

Brussels, 08th July 2014

Orgalime and European Sector Committees comment on the final report of the Study on the merger of the directive on Noise from Outdoor Equipment, 2000/14/EC, with the Machinery Directive 2006/42/EC

As pointed out during the workshop organised by the European Commission on 11th March 2014 and the exchange of views that took place during the last Noise Experts Group, the European Commission, based on the study carried out and the on-line consultation, is considering a stand-alone revision of the Outdoor Noise directive.

Orgalime, as already expressed in its [position paper](#) earlier this year, is pleased that the legislator is not considering merging both directives, but would favour a stand-alone revision of the directive on Noise from Outdoor Equipment to improve the current shortcomings of this piece of legislation and adapt it to the needs of the internal market.

Orgalime and participating European Sector Committees are pleased to submit their comments on the report, to bring the following **common** issues facing our industries to the attention of the legislator. As the directive is sector-oriented, any specific comment from one sector will be directly addressed to the Commission by the specific sector for information.

In general, Orgalime would like to refer to the European Commission's Communication for a European Industrial Renaissance and more specifically to the commitment that the Commission took to "*mainstream competitiveness aspects into other policy fields*" which was supported by the March 2014 European Council in its conclusions. Whereas European mechanical engineering's trade balance is largely positive (+ € 120 bn in 2010), it is of the utmost importance to preserve our companies' competitiveness on external markets where noise of machinery is rarely considered as an issue for public authorities or customers.

Orgalime also insists on the need for the revision to take into account other relevant legislation affecting machinery manufacturers, and in particular Directive 97/68/EC on emissions from engines used in non-road mobile machinery, the revision of which is on-going. Complying with both noise and exhaust emissions requirements is a technical challenge that consumes substantial R&D resources.

Orgalime, the European Engineering Industries Association, speaks for 40 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2013 accounted for some €1,800 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

www.orgalime.org

Scope of the directive

The Outdoor Noise Directive currently applies to 57 types of equipment used outdoor, 22 of which are listed in Article 12 (with noise limit values not to be exceeded) while 35 types of equipment listed in Article 13 are only required to be marked.

Orgalime recommends that the legislator maintains the distinction between products with fixed limit values (and the consequences it implies) and products that are only required to be marked.

Regulation versus Directive

As it is now the case for many internal market pieces of legislation, the engineering industries which are represented within Orgalime favour the adoption of a Regulation instead of a Directive.

The benefits of this legislative tool have proved to be positive in terms of its coherent and homogeneous application of EU legislation in all the Member States. It reduces administrative burdens arising from differing transpositions in Member States, increases competitiveness, sets a level playing field among EU companies and also reduces the 'grey areas' in the interpretation process at national level.

Conformity assessment procedure

In order to reduce noise emissions at the source, the Outdoor Noise Directive sets noise emission limits and requires 22 types of equipment listed in Article 12 to be labelled as part of the conformity assessment procedure involving a notified body (internal control of production, unit verification procedure and full quality assurance) whereas it only sets labelling requirements of sound power level for those 35 products listed in Article 13, without the intervention of a notified body. Manufacturers of these listed products (the vast majority of which are also under the scope of the Machinery Directive) have developed over the years the technical expertise to measure noise emissions and are able to declare the guaranteed values. The need to refer to third party certification, which does not release manufacturers from their responsibility, is now questionable, notably when the tests are carried out by the manufacturers themselves (annexes VI and VIII). The revision should therefore consider enabling self-certification for all product categories. This action would certainly save manufacturers the expense of product certification on one hand and administrative burdens on the other hand. It would also meet the objective of the European Institutions which is to have smarter and simpler legislation, to increase the competitiveness of the European industry in comparison to their international counterparts.

As regarding measurement methods, reference to European or international standards should be considered.

Data collection

The current Outdoor Noise Directive requires the manufacturer or his authorised representative to send a copy of the EC declaration of conformity to the Commission and to their relevant national authority. The Commission is due to periodically publish the relevant information in the Outdoor Equipment Database. Since the Outdoor Noise Directive entered into force it has become clear that the objective of this database (to inform and help consumers and users to choose quieter equipment) has not been reached. The legislator, together with stakeholders, should identify another tool to inform the general public about the noise emitted by equipment. This information could be conveyed through regular reports or any other means of information which is not burdensome for stakeholders and which would help to achieve the objective of the directive in terms of information and publication.

Orgalime and the European Sector Committees would therefore be pleased if such a data collection database would be removed from the revision of the directive. We are ready to co-operate with the institutions to find solutions that are feasible for all stakeholders and which enable the requirements of the directive to be reached.

Adviser in charge: Eleonora Piccinni (first name.last name at orgalime.org)



The European Engineering Industries Association

ORGALIME aisbl | Diamant Building | Boulevard A Reyers 80 | B1030 | Brussels | Belgium
Tel: +32 2 706 82 35 | Fax: +32 2 706 82 50 | e-mail: secretariat@orgalime.org
Ass. Intern. A.R. 12.7.74 | VAT BE 0414 341 438