

ROADMAP

Title of the initiative: Proposal for a Directive of the European Parliament and of the Council amending the Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors

Lead DG: DG ENTR.I.4

Expected date of adoption of the initiative (month/year): November 2010

Date of modification: 29.03.2010

Version No: 3.0

Initial IA screening & planning of further work

A. Context and problem definition

What is the political context of the initiative? How does this initiative relate to past and possible future initiatives, and to other EU policies?

Noise in the environment has been identified as a major concern for human health and as a local environmental problem in Europe.

The Environmental Noise Directive 2002/49/EC provides the common framework for Member States to assess unwanted and harmful noise and forms the basis for strategic noise mapping and action plans which are to be established at national level. Its long term objective is to reduce the number of persons affected by noise.

Directive 2000/14 on the approximation of the laws of the Member States relating to noise emission in the environment by equipment for use outdoors (Noise Directive), as amended by Directive 2005/88/EC, contributes to further reducing the noise emissions by selected types of machines or equipment used outdoors, while it also ensures the functioning of the internal market. Article 114 of the TFEU¹ on the free movement of goods in the EU serves as the legal basis for this Directive. It also respects the principles and concepts of the New Approach, which is considered as an appropriate and efficient regulatory model, allowing technological innovation and enhancing the competitiveness of European industry.

The selection of the types of machinery and equipment covered and the respective conditions for their placing on the market specified by the Directive 2000/14/EC are based on the state of the art of the technological development at the moment of the adoption of the Directive in 2000. In the meantime innovation and technical progress allow further reducing the maximum noise emissions and consequently a revision of the Directive shall be considered to further improve the health of citizens with regard to noise.

The review clause (article 20) specified in Directive 2000/14/EC requires the Commission, after having held all the necessary consultations, in particular with the Committee, to present its conclusions and where appropriate any amendment to this Directive. With this request the European Parliament and the Council considered that further action for a continued reduction of noise by machinery and equipment for use

¹ THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION; OJ C 115, 9.5.2008, p. 47

outdoors will be necessary, which may be achieved either by adding new equipment to the scope of the Directive, or by lowering the noise limit values or both.

The adoption in 2008 of the New Legislative Framework and in particular the Decision 768/2008/EC² and Regulation EC/765/2008³ of the European Parliament and the Council establishes common principles and reference provisions for the placing on the market of products within the EU. It is intended to align Directive 2000/14/EC with these principles and provisions on transparency and market surveillance.

What are the main problems identified?

The Noise Directive has been mandatory since 3rd January 2002 and has the following parallel objectives: (1) to harmonise the European regulatory provisions with respect to the noise emissions of equipment intended to use outdoors in order to prevent barriers to trade, and (2) to reduce the permissible noise levels for such equipment in order to protect the well-being and health of citizens as well as the environment.

This provides that noise limits of selected equipment are progressively lowered. The Directive introduces two different stages of limit values and application dates: stage I – 3rd January 2003, stage II – 3rd January 2006. For some equipment the limit values for stage II are only indicative and depend on the technical and economical feasibility. Due to technical progress these noise limits are feasible today.

Current emission limits, and therefore noise emitted by the equipment, may be higher than what is technically and economically feasible. In other words, further reductions of noise are feasible that would allow reducing negative health impacts.

Article 12 of the Directive lists equipment subject to noise limits, while Article 13 lists equipment subject to noise labelling only. Some types of equipment and machinery are currently not covered by the Directive, but subject to national legislation, or are unregulated, with the possible consequence that divergent national regulations may create obstacles to the internal market.

Furthermore the methods of measurement of airborne noise emitted by outdoor equipment, so called "test codes" that are based on ISO standards, are partially outdated and the results obtained from their application may not allow drawing the appropriate conclusions with regard to the impact on human health.

At the same time the Directive contains provisions, e.g. on the notification of declarations of conformity, which create administrative burden and which in some cases, may be reduced.

Is EU action justified on grounds of subsidiarity?

² OJ L 218, 13.8.2008, p. 82

³ OJ L 218, 13.8.2008, p. 30

Setting up emission limits and approval procedures at national level would result in a patchwork of 27 different regimes which would represent a serious obstacle to intra Community trade and lead to a substantial financial burden to manufacturers which would be faced with additional costs for placing the products covered by the Directive on the European market.

Therefore, the objectives of the proposed initiative cannot be achieved sufficiently by the Member States.

B. Objectives of EU initiative

What are the main **policy** objectives?

The main objective is to further reduce the negative impacts on human health and the environment from noise emitted by equipment used outdoors while not jeopardising the competitiveness of the industry. A second objective is to ensure a good functioning of the internal market by reducing/preventing obstacles to trade. Furthermore, the Directive should be aligned with the New Legislative Framework. Finally, any unnecessary administrative burden for businesses should be eliminated.

Does the objective imply developing EU policy in new areas or in areas of strategic importance?

No

C. Options

What are the policy options? What legislative or 'soft law' instruments could be considered? Would any legislative initiatives go beyond routine up-date of existing legislation?

The following options will be considered that are not necessarily mutually exclusive :

Option 1: "no policy change", i.e. keeping the existing lists of equipment and the respective noise limit values and labelling obligations, the definition of those equipment, the test codes etc. No measures to further reduce noise emissions are considered.

Option 2: Proposing the inclusion of new equipment with regard to noise limit values and labelling obligations. Some of the definitions provided in Annex I would be clarified with respect to their scope.

Option 3: Proposing noise limit values for equipment that until now were subject to labelling obligations only.

Option 4: Proposing revised limit values for equipment already included in the Directive, taking into account technological progress.

Option 5: Proposing updated test codes specified in Annex II.

Option 6: Proposing the abolishment of the notification requirement provided under Article 16 and aligning the Directive with the New Legislative Framework.

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?

This action will have a positive impact in the context of reducing environmental noise

Explain how the options respect the proportionality principle

The proposed options are assessed with a view to identify measures that are sufficient to achieve a reasonable level of human and environmental protection while being technically and economically feasible for manufacturers and professional users, with due consideration of SMEs involved. MS will continue to ensure the necessary conditions for placing equipment on the market which meets the requirements of the Directive and to ensure market surveillance.

D. Initial assessment of impacts

What are the significant impacts likely to result from each policy option (cf. list of impacts in the impact assessment guidelines), even if these impacts would materialise only after subsequent Commission initiatives?

Option 1: “No policy change”

- This option could lead to a situation where the noise problem and health impact will persist as described earlier. Some national initiatives to further reduce noise, e.g. in case snowmobiles, would occur with the consequence of fragmentation of the Internal Market.

Option 2:

- Setting common noise limit values or common labelling requirements is supposed to have an overall positive impact on health and environment. This will also avoid the fragmentation of the EU market. In some cases where no national legislation existed until now compliance costs for manufacturers may increase, which may be counterbalanced by the benefit for manufacturers resulting from common requirements defined at EU level.

Option 3:

- The transfer of equipment from labelling requirements to noise limit values is expected to have an overall benefit for health and the environment. Where equipment will be covered by the limit values this will increase compliance costs for the manufacturers.

Option 4:

- More stringent noise emission limit values will have an overall benefit for health and the environment. The fixing of new limit values needs however to be balanced against increased compliance costs.

Option 5:

- Updating the test codes will facilitate the evaluation of the impact of the equipment on health and environment.

Option 6:

- The alignment with the New Legislative Framework (NLF) will facilitate market surveillance and increase transparency with regard to the obligations of manufacturers and importers.
- The abolishment of the notification requirement will lead to reduced administrative burden for manufacturers without jeopardising the effectiveness of the Directive.

Could the options have significant impacts on simplification/administrative burden or on relations with third countries?

The administrative burden and related costs will be reduced (see above). Setting ambitious noise limits for outdoor equipment on the Internal market based on innovative technical solutions will support the competitiveness of European manufacturers.

Who is affected?

Mainly the 27 EU Member States and manufacturing industry producing the equipment for use outdoors, professional users and citizens.

E. Planning of further impact assessment work

What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

Several studies – e.g. stocktaking study by NOMEVAL in 2007, Impact Assessment studies by ARCADIS in 2008 and 2009 - have been carried out by external contractors for the Commission services and have resulted in the identification of the most suitable scenario consisting of a further reduction of noise emissions for equipment for use outdoors, the inclusion of new equipment types in either Article 12 or 13 or the transfer of equipment from Article 13 to Article 12, updates of Annexes I and II, improvements of the implementation, whilst at the same time reducing the possible impact for SMEs.

Information on how this scenario can be best translated into a proposal for amending the Noise Directive has been gathered through a stakeholder consultation, the outcome of which will be addressed in the impact assessment report.

Which stakeholders & experts have been/will be consulted, how and at what stage?

Involved stakeholders – such as manufacturers, professional users, Notified bodies, Member States, NGOs – have been consulted during the entire process, starting in 2007. Regular meetings of the Outdoor Noise Committee were held in 2009 and 2010 with a view to discuss the different scenarios for revising the Directive 2000/14/EC. A wider Public Internet Consultation will be carried out between April and May 2010.