Basic information

1992/0449A(COD) 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	THORNING-SCHMIDT Helle (PSE)	20/03/2002

Former committee responsible	Former rapporteur	Appointed
EMPL Employment and Social Affairs	THORNING-SCHMIDT Helle (PSE)	26/07/1999

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2460	2002-11-05
Environment	2378	2001-10-29
Environment	2473	2002-12-09

Key events

Date	Event	Reference	Summary
23/12/1992	Legislative proposal published	COM(1992)0560	
19/04/1993	Committee referral announced in Parliament, 1st reading		
29/03/1994	Vote in committee, 1st reading		
19/04/1994	Debate in Parliament		
08/07/1994	Modified legislative proposal published	COM(1994)0284	
01/09/1999	Vote in committee, 1st reading		
01/09/1999	Committee report tabled for plenary confirming Parliament's position	A5-0006/1999	

16/09/1999	Decision by Parliament, 1st reading	T5-0012/1999	
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

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

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0192/1994 OJ C 128 09.05.1994, p. 0009	29/03/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0239/1994 OJ C 128 09.05.1994, p. 0128-0146	20/04/1994	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0006/1999 OJ C 054 25.02.2000, p. 0010	01/09/1999	

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	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0038/2002	19/02/2002	
Text adopted by Parliament, 2nd reading		T5-0102/2002 OJ C 047 27.02.2003, p. 0087-0227 E	13/03/2002	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0401/2002	22/10/2002	
Text adopted by Parliament, 3rd reading		T5-0585/2002 OJ C 027 30.01.2004, p. 0025-0111 E	05/12/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	10479/1/2001 OJ C 045 19.02.2002, p. 0041 E	29/10/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1992)0560 OJ C 077 18.03.1993, p. 0012	23/12/1992	Summary
Modified legislative proposal	COM(1994)0284 OJ C 230 19.08.1994, p. 0003	08/07/1994	Summary
Reconsultation	SEC(1999)0581	28/04/1999	
Commission communication on Council's position	SEC(2001)1724	08/11/2001	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0229	03/05/2002	Summary
Commission working document (SWD)	SWD(2017)0010	12/01/2017	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0716/1993 OJ C 249 13.09.1993, p. 0028	30/06/1993	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3666/2002	08/11/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act	
Directive 2003/0010 OJ L 042 15.02.2003, p. 0038-0044	Summary

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 03/05/2002 - Commission opinion on Parliament's position at 2nd reading

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 collecitve 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

1992/0449A(COD) - 16/09/1999

The European Parliament confirmed as its first reading in the context of the codecision procedure the text voted upon on 20.04.1994 concerning this proposal for a directive.

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 08/07/1994

The Commission submits to the Council an amended proposal. There are two main types of amendments:

-one group of amendments provides useful additional detail and clarification of the initial proposal;

-a second group of amendments strengthen the proposal by enhancing the protection offered to the health and safety of workers.

The Commission’s amended proposal retains the general structure and objectives of the initial proposal but extends and expands on certain provisions. Of the 41 amendments adopted by Parliament, 31 have been accepted, 4 of these in part.

Six amendments have been rejected because they sought to exclude audible acoustic fields (Annex 1) from the scope of the proposal. The Commission has not accepted these amendments because they are contrary to the Commission’s obligations under Article 10 of Directive 86/188/EEC and under the European Parliament resolution of 13 September 1990 which requires the Commission to put forward a proposal on a directive on the basis of Article 118A of the Treaty with regard to the risks arising from noise and vibration and other physical agents.

The Commission has also refused an amendment which imposes upon it an obligation already fulfilled by the Commission in producing its annual report on the implementation of Community legislation.

Three amendments could not be accepted because their extremely binding nature would impose additional costs on employers yet not contribute to enhancing the health and safety of workers.

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 06/02/2003 - Final act

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).

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 13/03/2002 - Text adopted by Parliament, 2nd reading

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

1992/0449A(COD) - 29/10/2001 - Council position

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 exposurevalues; - 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

1992/0449A(COD) - 30/06/1993

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 20/04/1994

The European Parliament adopted the report by Mr HUGHES on the exposure of workers to risks arising from physical agents.

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 08/11/2001 - Commission communication on Council's position

The Commission supports the common position in its entirety.

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 05/12/2002 - Text adopted by Parliament, 3rd reading

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

1992/0449A(COD) - 23/12/1992

PURPOSE : proposal to protect workers from the risks of exposure to physical agents.

PROPOSED ACT : Council Directive.

CONTENT : The proposal aims to protect workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise from exposure to physical agents. It lays down particular minimum requirements in this area.

The physical agents are defined as:

-audible acoustic fields;

-vibrations;

-electric or magnetic fields or combinations of these with a frequency equal to or less than 3,10(15) Hertz (wavelength of 100 nanometres or more.)

The directive will apply to activities where workers are likely to be exposed to these physical agents as a result of their work. The employer must then carry out an assessment of the risks resulting from exposure. Under the conditions laid down in the relevant Annexes, certain activities must be considered as presenting an increased risk and must be declared to the authority responsible. Each physical agent must be assessed, and where necessary, measured. The risk arising from exposure must be reduced to the lowest achievable level, with the aim of reducing exposure to below the threshold level referred to in the relevant Annex.

The proposal proceeds on the basis that minimum requirements in the field must establish the general principles of protection and the objectives to be achieved, whilst leaving open the detailed rules translating the safety levels in operational terms, to be adopted in order to comply with the provisions of the Directive.

The proposal makes provisions on personal protection, as well as worker information and training, consultation and participation of workers.

Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 12/01/2017

The Commission presented a working document accompanying the Commission communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the modernisation of the EU occupational safety and health legislation and policy.

The detailed ex-post evaluation of the EU acquis, checking their relevance as well as efficiency, effectiveness, coherence and EU added value, carried out by the Commission confirms that the framework meets its ambition to adequately protect workers.

Main conclusions: the evaluation concluded that the overall structure of the EU occupational safety and health acquis, consisting of a goal-oriented Framework Directive complemented by specific Directives, is generally effective and fit-for-purpose.

However, it pointed to **specific provisions of individual Directives that have become outdated or obsolete**, and highlighted the need to find effective ways to **address new risks**.

The way in which Member States have transposed the EU occupational safety and health Directives varies considerably across Member States. Compliance costs therefore vary and cannot be easily dissociated from more detailed national requirements.

As regards SMEs: the evaluation clearly concluded that compliance with the occupational safety and health Directives is more challenging for SMEs than large establishments, while at the same time the **major and fatal injury rates are higher for SMEs**. Specific support measures are therefore necessary to **reach SMEs** and help them increase their compliance in an efficient and effective way.

Next steps: the evaluation considered that occupational safety and health measures should reach the widest number of people at work, **no matter the type of working relationship they are in, and no matter the size of company they work for**. Compliance with occupational safety and health rules should be manageable for businesses of all sizes and effectively monitored on the ground.

Measures must be result-oriented, instead of paper-driven, and maximum use should be made of **new digital tools** to facilitate implementation.

Characteristics of the evaluation: this exercise also forms part of the Commission's Regulatory Fitness (REFIT) Programme with a special focus on SMEs. In this respect, the evaluation concentrated both on Framework Directive 89/391/EEC and on the other 23 directives related to it.

The evaluation also concerned 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 risk arising from physical agents (noise).

The main objective of the Directive is to prevent workers from impairing/losing their hearing, as well as any condition which might arise from exposure to noise, for example permanent ringing in the ears (tinnitus).

The Directive is generally relevant in its current form. It has not identified a need for major amendments of the Directive, for example concerning exposure limit values.

However, in order to enhance relevance of the Directive, the evaluation study recommended:

- ensuring a better implementation of existing requirements in the Directive through awareness raising activities and strengthened inspection and guidance regimes;
- a dialogue with the Member States and the social partners on how to achieve a better implementation of the Directive in music and entertainment sectors;
- a review and streamline of worker information requirements under the physical agents directives and the review of the health surveillance provisions, to ensure consistency across the four physical agents directives;
- adoption of measures to ensure that the procedure of adoption/amendment of limit values and action values is clarified and harmonised with the other physical agents Directives.