

Transposition Note for Directive 2003/10/EC 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), transposed by the Control of Noise at Work Regulations 2005

Article	Purpose	Implementation	Responsibility
1 paras 1-3	Aim and scope - to lay down minimum requirements for the protection of workers from risks to their health and safety arising from exposure to noise at work, without prejudice to the operation of the Framework Directive 89/391/EEC.	The Control of Noise at Work Regulations 2005 (CoNWR 2005) reg. 3(1). Protection also extends to others affected by the work and to the self-employed - CoNWR 3(2) and (3). The Management of Health and Safety at Work Regulations 1999 implement Framework Directive 89/391/EEC and are applicable to the whole field where CoNWR 2005 apply.	The Secretary of State by new Regulations, the Control of Noise at Work Regulations 2005 (CoNWR 2005). No action required for the Management of Health and Safety at Work Regulations 1999.
2	Defines peak sound pressure, daily and weekly noise exposure levels including references to ISO 1999: 1990.	CoNWR 2005 reg. 2(1) defines noise, peak sound pressure, daily personal noise exposure, weekly personal noise exposure and other terms. Methods of ascertaining measured levels form Schedules 1 and 2, including the ISO references.	The Secretary of State by CoNWR 2005.
3 paras 1 - 3	Establishes lower and upper exposure action values (EAVs) and exposure limit values (ELVs) for daily noise exposure and peak sound pressure. Where exposure varies markedly from day to day a weekly noise exposure level may be used.	CoNWR 2005 reg. 4(1), (2) and (3) Schedules 1 Part I and 2, and Schedule 2 establish the lower and upper exposure action values and the exposure limit values for daily and weekly personal noise exposure and for peak sound pressure. CoNWR reg. 4(4) defines where measurement of exposure on a weekly basis is allowed.	The Secretary of State by CoNWR 2005.

Article	Purpose	Implementation	Responsibility
4 paras 1-5	Requires employers to assess and, if necessary, measure the levels of noise to which workers are exposed. Assessment may be by means of observation of specific working practices and reference to relevant information. Assessment and measurement to be carried out by competent services and the data preserved.	Assessment and, if necessary, measurement - CoNWR 2005 reg. 5(1) and (2). Preservation of data - CoNWR 2005 reg. 5(6). Competent services - CoNWR 2005 reg. 10(4) and the Management of Health and Safety at Work Regulations 1999 reg. 7.	The Secretary of State by CoNWR 2005. No action required for the Management of Health and Safety at Work Regulations 1999.
4 para 6	Matters to be given particular attention in risk assessment.	Included in list in CoNWR 2005 reg. 5(3).	The Secretary of State by CoNWR 2005.
4 para 7	Employers to record and update their risk assessments.	CoNWR 2005 reg. 5(4) and (6).	The Secretary of State by CoNWR 2005.
5 paras 1 and 2	Employers to eliminate risk at source or reduce to a minimum, based on the general principles of prevention in Framework Directive 89/391/EEC Article 6(2). If upper EAVs are exceeded, employers to establish a programme of measures to reduce exposure to noise to a minimum, taking into account in particular a list of considerations.	Elimination and reduction - CoNWR 2005 reg. 6(1) and Management of Health and Safety at Work Regulations 1999 Schedule 2. Programme of measures at upper EAVs- CoNWR 2005 reg. 6(2). List of considerations - included in CoNWR 2005 reg. 6(3).	The Secretary of State by CoNWR 2005. No action required for the Management of Health and Safety at Work Regulations 1999.
5 para 3	Workplaces where noise exposure exceeds the upper EAVs shall be marked with appropriate signs.	CoNWR 2005 reg. 7(3).	The Secretary of State by CoNWR 2005.
5 para 4	Ensure exposure to noise in rest facilities is reduced to a suitable level for their purpose and conditions of use.	CoNWR 2005 reg. 6 (5).	The Secretary of State by CoNWR 2005.
5 para 5	Employers to adapt measures taken for particularly sensitive groups of workers.	CoNWR 2005 reg. 6(6).	The Secretary of State by CoNWR 2005.
6 para 1	If risks arising from exposure to noise cannot be prevented by other means, appropriate, properly fitting individual hearing protectors should be made available to workers at the lower EAV and used compulsorily at the upper EAV, in	CoNWR 2005 reg. 7(1), (2) and (4) for the specific requirements, and throughout the regulations for conformity to Council Directive 89/656/EEC.	The Secretary of State by CoNWR 2005. No action required for Personal Protective

Article	Purpose	Implementation	Responsibility
	accordance with the provisions of Council Directive 89/656/EEC.		Equipment at Work Regulations 1992.
6 para 2	Employer to ensure the wearing of the hearing protectors and be responsible for checking the effectiveness of the measures taken.	CoNWR 2005 reg. 8(1).	The Secretary of State by CoNWR 2005.
7	Ensure workers' exposure to noise, taking account of the reduction provided by hearing protection, does not exceed the ELVs, and action to be taken if an ELV is exceeded.	CoNWR 2005 reg. 6(4).	The Secretary of State by CoNWR 2005.
8	Employer to ensure workers exposed to noise at or above the lower EAVs, and/or their representatives, receive information and training relating to risks from exposure to noise. Particular considerations listed.	CoNWR 2005 reg. 10(1) and 10(2), which includes the considerations.	The Secretary of State by CoNWR 2005.
9	Consultation and participation of workers in accordance with Framework Directive 89/391/EEC Article 11, with particular reference to Articles 4, 5, and 6(1)(c).	General provisions implemented by Safety Representatives and Safety Committees Regulations 1977 and Health and Safety (Consultation with Employees) Regulations 1996. Particular areas addressed in CoNWR 2005 reg. 5(5) on risk assessment, reg. 6(7) on measures to be taken and reg. 7(4) on selecting personal hearing protectors.	No action required for the general consultation provisions. For particular areas, the Secretary of State by CoNWR 2005.
10 para 1	Ensure appropriate health surveillance where the results of risk assessment and measurement indicate a risk to workers' health.	CoNWR 2005 reg. 9(1).	The Secretary of State by CoNWR 2005.
10 para 2	i) A worker whose exposure exceeds the upper EAV has a right to have their hearing checked by a doctor and ii) preventive audiometric testing shall be available for workers whose exposure exceeds the lower EAV, where the assessment and measurement indicate a risk to health.	i) Access to National Health Service. ii) CoNWR 2005 reg. 9(1).	No action required in relation to National Health Service. The Secretary of State by CoNWR 2005.

Article	Purpose	Implementation	Responsibility
10 para 3	Individual records to be kept of health surveillance.	CoNWR 2005 reg. 9(2).	The Secretary of State by CoNWR 2005.
10 para 4	Actions to be taken where a worker is found to have identifiable hearing damage resulting from noise at work.	CoNWR 2005 reg. 9(4).	The Secretary of State by CoNWR 2005.
11 paras 1 to 2	Derogations available, with conditions, to member states where, because of the nature of the work, full and proper use of individual hearing protectors would cause greater risk to health and safety, after consultation.	Exemptions may be granted by Health and Safety Executive, subject to conditions - CoNWR 2005 11(1) and (2).	The Secretary of State by CoNWR 2005
11 para 3	Derogations to be listed to European Commission with reasons every 4 years.	Administrative action for Health and Safety Executive.	No legislative action required.
12 - 13	Procedure for technical amendments to Schedules and provision for a Committee to assist the Commission.	Administrative procedures at Community level.	No legislative action required.
14	Draw up with social partners, in accordance with national practice, a code of conduct with practical guidelines to help workers in the music and entertainment sectors to meet their legal obligations.	For the Health and Safety Executive in conjunction with representatives from the music and entertainment industries.	No legislative action required.
15	Repeals previous Noise Directive 86/188/EEC with effect from 15 February 2006.	The Noise at Work Regulations 1989, the domestic regulations implementing this directive, are repealed by CoNWR 2005 reg. 15(1) but they remain in force for the music and entertainment sectors only by virtue of reg. 15(3) until 6 April 2008.	The Secretary of State by CoNWR 2005.
16-19	Miscellaneous final provisions including the main transposition deadline of 15 February 2006 and transitional periods for shipping and music and entertainment sectors.	HSE is working to the common commencement date of 6 April 2006, ahead of which comprehensive guidance on the Regulations (other than for shipping and music and entertainment) will have been published. Remaining provisions are administrative action for HSE.	No legislative action required beyond coming into force of CoNWR 2005.

