

Brussels, 16 April 2018

HOW TO MODERNISE DIRECTIVE 2000/14/EC ON OUTDOOR NOISE

Orgalime core policy statements on the public consultation

Orgalime, the European Engineering Industries Association, speaks for 42 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 2016 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 believes that, in the interest of better regulation, European industry needs a clearer and fully harmonised legal framework. So, we welcome the evaluation of the Outdoor Noise Directive (OND) as part of the REFIT programme.

We ask that the comments below are duly considered in the evaluation exercise:

1. The scope of the new piece of legislation should be maintained

Orgalime firmly believes that the scope of the Directive should not be extended. It is likely that most of the new equipment that would fall under a scope extension of the future OND is already regulated by the Machinery Directive (MD). The MD requires the manufacturer to provide the user with information on noise (sound pressure and sound power) in the instructions. Adding such new equipment to the scope of the OND would therefore only serve to add financial and administrative burdens for the companies concerned, by introducing noise marking requirements and possibly new noise limits without bringing any benefits in terms of better regulation or information for users.

Rather, we believe the evaluation should serve as an opportunity to remove some equipment that still falls under the scope of the OND even though only a small number of items remain on the market.

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2. Mandatory third-party certification does not add value.

The industries represented by Orgalime have long-standing experience in deciding whether a specific limit value is feasible or not, and so can easily use self-certification to place their equipment on the market.

The OND should allow self-certification for all category of products.

The possibility to use self-certification will reduce costs for companies, enabling them to remain competitive with their non-European counterparts.

3. Effective market surveillance

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

4. Test code assessments

The industries represented by Orgalime recommend reviewing the test codes in co-operation with the sector involved, and advise the use of standards when available or the tabling of new ones if necessary. Indeed, in the consultation performed within the framework of the Nomeval Report with industry stakeholders, it was concluded that the test code assessment had many shortcomings and needed to be reviewed. Manufacturers declared their preference for using European or international standards, as many test codes presented a variety of problems including:

- Definition of equipment for which the test codes apply
- Test codes for which measured values no longer correspond to reality
- Modification of the operating conditions of measurements referred to in the test code

5. No database on noise

As already expressed in our contribution to the inception impact assessment, the industries represented by Orgalime still believe 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. Should the co-legislators wish to continue publishing information on noise, new digital information formats like QR codes linked to a manufacturer website could be explored as an alternative. This would also help market surveillance authorities to better perform their inspection duties.

6. Alignment of the OND to the New Legislative Framework

The industries represented by Orgalime call for an alignment of 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

The adoption of a Regulation would enable coherent and homogenous application of the Directive throughout the EU, would reduce administrative burden and limit scope for diverging interpretations across Member States. By providing a fully harmonised legal framework in this area across the EU, this would strengthen the competitiveness of our industries.

CONCLUSION

Orgalime industries believe that any potential revision of the Outdoor Noise Directive should take into account the equipment specificities through a thorough assessment of the environmental benefits and costs for equipment manufacturers.

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