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Orgalime comments on the ODELIA draft report on the study on the current scope and limit values of Directive 2000/14/EC

Following the presentation of the Outdoor Equipment Noise Limit Assessment (ODELIA) draft report in early July 2015 by the consultant, TNO, Orgalime is pleased to send its comments on the horizontal issues applicable to all sectors. Any further sector specific concerns and remarks will be sent directly to the consultant.

In the framework of the ongoing revision process of Directive 2000/14/EC, the consultant was requested to assess the current scope and the limit values of the above mentioned directive. Orgalime welcomes the revision of this Directive which will contribute to improving the functioning of the internal market and increasing the availability of environmentally conscious equipment, taking into account not only the new products that have emerged since the entry into force of Directive 200/14/EC, but also the environmental instruments which have flourished. Nevertheless, Orgalime has concerns regarding the methodology and tools recommended to be used to set limit values for equipment used outdoor.

REVISION AND/OR NEW NOISE LIMITS

Although Orgalime recognises that continuous efforts have to be deployed to reduce noise exposure and welcomes the placing on the market of quieter and more silent equipment, it is also important that new (and probably more stringent) limit values should all follow an outlined pattern:

- Each equipment for which new limit values are proposed should be assessed individually, under proper conditions and accompanied with valid justifications. The criteria for limit revision proposed as a methodology are based on the following criteria:
 - Environmental need: relevance for noise problems in one or several Member States (MS)
 - Environmental impact: medium or high
 - Technical feasibility: evidence from a database and/or a public domain where available, using statistical analysis including pass rates

The relevance of noise problems/concerns in one or several Member States should not be the first criterion for determining whether a limit value should be proposed or amended. Orgalime believes

Orgalime, the European Engineering Industries Association, speaks for 43 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 24 European countries. The industry employs some 10.3 million people in the EU and in 2014 accounted for more than €1,825 billion of annual output. The industry accounts for over a quarter of manufacturing output and a third of the manufactured exports of the European Union.

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that the first criterion to be considered should be the environmental impact assessment. (See below).

As regards the issue of technical feasibility, the available data to be used should be reliable although all actors involved (institutions, Member States and stakeholders) are well aware that this information is not always trustworthy. Another issue of concern is related to the subsidiarity and proportionality principles. The noise limits imposed on Member States by the Directive are minimum requirements which means that if a Member State considers setting more stringent values (for reasons linked to local problems or if required by local legislation), these should in no way be the basis for reviewing the whole set of limit values for specific sector equipment throughout the EU. It is for this reason that Orgalime considers that the environmental impact as evidenced in an impact assessment study should be the first criterion to be considered.

Orgalime therefore invites the consultant to amend in his draft report the decision flow chart shown for both Article 12 and 13 equipment in which the Member State's noise issue has to be replaced by the environmental impact assessment. Additionally Orgalime would advise the consultant that the methodology chosen to amend a limit value should meet the proportionality and subsidiarity principles which are fundamental to the good functioning of the European Union in general and to the internal market in particular.

THE ENVIRONMENTAL IMPACT ASSESSMENT SHOULD BE THE FIRST CRITERION FOR RECONSIDERING A NOISE LIMIT VALUE

As mentioned above, a local noise problem occurring in one specific Member State should not determine whether a noise limit value should be reconsidered. We are aware that a noise issue at a local level may arise from a variety of conditions, whether economic, social, geographical or even environmental and cannot therefore be the basis for reviewing limit values.

The first criterion to be taken into consideration when reconsidering noise limit values should be the environmental impact assessment. This focuses on several indicators such as the average sound power level under normal conditions of use, the numbers of machines in service for each characteristic area of usage, the usage time and duration as well as the numbers of affected people.

Furthermore, the proposal from the consultant takes into consideration as a basis the rating ranges used in the Nomeval study (which dates from 2007), these are as follows:

Rating	Range of Environmental impact indication EI in dBA
Very low	<37
Low	37-46
Medium	47-56
High	57-67
Very High	>67

Orgalime suggests having a closer look at these indicators and requesting the consultant to analyse whether these range limits from the Nomeval report can be used to properly and accurately assess the noise source from equipment used outdoor or whether this range should be reconsidered before taking any further action.

DECISION FLOW CHART FOR NOISE LIMITS TO BE AMENDED AND/OR CLARIFIED

Apart from the environmental impact indicators that should be analysed in detail as mentioned above, Orgalime urges the consultant to bring clarity to the 'low relevance' decision box which is not clear and confusing. What are the criteria behind this box?

In its present form which lacks clarity, this 'low relevance' box has a significant impact on the final decision to be taken regarding the equipment: whether it is outside the scope of the Directive, or inserted under the Article 13 category, the Article 12 category, removed from the Directive, retained under Article 13 or moved under Article 12.

Therefore stakeholders urge the consultant to clearly define this decision box which has a significant impact on manufacturers when placing their equipment on the EU market.

TEST CODE ASSESSMENT TO BE REVIEWED

In the consultations performed in the framework of the Nomeval Report with industry stakeholders, it was concluded that the test code assessment was presenting many shortcomings and had to be reviewed.

Already at that time, manufacturers declared their preference to use European or international standards when available, as many test codes presented a variety of problems including:

- Definition of equipment for which the test code assessment had been performed
- Test codes in which measures values no longer correspond to reality
- Modification of the operating conditions of measurements referred to in the test code.

Orgalime recommends reviewing the test codes in co-operation with the sectors involved and advises the use of standards when available or tabling new ones if necessary.

CAUTIOUS ASSESSMENT OF INFORMATION SOURCES, INCLUDING DATABASES

When presenting the draft report, the consultant informed stakeholders that the information sources taken into consideration to set the recommended limit values allocated for the various sectors were mainly the European Noise Database, set up in the framework of the current Directive, in conjunction with data from national databases. Without entering into the details of whether the national databases contain reliable information on noisy equipment imposed in the Member States, it is widely known that the European Noise Database is not updated, does not contain reliable information and is definitely not a reliable source of information to start from in order to set new limit values. This information that the European Database does not constitute a valid tool on noise information is not new; the European Commission has also recognised its weaknesses and, notwithstanding this, the consultant is using it as his main source of information.

As to the list of documents reported in the draft report, which were also taken into consideration to draft the report, one is entitled to think whether the recommendations included in it are still valid, we ask whether there are new working documents which could be used as evidence to support the Nomeval report or the position paper from WG7 or on the contrary, which clearly state that they are not valid anymore?

We invite the consultant to make contact with the specific manufacturing sectors and the national authorities responsible for this issue to gain a clear picture of the real noise limits that are set in the sectors and to discuss what can still be improved, as the use of uncertain data from the start will only lead to an uncertain and not scientifically-based output.

TAKE INTO CONSIDERATION THE BROADER REGULATORY CONTEXT AND AGENDA

Over the years, industry stakeholders have invested in designing and manufacturing more silent equipment to be used outdoors, but we now question whether it is technically balanced for manufactures to further invest in noise reduction. In this context, Orgalime invites the consultant to take into consideration in the report the many legislative tools that have been developed by the European institutions in relation to noise reduction, which is considered as one of the main health problems for citizens. The overview provided in the draft report requires more attention in terms of overlapping of requirements imposed on manufacturers. Indeed, although they are not specifically focused on outdoor noise, these directives could, in one way or another, overlap with the requirements of the Outdoor Noise Directive. This should be avoided as the final aim of all these instruments, including the Outdoor Noise Directive, is to reduce the presence of noise for citizens or workers. The policies or regulation to which we specifically refer include:

- Environmental Action Programme to 2020
- Environmental Noise Directive 2002/49/EC
- Machinery Directive 2006/42/EC
- Eco-Design Directive 2009/125 for energy-using products

These Directives do not set limit values but give all the actors of the value chain, whether from industry or public authorities, some guidance to improve noise reduction at the source when it has a significant impact whether this is so at national or local level. In order to enable EU companies to remain competitive. Orgalime recommends not to add further environmental requirements through the Outdoor Noise Directive as many of these are already included in the broader package tabled by the institutions in other directives or programmes. The market surveillance authorities' enforcement of current noise provisions would be a more appropriate robust approach.

Conclusions

Orgalime feels that more thorough work needs to be done before considering amending the existing Outdoor Noise Directive.

Orgalime recognises that in some sector specific areas, the consultant will not have all the relevant data to decide whether the limit values have to be amended. We therefore recommend that the consultant should closely work in co-operation with the sectors involved so that any methodology chosen and any new limit values applying to existing or new equipment takes into account all the parameters (economic, environmental, technical and social), thereby allowing EU companies to remain competitive, without adding further burdens to place products on the market.

Orgalime also recommends that any future new limit values should clearly be technically feasible and should take into account the investment cycles of European companies in order to allow them first to recover the investment that they have made to develop and market the innovative products that are available today and then to carry out the necessary R&D and product development to attain where possible feasible, solutions which cover all product specifications expected by customers and regulators alike.