

## **Public consultation on the revision of Directive 2000/14/EC on noise from outdoor equipment**

### 1. Introduction

The European Commission launched a public consultation to gather views on its proposal for revising the legislation on noise emission from equipment for use outdoors. Various policy options and technical scenarios for drafting a proposal amending Directive 2000/14/EC (hereafter: Noise Directive) have been identified in close consultation with stakeholders. They address the needs for:

- Further improving the environmental performance of outdoor equipment by proposing
  - new equipment types to be subject to noise emission limits or marking;
  - stricter noise emission limits;
  - updating the definitions of equipment types and methods of measurement.
- Ensuring the smooth functioning of the internal market by aligning the Noise Directive to the New Legislative Framework.
- Simplifying the legislation by proposing revisions concerning
  - noise data collection and
  - methods of measurement.

The main objective of this public consultation was to ask citizens and stakeholders for their views and opinions on the various issues that might need to be addressed in any proposal for further amending the Directive. The replies to this consultation have provided the Commission with a broader range of views on the policy needs and should enable it to improve or confirm the approaches envisaged.

### 2. Overviews of respondents

The consultation was launched on 6<sup>th</sup> April 2010 and lasted more than 12 weeks. The Commission services received 94 responses of which 34 were sent on behalf of various organisations or institutions, 40 on behalf of individual/single enterprises (20 SMEs) and 20 on behalf of an individual citizen. For statistical purpose, respondents have been classified in categories:

- On behalf of an organisation or institution: 36,2 %
  - Public authority : 12,8 %
  - Industry organisation: 10,6 %
  - Consumer Organisation: 1,1 %
  - Notified body: 7,4 %
  - Other non-governmental organisation: 1,1 %
  - Other organisation: 3,2 %
- On behalf of an enterprise: 42,6 %
- As an individual citizen: 21,3 %

Submissions were received from 22 countries, of which 3 are non-EU countries (Switzerland, Japan, USA). The largest participation came from UK and accounts for 31% of the responses, followed by Germany (23%) and Belgium (9%).

The majority of submitted responses replied to multiple choice questions by using pre-formulated answers, although a number of participants provided additional information.

As a starting point, about two-thirds of respondents that gave an explicit statement agreed with the statement that the Directive has efficiently achieved the objectives of the functioning of the Internal Market and of noise reduction for outdoor equipment, whereas one-third disagreed. Irrespective of the general satisfaction two-thirds of the participants saw potential for improvement in the areas market surveillance and customs control.

### 3. Further improving the environmental performance of outdoor equipment

A slight majority of participants are of the opinion that the specific limit values as laid down in the list of equipment subject to noise emission limits are appropriate and that no other equipment should be added to this lists as well as to the list of equipment subject to noise labelling. 54 % of the contributions agree that the information to the end users through the noise label only is sufficient. Furthermore, two-thirds of respondents support the idea that particular consideration must be given to Small and Medium sized Enterprises when revising noise limit values or changing lists of equipment types subject to noise emission limits or labelling.

For about 62 %, the definitions laid down in Annex I of the Directive are sufficiently clear. 3 participants asked for simplification of subdivisions of equipment types, e.g. subdivision of compaction machines into 8 types.

### 4. Monitoring and collecting of noise data

40 % of the participants are of the opinion that the database and the complementary IT-tool for collecting the relevant noise data of new outdoor equipment is a useful tool; 52 % are of dissenting opinion and 5 % have no opinion.

Stakeholders' contributions were in line with the assessments of the Commission concerning shortcomings of the database concerning quantity and quality of the data as well as the reasons for it. The majority of the participants insist that the noise data contained in the database should not be used for possible revisions of the Directive without additional research efforts and gathering of noise data. Nevertheless, many contributions found the database a useful market surveillance tool.

### 5. Relation with the Machinery Directive 2006/42/EC

For 55 % of the participants the relationship between the noise provisions of the Machinery Directive 2006/42/EC and the ones of the Noise Directive 2000/14/EC is sufficiently clear. 80 % of the responses express the wish to merge the methods of measuring noise emissions required under both directives into a single Harmonised Standard. The need to prove the exact correlation between existing and new test methods based on harmonised standards case by case was addressed.

### 6. Choice of conformity assessment procedures

49 % of the responses agreed that the present choice of procedures for conformity assessment is adequate and sufficient, whereas 36 % negate this statement and 15 % have no opinion. Furthermore, a slight majority endorses the theses that the intervention of an external verification organisation (notified body) adds to the credibility of the EC Declaration of conformity. Some responses expressed the wish not to use modules A or A2 as defined in Decision 768/2008/EC instead of the existing Annex V because it could lead to more involvement of notified bodies. 3 proposed to reduce the number of conformity assessment procedures.

A number of participants raised concerns with regard to some provisions of the NLF-Decision, in particular the need to affix the identification number of the notified body where that body is in the production control phase, and the introduction of the so called in-house notified body.

#### 7. Enforcement /Specific market surveillance

Two-third of the consulted stakeholders considered that market surveillance activities in the field of noise from outdoor equipment are not sufficient. A number of participants provided additional information, such as the “call of European industry organisations upon all responsible authorities, customs, dealers, auctions and other stakeholders to commit the necessary resources to work together to rid the EU of non-compliant construction equipment.” Furthermore, these industry organisations were of the opinion that the current activities by the Commission in the framework of Decision 768/2008/EC will improve enforcement and market surveillance activities and consequently reinforce competitiveness. Other stakeholders highlighted that Random checks and testing of equipment should be carried out by Member States.