

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
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Noise in the workplace

Formal reference	
2003/10/EC (OJ L 42 15.2.2003)	Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)
Proposed COM(92)560	
Legal base	Article 153 TFEU (originally Article 137(2) TEC)
Binding dates	
Notification date	15 February 2003
Formal compliance	14 February 2006

Note: Directive [2003/10/EC](#) repealed Directive [86/188/EEC](#)

Purpose of the Directive

The aim of the Directive 2003/10/EC is to protect workers from risks to their hearing by setting down minimum requirements for their protection. Article 5(1) of the Directive 2003/10/EC requires that, taking into account technical progress and the measures available to control the risk at source, ‘the risks arising from exposure to noise shall be eliminated at their source or reduced to a minimum’. Directive 2003/10/EC also sets a new daily exposure limit value of 87 dB(A). It is a daughter Directive adopted under Directive [80/1107/EEC](#). It is also the 17th Directive adopted within the meaning of Article 16(1) of the Framework Directive [89/391/EEC](#), on the introduction of measures to encourage improvements in the safety and health of workers at work.

Summary of the Directive

Directive 2003/10/EC applies to all activities in which workers are exposed to risks from the exposure to noise. Employers are required to assess and, where necessary, measure noise levels to identify workers and workplaces to which the Directive applies and to determine the conditions under which its provisions apply. Noise exposures are generally to be reduced to the lowest levels reasonably practicable, taking account of technical progress and the availability of measures to control the noise.

Where noise levels are likely to exceed 85 dB(A), or the peak sound pressure level exceeds 200 Pa, workers must receive adequate information and, where necessary, training on:

- potential risks to hearing;
- measures to be taken in accordance with the Directive;
- obligations under national legislation;
- wearing of personal ear protectors;
- checks on hearing.

Personal ear protectors must be made available to workers, where levels exceed 85 dB(A). Workers exposed to such levels must also be able to have their hearing checked by a doctor.

Where the daily personal noise exposure exceeds 90 dB(A), or the peak sound pressure level is more than 200 Pa, the reasons for the excess level must be identified and measures taken to reduce the level as far as reasonably practicable. Personal ear protectors must also be worn. Areas where noise exposures exceed these levels must be marked with signs and access restricted.

Member States are required to ensure that new plant or substantial changes to existing plants comply with the requirement to reduce noise exposure to the lowest level reasonably practicable. Adequate information must be made available about the noise of new machinery which exceeds the 85 dB(A) or 200 Pa levels.

Derogations may be allowed to these requirements where noise levels vary provided that the average weekly noise exposure is within the limits in Directive 2003/10/EC. Other derogations may be granted exceptionally for limited periods where it is not reasonably practicable to meet the limits: conditions must guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, they also must be reported to the Commission every four years.

Development of the Directive

Directive 2003/10/EC repealed Directive 86/188/EEC.

Directive 86/188/EEC

The proposal was published by the Commission after consultation through the Advisory Commission of Safety, Hygiene and Health Protection at Work. Its provisions were in line with the recommendations of the International Labour Organization (ILO) and the Intergovernmental Maritime Consultative Organization (IMCO) and took into account work by the World Health Organization (WHO) and other international bodies. The main element of the proposal was to set a limit of 85 dB(A) for exposure to noise for a worker. Derogation from this limit up to 90 dB(A) would be permitted for a temporary period of five years. An audiometric examination was required where the limit laid down could not be met and hearing protectors had to be worn.

The European Parliament in March 1984 called on the Commission in a Resolution to fix the limit of noise exposure at 90 dB(A) instead of 85 dB(A). The Economic and Social Committee had earlier also advised that the limit would initially be better set at the higher level. The Commission issued amendments in July 1984 which included changing the limit to 90 dB(A). The main differences between the original proposal and the final Directive were the raising of the limit from 85 to 90 dB(A) and the dropping of any reference to audiometric examination. The date of implementation was also deferred from 1984 to 1990.

Directive 2003/10/EC

In 1992, the Commission published a proposal to improve the protection of workers, which would effectively extend Directive 86/188/EEC to vibrations and non-ionizing electromagnetic radiation (COM(92)560). The proposal took some time to develop, but was agreed upon, and repealed 86/188/EEC. The European Parliament and the Council reflected on the idea to introduce extended measures on protection of damage to hearing so as to create

a basis of protection for all Community workers and to avoid distortion of competition. In contemplation of the current scientific knowledge, it was decided that a general definition with objectives and principles to be applied would be the best solution, as it would convey the message while leaving enough flexibility to the Member States.

The preventive approach taken in the previous Directive 86/188/EEC was repeated but the scope was extended as it now applies to vibrations and non-ionizing electromagnetic radiation and to noise levels on board ships. Member States were required to set up a transitional regime, from the IMO guidelines to reach the requirement of Directive 2003/10/EC.

A system of differentiated noise levels was introduced, each one having to satisfy particular safety requirement. The first step is for noise level at 80 dB, Directive 2003/10/EC requires employers to inform and give training to its workers and to provide them with ear-protection devices. The second threshold, for noise level of 85 dB makes compulsory the wearing of hearing protection. It is the duty of the employer to protect its workers and to check that they are properly used. The maximum level noise is 87 dB and it shall not be exceeded.

Finally concerning the sector of music and entertainment, a transitional period was provided to Member States, as it requires practical guidance to be developed to attain the levels of protection to be established in the Directive.

The Directive is related to Directive [2002/44/EC](#) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents.

Implementation of the Directive

The Directive has been transposed within the 27 Member States. The transposition reports can be consulted in the national [execution measures](#). All the Member States had to respect the deadline set in the Directive of 14 February 2006; however, an extended deadline was given to Bulgaria and Romania that had to transpose by 1 January 2007. No implementation report has been produced by the Commission.

Enforcement and court case

No judgments have been issued by the European Court of Justice on the earlier Directive 86/188/EEC. However, there has been one judgement concerning Directive 2003/10/EC. In [Case C-256/10 \(joined with case C-261/10\)](#) the Court was asked to rule on the interpretation of Directive 2003/10/EC. It found that an employer in a company in which the workers' daily noise exposure level is above 85dB(A) measured without taking account of the effect of individual hearing protectors, fails to fulfil the obligations resulting from that Directive. The mere providing of hearing protectors to the workers so that the daily noise exposure level is reduced to less than 80 dB(A) is not sufficient, as the employer is obliged to implement a programme of technical or organisational measures intended to reduce such noise exposure to a level of less than 85 dB(A), measured without taking into account the effect of the individual hearing protector. However the Court stated that this does not entitle the workers to ask for supplementary payments, but rather that national law should have provisions allowing workers to require the implementation of the programme from their employer.

Related legislation

Another EU Directive which has a strong interaction with Directive 2003/10/EC is:

- [Directive 89/391/EEC](#) on the introduction of measures to encourage improvements in the safety and health of workers at work.