employers must periodically provide evidence that it has assessed, and if necessary altered, noise levels. Individual health records must be made and kept up-to-date, with workers having access to his/her records. The major differences between the Commission's initial proposal and the Council's common position are: - the redefinition and restructuring of the noise exposure values; - the deletion of the threshold level; - the abolition of the requirement to consider certain activities as a potential increased risk; - the introduction of the need to examine the effects between noise and work-related ototoxic substances; - the right of workers to have their hearing checked at a lower level of noise exposure; - more stringent requirement on the employer to review his/her risk assessment and preventative measures; - certain additions to the list of elements covered by noise-related information and training to be given to workers. Importantly, the Council has allowed for an optional five year transitional implementation period for the maritime sector. The takes into account the fact that personnel on board seagoing vessels were entirely exempt from the scope of the 1986 Directive.?

Safety and health at work: exposure of workers to noise

The Commission supports the common position in its entirety.?

Safety and health at work: exposure of workers to noise

The committee adopted the report by Helle THORNING-SCHMIDT (PES, DK) amending the Council's common position under the second reading of the codecision procedure. In particular, MEPs felt that the upper limit value for very powerful impulses (peak sound pressure) should be lowered. They also wanted to include a provision, based on the Commission's original proposal, stipulating that Member States should take steps to reduce noise exposure levels in the case of "activities which call for particular vigilance", where necessary laying down values which are stricter than those provided for in the directive. By way of explanation for its amendment, the committee pointed out that there were a number of non-industrial activities which may be unpleasant and stressful even where the noise exposure levels are substantially lower than the general limit values (for example, in offices). Whereas the Council wanted to measure noise using a week as the reference period rather than a working day, as the Commission had proposed, the committee felt that this should be a derogation to be granted in exceptional cases only (i.e. in the case of activities where daily noise exposure varied markedly from one working day to the next). A few amendments also clarified the responsibilities of employers by spelling out that the latter were responsible for enforcing the wearing of hearing protectors and providing information and training for employees in the proper use of the various hearing protectors available in the workplace. The committee also wanted workers to be entitled to have hearing tests at an earlier stage than that laid down in the proposal. Other amendments called for the exchange of good practice aimed at reducing exposure to noise and for the establishment of databases to enable employers to purchase the best possible equipment. Lastly, the committee called on the Commission to carry out an overall assessment of the implementation of the directive. ?

Safety and health at work: exposure of workers to noise

The European Parliament adopted a resolution drafted by Helle THORNING-SCHMIDT (PES, DK) and made several amendments to the common position. The principal ones are as follows:

- Parliament sought to align the peak pressure level of the upper exposure action level with the original Commission proposal thus providing for some leeway between the upper action level and the exposure limit value;
- the text now clearly states that the effective exposure of worker is determinant for applying the exposure limit values;
- the risk assessment must take account of hearing protectors;
- the wearing of hearing protectors is mandatory as soon as the upper exposure action value is exactly matched;
- Parliament specified matters for consultation of workers;
- workers exposed above the lower exposure limit value are entitled to a simplified audiometric testing, thus reinforcing the prevention aspects of the directive through the possibility of early detection of hearing loss;
- the Commission report on the implementation of the directive shall be based also on new knowledge and research and shall include the result of an overall assessment of the implementation;
- the text clarifies the obligations of employers on information and training on hearing protectors;
- the Bilbao Agency should encourage exchange of good practices;
- Parliament specified an exemption for music and entertainments sectors.

Safety and health at work: exposure of workers to noise

The Commission can accept eleven of the amendments proposed by the European Parliament and two amendments in part. It cannot accept six amendments. Amongst the amendments accepted are the following: -priority to collective protection measures, which clarifies the prevention based approach; -the reference to ISO standard which explains the provision relating to measuring; -the alignment of the peak pressure levels of the upper exposure action level with the original Commission proposal, thus providing for some leeway between the upper action level and the exposure limit value. -the risk assessment is to take account of hearing protectors; -workers exposed above the lower exposure limit value are entitled to a simplified audiometric testing, thus reinforcing the prevention aspects of the directive through the possibility of early detection of hearing loss; -the employer must ensure that information and training on the proper use of the various hearing protectors available in the enterprise is given to those workers which might have to use them. This is a more general clause than that proposed by the Parliament. Amongst the amendments not accepted, the most significant is the exemption for music and entertainment sectors. There are no scientific reasons which justify and exclusion, even temporarily, of the music and leisure sectors from the scope of the directive. Furthermore, there are hearing protectors available on the market specifically conceived and adapted to these working environments that do not impair understanding of speech or musical performance. Other amendments rejected include: -Bilbao agency to encourage exchange of good practice; -opinion of the medical authorities responsible. The Commission considers that the way in which Member States obtain scientific or medical opinion for granting derogations is to be dealt with as a matter of subsidiarity.?

Safety and health at work: exposure of workers to noise

Following an exchange of letters, the Conciliation Committee finally reached agreement on a joint text for the directive. The main points of the compromise package can be summarised as follows: - workers will be better protected from risks arising from exposure to noise: the upper exposure action value over an 8-hour period has been set at 85 dB(A) and the impulsional noise upper action value (Peak) at 140 Pa (i.e. 137 dB in relation to 20 mPa). It will be obligatory for workers to wear individual hearing protectors where the noise exposure reaches these values. Preventive audiometric testing shall be available at a lower noise level, if the exposure exceeds the lower exposure action values (80dB(A) over an 8-hour period and Peak = 112 Pa (i.e. 135 dB in relation to 20mPa)) and there is a verified risk to health; - employers will be obliged to pay particular attention to the availability of hearing protectors with adequate attenuation characteristics. They are responsible for checking the effectiveness of the personal protection measures and obliged to make every effort to ensure that employees wear individual hearing protectors; - workers and/or their representatives shall be consulted and participate as far as the assessment of risks, the identification of measures, actions reducing risks and choice of individual hearing protectors are concerned; - the specific nature of the music and entertainment sectors will be taken into account in the implementation of the provisions of the Directive. The Member States shall draw up, in consultation with the social partners, a code of conduct providing for practical guidelines to help workers in these sectors to meet the obligations laid down in the Directive. In addition, with regard to these sectors the Member States are entitled to make use of a maximum transitional period of a total of five years from the entry into force of the Directive on condition that the levels of protection already achieved are maintained; - the Member States' reports to the European Commission on the implementation of the directive shall contain a description of best practices for preventing noise. On the basis of the Member States' reports, the Commission shall carry out an overall assessment of the implementation of the Directive taking into account inter alia the implications of the Directive for the music and entertainment sectors.?

Safety and health at work: exposure of workers to noise

The European Parliament approved the joint text agreed by the Conciliation Committee. (Please refer to the document dated 08/11/02).?

Safety and health at work: exposure of workers to noise

PURPOSE: to lay down minimum requirements for the protection of workers from risks arising from exposure to noise.

LEGISLATIVE ACT: Directive 2003/10/EC 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 (noise). Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC.

CONTENT: this Directive supplements Council Directive 89/391/EEC of 12 June 1989 intended to encourage improvements in health and safety at work and applies more specifically to the exposure of workers to noise.

As a reminder, this Directive is the second stage in a process started in 1992 with the presentation by the Commission of a proposal for a Directive on the exposure of workers to physical agents which included the exposure of workers to four types of agent: noise, mechanical vibration, electromagnetic fields and optical radiation. However, this proposal was abandoned in favour of a text covering each of the agents in question.

Scope and aim of the Directive:

The Directive lays down minimum requirements and leaves Member States the option of maintaining or adopting more favourable provisions in this area. It aims to reorganise the measures already laid down by Directive 86/188/EEC on the protection of workers exposed to noise at work, while taking into account progress made in scientific knowledge and technology since its adoption. However, as current scientific knowledge is not sufficient to enable precise exposure levels to be set, the Directive is limited to defining the objectives to be attained to ensure the application of a minimum level for the exposure of workers to noise.

In this context, the Directive establishes three types of noise exposure limit value determined according to physical parameters which are peak sound pressure (maximum value of the instantaneous noise pressure), daily noise exposure level and weekly noise exposure level. These exposure limit values are:

- daily noise exposure level: fixed at 87 decibels (dB) with a peak sound pressure of 200 Pa;

- action values: fixed respectively at 80 dB for the lower value (and peak sound pressure limited to 112 Pa) and 85 dB for the upper value (and peak sound pressure limited to 140 Pa, as requested by the European Parliament). These two values must be regarded as the values beyond which employers must take the measures specified in the Directive. The exposure limit value cannot, however, be exceeded and must be determined taking into account any noise attenuation measures such as individual hearing protectors worn by workers.

Derogations from these measures are provided for, but the limit of 87 dB may not be exceeded.

Obligations of employers: the Directive specifies six types of obligation:

- 1) Determination and assessment of risks: the employer shall assess and, if necessary, measure the levels of noise to which workers are exposed. When carrying out this assessment and given the measures already laid down by Directive 89/391/EEC, the employer shall give particular attention to a series of parameters which include the level, type and duration of exposure, the exposure limit values and exposure action values, the exposure of workers belonging to specific risk groups, any interactions between noise and vibration, the existence of alternative work equipment designed to reduce noise emission, the extension of exposure to noise beyond normal working hours, information on health surveillance and the availability of hearing protectors. Once in possession of this assessment, the employer shall take a series of measures laid down by the Directive and record the results in a suitable medium to allow consultation at a later date;
- 2) Reduction of risks: every effort must be made to minimise or eliminate the risk of exposure to noise at source. In addition to the measures already laid down in the Framework Directive, provision is made for a programme of technical and/or organisational measures to be established in order to reduce the exposure to noise (choice of appropriate work equipment; design and layout of workplaces; information and training of workers; use of technical measures to reduce noise; improved organisation of work). These measures shall apply in particular if the limit of 85 dB is exceeded (in particular, signage and restriction of access to exposed workplaces);
- 3) Personal protection: as requested by the European Parliament, if other means cannot prevent the risks, individual hearing protectors shall be made available to workers when the noise exceeds 85 dB;
- 4) Limitation of exposure: if, despite the measures taken to implement the Directive, the 87 dB limit is exceeded, the employer shall take immediate action to reduce the exposure and to amend the specified measures;
- 5) Worker information and training: the employer shall ensure that workers who are exposed to noise at or above 80 dB and/or their representatives receive appropriate information and training on exposure to noise and, in particular, the nature of such risks, the measures taken to eliminate these, the existence of exposure limit values and exposure action values, the correct use of hearing protectors, how to detect signs of hearing damage, etc.;
- 6) Consultation and participation of workers: workers and/or their representatives shall be consulted on the assessment of risks and the measures to be taken. They shall also be consulted on the choice of individual hearing protectors.

Health surveillance: in addition to these six general obligations, the Directive provides for specific measures on the health surveillance of workers in order to preserve their hearing. As requested by the European Parliament, when noise levels exceed 85 dB, workers shall have the right to have their hearing checked and, if the exposure level exceeds 80 dB, they shall have the right to a preventive audiometric test. These tests are intended to provide early diagnosis of any loss of hearing and to preserve the hearing of workers. The latter may benefit from individual health records which they may consult at a later date.

Provisions are laid down in order to define the arrangements for this audiometric testing. The worker shall be informed of the test result and, if excessive exposure is detected, measures shall be taken to eliminate or reduce the risks (e.g.: assigning the worker to alternative work).

Derogations: in exceptional situations where the use of individual hearing protectors would be likely to cause greater risk to the worker's health or safety than not using these, Member States may derogate from the individual protection obligation. These derogations shall be reviewed every four years.

In the music and entertainment sectors, Member States shall be entitled to make use of a transitional period of two years to draw up a code of conduct allowing workers and employers in these sectors to comply with the Directive.

Every five years Member States shall provide a report to the Commission on the implementation of the Directive. On the basis of these reports, the Commission shall carry out an overall assessment. Technical amendments may also be made to the Directive in line with technical progress or new findings concerning noise.

ENTRY INTO FORCE: 15/02/2003. Directive 86/188/EEC is repealed.

TRANSPOSITION IN THE MEMBER STATES: 15/02/2006 except for the music and entertainment sectors (15/02/2008) and for personnel on board seagoing vessels (15/02/2011).