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COUNCIL DIRECTIVE

of 12 May 1986

on the protection of workers from the risks related to exposure to noise at work

(86/188/EEC)

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COUNCIL DIRECTIVE

of 12 May 1986

on the protection of workers from the risks related to exposure to noise at work

(86/188/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission, drawn up after consulting the Advisory Committee on Safety, Hygiene and Health Protection at Work ([1]);

Having regard to the opinion of the European Parliament ([2]),

Having regard to the opinion of the Economic and Social Committee ([3]),

Whereas the Council resolutions of 29 June 1978 and 27 February 1984 on action programmes of the European Communities on safety and health at work ([4]) provide for the implementation of specific harmonized procedures for the protection of workers exposed to noise; whereas the measures adopted in this field vary from State to State and it is recognized that they urgently need to be approximated and improved;

Whereas exposure to high noise levels is encountered in a large number of situations and therefore many workers are exposed to a potential safety and health hazard;

Whereas a reduction of exposure to noise reduces the risk of hearing impairment caused by noise;

Whereas, where the noise level at the workplace involves a risk for the health and safety of workers, limiting exposure to noise reduces that risk without prejudice to the applicable provisions on the limitation of noise emission;

Whereas the most effective way of reducing noise levels at work is to incorporate noise prevention measures into the design of installations and to choose materials, procedures and working methods which produce less noise; whereas the priority aim must be to achieve the said reduction at source;

Whereas the provision and use of personal ear protectors is a necessary complementary measure to the reduction of noise at source, where exposure cannot reasonably be avoided by other means;

Whereas noise is an agent to which Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work ([5]) applies; whereas Articles 3 and 4 of the said Directive provide for the possibility of laying down limit values and other special measures in respect of the agents being considered;

Whereas certain technical aspects must be defined and may be reviewed in the light of experience and progress made in the technical and scientific field;

Whereas the current situation in the Member States does not make it possible to fix a noise-exposure value below which there is no longer any risk to workers' hearing;

([1]) OJ No C 289, 5. 11. 1982, p. 1; OJ No C 214, 14. 8. 1984, p. 11.
([2]) OJ No C 46, 20. 2. 1984, p. 130; OJ No C 117, 30. 4. 1984, p. 5.
([3]) OJ No C 23, 30. 1. 1984, p. 36.
([4]) OJ No C 165, 11. 7. 1978, p. 1; OJ No C 67, 8. 3. 1984, p. 2.
([5]) OJ No L 327, 3. 12. 1980, p. 8.

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Whereas current scientific knowledge about the effects that exposure to noise may have on health, other than on hearing, does not enable precise safety levels to be set; whereas, however, reduction of noise will lower the risk of illnesses unrelated to auditory complaints; whereas this Directive contains provisions which will be reviewed in the light of experience and developments in scientific and technical knowledge in this field,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive, which is the third individual Directive ►M1 ——— ◄ has as its aim the protection of workers against risks to their hearing and, in so far as this Directive expressly so provides, to their health and safety, including the prevention of such risks arising or likely to arise from exposure to noise at work.

2. This Directive shall apply to all workers, including those exposed to radiation covered by the scope of the EAEC Treaty, with the exception of workers engaged in sea transport and in air transport.

For the purpose of this Directive, the expression 'workers engaged in sea transport and in air transport' shall refer to personnel on board.

On a proposal from the Commission the Council shall examine, before 1 January 1990, the possibility of applying this Directive to workers engaged in sea transport and in air transport.

3. This Directive shall not prejudice the right of Member States to apply or introduce, subject to compliance with the Treaty, laws, regulations or administrative provisions ensuring, where possible, greater protection for workers and/or intended to reduce the level of noise experienced at work by taking action at source, particularly in order to achieve exposure values which prevent unnecessary nuisance.

Article 2

For the purposes of this Directive, the following terms shall have the meaning hereby assigned to them:

1. *Daily personal noise exposure of a worker* $L_{EP,\ d}$

   The daily personal noise exposure of a worker is expressed in dB (A) using the formula:

$$L_{EP,d} = L_{Aeq,Te} + 10 \log_{10} \frac{T_e}{T_o}$$

   where:

$$L_{Aeq,Te} = 10 \log_{10} \left\{ \frac{1}{T_e} \int_o^{T_e} \left[\frac{p_A(t)}{p_o} \right]^2 dt \right\}$$

   T_e = daily duration of a worker's personal exposure to noise,

   T_o = 8 h = 28 800 s,

   P_o = 20 μPa,

   P_A = 'A'-weighted instantaneous sound pressure in pascals to which is exposed, in air at atmospheric pressure, a person who might or might not move from one place to another while at work; it is determined from measurements made at the position occupied by the person's ears during work, preferably in the person's absence, using a technique which minimizes the effect on the sound field.

   If the microphone has to be located very close to the person's body, appropriate adjustments should be made to determine an equivalent undisturbed field pressure.

   The daily personal noise exposure does not take account of the effect of any personal ear protector used.

2. *Weekly average of the daily values* $L_{EP,\ w}$

   The weekly average of the daily values is found using the following formula:

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$$L_{EP,w} = 10 \log_{10} \left[\frac{1}{5} \sum_{k=1}^{m} 10^{0,1 \, (L_{EP,d})_k} \right]$$

where $(L_{EP,d})_k$ are the values of $L_{EP,d}$ for each of the m working days in the week being considered.

Article 3

1. Noise experienced at work shall be assessed and, when necessary, measured in order to identify the workers and workplaces referred to in this Directive and to determine the conditions under which the specific provisions of this Directive shall apply.

2. The assessment and measurement mentioned in paragraph 1 shall be competently planned and carried out at suitable intervals under the responsibility of the employers.

Any sampling must be representative of the daily personal exposure of a worker to noise.

The methods and apparatus used must be adapted to the prevailing conditions in the light, particularly, of the characteristics of the noise to be measured, the length of exposure, ambient factors and the characteristics of the measuring apparatus.

These methods and this apparatus shall make it possible to determine the parameters defined in Article 2 and to decide whether, in a given case, the values fixed in this Directive have been exceeded.

3. Member States may lay down that personal exposure to noise shall be replaced by noise recorded at the workplace. In that event the criterion of personal exposure to noise shall be replaced, for the purposes of Articles 4 to 10, by that of noise exposure during the daily work period, such period being at least eight hours, at the places where the workers are situated.

Member States may also lay down that, when the noise is measured, special consideration shall be given to impulse noise.

4. The workers and/or their representatives in the undertaking or establishment shall be associated, according to national law and practice, with the assessment and measurement provided for in paragraph 1. These shall be revised where there is reason to believe that they are incorrect or that a material change has taken place in the work.

5. The recording and preservation of the data obtained pursuant to this Article shall be carried out in a suitable form, in accordance with national law and practice.

The doctor and/or the authority responsible and the workers and/or their representatives in the undertaking shall have access to these data, in accordance with national law and practice.

Article 4

1. Where the daily personal exposure of a worker to noise is likely to exceed 85 dB (A) or the maximum value of the unweighted instantaneous sound pressure is likely to be greater than 200 Pa [1], appropriate measures shall be taken to ensure that:

(a) workers and/or their representatives in the undertaking or establishment receive adequate information and, when relevant, training concerning:

[1] 140 dB in relation to 20 μPa.
If the maximum value of the 'A'-weighted sound pressure level, measured with a sound-level meter using the time characteristic I (according to IEC 651) does not exceed 130 dB (AI), the maximum value of the unweighted instantaneous sound pressure can be assumed not to exceed 200 Pa

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— potential risks to their hearing arising from noise exposure,

— the measures taken in pursuance of this Directive,

— the obligation to comply with protective and preventive measures, in accordance with national legislation,

— the wearing of personal ear protectors and the role of checks on hearing in accordance with Article 7;

(b) workers and/or their representatives in the undertaking or establishment have access to the results of noise assessments and measurements made pursuant to Article 3 and can be given explanations of the significance of those results.

2. At workplaces where the daily personal noise exposure of a worker is likely to exceed 85 dB (A), appropriate information must be provided to workers as to where and when Article 6 applies.

At workplaces where the daily personal noise exposure of a worker is likely to exceed 90 dB (A) or where the maximum value of the unweighted instantaneous sound pressure is likely to exceed 200 Pa, the information provided for in the first subparagraph must, where reasonably practicable, take the form of appropriate signs. The areas in question must also be delimited and access to them must be restricted, where the risk of exposure so justifies and where these measures are reasonably practicable.

Article 5

1. The risks resulting from exposure to noise must be reduced to the lowest level reasonably practicable, taking account of technical progress and the availability of measures to control the noise, in particular at source.

2. Where the daily personal noise exposure of a worker exceeds 90 dB (A), or the maximum value of the unweighted instantaneous sound pressure is greater than 200 Pa:

(a) the reasons for the excess level shall be identified and the employer shall draw up and apply a programme of measures of a technical nature and/or of organization of work with a view to reducing as far as reasonably practicable the exposure of workers to noise;

(b) workers and their representatives in the undertaking or establishment shall receive adequate information on the excess level and on the measures taken pursuant to subparagraph (a).

Article 6

1. Without prejudice to Article 5, where the daily personal noise exposure of a worker exceeds 90 dB (A) or the maximum value of the unweighted instantaneous sound pressure is greater than 200 Pa, personal ear protectors must be used.

2. Where the exposure referred to in paragraph 1 is likely to exceed 85 dB (A), personal ear protectors must be made available to workers.

3. Personal ear protectors must be supplied in sufficient numbers by the employer, the models being chosen in association, according to national law and practice, with the workers concerned.

The ear protectors must be adapted to the individual worker and to his working conditions, taking account of his safety and health. They are deemed, for the purposes of this Directive, suitable and adequate if, when properly worn, the risk to hearing can reasonably be expected to be kept below the risk arising from the exposure referred to in paragraph 1.

4. Where application of this Article involves a risk of accident, such risk must be reduced as far as is reasonably practicable by means of appropriate measures.