
Brussels, 21st December 2018

SHAPING THE FUTURE OF OUTDOOR NOISE LEGISLATION

Orgalime comments to the European Commission's evaluation and impact assessment of Directive 2000/14/EC on noise emission by outdoor equipment

Orgalime, the European Technology Industries, speaks for 45 trade federations representing the mechanical, electrical, electronic, metalworking and metal articles industries of 23 European countries. The industry employs nearly 11 million people in the EU and in 2017 accounted for some €2,000 billion of output. The industry represents over a quarter of the output of manufactured products and over a third of the manufactured exports of the European Union.

Orgalime represents a wide variety of companies that manufacture equipment used outdoors, such as garden equipment machinery, cranes and lifting equipment, and equipment used in the construction sector in general.

Orgalime welcomes the Outdoor Noise Directive (OND) evaluation and impact assessment reports and believes that this piece of legislation needs to be adapted. We agree with most of the findings and believe that the documents will serve as a good base for the future EC proposal on OND.

We ask that the comments below are duly considered:

1. No database on noise

As already expressed in our core policy statements in response to the public consultation, the industries represented by Orgalime agree with the impact assessment that the noise database has failed to reach its primary objective of informing the public as described in the Directive. The noise database includes many examples of inaccurate or incomplete information and represents a heavy administrative burden on manufacturers' day-to-day operations.

However, if the report, collection and publication obligations are to be kept, a complete revision of the database should be envisaged.

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2. Self-certification allows flexibility for industry

We fully agree with the impact assessment's suggestion to extend the use of self-certification to equipment covered by Article 12, while maintaining the already existing options of Annex VI for the benefit of companies that do not have the means for an in-house procedure. We believe that the OND should have a flexible framework allowing the choice between self-certification and third-party certification for any equipment covered by the directive.

The industries represented by Orgalime have long-standing experience in deciding whether a specific limit value is technically feasible or not, and so can easily use self-certification to place their equipment on the market. Allowing self-certification will reduce costs and administrative burden for companies and enable them to remain competitive with their non-European counterparts. Third-party certification can be kept as an alternative option.

We suggest that the European Commission considers adding the Conformity Assessment stated in 'Annex V - Internal Control of Production' or Module A (Internal Production Control) stated in Decision 768/2008 of the New Legislative Framework to the conformity assessment procedure foreseen for the equipment subject to noise limits listed under the OND article 12.

3. Noise marking label options

On the issues of noise label and awareness of noise, despite the fact that evaluation report draws the conclusion that the general public is not aware whether an equipment is noisy or not because of a lack of clear understanding, the current system of noise labelling at least allows a comparison between numbers and should remain in its current format, as shown below.

In this way, the general public can easily understand and compare, based on the current label if one piece of equipment is quieter compared to another.



4. Effective market surveillance

The industries represented by Orgalime call for an efficient and effective market surveillance system, which we believe is the key to supporting a better application of the legislation. As explained in our [position paper](#) on the EC proposal on "compliance and enforcement", we call on Member States to support an enforcement framework that requires equipment to be physically checked for compliance and that makes it easy for all economic operators to demonstrate compliance with EU legislation. Such a framework would require all actors involved to take their responsibility: in our view this should start with the EU co-legislators, who should adopt an appropriate and easily applicable law which would keep compliance costs both low and proportionate.

5. Update noise test codes and measurement methods using delegated acts

As stated in the impact assessment study, noise test codes and measurement methods (standards) have not been updated since the Directive came into force. Noise requirements are no longer in line with either the technological development in the sector, or with requirements in other pieces of legislation.

Updating noise test codes may be problematic as reopening a Directive or a Regulation is a lengthy and burdensome procedure. Therefore, we propose such updates should in future be made through delegated act(s). This binding non-legislative measure would enable the European Commission to update the noise test codes without going through the ordinary legislative procedure.

We believe the European Commission should be empowered to adopt such delegated acts in the future Outdoor Noise legislation by consulting the relevant stakeholders. This will enable the European Commission to review a delegated act which refers to a standard that needs to be updated due to a technical change.

Orgalime sectors are ready to co-operate with the legislator to help to identify the standards that represent the State of the Art for each product category.

Furthermore, Orgalime believes that both the Outdoor Noise Directive and the Machinery Directive should use the same test code assessments. Most of the equipment which falls under the scope of the OND also falls under the scope of the Machinery Directive. However, manufacturers currently have to assess it twice using different test codes. We believe this exercise is burdensome, redundant and costly for companies and therefore, the European Commission should propose that the same test codes should be used in both Directives.

6. Alignment of the OND to the New Legislative Framework

The industries represented by Orgalime agree with the impact assessment suggestion to align the OND to the New Legislative Framework (NLF). As has been the case for several pieces of Internal Market legislation, this would harmonise the definition of the economic operators and their role, the role of the notified bodies and the various conformity assessment procedures available. Alignment to the NLF would grant legal certainty to manufacturers and offer them guidance in their daily business. It would also provide a flexible regulatory framework for placing products on the market.

7. Turn the Directive into a Regulation

Orgalime industries welcome the proposal of turning the Directive into a Regulation as this guarantees a coherent and homogenous application of the legislation throughout the EU, reduces administrative burden and limits the scope for diverging interpretations across Member States. Providing a fully harmonised legal framework in this area across the EU, would furthermore, strengthen the competitiveness of our industries.

8. Take into account equipment specificities

Should the OND be reviewed, it is important that the legislator, when revising or introducing new limit values for some categories of equipment, perform a detailed assessment of the environmental benefits and the related costs for manufacturers. Equipment under the scope of the OND is quite diverse. For some machines, a reduction of noise limits would not always result in better performance but could result in higher investment costs for manufacturers and expose the users to longer periods of noise emissions.