

Brussels, 31 May 2013

## **MERGER OF NOISE FROM OUTDOOR EQUIPMENT DIRECTIVE 2000/14/EC WITH MACHINERY DIRECTIVE 2006/42/EC**

The European Commission is currently assessing the feasibility of integrating the Noise from Outdoor Equipment Directive 2000/14/EC into the Machinery Directive 2006/42/EC. Therefore, the Commission has undertaken a study to evaluate the current approaches to noise emissions from machinery and examine the possibility of merging the requirements on noise emissions into one legislative act with a view to simplifying EU legislation.

The questionnaire, which has been made available to stakeholders, has been widely distributed among Orgalime members and European sector associations who will reply on all main technical questions.

Orgalime welcomes the Commission's efforts to simplify legislation but would like to draw attention to some issues which might arise in the course of this simplification exercise.

### **1. New approach directive versus Global approach directive**

In order to integrate the Outdoor Noise Directive into the Machinery Directive, the Commission will have to reconcile two internal market approaches which are light years away from each other. Whereas the Machinery Directive is one of the first 'New Approach' Directives with all its positive consequences for the functioning of the internal market, the Outdoor Noise Directive is working according to the 'global approach' concept.

Combining these two approaches could endanger the proper functioning of the internal market for the following reasons:

- The Machinery Directive deals with extensive families of products or horizontal risks, as opposed to the product-based approach used under the Outdoor Noise Directive. The Machinery Directive therefore has an open scope which contrasts totally with the 57 products falling under the scope of the Outdoor Noise Directive.
- The Machinery Directive defines the essential health and safety requirements that machinery must meet when it is placed on the market but, contrary to the Outdoor Noise Directive, the technical specifications

*Orgalime, the European Engineering Industries Association, speaks for 38 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 2012 accounted for some €1,840 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](http://www.orgalime.org)

on how to meet these requirements and the state of the art are not defined or limited.

- As the technical specifications to meet the essential health and safety requirements are not legally binding, they do not need to be adapted to technical progress, which is the case for products falling under the scope of the Outdoor Noise Directive.
- The Machinery Directive allows manufacturers a significant degree of flexibility in various areas (conformity assessment procedure, choice of the technology to meet the health and safety requirements...) which the Outdoor Noise directive does not.
- Test codes are described in the harmonised standards for the Machinery Directive whereas they are an integral part of the legislation for the Outdoor Noise Directive.

## 2. Voluntary harmonised standards versus limit values

In the framework of the Machinery Directive, harmonised standards are not legally binding and manufacturers have the choice as to whether to use them or not. A potential merger of the two directives could introduce noise limit values into the harmonised standards, which is unacceptable to manufacturers and will cause problems for other stakeholders such as Member States' authorities.

## 3. Conformity assessment procedures

For the vast majority of equipment falling under the Machinery Directive, manufacturers carry out the conformity assessment procedure of their product to show that they comply with the Directive without third party involvement. Only very few items of machinery require third party certification according to annex IV of the Machinery Directive. On the other hand, those products which include limit values under the Outdoor Noise Directive are de facto submitted to mandatory third party certification.

This conformity assessment procedure under the Machinery Directive gives manufacturers a great deal of flexibility which they do not want to lose.

## 4. Management of the directives in the Member States

A further difficulty is that these directives are not managed by the same ministries in the Member States.

- In some Member States, the national authority in charge of the Machinery Directive is the Ministry of Labour; in others it is monitored by the Ministry of Economy.
- However, the Outdoor Noise Directive is followed by different ministries in the Member States.

This wide representation of national authorities will make the dialogue and organisation of Commission machinery working groups or standing committees even more difficult to manage.

Therefore, Orgalime members are generally in favour of leaving the two pieces of legislation separate. Far from simplifying their regulatory environment, our members fear that a merger of both directives would lead to more complex procedures which would disrupt the proper and effective functioning of the Internal Market.

Adviser in charge: Eleonora Piccinni ([Eleonora.piccinni@orgalime.org](mailto:Eleonora.piccinni@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](mailto:secretariat@orgalime.org)  
Ass. Intern. A.R. 12.7.74 | VAT BE 414341438