

**dti**

**Directive 2005/XX/EC,  
amending Directive 2000/14/EC  
relating to the Noise Emission  
in the Environment by  
Equipment for Use Outdoors**

**Implementation in the United  
Kingdom**

**A Consultation Document**

**26 October 2005**

**URN 05/1675**

## **Contents**

---

	<b><u>Page</u></b>
1. Executive Summary	<b>2</b>
2. Proposals	<b>7</b>
3. Draft Regulatory Impact Assessment	<b>8</b>
4. Draft Regulations	<b>13</b>
5. Draft Guidance	<b>18</b>
6. What Happens Next?	<b>26</b>
7. List of Consultees	<b>27</b>
8. Annex A Code of Practice on Consultations	<b>33</b>
9. Annex B Proposal for a Directive to amend Directive 2000/14/EC	<b>34</b>

## 1. Executive Summary

---

1. This consultation document seeks views on how it is proposed to implement, in the UK, the amendment to Directive 2000/14/EC (The Noise Directive). This Directive relates to noise emission in the environment by equipment for use outdoors. The proposed draft UK Regulations are attached in Part 4, entitled The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2005.
2. The Noise Directive applies to 57 types of equipment and sets maximum permissible sound power levels and mandatory noise emission labelling for twenty-two types together with mandatory noise emission labelling for the remaining thirty-five types of equipment. For those types of equipment where permissible sound power levels apply there are two stages of application. The first came on 3 January 2002 (stage I); the second series of reduced limits is due to come into operation on 3 January 2006 (stage II).
3. The main objective of the Amending Directive is to allow certain types of equipment (for which clear evidence has been provided that the stage II limits of Directive 2000/14/EC are not presently technically feasible) to continue to be placed on the market and/or put into service in the European Community from 3 January 2006, by maintaining stage I limits.
4. A subsidiary objective of the proposal is to provide the Commission with sufficient time to fulfil its reporting obligations under Article 20 of the original Directive 2000/14/EC. These obligations relate to a review of the Directive including the possibilities for the revision of the existing noise limits. If appropriate, the Commission will propose a further amendment to 2000/14/EC.
5. The equipment types affected by this proposal are:
  - Walk behind vibratory rollers;
  - Vibratory plates (>3kW);
  - Vibratory rammers;
  - Dozers (steel tracked);
  - Loaders (steel tracked) > 55Kw;
  - Combustion- engine driven counterbalanced lift trucks;
  - Compacting screed paver finishers;
  - Hand-held internal combustion engine concrete breakers and picks (15<m<30)
  - Single engine mobile cranes (except that Stage I shall continue to apply until 3 January 2008. From 4 January 2008 the Stage II figures shall apply).

6. In addition Stage I limits will continue to apply to Lawnmowers, lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ), until the report under Article 20 is available.

**All other equipment required to meet Stage II limits in accordance with the 2001 Regulations must do so from 3 January 2006.**

7. The amending Directive requires Member States to transpose it into national law by 31 December 2005 and apply provisions from 3 January 2006. The legislation therefore needs to be amended prior to 3 January 2006 in order to avoid the unintended consequence of equipment being removed from the European market.

8. In light of this unavoidable EU deadline, DTI Ministers have authorised a shortened period of Consultation lasting four weeks.

9. The result is that we have an unusual situation whereby we are consulting on a set of Regulations, based on a Commission proposal to amend the Noise Directive, which has yet to be adopted and published. In these exceptional circumstances, and due to the tight timescales, we will not be able to carry out any further consultation. Any marginal changes in the proposed amending Directive will be reflected in the eventual domestic Regulations.

10. We are seeking your views on the best, clearest way to implement the amending Directive in the UK.

11. We are not seeking your views on the content of the amending Directive. We have already held an informal consultation on the Commission's proposal and taken into account the comments received as part of the negotiation process. Negotiations are now at an advance stage and it is too late to effect any changes to the Directive text.

12. We would also welcome your views on the questions listed in paragraph 28 of this consultation document.

13. The Department is also seeking views on the Partial Regulatory Impact Assessment attached in Part 3 and the addendum, attached in Part 5, to the guidance contained in the current Product Standards Booklet.

### **How to Respond?**

14. When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

15. A response can also be submitted by letter, fax or email to:

Ana Nicola  
Standards and Technical Regulations Directorate 4 (STRD)  
Bay 147  
151 Buckingham Palace Road  
London SW1W 9SS  
Fax: 020 7215 1529  
Email: [ana.nicola@dti.gsi.gov.uk](mailto:ana.nicola@dti.gsi.gov.uk)

### **Additional Copies**

16. The consultation document is available at:

<http://www.dti.gov.uk/strd/outdoors.html>

<http://www.dti.gov.uk/consultations>

### **Help with Queries**

17. If you have any questions about the issues discussed in this consultation document, please contact Angela Finch.

Tel: 020 7215 1438  
Email: <mailto:angela.finch@dti.gsi.gov.uk>

Other versions of the document in Braille, other languages or audio-cassette are available on request.

### **Closing Date**

18. **Responses must be received by 23 November 2005**

### **Confidentiality**

19. Your response may be made public by the DTI. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response of which confidentiality has been requested.

20. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA, the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provided to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
21. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take into full account of your explanation, but we cannot give assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
22. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
23. We will handle any personal data you provided appropriately in accordance with the Data Protection Act 1998.

### **Consultees**

24. We are sending this document to the consultees listed in Part 7. Please tell us if you know of others who would be interested in receiving this consultation. It is also available by request from the address listed above and on the DTI website at: [www.dti.gov.uk](http://www.dti.gov.uk)

### **Complaints**

25. The Code of Practice on Consultation can be found at Annex A to this document.
26. If you wish to make a complaint about, or comment on, the way in which this consultation has been conducted, please contact:

Nick Van Benschoten  
Consultation Co-ordinator  
DTI Better Regulation Team, Bay 4113  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 6206  
Email: [nick.vanbenschoten@dti.gsi.gov.uk](mailto:nick.vanbenschoten@dti.gsi.gov.uk)

27. A copy of the Code of Practice on Consultations may be viewed at the following website address:

<http://www.cabinet-office.gov.uk/regulation/Consultation/Code.htm>

### **Consultation Questions**

28. The following are general questions for consultees:

- i. Do consultees, particularly those whose trade includes the manufacture, importation or sale of equipment listed in the amending Directive, believe that the proposed Regulations will have a significant impact on competition or profitability?
- ii. If you are a small or medium sized enterprise, what costs or other burdens are associated with the introduction of the Regulations?
- iii. Are there any consequences of these Regulations that have not been anticipated?
- iv. Do you consider this consultation exercise to be an effective means of disseminating information to those affected by the changes? How else could the DTI ensure these Regulations are implemented effectively?

29. All comments in relation to the proposed Regulations, the proposed Regulatory Impact Assessment and the addendum to the guidance are most welcome.

## 2. Proposals

---

The main objective of introducing the amending Regulations is to implement the European Parliament and Council Directive 2005/XX/EC, which amends the European Parliament and Council Directive 2000/14/EC, on the approximation of the laws of the Member States relating to the noise emissions in the environment by equipment for use outdoors.

These Regulations amend the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 (S.I. 2001 No.1701), as previously amended by S.I. 2001 No. 3958. These Regulations amend the Stage II permissible sound power limits for the categories of equipment indicated.

The Commission proposes that the table in Article 12 of the Directive, be amended by way of an existing footnote, to show that for such equipment, stage II limits are indicative only and not mandatory. Under the proposal, the exemption will remain at least until the Commission submit the Report to the European Parliament and the Council (timed now for 3 January 2007) indicating the possibilities of revising noise limits across the whole range of equipment.

The main objectives of the amending Directive are:

- To allow certain types of equipment (for which clear evidence has been provided that the stage II limits are not presently technically feasible) to continue to be placed on the market and/or put into service in the European Community from 3 January 2006;
- To provide the Commission with sufficient time to fulfil its obligations at Articles 16 and 20 of the Noise Directive concerned with data collection and reporting to the Council and European Parliament on the possibilities for further reduction of noise limits for all equipment types; the Report may, if appropriate, be accompanied by a proposal to amend 2000/14/EC
- To allow for the incorporation of the report foreseen at Article 20(3), concerning the reduction of limit values for lawnmowers, lawn trimmers and lawn edge trimmers, into the more wide ranging report mentioned above.

As with the current Noise Regulations, the Vehicle Certification Agency would have responsibility for enforcement.

### 3. Draft Regulatory Impact Assessment

---

#### **Partial Regulatory Impact Assessment Standards and Technical Regulations Directorate**

##### **1. Title of proposal**

Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

##### **2. Purpose and intended effect**

###### **(i) Objective**

The major objective of the Amending Directive is to allow certain types of equipment (for which clear evidence has been provided that the stage II limits of Directive 2000/14/EC are not presently technically feasible) to continue to be placed on the market and/or put into service in the European Community from 3 January 2006.

A subsidiary objective of the proposal is to provide the Commission with sufficient time to fulfil its reporting obligations under Article 20 of the original Directive 2000/14/EC. These obligations relate to a review of the Directive including the possibilities for the revision of the existing noise limits. If appropriate, the Commission will propose a further amendment to 2000/14/EC.

###### **(ii) Background**

The "Noise" Directive of 2000 set noise limits for 22 equipment types and was applicable in two stages. Stage I was set at 3 January 2002 and Stage II, which tightened the noise limits, was set at 3 January 2006. The European Commission have now accepted that some 9 equipment types will be unable to meet the "Stage II" noise limits for technical reasons (as opposed to economic/cost reasons). The only way to allow the equipment continued access to the European market after 3 January 2006 is for an Amending Directive to be agreed and then implemented as soon as possible in the 25 Member States.

##### **Equipment types affected by this proposal**

1. Walk behind vibratory rollers;
2. Vibratory plates (>3kW);
3. Vibratory rammers;
4. Dozers (steel tracked);
5. Loaders (steel tracked) > 55Kw;
6. Combustion- engine driven counterbalanced lift trucks;
7. Compacting screed paver finishers;

8. Hand-held internal combustion engine concrete breakers and picks (15<m<30)
9. Single engine mobile cranes (except that Stage I shall continue to apply until 3 January 2008. From 4 January 2008 the Stage II figures shall apply).

In addition Stage I limits will continue to apply to Lawnmowers, lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ), until the report under Article 20 is available.

**All other equipment required to meet Stage II limits in accordance with the 2001 Regulations must do so from 3 January 2006.**

### **(iii) Risk Assessment**

The risk being addressed is that of £1.3 billion of equipment being withdrawn from the European market on 3 January 2006 because the equipment cannot meet the Stage II noise emission levels. In addition, removal of equipment from the EU market would undoubtedly mean job losses or layoffs at manufacturers, importers, distributors and possibly in the construction industry (the users). Although the amendment will allow slightly noisier equipment to remain on the market, in general, the noise difference between the two Stages is about 2db – an amount which is virtually undetectable by a human. More importantly in terms of health, if the amendment is not made, it could also mean that construction users would make up for the shortfall by keeping in service older equipment through re-furbishment. Such equipment will be using engines which meet older, less strict exhaust emissions limits rather than the latest limits to be introduced on 1 January 2006<sup>1</sup>.

### **Options**

Assuming that the proposed Directive is agreed by Council and the European Parliament, there are three main options available to the UK in relation to the proposal. These are:

Option 1: The UK does not transpose the Directive.

Option 2: The UK over implements the Directive.

Option 3: The UK implements the Directive correctly with Regulations made using the European Communities Act 1972.

### **Risks Associated with the Options**

#### **Option 1**

By not transposing the amending Directive, the UK would certainly incur infraction proceedings by the Commission. In addition, affected industry (who badly need

---

<sup>1</sup> The Non Road Mobile Machinery Directive 2004/26/ EC tightens NOx+HC limits by 30-40% and for most of the equipment in question it comes into force on 1 January 2006

this amendment) would have the right to take action against the Government for any loss incurred and the Directive could be directly applied in the UK.

#### Option 2

Over implementation (gold plating) is likely to put UK manufacturers at a competitive disadvantage against EU competition.

#### Option 3

**The recommended option - all the provisions of the Directive are implemented at the earliest opportunity.**

### **Costs and benefits**

#### **Benefits of the Amendment being implemented at the earliest point**

The benefit of the Directive coming into force and the UK Regulations being brought in at the earliest opportunity are that European trade in the equipment in question will continue and the equipment used in construction work. The Amendment will be effected in the UK by a simple amendment to the existing Noise Regulations and at the same time new, detailed guidance will be published to explain the change.

#### **Costs if the Amendment is not implemented**

If nothing was done, the 8 equipment types with annual European sales of some £1.3b would have to be withdrawn from the single market. (The equivalent UK figure is about 18% of the above ie £234m.) In addition, there would be additional social costs as outlined above under the Risk Assessment.

### **3. Business Sectors affected**

The final RIA produced in connection with the original Noise Directive 2000/14/EC and the Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001(S.I. 2001 No. 1701) identified the business sectors affected. The relevant sectors are: Machinery and equipment not elsewhere specified; motor vehicles, trailers and semi-trailers; and other transport equipment. At that time it was estimated that there were some 250 companies operating in the UK, employing 30,000 people in total that manufacture equipment covered by Directive 2000/14/EC. The annual UK production was estimated at around 23 million units with a sales value of some £4 billion per year.

This particular amendment affects only those manufacturers producing the equipment listed above at section (ii). The majority of UK manufacturers of such equipment are large companies or smaller UK based Divisions of foreign owned manufacturers.

### **4. Issues of Equity and Fairness**

The overriding objective of this Amendment is to allow open trade within the EU to continue. It will be equally applied by all 25 Member States. Initial consultation has shown almost universal support for the proposal and there has been no suggestion that it would unduly affect one particular group.

## **5. Consultation**

### **Within Government**

Considerable Europe-wide consultation has already been undertaken by the Commission. Member States and stakeholders were consulted on the draft amendment text in May 2005 and so far all 25 Member States have given support to the need for a legal solution to the issue of stage II limits that are technically impossible to meet. The Department of Trade and Industry, which is responsible for negotiating the proposal, has already carried out informal consultation within DTI, DEFRA, Department of Health and NGOs concerned with noise matters including the Noise Abatement Society and the National Association for Clean Air and Environmental Protection. Those that responded supported the introduction of the Amending Directive.

### **Public consultation**

The Department of Trade and Industry undertook a further 4 week, informal consultation, ending on 26 August 2005, approximately 250 contacts in all have been consulted. These include manufacturers, trade associations, Notified Bodies and other Government Departments. No objections have been received that invalidate the European Commission's proposal, or challenge (or add to) the figures, put forward in the initial Regulatory Impact Assessment.

## **6. Small Firms Impact Test**

The equipment in question (if built in the UK at all) are mostly manufactured by larger firms. Although there may be a few SMEs manufacturing the more specialised equipment, the Amendment will apply equally to manufacturers of the 8 equipment types irrespective of the size of the firm. The Amendment will simply allow manufacturing and trading to continue in the same way it does at present. However, it might be assumed that if the Amendment is **not** implemented and equipment is withdrawn from the market, then any SMEs producing equipment on the list will be less able to diversify and survive the loss of business than a larger business with a wider product range.

## **7. Competition assessment**

The Amendment will have no adverse effect on competition since the firms active in this market will be enabled by this Amendment to continue competing against each other in manufacturing, importing, selling or hiring the equipment types listed in Section 2 above. In addition the users of such equipment, mainly in the construction sector will also be able to compete against each other in the same

way as they do at present. When the initial public consultation carried out during August specifically asked whether it was thought that this Amendment might have an effect on competition, no concerns were raised.

## **8. Enforcement, sanctions and monitoring**

The Vehicle Certification Agency (VCA) will enforce the amending legislation in the UK as with the present Noise Regulations. They will apply the principles of good enforcement set out in the Cabinet Office's Enforcement Concordat.

There are no specific requirements in the proposal for monitoring and review of its effectiveness, although Member States will be required to report to the Commission the measures they have taken to implement the adopted legislation.

The proposal also provides the Commission with more time to fulfil its obligations under Article 20 of the Noise Directive. The Commission is required, not later than 3 January 2007 and every four years thereafter, to submit to the European Parliament and the Council a report concerning the Commission's experience in the implementation and administration of the Directive.

### **Recommendation**

That option 3 above is chosen – “that all the provisions of the Directive are implemented at the earliest opportunity”. This is the only option which will allow the equipment in question to remain on the European Market.

DTI/STRD  
October 2005

## 4. Draft Regulations

---

---

### STATUTORY INSTRUMENTS

---

---

**2005 No.**

## **ENVIRONMENTAL PROTECTION**

### **The Noise Emission in the Environment by Equipment for Use Outdoors (Amendment) Regulations 2005**

<i>Made</i> - - - -	* * 2005
<i>Laid before Parliament</i>	* * 2005
<i>Coming into force</i> - -	* * 2006

The Secretary of State, being a Minister designated<sup>(2)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(3)</sup> in relation to measures relating to noise emission in the environment by equipment for use outdoors, in exercise of the powers conferred on him by that section, hereby makes the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Noise Emission in the Environment by Equipment for Use Outdoors (Amendment) Regulations 2005 and shall come into force on \* \* 2006.

#### **Amendments to the Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001**

2. In Schedule 3 of the Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001<sup>(4)</sup> for the table set out in that Schedule there shall be substituted the table set out below.

---

<sup>(2)</sup> S.I. 2001/3238.  
<sup>(3)</sup> 1972 c.68.  
<sup>(4)</sup> S.I. 2001/1701.

**Table**

“ Type of equipment	Net installed power $P$ (in kW)  Electric power  $P_{el}$ ( <sup>1</sup> ) in kW  Mass of appliance  $m$ in kg  Cutting width  $L$ in cm	Permissible sound power level  in dB/1 pW	
		Stage I  as from 3 January 2002	Stage II  as from 3 January 2006
Compaction machines (vibrating rollers, vibratory plates, vibratory rammers)	$P \leq 8$	108	105 <sup>(2)</sup>
	$8 < P \leq 70$	109	106 <sup>(2)</sup>
	$P > 70$	$89 + 11 \lg P$	$86 + 11 \lg P^{(2)}$
Tracked dozers, tracked loaders, tracked excavator- loaders	$P \leq 55$	106	103 <sup>(2)</sup>
	$P > 55$	$87 + 11 \lg P$	$84 + 11 \lg P^{(2)}$
Wheeled dozers, wheeled loaders, wheeled excavator- loaders, dumpers, graders, loader-type landfill compactors, combustion-engine driven counter- balanced lift trucks, mobile cranes, compaction machines (non-vibrating rollers), paver- finishers, hydraulic power packs	$P \leq 55$	104	101 <sup>(2)(3)</sup>
	$P > 55$	$85 + 11 \lg P$	$82 + 11 \lg P^{(2)(3)}$
Excavators, builders’ hoists for the transport	$P \leq 15$	96	93

hoists for the transport of goods, construction winches, motor hoes	$P > 15$	$83 + 11 \lg P$	$80 + 11 \lg P$
Hand-held concrete-breakers and picks	$m \leq 15$	107	105
	$15 < m < 30$	$94 + 11 \lg m$	$92 + 11 \lg m^{(2)}$
	$m \geq 30$	$96 + 11 \lg m$	$94 + 11 \lg m$
Tower cranes		$98 + 1 \lg P$	$96 + 1 \lg P$
Welding and power generators	$P_{el} \leq 2$	$97 + 1 \lg P_{el}$	$95 + 1 \lg P_{el}$
	$2 < P_{el} \leq 10$	$98 + 1 \lg P_{el}$	$96 + 1 \lg P_{el}$
	$10 > P_{el}$	$97 + 1 \lg P_{el}$	$95 + 1 \lg P_{el}$
Compressors	$P \leq 15$	99	97
	$P > 15$	$97 + 2 \lg P$	$95 + 2 \lg P$
Lawnmowers, lawn trimmers/lawn-edge trimmers	$L \leq 50$	96	$94^{(2)}$
	$50 < L \leq 70$	100	98
	$70 < L \leq 120$	100	$98^{(2)}$
	$L > 120$	105	$103^{(2)}$

The permissible sound power level shall be rounded up or down to the nearest whole number (less than 0.5, use lower number, greater than or equal to 0.5, use higher number).

<sup>(1)</sup>  $P_{el}$  for welding generators: conventional welding current multiplied by the conventional load voltage for the lowest value of the duty factor given by the manufacturer.  $P_{el}$  for power generators: prime power according to ISO 8528-1:1993, clause 13.3.2.

<sup>(2)</sup> For the following types of equipment the figures for Stage I shall continue to apply for Stage II:

Walk-behind vibrating rollers;

Vibratory plates (>3 kW);

Vibratory rammers;

Dozers (steel tracked);

Loaders (steel tracked >55 kW);

Combustion-engine driven counterbalanced lift trucks;

Compacting screed paver-finishers;

Hand-held internal combustion-engine concrete-breakers and picks ( $15 < m < 30$ ); and

Lawnmowers, lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ).

<sup>(3)</sup> For single engine mobile cranes the figure for Stage I shall continue to apply until 3rd January 2008. From 4th January 2008 the Stage II figure shall apply.”.

*Sainsbury of Turville*  
Parliamentary Under-Secretary of State  
for Science and Innovation,  
Department of Trade and Industry

\* \* 2005

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 (S.I. 2001 No. 1701), as previously amended by S.I. 2001 No. 3958.

These Regulations implement the European Parliament and Council Directive 2005/\*\*/EC, which amends the European Parliament and Council Directive 2000/14/EC, on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

The table in these Regulations amends the Stage II sound power limits for the following categories of equipment by providing that the Stage I sound power limits shall continue to apply during Stage II: walk-behind vibrating rollers, vibratory plates ( $>3$  kW), vibratory rammers, dozers (steel tracked), loaders (steel tracked  $>55$  kW), combustion-engine driven counterbalanced lift trucks, compacting screed paver-finishers, and hand-held internal combustion-engine concrete-breakers and picks ( $15 < m < 30$ ). The Stage I power limits are retained for Stage II for lawnmowers and lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ). In relation to single engine mobile cranes these Regulations provide for the Stage I sound power limit to apply until 3rd January 2008, and from 4th January 2008 the Stage II sound power limit shall apply. The Stage II sound power limits for all other categories of equipment set out in the table remain unamended.

A Regulatory Impact Assessment and a Transposition Note have been prepared. Copies can be obtained from the Department of Trade and Industry, Standards and Technical Regulations Directorate 4, 1st Floor, 151 Buckingham Palace Road, London SW1W 9SS, telephone 020 7215 5000. Copies have also been placed in the libraries of both Houses of Parliament.

## 5. Draft Guidance

---

### Presentation of Guidance

A major point to note is that the two relevant Directives 2000/14/EC (the Noise Directive) and 2005/XX/EC will remain as separate documents. The consequence of this is that manufacturers (and others to whom the amending Regulations might relate) should read them in conjunction.

We will be fully updating the Product Standards Booklet in the near future. In the meantime, this short guidance should be read in conjunction with the first edition of the Product Standards booklet, URN 01/1774, relating to Noise emission in the environment by equipment for use outdoors.

The guidance is intended to assist manufacturers of equipment for use outdoors to understand the effect of the amending Regulations. It is not an authoritative interpretation of the amending Regulations, which is a matter for the Courts.

The guidance seeks to explain the requirements of the amending Regulations in general terms and does not attempt to address detailed issues. You should refer to the amending Regulations themselves (S.I. 2005/XXXX) for a full statement of the requirements.

Whilst the Department can offer a view of the position, it is for manufacturers of the relevant products (and others to whom the obligations of the amending Regulations might relate) to seek and rely on their own advice.

**Page 2 of URN 01/1774 is amended as follows:**

**THE NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS: THE LAW IN BRIEF**

The EC Noise emission in the environment by equipment for use outdoors Directive (the Noise Directive) was adopted by the European Parliament and the Council on 3 July 2000 as Directive 2000/14/EC. The Directive arises from the European Community's (EC) programme for the elimination of technical barriers to trade and is formulated under the 'Global Approach'. Its purpose is to harmonise national laws of member States regarding noise emission limits and labelling requirements at the manufacturing stage.

The Noise Directive was implemented into UK law by The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 (S.I.2001/1701), as amended by S.I 2001/3958, ("the 2001 Regulations"), made under the European Communities Act 1972.

The Noise Directive has been amended by Directive 2005/XX/EC, adopted by the European Council and Parliament on xxxxxx and implemented into UK Law by The Noise Emission in the Environment by Equipment for Use Outdoors (Amendment) Regulations 2005 (S.I. 2005/XXXX)

The Noise Directive of 2000 set noise limits for 22 equipment types and was applicable in two stages. Stage I was set at 3 January 2002 and Stage II, which tightened the noise limits, was set at 3 January 2006. DG Enterprise have now accepted that some 9 equipment types will be unable to meet the "Stage II" noise limits for technical reasons (as opposed to economic/cost reasons).

The major objective of Directive 2005/XX/EC is to allow certain types of equipment, (for which clear evidence has been provided that the stage II limits of Directive 2000/14/EC are not presently technically feasible), to continue to be placed on the market and/or put into service, in the European Community,<sup>5</sup> from 3 January 2006.

A subsidiary objective is to provide the Commission with sufficient time to fulfil its reporting obligations under Article 20 of the original Directive 2000/14/EC. These obligations relate to a review of the Noise Directive, including the possibilities for the revision of the existing noise limits. If appropriate, the Commission will propose a further amendment to 2000/14/EC.

---

<sup>5</sup> There are 25 members of the Community - Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden the UK, Hungary, Czech Republic, Estonia, Slovenia, Slovak Republic, Malta, Cyprus, Poland, Latvia and Lithuania

Equipment types affected by the amendment:

1. Walk behind vibratory rollers;
2. Vibratory plates (>3kW);
3. Vibratory rammers;
4. Dozers (steel tracked);
5. Loaders (steel tracked) > 55Kw;
6. Combustion- engine driven counterbalanced lift trucks;
7. Compacting screed paver finishers;
8. Hand-held internal combustion engine concrete breakers and picks (15<m<30)
9. Single engine mobile cranes (except that Stage I shall continue to apply until 3 January 2008. From 4 January 2008 the Stage II figures shall apply)

In addition Stage I limits will continue to apply to Lawnmowers, lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ), until the report under Article 20 is available.

**All other equipment required to meet Stage II limits in accordance with the 2001 Regulations must do so from 3 January 2006.**

**The Noise Emission in the Environment by Equipment for Use Outdoors  
(Amendment) Regulations 2005 (S.I. 2005/XXXX)**

**Entry into force of S.I. 2005/xxxx :** XXXX2006

**Primary legislation:** the European Communities Act 1972

**Transitional arrangements:** Not applicable

**Mandatory application of the UK Regulations:** XXXX2006

**Enforcement:** The Vehicle Certification Agency (VCA) will enforce the amending legislation in the UK, as with the present Noise Regulations. They will apply the principles of good enforcement set out in the Cabinet Office's Enforcement Concordat.

Page 8 of URN 01/1774 and the first two paragraphs of page 9 are amended as follows:

**Noise Limits:**

The following table, in the amending Regulations, substitutes Schedule 3 of S.I. 2001/1701 and amends the Stage II sound power limits for the following categories of equipment by providing that the Stage I sound power limits shall continue to apply during Stage II: walk-behind vibrating rollers, vibratory plates (>3 kW), vibratory rammers, dozers (steel tracked), loaders (steel tracked >55 kW), combustion-engine driven counterbalanced lift trucks, compacting screed paver finishers, hand-held combustion-engine concrete-breakers and picks ( $15 < m < 30$ ), and lawnmowers, lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ). In the case of single engine mobile cranes, Stage I shall continue to apply until 3 January 2008: from 4 January 2008 the Stage II figures shall apply.

**The Stage II sound power limits for all other categories of equipment set out in the table remain unchanged.**

Table

Type of equipment	Net installed power $P$ (in kW)  Electric power  $P_{el}$ <sup>(1)</sup> in kW  Mass of appliance  $m$ in kg  Cutting width  $L$ in cm	Permissible sound power level  in dB/1 pW	
		Stage I  as from 3 January 2002	Stage II  as from 3 January 2006
Compaction machines (vibrating rollers, vibratory plates, vibratory rammers)	$P \leq 8$	108	105 <sup>(2)</sup>
	$8 < P \leq 70$	109	106 <sup>(2)</sup>
	$P > 70$	$89 + 11 \lg P$	$86 + 11 \lg P$ <sup>(2)</sup>
Tracked dozers, tracked loaders, tracked excavator	$P \leq 55$	106	103 <sup>(2)</sup>

tracked excavator-loaders	$P > 55$	$87 + 11 \lg P$	$84 + 11 \lg P^{(2)}$
Wheeled dozers, wheeled loaders, wheeled excavator-loaders, dumpers, graders, loader-type landfill compactors, combustion-engine driven counter-balanced lift trucks, mobile cranes, compaction machines (non-vibrating rollers), paver-finishers, hydraulic power packs	$P \leq 55$	104	$101^{(2)}(3)$
	$P > 55$	$85 + 11 \lg P$	$82 + 11 \lg P^{(2)}(3)$
Excavators, builders' hoists for the transport of goods, construction winches, motor hoes	$P \leq 15$	96	93
	$P > 15$	$83 + 11 \lg P$	$80 + 11 \lg P$
Hand-held concrete-breakers and picks	$m \leq 15$	107	105
	$15 < m < 30$	$94 + 11 \lg m$	$92 + 11 \lg m^{(2)}$
	$m \geq 30$	$96 + 11 \lg m$	$94 + 11 \lg m$
Tower cranes		$98 + 1 \lg P$	$96 + 1 \lg P$
Welding and power generators	$P_{el} \leq 2$	$97 + 1 \lg P_{el}$	$95 + 1 \lg P_{el}$
	$2 < P_{el} \leq 10$	$98 + 1 \lg P_{el}$	$96 + 1 \lg P_{el}$
	$10 > P_{el}$	$97 + 1 \lg P_{el}$	$95 + 1 \lg P_{el}$
Compressors	$P \leq 15$	99	97
	$P > 15$	$97 + 2 \lg P$	$95 + 2 \lg P$
Lawnmowers, lawn trimmers/lawn-edge trimmers	$L \leq 50$	96	$94^{(2)}$
	$50 < L \leq 70$	100	98
	$70 < L \leq 120$	100	$98^{(2)}$
	$L > 120$	105	$103^{(2)}$

The permissible sound power level shall be rounded up or down to the nearest whole number (less than 0.5, use lower number, greater than or equal to 0.5, use higher number).

(<sup>1</sup>)  $P_{el}$  for welding generators: conventional welding current multiplied by the conventional load voltage for the lowest value of the duty factor given by the manufacturer.  $P_{el}$  for power generators: prime power according to ISO 8528-1:1993, clause 13.3.2.

(<sup>2</sup>) For the following types of equipment the figures for Stage I shall continue to apply for Stage II:

Walk-behind vibrating rollers;

Vibratory plates (>3 kW);

Vibratory rammers;

Dozers (steel tracked);

Loaders (steel tracked >55 kW);

Combustion-engine driven counterbalanced lift trucks;

Compacting screed paver-finishers;

Hand-held internal combustion-engine concrete-breakers and picks ( $15 < m < 30$ ); and

Lawnmowers, lawn trimmers/lawn-edge trimmers ( $L \leq 50$ ,  $70 < L \leq 120$ ,  $L > 120$ ).

(<sup>3</sup>) For single engine mobile cranes the figure for Stage I shall continue to apply until 3rd January 2008. From 4th January 2008 the Stage II figure shall apply.”.

*Page 14 of URN 01/1774 is amended as follows:*

## **CONTACT POINTS**

### **Policy relating to the Regulations:**

Angela Finch  
Department of Trade and Industry  
Standards and Technical Regulations Directorate 4  
Bay 147, 151 Buckingham Palace Road,  
London SW1W 9SS

Tel: 020 7215 1438  
Fax: 020 7215 1529

Web Site:

<http://www.dti.gov.uk/strd/outdoors.html>

### **Policy relating to the Directive:**

Directorate-General Enterprise  
European Commission  
Rue de la Loi 200  
B-1049 Brussels  
Belgium

Web Site:

[http://europa.eu.int/comm/enterprise/mechan\\_equipment/noise/index.htm](http://europa.eu.int/comm/enterprise/mechan_equipment/noise/index.htm)

## 6. What Happens Next?

---

We intend for the Regulations to be laid before Parliament and to come into force soon after the amending Directive is adopted and published in the Official Journal.

We aim to publish a report on the outcome of this consultation by 23 December 2005.

## 7. List of Consultees

---

### List of Consultees

	<b>Name</b>		<b>Company or Organisation</b>
1	Alan	Matthews	A V Technology
2	Philip	Deakin	ABMEC
3	Richard	Housley	Acoustic Design Ltd
4	Bernard	Postlethwaite	Acoustic Technology Ltd
5	David	Waddington	Acoustics Research Unit
6		Horlic	ACRIB
7	David	Lambert	AEA
8	Graham	Howling	AEA
9			Air Operators Association
10	Michael	Graham	Air Quality Team
11	Peter	Jefferis	Allen Power Equipment Ltd
12	Roy	Allett	Allett Mowers Ltd.
13	Stewart R	Allen	Ammann Equipment Ltd
14	Robert	Wheadon	AMPS
15	I P	Dalgety	Amtac Laboratories Ltd
16	H	Fairley	Andreas Stihl Ltd
17	J M	Woolley	Association of Lorry Loader Manufacturers & Importers
18	Keith	Hawken	ATCO-Qualcast Ltd
19	John	Fitzpatrick	Atlas Copco CMT
20	Richard	Tyler	AVI Ltd
21	Stuart	Greenman	BACTA
22	Colin	Dawson	BALPPA
23	David	Hopkins	BATA
24	Greg	Bordiak	BCAS
25	Gordon	Antonio	BEAMA
26	Jenny	Mc Eneaney	Belfast City Council
27	Siobhan	Toland	Belfast City Council
28	Ian	Wilson	Benford Ltd
29	Brian	Guthrie	Black & Decker
30	Ron	Blanchard	Blanchard Safety Services
31	Steve	Schofield	BPMA
32	Martin	Armstrong	Br <sup>a</sup> el & Kjuer UK Ltd
33	Bryan	Peachey	Briggs & Stratton UK Ltd
34	W	Watts	British Ball Clay Producers Federation
35	Brian	Stringer	British Drilling Association
36	Yvonne	Pearman	British Fluid Power Association

37	Chas	Day	British Industrial Trucks Association
38	David	Corns	British Materials Handling Federation
39	Nigel	Andrew	Broad Crown
40			Brook Thompson
41	A	Gibson	Bruel & Kjaer
42	Tony	Baker	BSI Product Services
43	B	Storey	BSP International Foundations
44	Gerhard	POELTL	Bundesministerium fur Wirtschaft und Arbeit
45	Wolfgang	LENTSCH	Bundesministerium fur Wirtschaft und Arbeit
46	Rupert	Thurness	Cabinet Office
47	Mark	Bradshaw	Cabinet Office Regulatory Impact Unit
48	Robert	Heap	Cambridge Refrigeration Technology
49	Bob	Selwyn	Casella Cel Ltd
50	Stephen	Turner	Casella Stanger
51	D	Wootton	Caterpillar (UK) Ltd
52	Mark	Platt	CBI
53	Bryan	Mitchell	CBS Products Ltd.
54	P	Jarman	Celtic Energy Ltd
55	David	Buxton	CHEM
56	John	Hutchings	Cold Storage & Distribution Federation
57	Bill	Rudd	Compair UK Ltd
58	Nick	Williams	Conformance Ltd
59	Brian	Webb	Constitutional Unit
60	Tim	Faithfull	Construction Equipment Association
61	Stephen	Ratcliffe	Construction Federation
62	John	Varcoe	Construction Plant-Hire Association
63	Alan	Butler	CPE
64	Anders	SKOU	Danish Environmental Protection Agency
65	Gill	Shilton	Davies Turner & Co Ltd.
66	Martin	Egan	DDT Engineering
67	Jonathan	Lartice	DEFRA
68	Richard	Carter	DEFRA
69	Chris	Cuff	Dennis Eagle Ltd
70	Patricia	Iversen	Department of Enterprise, Trade and Employment
71	Colin	Nugent	Department of the Environment
72	Dr Andy	Harrison	Dept for Environment for Northern Ireland
73	Jenny	Buck	Desoutter
74	E	Duthie	DETR
75	Mike	Harder	Director of Reliability Engineering JLG Industries, Inc.
76	Gillian	Richmond	DTI
77	John	Hunter	Dust Control Equipment Ltd
78	Michael	Wood	EMC Projects Limited
79	Louise	Marsden	Encams
80	Ginette	Unsworth	Encams

81	Stuart	McLanaghan	Environmental Services Association
82	C	Moore	Equipment Hire Association of NI
83	Nicola	O'Connor	ER
84	Hazel	Mumford	ERA Technology Limited
85	Ian	Morris	Errut Products Ltd
86	Michailis	Papadoyannakis	European Commission
87	Carl	Woodward	European Hydraulic Tool Manufacturers' Association
88	Sarah	Tebbutt	European Secretariat
89	R	Parry	Eversheds Solicitors
90	Doug	Hay	F G Wilson Engineering Ltd
91	Ian	Robson	Fairport Manufacturing Ltd
92	Ian	Donaldson	FCO - ESED, Rm K213
93	Linda	Burns	FCO - EU Gibraltar Section
94	Frank	Driver	FDL Power Solutions
95	Marina	Lukovnikova	Federal Public Service, DG Environment
96	Brendan	Burns	Federation of Small Businesses
97	Howard	Roberts	FETA - Federation of Environmental Trade Associations
98	Mike	Duggan	FETA - Federation of Environmental Trade Associations
99	Mr	Ricketts	Fire Policy Unit
100	K	Goodman	Flymo
101	Terry	Rogers	Forecourt Equipment Federation
102	Crispin	Dunn-Meynell	Forecourt Equipment Federation
103	J	Christie	Forest Enterprise Mechanical Engineering Services
104	Chris	Campbell	FTA - N. Ireland
105	Bob	Armstrong	FTA - Scotland
106	J	Hookham	FTA - UK
107	Ian	Clasper	GAMBICA
108	Dr M	Pasdari	Generac Portable Products
109	Graham	Rock	Graham Rock Acoustics
110	P A	Guilfoyle	Guilfoyle Plant Ltd
111	M A	Wright	Hayter Ltd
112	Ian D	Foulkes	Head of Public Protection Local Government Association
113	Gabrielle	Williamson	Heuking Kuhn
114	Roger F	Higginson	Higginson Acoustics Ltd
115	T J	Whitehouse	Hilta Plant Ltd
116	Kevin	Minton	Hire Association Europe
117	Gideon	Hoffman	HMT
118	Marcel	Dutrieux	Honda, Belgium
119	Ian	Quigy	Horticultural Department, Commonwealth War graves Commission
120	Dorothy	Brown	HSE
121	Leo	Beirne	HSE
122	Bill	Tomkins	HSE
123	Kieth A	Broughton	HSE - Technology Section 4
124	Fraser	Hals	Hubbards

125	Alan	Bullen	Industrial Cleaning Machinery Manufacturers Association
126	Chris	Nelson	Ingersol Rand
127	Bertilia	GONCALVES	Instituto do Ambiente
128	Paul A	Adorian	IPAF Ltd
129	Ian	Chisholm	IRTE
130	C	Davey	ITS Testing & Certification
131	Jeff	Hollings	ITS Testing & Certification
132	Mark	Lowther	ITW Welding Products Group
133	Bruce	Connolly	J H Hancox
134	Mr D	Matthews	J H Matthews & Sons
135	M	Pixley	JCB Research
136	Alan	McIntyre	JLG Industries (Europe)
137	Rod	Scott	Johnston Engineering Ltd.
138	Mike	Sandford	Johnston Sweepers Ltd
139	John	Ingrey	King Trailers
140	M	Kent	Komatsu UK Ltd
141	H	Davey	Kubota UK Ltd
142	Sally	Kitt	Legal/Road Traffic Division DETR
143	David	Ingham	Legal/Road Traffic Division DETR
144	L F	Moore	Lesley F Moore Associates
145	Derek	Bailes	Lifting Equipment Engineers Association
146	R	Davies	Lister Petter Ltd
147	Paul	Williams	LLloyds Register Quality Assurance
148	B	Burroughs	Lloyds Register Quality Assurance
149	Jon	Richards	M W Kellogg Ltd
150	Richard	Bird	Marubeni Komatsu
151	John	Stafford	Materials Handling Engineers Association
152	Helena	Harrison	McKenna & Co
153	Bryan	Whittaker	METCOM
154	Jill	Langholm	'Mine & Quarry'
155	Barbara	GONELLA	Ministero dell'Ambiente e della Tutela del Territorio
156	Frank	WERRING	Ministrie van VROM
157	Dr J C	Connor	Ministry of Defence CESO, Room 6/176
158	Anni	RIMPILAINEN	Ministry of the Environment
159	Kyriakos	PSYCHAS	Ministry of the Environment, Physical Planning & Public Works
160	Terry	Beadman	MIRA
161	Brian	Wall	Morris Material Handling
162	Dave	Moncaster	MOS Ltd.
163	Mike	Goldsmith	National Physical Laboratory
164	Richard	Payne	National Physical Laboratory
165	Barry	Jobling	National Physical Laboratory (NPL)
166	Tim	Williamson	National Society for Clean Air
167	Martin	Joseph	National Society for Clean Air and Environmental Protection
168	Anna	Backman	Naturvardsverket

169	Alistair	Mackinnon	NEL
170	Andrew C	Newbold	NEWMAC Advisors
171	Gloria	Elliott	Noise Abatement Society
172	Peter	Wakeham	Noise Abatement Society
173	Anne	Mallory	Nycomed Amersham
174	Linher	Sigrid	Orgalime
175	John	Bryant	P D Rotomouldings PLC
176	Mr	Fletcher	Panther International Engineering Ltd
177	Jim	Hammel	Parker Plant
178	P	Harrison	Perkins Engines
179	Malcolm	Trimm	Perkins Technology Ltd
180	Noel	Smyth	Petrol Retailers Association
181	Gary	Butterfield	Power Assemblies Ltd
182	Martin	Keay	PPMA Ltd.
183	Roger	Rodwell	Pritex Ltd
184	J.	James W Kolka	Q-Lex International LLC Forensic & Preventive Legal Services
185	Trevor	Barrell	Ransomes Textron
186	Steve	Smith	Regulatory Issues Directorate Small Business Service
187	Clive	Betts	REMA/WMA at BEAMA
188	S	GODFREY	Rendel Science and Environment
189	J T	Evans	Research & Testing Centre
190	Ray	Holloway	Retail Motor Industry Federation
191	Walter	Hare	Ricardo Consulting Engineers Ltd
192	R	Stayner	RMS Vibration Test Laboratories
193	Bob	Stacey	Road Haulage Association
194	Stuart I	Williams	Rolls-Royce Industrial and Marine Gas Turbines Ltd
195	Robin	Brand	Sandhurst
196	Tony	Bashford	Saville Trackers Ltd
197	B	Shaw	Scandura Seals Ltd
198	Mr	Marshall	Scarab Sales Ltd
199	David N	Lewis	SEAC Manufacturing Unilever Research
200	Stewart	Wilkinson	SGS
201	Richard	Bines	Sharps Redmore Partnership Ltd
202	Keith	Millar	Showmans Guild of Great Britain
203	Steve	Hodge	Site Dumper Association c/o Winget Ltd
204	M	Garrigan	Society of British Aerospace Companies Ltd
205			Society of Motor Manufacturers and Traders
206	J	Day	Sound Engineering
207	Ian	Watson	Sound Noise Vibration
208	Alan	Bennett	Standards & Legislation Advisory Service
209	Simon	Parker	Suzuki GB plc
210	J	Carlton	Technical Investigations, Propulsion & Environmental Engineering
211	R F	Miller	Teleporters Ltd
212	Andrew	Macrobbie	Terex Equipment Ltd

213	Helen	Childs	The National Assembly for Wales
214	Dr A	Wills	Trafalgar House Technology
215	Mr	Ball	Tristar Engineering Designs Ltd
216	Kay	Crittenden	UKAS
217	David	Evans	UKAS
218	Tony	Hanson	UKAS
219	Volker	IRMER	Umweltbundesamt
220	Giorgio	BILLI	UNACOMA
221	Alan	Bowker	VCA
222	Rod	Pettett	VCA
223	Rob	Wollacott	VCA
224	Peter	Croaker	Victa Lawncare Pty Ltd
225	Fred	Parker	Weetabix Limited
226	P	Hunnaball	Woods of Colchester Ltd
227	H	Overy	York International Ltd

## Annex A

---

### **Code of Practice on Consultations**

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescales for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
7. The complete code is available on the Cabinet Office's web site address:

<http://www.cabinet-office.gov.uk/regulation/Consultation/Code.htm>

### **Comments or complaints**

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Nick Van Benschoten  
Consultation Co-ordinator  
DTI Better Regulation Team, Bay 4113  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 6206

Email: [nick.vanbenschoten@dti.gsi.gov.uk](mailto:nick.vanbenschoten@dti.gsi.gov.uk)

## Annex B

---

**Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to noise emission in the environment by equipment for use outdoors**



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.08.2005  
COM(2005) 370 final

2005/0149(COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive 2000/14/EC on the approximation of the laws of the Member States  
relating to the noise emission in the environment by equipment for use outdoors**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Grounds for and objectives of the proposal

This proposal provides for an amendment to European Parliament and Council Directive 2000/14/EC of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors ("Noise Directive").<sup>1</sup>

The Noise Directive became applicable on a voluntary basis on 3 July 2001. Since 3 January 2002 the fifty-seven types of equipment within scope must satisfy the requirements of the Noise Directive before being placed on the market or put into service within the European Community.

The objective of the Noise Directive is to guarantee the free movement of the equipment within scope whilst reducing permissible noise levels for such equipment in order to protect the health and well-being of citizens as well as the environment. In parallel, it also has the objective of providing information to citizens on noise emissions of such equipment thereby improving customer choice. It sets maximum permissible sound power levels and mandatory noise emission labelling for twenty-two types of equipment and mandatory noise emission labelling for the remaining thirty-five types of equipment.

For those types of equipment where permissible sound power levels apply there are two stages of application. The first came into force on 3 January 2002 ("stage I"); the second series of reduced limits is due to come into operation on 3 January 2006 ("stage II"). This proposal pursues the following objectives:

- To allow certain types of equipment (for which clear evidence has been provided that the stage II limits are not presently technically feasible) to be placed on the market and/or put into service in the European Community from 3 January 2006;
- To provide the Commission with sufficient time to fulfil its obligations at Articles 16 and 20 of the Noise Directive;
- To allow for the incorporation of the Report foreseen at Article 20(3) into the Report foreseen at Article 20(1) of the Noise Directive.

The stage II provisions were designed to provide the EU industry with challenging environmental noise limits that were considered, at the time they were set by the co-legislators, as achievable in view of the available technical knowledge, of the expected progress in the area of noise reduction and of the lead time provided for in the Directive. With respect to the majority of the machines to which such limits are to be applied this has been the case.

---

<sup>1</sup> OJ L 162, 3.7.2000, p. 1.

- **General context**

Technical issues emerging from the application of the Noise Directive to some types of equipment

During the sixth meeting of the Noise Steering Group on 16 May 2003, the Commission gave to the Working Group on Outdoor Equipment, often referred to as "WG7", the task to advise on the technical aspects of the comments and requests presented by industry and Member States in respect of the application of the Noise Directive.

The members of WG7 are expert representatives of six Member States, four stakeholder European associations and a representative from CEN (European Committee for Standardisation). The Commission Services (DG Environment and DG Enterprise and Industry) attend the meetings as observers.

As a first step towards providing a Report to cover the provisions foreseen at Article 20(1) of the Noise Directive, the position paper issued by the WG7 on 8 July 2004 covered the technical feasibility of the stage II limits amongst other aspects that may, in the future, be the subject of further review.

The members agreed that, for a number of types of equipment, the measured sound power levels to be applied under stage II would be technically impossible to achieve.

In particular, substantive concerns were raised with respect to:

- Dozers (steel tracked);
- Loaders (steel tracked > 55 kW);
- Compacting screed paver finishers;
- Vibratory plates;
- Vibratory rammers;
- Walk behind vibratory rollers;
- Industrial lift trucks >10 t.

In addition, other concerns were expressed relating to classification and potential amendment to test codes for hand-held internal combustion engine concrete breakers and picks and rough terrain lift trucks.

The Commission's obligations under Articles 16 and 20 of the Noise Directive

Pursuant to Article 16 of the Noise Directive, the manufacturer of equipment, or his authorised representative in the Community, is required to send copies of the EC declarations of conformity containing information on sound power levels to both the Commission and the Member State where he resides or where he places such equipment on the market or puts it into service. On the basis of this information the

Commission is required to publish the information received, preferably annually, according to the format specified in Article 16(4).

Article 20 of the Noise Directive requires the Commission to submit two separate Reports to the European Parliament and the Council, as follows:

- a Report concerning the Commission's experience in the implementation and administration of the Directive (paragraph 1). This report was due by 3 January 2005 and was to include a review, on the basis of the information collected in accordance with Article 16 and other relevant data, of the stage II limits as well as of the list of equipment subject to the requirements of Articles 12 and 13 of the Directive;
- a Report concerning whether and to what extent technical progress allows a reduction of limit values to the indicative sound power levels shown for stage II for lawnmowers, lawn trimmers/ lawn edge trimmers. This report was due by 3 July 2002.

Both reports may include a recommendation as to whether the stage II limits are achievable and, if appropriate, a proposal to amend the Directive in this and other respects.

The experience of the first five years of application of the Noise Directive has demonstrated that the obligations foreseen at Article 16 and Article 20 require additional time to fulfil. In light of the above, it is therefore proposed that both Reports be prepared as a single document by 3 January 2007 and that Article 20 be amended accordingly.

- **Existing provisions in the area of the proposal**

European Parliament and Council Directive 2000/14/EC of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

- **Consistency with other policies and objectives of the Union**

The Noise Directive was developed following the Fifth Environmental Action Programme attached to the Council Resolution of 1 February 1993<sup>2</sup> and the Green Paper on Future Noise Policy (COM(96) 540 final), which identified noise in the environment as one of the main local environmental problems in Europe. The Noise Directive is based on the principles and concepts on the new approach to technical harmonisation and standards as set out in Council Resolution of 7 May 1985<sup>3</sup> and Council Decision 93/465/EEC of 22 July 1993.<sup>4</sup>

This proposal is consistent with the current Community environmental policy and objectives as detailed in the Sixth Environmental Action Programme (COM(2001) 31 final), which lists reduction of noise pollution as a priority objective to be

---

<sup>2</sup> OJ C 138, 17.5.1993, p. 1.  
<sup>3</sup> OJ C 136, 4.6.1985, p. 1.  
<sup>4</sup> OJ L 220, 30.8.1993, p. 23.

attained, *inter alia*, by enforcing product-specific noise limits. The Sixth Environmental Action Programme defines a policy making method based on participation and sound knowledge, according to which:

*“Broad involvement of stakeholders will be central to the successful implementation of the Sixth Programme, and in every stage of the policy process from agreeing targets to putting measures into practice. Sound scientific knowledge and economic assessments, reliable and up-to-date data and information and the use of indicators will underpin the drawing-up, implementation and evaluation of environmental policy”*

The delay of the stage II limits laid down in the Noise Directive where these have been found to be technically impossible by all stakeholders with a view to a further review, impact assessment and potential amendment is fully aligned with this method of policy making.

## 2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

### • Consultation of interested parties

#### Consultation methods, main sectors targeted and general profile of respondents

Consultation of the Noise Committee in accordance with Article 19(c) of the Directive and of the Noise Experts Working Group at the meetings held on 21 March 2005. A five-week open consultation period expiring on 22 April 2005 allowed for all Member States and interested parties to submit additional comments in writing. In addition, the Noise Steering Group was also advised and given the opportunity to provide input.

Member States and stakeholders were consulted on the draft amendment text in May 2005 and given two weeks for submitting written observations.

#### Summary of responses and how they have been taken into account

Of the eighteen Member States who provided a response, all support the need for a legal solution to the issue of those stage II limits which are technically impossible to meet. This has either been by means of directly accepting the recommendation of the Commission services on a proposal to amend or agreement to the WG7 position paper findings and recommendations. Where an opinion has been provided, it has also accepted that the delay should be a temporary measure until a suitable amendment (if necessary) is carried out following the Report foreseen in Article 20.

The responses from the national authorities have also provided further evidence to allow for additional refining of the list for which delay is proposed.

A number of industry organisations have also expressed a view. It is considered that this view is a representative one from the whole of industry given that those responding account for more than 70% of EU industry in the sectors identified. These responses have almost without exception been in line with the view of the Member States. They have also given a very clear estimation of the size of the affected sector and the potential repercussions should a solution not be found.

It was pointed out by a number of Member States as well as industry that the concerns relating to *hand-held internal combustion engine concrete breakers and picks* and *rough terrain lift trucks* also required delay to the application of the relevant stage II limits for technical reasons only. While the WG7 Report did not explicitly recommend this course of action, the technical impossibility of meeting stage II limits for these types of equipment has since been verified with the members of the WG7.

In respect of *hand-held internal combustion engine concrete breakers and picks* the WG7 recommended to include such breakers and picks into the category “not smaller than 30 kg” as this amendment would bring the Noise Directive in line with Directive 84/537/EEC that it superseded and replaced. This is considered impossible as such breakers and picks are intended to be “hand-held”, so less than 30 kg. An amendment to the categorisation of equipment would therefore be required. Prior to any assessment and potential proposal following the Report at Article 20 this is not an option. It has therefore been confirmed during the public consultation that if this is not an option such concrete breakers and picks cannot for technical reasons meet the stage II limit foreseen and as such this type of equipment shall be added to the list for which a delay is proposed. This categorisation has been further refined following discussion with stakeholders to the effect that only such equipment of mass between 15 kg and 30 kg are to be included.

As regards *rough terrain lift trucks* the WG7 Report also foresees that technical difficulties in meeting stage II limits could be addressed by amending the relevant test code as set out in Annex III to the Noise Directive. However, this is impossible given that Article 19(b) of the Noise Directive requires that adaptation to technical progress of the test codes laid down in Annex III should not have any direct impact on the measured sound power levels of equipment listed in Article 12. Stakeholders therefore support the need for the reference to “industrial lift trucks > 10 t” in the list of equipment for which a delay in the application of the stage II is proposed to be expanded to “*combustion-engine driven counterbalanced lift trucks*” in order to include rough terrain lift trucks, thus in effect all lift trucks currently falling under Article 12.

During the open consultation it was also identified by both Member States and industry that vibratory plates <3kW can meet the stage II limits. The list of equipment under consideration has been amended accordingly.

Finally, it should be clarified that, with respect to *paver finishers* under Article 12, the delay in application of the stage II limits only applies to **compacting** screed paver finishers and not also to **pre-compacting** screed paver finishers.

- **Collection and use of expertise**

Scientific/expertise domains concerned

Noise emission

Main organisations/experts consulted

WG7

Noise Committee

Experts Working Group established under the Noise Committee

Noise Steering Group

Means used to make the expert advice publicly available

Publication on Europa's website

- **Impact assessment**

Given the nature of the amendment i.e. the delay in application of Community law provisions which have proven impossible to apply, an impact assessment is not necessary.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

It is proposed that footnote (2) to the table at Article 12 be amended to include the following types of equipment in addition to those already listed (lawnmowers, lawn trimmers/lawn edge trimmers):

- Walk behind vibratory rollers;
- Vibratory plates (>3kW);
- Vibratory rammers;
- Dozers (steel tracked);
- Loaders (steel tracked > 55 kW);
- Combustion-engine driven counterbalanced lift trucks;
- Compacting screed paver finishers;
- Hand-held internal combustion engine concrete breakers and picks (15<m<30).

The proposed amendment will make the stage II permissible sound power levels for the above equipment indicative only. Definitive figures will depend on amendment of the Noise Directive following the report foreseen in Article 20.

It is also proposed that Article 20 be amended to provide the Commission with sufficient time to fulfil its obligations at Articles 16 and 20 and to allow for the incorporation of the Report foreseen at Article 20(3) into the Report foreseen at Article 20(1).

- **Legal basis**

In line with Directive 2000/14/EC, this proposal is based on Article 95 of the EC Treaty.

- **Subsidiarity principle**

The objectives of the proposed action, namely, to ensure the ongoing functioning of the internal market by requiring equipment used outdoors to comply with harmonised environmental noise provisions cannot be sufficiently achieved by Member States acting alone and can therefore, by reason of their scale and effects, be better achieved at Community level.

This proposal therefore complies with the subsidiarity principle as set out in Article 5 of the Treaty.

- **Proportionality principle**

The proposed amendment does not go beyond what is necessary to achieve the objectives set out above.

Member State experts and stakeholders concur that the stage II limits for the list of equipment covered by the proposed amendment are not technically feasible. Severe disruption to the internal market for such equipment in the Community would thus result if the entry into force of the relevant stage II limits were not delayed.

Even though strong economic arguments have been made by industry for the inclusion of other types of equipment in the list proposed for an increased transition period, these have not been included. The proposal therefore describes the absolute essential amendments considered necessary to ensure an appropriate balance of burdens on industry alongside ensuring that the environmental objectives, wherever possible, have been met.

This proposal therefore complies with the proportionality principle as set out in Article 5 of the Treaty.

- **Choice of instruments**

Proposed instruments: directive.

Other means would not be adequate for the following reason: amendment to an existing Directive.

#### **4. BUDGETARY IMPLICATION**

The proposal has no implication for the Community budget.

## **5. ADDITIONAL INFORMATION**

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

- **Future steps**

The proposal is to be considered in the light of ongoing work to provide the report foreseen at Article 20(1) of Directive 2000/14/EC which is to include a full review of the provisions of the Directive including the limits under scrutiny. If further amendment is considered appropriate a full and extended impact assessment shall be undertaken to ensure the necessary balance between setting challenging noise limits in the future alongside providing the time required for the necessary technical progress.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission<sup>5</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>6</sup>,

Having regard to the opinion of the Committee of the Regions<sup>7</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors<sup>8</sup> has been the subject of a review by a group of experts set up by the Commission services, the Working Group on Outdoor Equipment.
- (2) In its report dated 8 July 2004, the Working Group on Outdoor Equipment concluded that a number of the stage II limits due to be mandatorily applied as from 3 January 2006 were not technically feasible. However, the intention was never to restrict the placing on the market or putting into service of equipment solely based on technical feasibility.
- (3) It is therefore necessary to provide that certain types of equipment listed in Article 12 of Directive 2000/14/EC, which would not be able to meet the stage II limits by 3 January 2006 solely for technical reasons, can still be placed on the market and/or put into service by that date.

---

<sup>5</sup> OJ C [...], [...], p. [...].

<sup>6</sup> OJ C [...], [...], p. [...].

<sup>7</sup> OJ C [...], [...], p. [...].

<sup>8</sup> OJ L 162, 3.7.2000, p.1

- (4) The experience of the first five years of application of Directive 2000/14/EC has demonstrated that more time is needed to fulfil the provisions under Articles 16 and 20 thereof and also the need to review the Directive with a view to its possible amendment, in particular with respect to the stage II limits referred to therein. It is therefore necessary to extend the deadline for submission of the report to the European Parliament and to the Council on the Commission's experience in implementing and administering Directive 2000/14/EC as referred to in Article 20(1) of that Directive by two years.
- (5) Article 20(3) of Directive 2000/14/EC provides for the submission, by the Commission, of a report to the European Parliament and to the Council on whether, and to what extent, technical progress allows a reduction of limit values for lawnmowers and lawn trimmers/lawn-edge trimmers. In view of the fact that the obligations contained at Article 20(1) are more prescriptive than those at Article 20(3) and in order to avoid duplication of effort it is appropriate to include these types of equipment in the general report provided for in Article 20(1) of the Directive. Consequently the separate reporting obligation in Article 20(3) of the Directive should be deleted.
- (6) Since the objectives of those amendments, namely, to ensure the ongoing functioning of the internal market by requiring equipment used outdoors to comply with harmonised environmental noise provisions, cannot be sufficiently achieved by Member States acting alone and can therefore, by reason of their scale and effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, these amendments do not go beyond what is necessary in order to achieve those objectives by limiting their scope to those types of equipment for which compliance with the stage II limits is presently impossible for technical reasons.
- (7) Directive 2000/14/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 2000/14/EC is amended as follows:

(1) The table in Article 12 is replaced by the following

Type of equipment	Net installed power $P$ (in kW)  Electric power $P_{el}$ <sup>(1)</sup> in kW  Mass of appliance $m$ in kg  Cutting width $L$ in cm	Permissible sound power level  in dB/1 pW	
		Stage I  as from 3 January 2002	Stage II  as from 3 January 2006
Compaction machines (vibrating rollers, vibratory plates, vibratory rammers)	$P \leq 8$	108	105 <sup>(2)</sup>
	$8 < P \leq 70$	109	106 <sup>(2)</sup>
	$P > 70$	$89 + 11 \lg P$	$86 + 11 \lg P$ <sup>(2)</sup>
Tracked dozers, tracked loaders,  tracked excavator-loaders	$P \leq 55$	106	103 <sup>(2)</sup>
	$P > 55$	$87 + 11 \lg P$	$84 + 11 \lg P$ <sup>(2)</sup>
Wheeled dozers, wheeled loaders, wheeled excavator-loaders,  dumpers,  graders,  loader-type landfill compactors, combustion-engine  driven counter-balanced lift trucks, mobile cranes, compaction machines (non-vibrating rollers), paver-finishers, hydraulic power packs	$P \leq 55$	104	101 <sup>(2)</sup>
	$P > 55$	$85 + 11 \lg P$	$82 + 11 \lg P$ <sup>(2)</sup>

Excavators, builders' hoists for the transport of goods, construction winches, motor hoes	$P \leq 15$	96	93
	$P > 15$	$83 + 11 \lg P$	$80 + 11 \lg P$
Hand-held concrete- breakers and picks	$m \leq 15$	107	105
	$15 < m < 30$	$94 + 11 \lg m$	$92 + 11 \lg m^{(2)}$
	$m \geq 30$	$96 + 11 \lg m$	$94 + 11 \lg m$
Tower cranes		$98 + \lg P$	$96 + \lg P$
Welding and power generators	$P_{el} \leq 2$	$97 + \lg P_{el}$	$95 + \lg P_{el}$
	$2 < P_{el} \leq 10$	$98 + \lg P_{el}$	$96 + \lg P_{el}$
	$10 > P_{el}$	$97 + \lg P_{el}$	$95 + \lg P_{el}$
Compressors	$P \leq 15$	99	97
	$P > 15$	$97 + 2 \lg P$	$95 + 2 \lg P$
Lawnmowers, lawn trimmers/lawn- edge trimmers	$L \leq 50$	96	$94^{(2)}$
	$50 < L \leq 70$	100	98
	$70 < L \leq 120$	100	$98^{(2)}$
	$L > 120$	105	$103^{(2)}$

(<sup>1</sup>)  $P_{el}$  for welding generators: conventional welding current multiplied by the conventional load voltage for the lowest value of the duty factor given by the manufacturer.

$P_{el}$  for power generators: prime power according to ISO 8528-1:1993, clause 13.3.2

(<sup>2</sup>) The figures for stage II are indicative only for the following types of equipment:

- Walk- behind vibrating rollers;
- Vibratory plates (>3kW);
- Vibratory rammers;
- Dozers (steel tracked);
- Loaders (steel tracked > 55 kW);
- Combustion-engine driven counterbalanced lift trucks;
- Compacting screed paver-finishers;
- Hand-held internal combustion-engine concrete-breakers and picks ( $15 < m < 30$ );
- Lawnmowers, lawn trimmers/lawn-edge trimmers.

Definitive figures will depend on amendment of the Directive following the report required in Article 20(1). In the absence of any such amendment, the figures for stage I will continue to apply for stage II.

The permissible sound power level shall be rounded up or down to the nearest whole number (less than 0.5, use lower number; greater than or equal to 0.5, use higher number)

(2) Article 20 is amended as follows:

(a) Paragraph 1 is amended as follows:

In the first sentence, the words “Not later than 3 January 2005” are replaced by “Not later than 3 January 2007”;

(b) Paragraph 3 is deleted.

#### *Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 3 January 2006.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive

#### *Article 3*

This Directive shall enter into force on the twentieth day of its publication in the *Official Journal of the European Union*.

#### *Article 4*

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]