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Orgalim comments on policy options identified after the OND Evaluation

1. Introduction

Orgalim, Europe's Technology Industries, would like to thank the European Commission for the opportunity to provide an opinion on the two policy options being considered: Delegated Act to amend the measurement methods or a complete revision of the Outdoor Noise Directive (OND 2000/14/EC).

We welcome the overall positive assessment of the OND evaluation process across the five evaluation criteria, and we acknowledge that some gaps need to be addressed to bring the Directive in line with current technological developments. However, the current economic situation caused by the COVID-19 crisis has forced different priorities on European manufacturing companies.

Regarding the two options put forward by the Commission, European technology manufacturers support the revision of Annex III on measurement methods through the option of a Delegated Act.

2. Delegated acts: speedy adaptation to state of the art

Orgalim acknowledges that the current measurement methods for most equipment are outdated; this is the most urgent issue to address. A revision is needed to reflect technical progress in the industry and European standardisation.

The possibility offered in Article 18a of updating Annex III via delegated acts allows for the speedy adaptation of the measurement methods to technical progress. Additionally, considering that a full revision of the OND will take a number of years to complete, the option of delegated acts would be a quicker and easier way to bring about the intended results: i.e. update of the measurement methods to state of the art.

Furthermore, updating Annex III via delegated acts will reduce the economic and resource burden to comply with a revised ON legislation. This will be beneficial for all impacted industries as well as national and European authorities, which are focusing on recovering from the damage caused by the COVID-19 crisis.

3. Aligning testing methods to the Machinery Directive

As highlighted in the Commission conclusions on the OND evaluation, requirements stemming from different pieces of legislation result in the duplication of tests.

The adoption of delegated acts to update Annex III would offer the opportunity to use some European standards as measurement methods with an appropriate life cycle. For instance, in some cases the manufacturers would be able to apply the same standard in order to meet the requirements of the Machinery Directive (2006/42/EC) on the measurement of sound pressure levels.

Orgalim sectors consider that a test code aligned with the state of the art will have a neutral impact on some Article 12 equipment and a beneficial alignment with existing MD noise requirements for Article 13 machines.

4. Acknowledging parallel work streams

When considering a revision of the OND legislation it is important to consider the resources allocated to the work, and also the time-frame of other relevant work that could impact such a revision, in order to avoid overlaps or duplication of requirements.

As mentioned above, a better alignment with the Machinery Directive (2006/42/EC), especially in the context of the ongoing revision, would avoid a duplication of measurements with the resulting inefficient use of human and financial resources. This will also contribute to the overall coherence and simplification of the EU legislative framework, in line with the EU "Better regulation agenda".

Among others the new requirements are measures resulting from the Green Deal, like circular economy, CO₂-neutrality and exhaust emissions. The Commission Staff Working Document on the Evaluation of the OND (November 2020) acknowledges the possible detrimental effect that compliance with more and more stringent exhaust emission limits can have on some machinery's noise emissions: indeed, in some cases less polluting equipment, complying with the Non-Road Mobile Machinery Regulation (EU) 2016/1628, may require some technical adjustments (such as additional fans) that would in fact increase the noise produced by the machine. Such a concern might be even more relevant in the future, as the NRMM Regulation could be reviewed, and its emission limits further lowered, by 2025. For the development of engines, this would be very inefficient: first an engine would need to be re-worked for stricter noise-emissions and then possibly again after a very short time for different emissions requirements. For the manufacturers, it would be advantageous to synchronise the evolution of new requirements for combustion engines from both the emissions and noise sides.

5. Conclusion

To summarise, Orgalim supports the option of delegated acts to adapt the measurement methods to technical progress. Delegated acts afford the following benefits as opposed to a full OND revision:

- Faster adoption of the amended measurement methods
- Opportunity to use specific European standards as measurement methods, also currently used for the Machinery Directive (2006/42/EC)
- Avoids any possible contradictions with other applicable legislation.

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering, electronics, ICT and metal technology branches. Together they represent the EU's largest manufacturing sector, generating annual turnover of €2,298 billion, manufacturing one-third of all European exports and providing 11.55 million direct jobs. Orgalim is registered under the European Union Transparency Register – ID number: 20210641335-88.

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