WATCH COMMITTEE

The Meaning of “Indicative”

Issue
1. At the 2nd meeting of WATCH on 10 June 2004, HSE was asked to provide an explanation of the meaning of “indicative” in the context of EU Indicative Occupational Exposure Limit Values (IOELVs).

Explanation
2. In 2002, HSE legal advisers provided a legal interpretation of what was meant by ‘indicative’ in the term Indicative Occupational Exposure Limit Values (IOELVs). This is reflected in the attached ACTS paper from that time (ACTSINF/26/2002).

3. Subsequently, in July 2003, during a discussion on the proposed indicative occupational exposure limit value for nitrogen monoxide (NO), the commission said that as the proposed limit value for NO was an indicative one, Member States could set a different limit value by taking into account socio-economic and technical feasibility issues so long as the Commission was provided with sound justification for doing so. This position is compatible with the Solicitor’s advice in the ACTS paper. The solicitor advised that there is little scope to deviate from the scientific position adopted by the European Commission; to establish a value which offered less protection than the European IOELV one or more criteria had to be satisfied. One of those criteria was ‘Grounds of reasonable practicability ie industry unable to comply with the IOELV that has been set’. An extract from the note of the discussion on NO is below:

4. European Commission Technical Progress Committee meeting - 3 July 2003

"Some delegations stated that if the Commission will insist on the proposed value of 0.2 ppm [for NO], this could create serious difficulties for some specific industrial sectors (eg. mining sector, tunnelling activities, etc.) to comply with it. The Commission indicated that since the proposed value is of indicative nature the Member States can set up a different value providing to the Commission the reasoning for it."

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References / Attachments
ACTSINF/26/2002