**Draft Questionnaire**

The Centre for European Policy Studies (CEPS) is undertaking a study into the arguments for and against a ‘Merger of the Noise from Outdoor Equipment Directive, 2000/14/ EC, with the Machinery Directive, 2006/42/EC’, for the European Commission, DG Enterprise and Industry. This study will support the European Commission’s services in charge of assessing possible options to simplify the current EU legal framework on noise emission from outdoor equipment.

The present survey aims to collect the views of stakeholders on their experience with the existing provisions on noise emissions from machinery generally and outdoor equipment in particular and explore possible alternatives for simplifying the current legislative framework as well as the cost and benefits associated with these options.

Your experience and contribution are essential for the success of this assessment and so we kindly ask for some of your valuable time to answer this questionnaire and improve the quality of the analysis that will support the European Commission and other public bodies across the EU in the decision-making process.

Please do not hesitate to contact a member of our team, should you need any clarification.

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**The Centre for European Policy Studies and the European Commission will guarantee the anonymity of your responses.**

**THE DEADLINE FOR COMPLETING THIS SURVEY FOR CECE IS THURSDAY 27 JUNE**

**General Questions**

1. Are you answering this questionnaire on behalf of or as:

○ A company

○ An European industry association

○ A national industry association

○ A national market surveillance authority

○ A notified body

○ An NGO

○ An EU standardization association

○ A national standardisation association

○An Indepent expert

○ Other (please, specify)

1. Could you please identify the entity/organization/association/firm that you represent?

CECE – Committee for European Construction Equipment

1. If you are a company please indicate the size of your company (including yourself, family workers, other management and owners and regular employees, but excluding temporary external workers)?

○Self-employed

○Micro enterprise (1-9 employees)

○Small enterprise (10-49 employees)

○Medium enterprise (50-249 employees)

○ 250-499 employees

○ More than 500 employees

○Other / Unknown

1. If you are a manufacturing company which types of products do you or your associated industries produce: (please tick all that apply)

○Outdoor equipment falling under the scope of both Directives (Machinery Directive and Outdoor Noise Directive)

○Outdoor equipment only falling under the scope of the Machinery Directive

○ Other types of machinery (e.g. indoor machinery) covered by the Machinery Directive

○Outdoor equipment only falling under the scope of the Outdoor Noise Directive

○None of the above

1. Can we contact you later should we need further clarification?

○ Yes (please indicate your email address and telephone number)

○ No

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**Section I – Comparison of the two directives**

**1 – Reduction of noise at source**

Reducing noise at source is the most effective way to reduce risks due to noise for both operators[[1]](#footnote-1) of the equipment/machinery concerned and for other persons who may be exposed to noise generated by the equipment/machinery.

Both directives (the Outdoor Noise Directive and the Machinery Directive) aim to reduce noise at source but they follow different approaches towards achieving this goal. This is largely because they have rather different objectives here with the concern of the former focusing upon the effects of noise emissions upon those who may be occupying the environment of the machine when it is in operation whilst the latter is geared predominantly towards protecting the health and safety, in respect of noise emissions, of the machine’s users.

For this reason the OND directs its requirements exclusively at the *sound power* level whilst the Machinery directive requires measurement and declaration firstly of the *sound pressure* level at the operator’s position and, only where this exceeds a specified limit, of the *sound power* level in addition.

Regarding its detailed measures to reduce noise emissions at source, the Outdoor Noise Directive (hereinafter, OND) sets out noise emission limits and requires labelling for 22 types of outdoor equipment (see Article 12) and also extends the labelling requirement to a further 35 types (see Article 13). For the former the guaranteed sound power levels shall not exceed the permissible sound power level limit values referred to in the Directive.

The Machinery Directive does not set noise emission limits, but requires manufacturers to design and to construct machinery in such a way that the risks resulting from the emission of airborne noise are reduced to the lowest level, taking account of technical progress and the availability of means of reducing noise, in particular at source (see item 1.5.8. of Annex I, Machinery Directive).[[2]](#footnote-2) The level of noise emission may be assessed with reference to comparative data for similar machinery. This approach must be based on the appropriate noise test codes and on reliable and representative comparative noise emission data. Indeed, for noise emission of similar machinery to be compared it must be measured using the same test codes. If the comparison shows that a significant number of similar machines with comparable parameters have a lower level of noise emission, this should be taken as an indication that the machinery concerned is not in line with the state of the art.

CECE question: Often the wording EFFECTIVE and EFFICIENT are used. To clarify the difference, an explanation by CEPS was requested.

Clarification from CEPS:

Effectiveness is about to securing the end goal.

Efficiency means the least resources, including time, to achieve a given objective.

* 1. Do you consider that the broad approach followed by the Outdoor Noise Directive to reducing noise at source (i.e. the provisions in its Articles 12 and 13 described above), is **effective**?

○ Yes (please state your reasons) End goal = reduction of noise for citizens?

CECE question: What is exactly meant by the “broad approach”?

CEPS answer : By ‘broad approach’ we mean that when answering to this question consideration should be given to the fact that the OND not only sets out noise emissions limits for the products listed in Article 12, but as well the obligation to labeling all the products falling under the scope of the Directive.

CECE answer: Noise has definitely brought meaningful noise reduction for machinery subject to limits. The present situation of many of these machines is such that the real life noise emission is very close to the process noise. Further reduction of machine noise is unlikely to produce a benefit. With regard to article 13, we have no data upon which to base an opinion. It’s also a fact that for many machines process noise is predominant, so it makes no sense to further reduce the machine noise. Also for other types of machines technological limits have been reached.

○No (please state your reasons) ○ I have no opinion

* 1. Do you consider that the approach followed in the Outdoor Noise Directive to reducing noise at source to be efficient overall taking into account the associated costs?

○ Yes (please state your reasons)

○ No (please state your reasons)

CECE answer: For article 12 machinery the directive requires the involvement of a notified body in some way, whereas the Machinery Directive, with a direct bearing on health and safety, allows self-certification for most types of machine. Module A should be allowed for any noise certification. The costs of 3rd party certification are not justified, especially for SMEs which might not operate a full QA system. However, other (larger) companies may consider the cost impact not too expensive taking into account the market surveillance benefits. In general, the Directive requires a constant effort by a manufacturer that does not translate in advantages on the market. Manufacturers further had to improve the equipment noise emissions as a consequence of the adoption of other technologies such as exhaust emissions control, and also this effort is not recognised.

○I don’t know

* 1. Do you think that in the future the approach to reducing noise at source in the Outdoor Noise Directive should be:

○ Kept as it is

○ Removed (please explain your view)

○ Modified (please indicate which modifications should be introduced)

CECE answer: The directive requires manufacturers (for machinery of article 12) to reach a certain level of noise emissions by a certain test code. However, some emerging technologies (e.g. hybrid machines) are not adequately considered so their benefits are not apparent. The requirements on noise need to be re-framed such that they recognise new and emerging technologies. Some categories contain different kind of machinery with different technologies and respective noise values. These categories should be split/reorganised (compacting machinery, drill rigs, hydraulic hammers,…).

* 1. Do you think that the approach followed in the Machinery Directive to reducing noise at source is **effective**?

○ Yes (please state your reasons)

○ No (please state your reasons)

CECE answer: The answer is no if the goal is the overall noise reduction. In relation to the overall noise reduction: The practice for the Machinery Directive is to report the actual noise emission of the machine. The concern here is the noise in the operator’s position, and that is controlled by totally different means compared to the external noise. Ideally, for the MD, the solution is to have an extremely quiet machine at the operator’s position, disregarding the external noise emission. Workers in its vicinity may be protected by PPE.

○ I don’t know

* 1. Is the approach followed in the Machinery Directive to reducing noise at source **efficient overall taking into account the associated costs**?

○ Yes (please state your reasons)

○ No (please state your reasons)

CECE answer: We cannot consider the approach as efficient as it is not effective.

○ I don’t know

* 1. Giving due consideration to the present differences in the respective objectives of the two directives, as outlined above, do you think that the approach followed in the Machinery Directive to reducing noise at source could be either adopted in or extended to the Outdoor Noise Directive?

Approach: fixed test codes + limits for Art 12 versus self-certification & Harmonised stds

Objectives: environmental noise (citizens) versus health and safety of operator

CEPS answer on CECE question: It is true that this question could be interpreted in different ways.

However, what we are asking is if, although, the Directives have different objectives (operator’s perspective (MD) and environmental perspective (OND)) the approach followed in the MD to reducing noise at source could also be used to follow the objectives of the OND. Or in another words, whether a Directive that regulates noise from the general environmental perspective (OND) has to take a fundamentally different approach from the one which is regulating the operator’s perspective (MD)?

○Yes (please state your reasons)

○ No (please state your reasons)

○ I don’t know

CECE observation: the approaches of the two directives are totally different. The principles of self-certification and harmonised standards could be applied to the OND when it would promote further development of machine noise reduction. However, we see practical problems regarding setting and control of the test codes and in particular limits by member states in harmonised standards which content is based on a weighted majority of stakeholders in favor.

**2. Information on noise emissions**

**2.1. Noise Emission Marking (Article 11 (2) of the Outdoor Noise Directive)**

In order to enable consumers and users to make an informed choice of quieter outdoor equipment, the CE marking shall be accompanied by a mark with the indication of the guaranteed sound power level (Article 11 (2) of the OND). The model to be used for this indication is given in Annex IV of the Outdoor Noise Directive.

However, there is no obligation to mark products with regard to any aspect of noise emissions under the Machinery Directive.

2.1.1. Do you think that the label with the indication of the guaranteed sound power level is an **effective** way of enabling consumers and users to make an informed choice of quieter equipment?

Conflicting answers received

○ Yes

○ No (please state your reasons)

■ I don’t know

CECE answer: Although the indication of the guaranteed sound power level is an efficient way to make a choice we are not sure whether it is an effective way as the decibel scale is not widely understood, nor is the concept of sound power as opposed to sound pressure. Only little feedback from the market is available. For users only the sound pressure at the work station is relevant and this is not the subject of the label.

2.1.2.. In your opinion, should the obligation to mark the equipment with the guaranteed sound power level be:

○ kept

○ removed (please state your reasons)

○modified (please indicate the modifications that should be introduced)

○ I have no opinion

CECE observation: The opinions within industry are too diverting to conclude it in a single answer.

2.1.3. Do you think that the present content and/or design of the noise label could be improved in terms of its clarity, simplicity and general usefulness for consumers ?

○ Yes

○ No

○ I don’t know

2.1.4. If you answered **yes** to the previous question, could you, please, expand upon this e.g. by specifying what should be the contents of this noise label and/or giving examples of new noise labels that could be adopted?

2.1.5. Do you think that an obligation to label the machinery with the noise emission levels should be introduced in the Machinery Directive?

Conflicting answers received

CEPS clarification: By label we mean the OND label.

Which noise levels should be indicated in the label, is a question that we are not in conditions to answer in a conclusive way at this stage. However, this questions as in view a future eventual revision of the MD (policy options 4 and 5). In the case of policy option 5 (merge of the two directives) the noise emission environmental requirements will be also regulated in the MD and the OND will ‘disappear’ and, consequently, will be necessary to determine if the obligation to labeling the equipment with the noise emissions level should be introduced in the MD and also to determine which noise level(s) should be indicate in the label.

○Yes (please state your reasons)

■No (please state your reasons)

CECE answer: In general the noise emission requirements are in the instruction manuals of the equipment and it works well. There is therefore no need to go for an obligation of that kind.

○ I have no opinion

**2.2. Noise emission declaration in the instructions (Annex I, item 1.7.4.2 of the Machinery Directive)**

Before placing machinery on the market and/or putting it into service, the manufacturer or his authorized representative in the EU shall provide the necessary information such as instructions.

The revised Machinery Directive, 2006/42/EC, introduced the duty to provide information on noise emission in the instructions accompanying the machine. The information on airborne noise emission to be included in the so called **noise emission declaration** is set out in section 1.7.4.2 of the Annex I of the Machinery Directive (i.e. with respect to the *sound pressure* level and, if that exceeds a specified measurement, the *sound power* level).

The purpose of providing noise emission information, warnings and risk information is to allow manufacturers to demonstrate low-noise designs, and to allow consumers and users of machinery to make informed choices regarding the safety of a potential purchase and to understand what measures will be necessary to mitigate the risk in actual use.

There are no similar obligations set out in the Outdoor Noise Directive.

2.2.1. Do you think that the information to be included in the noise emission declaration is **effective in** helping consumer/users to choose quieter equipment?

Remark CECE: Is it correct that that here is meant “noise emission declaration in the manual”? For manufacturers, the declaration is the declaration of conformity, this might cause confusion.

CEPS answer: We mean the noise emission declaration in the instructions/manual. As indicating in the heading this section is about the noise emission declaration in the instructions/manual.

○ Yes

○ No (please state your reasons)

CECE answer: For our sector the noise emission declaration is not available to customers/users during the phase of selecting equipment. A real concern is that the “double number” declaration foreseen today confuses all. Users and consumers are normally not informed about “decibels” much less about the related separate uncertainties. That is a physicist’s exercise outside that tiny world, the message is cryptic.

○ I don’t know

2.2.2. Do you think that the information to be included in the noise emissions declaration provides useful information for the risk assessment to be carried out by the employer according to what is prescribed in Article 4 of the Directive 2003/10/EC on the exposure of workers to the risks arising from noise?

○ Yes

○ No (please state your reasons)

CECE answer: The declaration is based on a standardised test procedure and does not reflect real operating conditions and the effect of surroundings (e.g. noise reflections and other machines). An employer could not use this information to decide on whether action was necessary under 2003/10/EC.

○ I don’t know

2.2.3. Do you think that providing noise emissions information in the instructions is an **efficient** way to provide information on noise emissions to consumers, users and employers?

Remark CECE: consumers, users and employers are different categories of persons, consumer is before buying, user is after buying. Employer is both?

○ Yes

CECE answer: It is of little cost, but note other comments on the usefulness of the information.

○ No (please state your reasons)

○ I don’t know

2.2.4. In your opinion and with a view to a possible revision of existing legislation, should the obligation to provide information on noise emissions in the instructions be:

Question CECE: Revision in what way?

CEPS answer: We are talking about a possible future revision of the MD (policy options 4 and 5). In the case of policy option 3 (revision of the OND) the legal regime on noise emission contain in the MD will remain unattached. And what we are asking is precisely if, in the case of a possible revision of the MD (policy options 4 and 5), the existing obligation to provide information on noise emission in the instruction should kept as it stays now, removed or modified. If in your opinion this obligation should be kept, but you think that the requirements on noise emission information, currently, set out in Annex I, item 1.7.4.2. of the MD, should be modified you are invited to indicate which modifications you would like to see introduced.

○ kept

CECE remark: In general, members were in favor to keep the obligations as they are although one member expressed the need for more useful noise emission information, including the importance of noise sources and influences outside of the machine.

○ removed (please state your reasons)

○ modified (please indicate the modifications that should be introduced)

○ I have no opinion

2.2.5. Do you think that the present content of the noise emission declaration should be:

○ Kept

○ Reduced (please specify and state your reasons)

CECE answer: We do not know if employers usefully interpreting the information on A-weighted sound power level where the A-weighted sound pressure level at a workstation exceeds 80 dB(A)

○ Extended (please specify and state your reasons)

○ I have no opinion

**2.3. Sales literature (Annex I, item 1.7.4.3. of the Machinery Directive)**

Where machines under the scope of the Machinery Directive are accompanied by sales literature such literature must be consistent with the noise emissions aspects of the associated instructions (see paragraph 1.7.4.3. of Annex I of the Machinery Directive for the precise requirements here)

2.3.1. In your opinion, and in view of a possible revision of the existing framework, should the obligation to provide consistent information on noise emissions in the sales literature be:

Question CECE: what is meant by existing framework? MD?

CEPS answer: When we talk about current/existing framework we are talking about the two directives, since the legal requirements on noise emissions from outdoor equipment are currently regulated in both Directives. And what we are asking is if this sort of substantive provision should survive in a new regime (whether that regime will consist in regulated everything in just one directive or in some variation on the present dual directive approach).

Remark CECE: What is meant by “consistent information”?

CEPS answer: It’s just another way of saying ‘must not contradict’, as in 1.7.4.3. of MD

○ kept

CECE answer: It’s an efficient way of communication but we are not aware if it’s effective because the vast amount of customers of our sector do not determine their choice of equipment based on sales literature.

○ removed (please state your reasons)

○ modified (please indicate the modifications that should, in your opinion, be introduced)

○ I have no opinion

**2.4. Technical documents**

**2.4.1. EC declaration of conformity (Articles 4 (1) and 8 of the Outdoor Noise Directive and Article 5 (1) of the Machinery Directive)**

Before placing outdoor equipment/machinery on the market and/or putting it into service, the manufacturer or his authorized representative shall draw up the EC declaration of conformity in accordance with Annex II of the Outdoor Noise Directive and Annex II, part 1, Section A, of the Machinery Directive.

The manufacturer should draw up, whenever that is possible, a single EC Declaration of Conformity for all the Directives that apply to the product in question, provided this declaration contains all of the information required by each Directive. The EC declaration of conformity must include a declaration that the equipment/machine complies with the other applicable Directives.

With regard to the Outdoor Noise Directive, the EC declaration of conformity shall indicate the measured sound power level of a piece of equipment representative of this type and the guaranteed sound power level for this equipment. Presently, there is no obligation in the Machinery Directive to indicate noise emission values in the EC declaration of conformity.

2.4.1.1. Do you agree with the obligation to provide information on noise emissions in the EC declaration of conformity for equipment under the scope of the Outdoor Noise Directive?

○ Yes

○ No (please state your reasons)

○ I don’t know

CECE answer: There is no obligation to declare values which are of much more direct relevance to operator health and safety and to the environment. Our understanding of the actual use of the DoC for OND in our sector is that it is solely for the machine owner to have a conformity document on file. It is redundant for the purchaser/user

2.4.1.2. Do you think that providing information on noise emissions in the EC declaration of conformity is an **effective** way to provide such information?

○ Yes

○ No (please state your reasons)

○I don’t know

CECE answer: See 2.4.1.1.

2.4.1.3. In your opinion, and in view of a possible revision of the existing legislation, should the obligation to provide information on noise emissions in the EC declaration of conformity, according to annex II of Outdoor Noise Directive, be:

Remark CECE: Revision in what way? The answer will depend on the scenario e.g. keep MD and ODN or merge.

CEPS answer: When answered to this question all the policy options should be taken in consideration, with exception of policy option 1 (no changes) and policy option 5 (merge the two directives). By contrast, in the answer to the question 2.4.1.4 only policy options 4 and 5 should be considered.

○ kept

○ removed (please state your reasons)

○ modified (please indicate the modifications that should, in your opinion, be introduced)

CECE answer: The requirements defined by Annex II of the Directive are not limited to the sound power levels, but they include other indications that should be evaluated separately. It is not asked for, but a list of other indications and how to deal with them is indicated: Guaranteed sound power level: delete; Measured sound power level: delete; Indication of the conformity assessment procedure: delete; Indication of the person (and address) holding the technical file: keep; Indication of the notified body: keep; Installed net power: delete; Other parameters are in common with the machinery Directive and should be kept and/or harmonised.

○ I have no opinion

2.4.1.4. Do you think that the obligation to provide information on the noise emission values in the EC declaration of conformity should be introduced in the Machinery Directive?

○ Yes

○Yes, but not across its entire scope

■No (please state your reasons)

CECE answer: See above. There are many critical machine parameters relating to safety and to the environment. Noise should not be quantified on the DoC.

○ I don’t know

**2.4.2. Technical file**

Before placing machinery on the market and/or putting it into service, the manufacturer or his authorized representative shall ensure that the technical file referred to in Article 5 (b) and Annex VII, part A, of the Machinery Directive is available.

The primary purpose of the technical file is to enable manufacturers to demonstrate to market surveillance (i.e. enforcement) authorities the conformity of the machinery with the relevant health and safety requirements. Accordingly the following sub-set of questions (i.e. the 2.4.2 series) will perhaps be of most interest to those authorities but all stakeholders are welcome to give any views they may have.

It should be noted that although the OND does not refer to the specific concept of a ‘technical file’ in its articles it does refer to the availability of e.g. ‘technical documentation’ in its annexes relating to conformity assessment. Although the questions which follow are largely framed with specific reference to the Machinery Directive terminology please also consider, and comment upon if you wish, aspects of the ‘technical documentation’ foreseen in the OND.

2.4.2.1. Do you think that including the information on noise emissions in the technical file is an **effective** way to demonstrate the conformity of the machinery with the noise emissions requirements?

○Yes

○ No (please state your reasons)

○ I don’t know

CECE answer: The answer depends on the intended target group for demonstrating conformity. The technical file is an effective mean for market surveillance authorities. However, nobody else has access to this file and as such, its value to the general public is nil.

2.4.2.2. In your opinion, does the information provided in the technical file help you in your market surveillance activities, in particular in checking aspects that cannot be verified by visual inspections? (Question to be included only in the questionnaire to market surveillance authorities)

○ Yes

○ No (please state your reasons)

○ I don’t know

2.4.2.3. Do you think that providing noise emissions information in the technical file is an **efficient** way to enable the manufacturer to demonstrate conformity with the noise emissions requirements?

○ Yes

○ No (please state your reasons)

○ I don’t know

2.4.2.4. In your opinion, and in view of a potential revision of existing legislation, should the obligation to provide information on noise emissions in the technical file be:

○ kept

○ removed (please state your reasons)

○ modified (please indicate the modifications that should, in your opinion, be introduced)

○ I have no opinion

2.4.2.5. Do you think that the present **content** of the technical file on noise emissions should be:

○ Kept

○ Reduced (please specify how and state your reasons)

○ Extended (please specify how and state your reasons)

○ I have no opinion

2.4.2.6. Do you think that the technical file should include other information related to noise emissions such as the noise emissions requirements presently set out in the Outdoor Noise Directive?

○ Yes (please state your reasons)

○ No (please state your reasons)

CECE answer: As long as the two directives are separate there should be no overlap in the requirements. If the directives are merged the requirements are presumed to be merged also.

○ I don’t know

**3. Measurement methods**

The methods of measurement of airborne noise that shall be used for the determination of the sound power levels of outdoor equipment covered by the Outdoor Noise Directive are laid down in Annex III. There are basic emission standards, mentioned in Annex III, part A , that give the general noise measurement boundary conditions. The use of those basic noise emission standards (EN ISO 3744:1995 and EN ISO 3746:1995) is subject to the general supplements referred to in Annex III, part A. In addition, the measurement methods for the sound power level of each type of equipment covered by the Directive are laid down in Annex III, part B. For each type of equipment covered by the Directive part B of Annex III lays down a recommended basic noise emission standard chosen from part A, a test area, the value shape of the measurement surface, the number and position of the microphones to be used, and the operating conditions including reference to a standard, if any, or by describing the operating conditions to be observed.

This means that, when testing specific types of equipment, the manufacturer, or his authorized representative in the EU, may in general choose one of the basic noise emission standards of Part A of Annex III, as amended by the general supplements, and apply the operating conditions of part B for this specific type of equipment.

By contrast, the Machinery Directive, which follows the “New Approach to technical harmonization and standards”, sets out the mandatory essential health and safety requirements for machinery, while detailed technical specifications for fulfilling these essential health and safety requirements, mainly the methods for measurement, are given in European harmonised standards.

The application of any such harmonised standard(s) is voluntary and confers a presumption of conformity with the essential health and safety requirements covered by the standard(s). This means that the machinery manufacturer is free to follow the methods of measurement of noise emissions set out in the harmonised standard or to choose to apply other methods of measurement. However, in the latter case, he must be able to demonstrate that this alternative solution is in conformity with the health and safety requirements of the Machinery Directive, and provides an assurance level that is at least equivalent to that afforded by the application of the methods for measurement of noise emissions of the harmonised standard.

Remark CECE: According to us, the last paragraph is wrong and should be deleted. It’s true that there are detailed requirements, let say “limits” in standards, like safety distances, height of access, but for noise there is no requirement to have “equivalent” sound levels. A manufacturer can according to the law use other methods. The MD mentions in 1.7.4.2: “Where the harmonised standards are not applied, sound levels must be measured using the most appropriate method for the machinery.”

CEPS: As certainly you may understand is too late to suggest deletions or modifications on the text of the questionnaire, since it is just available to answer online. In any case, it is just explanatory narrative explained that, the existing harmonised standards are voluntary.

**3.1. Mandatory test methods (Outdoor Noise Directive)**

3.1.1. Do you think that the approach followed in the Outdoor Noise Directive, which consists in laying down in the Directive the mandatory standards, other detailed technical specifications and the operating conditions to be observed during the performance of the measurement test, is **effective**?

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○ Yes (please state your reasons)

○ No (please state your reasons)

○ I don’t know

CECE answer:: The answer is yes and no: For the yes: Mandatory standards ensure comparability of results. Any standard applied should provide values which are comparable within the limits of repeatability and reproducibility. For the no: These protocols, or test methods, should be more easily adapted to technical progress as it happened with the present Directive. Once the equivalence of the measured levels is ensured, adaptation should be possible with a simple Committee procedure, to avoid having obsolete procedures. In case the measured levels would be changed, the decision should be taken at the political level of the European Parliament and the Council, as the stringency level would be up for discussion. This procedure is in the Directive, but its application failed.

3.1.2. Do you think that the approach followed in the Outdoor Noise Directive for laying down the methods of measurement of the airborne noise is **efficient overall taking into account the associated costs?**

○ Yes (please state your reasons)

○ No (please state your reasons)

CECE answer: If this question relates, as worded, to the process of arriving at the standards we have no comment. If the question is about the efficiency of complying with those standards our answer is no. Some of the test procedures cause damage to the machine and therefore add cost.

○ I don’t know

3.1.3. In your opinion, in the future, should this approach be:

○ kept

○ removed (please state your reasons)

■○ modified (please indicate the modifications that should, in your opinion, be introduced)

CECE answer: In line with what is indicated before, the updating procedure of the measurement methods should be made more efficient with the positive collaboration of the Commission services, the Member States, the manufacturers and CEN. The concept of harmonised standards giving presumption of conformity works well and should be extended to the OND. However, if there is a change to use harmonised standards care must be taken in any legislative instrument to ensure that noise measurements and declarations done in any other way than as specified in the standards are truly comparable.

○ I have no opinion

3.1.4. If you answered **removed** or **modified** to the previous question, would you prefer to have the methods of measurement of airborne noise laid down in EU harmonised voluntary standards?

Conflicting answers received

○Yes (please state your reasons)

○ Yes, but only for equipment not subject to permissible noise levels (please state your reasons)

○ No (please state your reasons)

■Other (please specify)

CECE answer: See answer to 3.1.3

○ I don’t know

**3.2. Test codes in harmonised voluntary standards (Machinery Directive)**

3.2.1. Do you consider the approach followed in the Machinery Directive, which consists in laying down the methods of measurement for noise emission levels in EU harmonised voluntary standards, to be **effective**?

■Yes (please state your reasons)

CECE answer: It is proportionate to the level of ambition of the requirements of the Machinery Directive on noise.

○ No (please state your reasons)

○ I don’t know

3.2.2. In your opinion is the laying down of the methods for measuring noise emission levels in EU voluntary harmonised standards **efficient overall taking into account the associated costs?**

■ Yes (please state your reasons)

CECE answer: The method is proportionate to the level of stringency of the Machinery Directive on noise. However, care should be taken about the risks of using voluntary standards as indicated before.

○ No (please state your reasons)

○ I don’t know

3.2.3. In your opinion, in the future, should this approach be:

■ kept

○ removed (please state your reasons)

○ modified (please indicate the modifications that should, in your opinion, be introduced)

○ I have no opinion

3.2.4. Do you think that having different approaches to laying down the methods for measurement of noise emission levels in the two Directives is **effective?**

○Yes (please state your reasons)

■ No (please state your reasons)

CECE answer: The methods should be the same. It is unclear and confusing to have different approaches.

○ I don’t know

3.2.5. In your opinion is having different approaches to establishing the methods of measurement for noise emission levels in the two Directives **efficient overall taking into account the associated costs?**

○ Yes (please state your reasons)

■No (please state your reasons)

CECE answer: It is unclear and confusing to have different approaches. Having a single approach to conformity assessment would improve efficiency in manufacturing and therefore save time and cost.

○ I don’t know

**4. Conformity Assessment**

Equipment covered by the Outdoor Noise Directive and by the Machinery Directive cannot be placed on the market or put into service until the manufacturer, or his authorized representative established in the EU, ensures that the conformity assessment procedures have been completed.

The Outdoor Noise Directive prescribes a procedure with internal checks, and thus not involving a notified body, for equipment not subject to permissible sound power levels (Article 13). For equipment subject to permissible sound power levels (Article 12) the conformity assessment is performed using one of the conformity assessment procedures laid down in Annexes VI to VIII of the Directive. These procedures mandatorily involve a notified body.

As a general rule the Machinery Directive prescribes a procedure to assess the conformity with its provisions of machinery in its scope that comprises internal checks and thus does not involve a notified body. However, if the equipment/machinery in question is listed in Annex IV of the Directive (machinery considered potentially dangerous) the following rules apply.

The manufacturer can choose one of the three conformity assessment procedures referred to in Article 12 (3),[[3]](#footnote-3) provided the three following conditions are fulfilled:

* The machinery concerned must be in the scope of one or more harmonised C-type standards;
* The harmonised standard(s) concerned must cover all the essential health and safety requirements that are applicable to the machinery as determined by the risk assessment;
* The machinery must be designed and constructed fully in accordance with the harmonised standard concerned.

However, if one or more of these conditions are not fulfilled, the manufacturer can only choose between the conformity procedures referred in Article 12 (4) of the Machinery Directive and will accordingly need to involve a notified body.[[4]](#footnote-4)

4.1. Do you find the present procedures for conformity assessment provided in Annexes V to VIII of the Outdoor Noise Directive **effective**?

○ Yes

○No (please state your reasons)

■I don’t know

CECE answer: Yes: If the procedures are followed the result will be reliable. However see other answers related to efficiency. And No: Because it would be more efficient to introduce the module A (self-certification) for the equipment listed in article 12 as used in the MD where this approach works well for safety.

4.2. Do you consider that, for equipment not subject to permissible sound power levels (listed in article 13 of the Outdoor Noise Directive), the procedure of self-certification by the manufacturer is enough?

■ Yes

CECE remark: The answer is yes, provided that there is an external verification of the self-certification procedures.

○ No (please state your reasons)

○ I don’t know

4.3. Do you consider that, for equipment subject to permissible sound power levels (listed in Article 12 of the Outdoor Noise Directive), the conformity assessment procedure to be adopted should always involve the intervention of a notified body?

○ Yes (please state your reasons)

■ No (please state your reasons)

CECE answer: No because it would be more efficient to introduce the module A (self-certification) for the equipment listed in article 12 as used in the MD where this approach works well for safety. Companies have enough experience/knowledge to follow module A, provided that there is an external verification of the self-certification procedures, but the option to use a third party should remain open.

○ I don’t know

4.4. Do you consider the present procedures for conformity assessment provided in Annexes VIII to X of the Machinery Directive to be **effective**?

■ Yes

○ No (please state your reasons)

○ I don’t know

**5 – Collection and publication of noise emission data by the Member States and the Commission (Noise Database - Article 16 of the Outdoor Noise Directive)**

The Outdoor Noise Directive requires that the manufacturer, or his authorized representative established in the EU, sends to the responsible authority of the Member State where he resides or where he places on the market or puts into service the outdoor equipment and to the Commission, a copy of the EC declaration of conformity (DoC) for each type of equipment covered by the Directive (Article 16). The Commission should publish periodically the relevant information in the Noise Emission for Outdoor Equipment Database.

The collection and publication of the noise data aim to inform and help consumers and users to choose quieter equipment and to enable the Member States and the Commission to assess the new technological developments that could lead to a further legislative action pursuant to Article 20.

There are no equivalent provisions in the Machinery Directive.

5.1. Do you check the database?

CECE answer: To be answered by stakeholders individually.

○ Very often

○ Often

○ Not very often

○ Rarely

○ I do not check the database

○Other (please specify)

5.2. Which are currently the main **shortcomings** of the database (please, tick all that apply)?

○ there are technical parameters missing

○ the technical parameters are not always defined

○ there is data missing from some manufacturers

○ type(s) of equipment are categorized incorrectly in the database

○ no equipment description is given at all or such description is incorrect/incomplete

○ no identification, or incorrect identification, of the model number/name

■generally poor quality of data

○ other (please specify):

CECE answer: Each data-point has the same weight, independent of the sales volume of the machine, sometimes manufacturers put in all variants, sometimes not.

5.3. What modifications could be introduced in order to improve the functionality of the database and the quality and accuracy of the data provided?

Conflicting answers received

○ Create the obligation to send to the Commission an English version/translation of the EC declaration of conformity

○ Provide more information in the DoC (could you please specify which additional information should be introduced in the DoC)

○ Introduce modifications in the current DoC file in order to improve the quality of the data provided (please specify)

○ Introduce the obligation to send to the Member State and to the Commission additional information/documents

○ Creation of sanctions/penalties for not observing the obligations set out in Article 16.

○Other (please specify)

CECE option 1: The requirement for the database should be removed. Other product directives do not have such a requirement and there is no justification for the continued maintenance of it. CECE Option 2: If the database should be kept: Provide for a communication, preferably by electronic means, of the data necessary to the Commission services and the National Authorities tailored for the needs of the data collection.

5.4. Do you consider that transferring the obligations to collect and publish noise data from the Commission to the Member States would improve the overall system including the quality of the available noise data?

○Yes (please state your reasons)

■No (please state your reasons)

CECE answer: This data base has not proven to be a success over the years with one centralised collection points. It is hard to figure out that collection by Member States will improve the system, it might be even worse as there will be 28 data collection points!

○ I don’t know

5.5. Do you consider the EU noise database as a useful tool to provide information on the noise emitted by equipment for use outdoors to the consumers and users?

○ Yes

■ No (please state your reasons)

CECE answer: For the reasons stated above. The experience shows that these data are always subject to severe criticism that makes their use almost impossible.

○ I don’t know

5.6. Is the database a useful tool for market surveillance by authorities?

Conflicting answers received

○ Yes

○ No (please state your reasons)

○ I don’t know

CECE remark: It could be a useful tool if the data quality is ensured. On the other hand, manufacturers will only provide declarations indicating conformity. In the end market surveillance must be done by actual inspection or audit of manufacturers to verify declarations.

5.7. Do you use the database as a tool to carry out your market surveillance activities? (Question to be included only in the questionnaire to the market surveillance authorities)

○ Yes

○ No (please state your reasons)

○ I don’t know

5.8. Do you consider the approach of collecting, publishing and analysing the noise data to be an **effective** method for Member States and the Commission’s further assessment of new technological developments (that could lead to a revision of the legislation, in accordance with **Article 20 of the Outdoor Noise Directive)?**

○ Yes

○ No (please state your reasons)

CECE answer: Partly because the data are too often subject to criticism due to lack of accuracy and partly because the data are generally obsolete once you come to use them. It will also depend on the range of equipment and type. The current way of measuring does not allow to identify all technological developments (e.g. for hybrid machinery you won’t see the gain with the current fixed measurement method. Also, there is no incentive for noise reduction, as per answered above.

○ I don’t know

5.9. Do you consider the approach of collecting, publishing and analysing the noise data to be an **efficient** method **overall taking into account the associated costs** for Member States and the Commission’s further assessment of the new technological developments that could lead to a revision of the legislation, in accordance with Article 20 of the Outdoor Noise Directive?

○ Yes

○ No (please state your reasons)

CECE answer: Partly because the data are too often subject to criticism due to lack of accuracy and partly because the data are generally obsolete once you want to use them. Making a study would be more efficient.

○ I don’t know

5.10. Do you consider there to be a case, possibly, for removing the notification requirements set out in Article 16 of the Outdoor Noise Directive in the future?

○ Yes

○ No (please state your reasons)

○ I don’t know

5.11. If you answered **yes** to the previous question, do you think that the abolition of the obligations set out in Article 16 of the Outdoor Noise Directive would lead to a reduction of the administrative burden without jeopardizing the effectiveness of the Directive?

CECE answer: Yes

5.12. Would you consider there to be any scope for the replacement of the obligations set out in Article 16 by other means to enable Member States and the Commission to assess the new technological developments that could lead to further legislative action?

○ Yes

○No (please state your reasons)

○ I don’t know

5.13. If you answered **yes** to the previous question, which of the following options would, in your view, be the best solution to collect and compare noise emission data in order to assess new technological developments that could lead to a revision of the legislation?

○ Carry out periodical independent technical studies to assess the state of the art and new technological developments

○Assessment of the level of noise emissions using the same approach followed in the Machinery Directive (creation of C-type standards for each type of equipment covered by the Outdoor Noise Directive, including comparative emission data for the categories of machinery in their scope)

○Other (please specify)

5.14. Do you think that the carrying out of periodical independent technical studies would be an **effective** way to assess the state of the art and new technological developments?

○ Yes (please state your reasons)

CECE answer: These studies normally manage to collect updated and representative data in a short time. These collections are normally supported by complete statistical analysis. However, an independent evaluation of the data should be ensured.

○ No (please state your reasons)

○I don’t know

5.15. In your opinion would the carrying out of periodical independent technical studies be an **efficient** way **overall, taking into account the associated costs,** to assess the state of the art and new technological developments?

○ Yes (please state your reasons)

CECE answer: A study is able to adapt the focus of the study on any new development in the market and will by this be more efficient. It will cause minimal bureaucratic costs for Member States and manufacturers with effective and up-to-date results.

○ No (please state your reasons)

○I don’t know

5.16. Do you think that the replacement of the obligations set out in Article 16 by the same approach followed in the Machinery Directive would be **effective** in reducing noise at source and allowing the comparison of data?

Question of CECE: There is no approach (data collection) in the MD, or is meant here that the MD should also have data collection? New database?

CEPS answer: According to item 1.5.8. of Annex I of the MD the level of noise emission may be assessed with reference to comparative data for similar machinery of the same family. To follow this ‘approach’ the noise emission for the machinery to be compared must be measured using the same test code. A method for comparing the noise emission data for machinery is set out in EN ISO 11687. However, the truth is that, currently, few data has been collected and more C-type standards including comparative data for the categories of the machinery in their scope need to be created in order to compare noise emission data of machinery falling under the scope of the MD.

○Yes

○ No

○ I don’t know

CECE answer: Article 16 is only about data collection, while this does not exist in the MD. The mechanism indicated in the Machinery Directive (Annex I, 1.5.8) has not had yet any practical application, so any comparison would be speculative.

5.17. In your opinion would having a similar approach to that set out in the Machinery Directive be **efficient overall taking into account the associated costs?**

○ Yes (please state your reasons)

○No (please state your reasons)

○ I don’t know

CECE answer: Article 16 is only about data collection, while this does not exist in the MD. The mechanism indicated in the Machinery Directive (Annex I, 1.5.8) has not had yet any practical application, so any comparison would be speculative.

**Section II – Policy options and Impact assessment questions**

1. Do you find it complex to reconcile the noise emission requirements of **both** directives?

Conflicting answers received

Question CECE: This seems to be a very important question but what is the exact intention of that question? What is the exact meaning of “to reconcile” in this question?

CEPS answer: What we are asking is if having to deal with two directives that more or less cover the same sorts of areas is difficult. In other words, do you find complex to comply with/to coordinate the requirements of both directives?

○Yes (please specify)

○ No

○ I have no opinion

CECE answer: The MD takes care of the urgent need to protect safety and health of operators on and in the vicinity of machinery. The priority, given the risks taken into account, is given to life, physical integrity and comfort. For the OND the priority is set on the environment, mainly people exposed to the machinery noise that have no direct involvement with the machine or its operation. The scopes are thus too far away. The OND is a ‘specific directive’ and therefore compliance with the OND means that no further measures are required under the MD with regard to the relevant risks. The EHSR of the MD is too general for manufacturers to be expected to take meaningful actions.

2. Does the compliance with both Directives cause **additional administrative burdens** (e.g., double paperwork**)**?

Question CECE: What is meant by additional: additional due to the different approach? Or do you mean additional cost due to duplication, overlap?

CEPS answer: Both.

○ Yes

CECE answer: Both directives have their own administrative burden, so there is double administration, but there is no administrative overlap.

○ No.

○ I don’t know

3. Does the compliance with both Directives bring **additional costs (e.g., double cost of testing)**?

○ Yes

○ No

○ I have no opinion

CECE answer: It depends on the type of equipment. The test methods of both directives are different, so there is a double cost. There are different administrative procedures for the two directives and separate technical files/information need to be compiled. However, this is not applicable to some of the equipment CECE is representing.

4. If you answered **yes** to question **two** could you, please indicate which of the following are the main cause(s) of **administrative burden**? (please indicate all of the options which apply)

○ having to provide noise information on the noise emissions (instructions, commercial documents, technical file, etc)

○ the obligation to comply with article 16 of the Outdoor Noise Directive (Noise Database)

○Others (please specify)

CECE answer: The need to comply with different conformity assessment regimes for the two directives.

5. On average, how many days per year in full-time equivalents do you spend to comply with the administrative requirements of the two Directives? It will depend on the product family but it can be quite expensive . examples are welcome

To be answered individually.

6. If you answered **yes** to question **three** could you, please indicate which of the following reasons are the main cause(s) of **additional costs**? (please indicate all of the options which apply)

○different approaches to reducing noise at source

○having to observe different measurement methods/test codes in order to comply with both directives

○having to provide noise labels

○having to comply with different conformity assessment procedures in order to comply with both directives

○Others (please specify)

7. Assuming that the current legislative framework on noise emissions from outdoor equipment should be revised, which of the following policy options do you prefer? (please rank the policy options in order of preference: 1 – favorite, 5 – least favorite)

Question CECE: The current legislative framework on noise for equipment outdoor = OND. So, it seems that for the policy options only the OND will be revised…?

It is not clear what is meant by policy option 3 (revision) policy option 4 (alignment), policy option 5 (merging), depending on what will be revised, what kind of alignment or what kind of merger, the costs, effectiveness etc. can go up or down.

The questions following (till 17.) are by this almost impossible to answer.

CEPS: The legislative framework on noise for outdoor equipment is currently contained in two directives: the OND and the MD. The health and safety requirements on noise emission are regulated in the MD and the environmental requirements in the OND. For that reason, when we refer the ‘current legislative framework on noise for outdoor equipment we are considering both Directives and not only the OND.

In policy option 3 only the OND will be revised. The MD in what concerns to health and safety requirements related to noise emission will not be touched. This means that, environmental aspects of noise emission from outdoor equipment will still be regulated in the ODN and health and safety requirements on noise emission (outdoor and indoor) in the MD.

In policy option 4 both directives will be revised and, although environmental aspects of noise emission from outdoor equipment will still be regulated in the ODN and health and safety requirements on noise emission in the MD, the revision of the directives will promote the alignment and coordination btw the requirements of both directives (as, for instance, is being done with the General Products Safety Directive and the Regulation N. 765/2008).

In policy option 5 (merge the Noise Directive in the Machinery Directive) the OND will be repealed and all the requirements related to noise emission will be regulated in the MD. In what precise terms that will be done (i.e. if we will have a different regime/requirements to outdoor and indoor equipment; what kind of noise levels will be taken into consideration; if some of the current requirements and provisions of the OND will be transferred to the MD, etc) is not possible to precise in this moment. The objective of this study (mainly section I) and further consultation that eventual the Commission will conduct is precisely to know the view of the stakeholders on these points.

○**Policy option 1**: No change: **3**

○ **Policy option 2**: Repealing the existing legislation: **5**

○**Policy option 3**: Revision of the Outdoor Noise Directive (in this policy option only the Outdoor Noise Directive will be revised): **1**

CECE remark: On the condition that the revision of the ODN is towards the New/Global approach.

○ **Policy option 4**: Alignment of the two legislative acts (in this case both Directives – the Outdoor Noise Directive and the Machinery Directive will be revised in order to align the requirements of both directives): **2**

○**Policy option 5**: Merger of the Outdoor Noise Directive with the Machinery Directive (this implies that all of the provisions to regulate noise emissions from outdoor equipment will be contained within the Machinery Directive and the Outdoor Noise Directive will be repealed): **4**

8. In the case of policy option 5 (merger of the Outdoor Noise Directive with the Machinery Directive) do you think that having a single regime for noise emissions of outdoor and indoor equipment/machinery would bring benefits?

CECE question: We do not know which single regime will be kept?

CEPS answer: ‘Single regime’ here simply means option 5, might have been better expressed in hindsight as ‘unified regime’

○Yes (please state your reasons)

CECE answer: A single conformity assessment procedure and a single technical file would be a benefit, provided that the requirements in the merged directive did not become more stringent and burdensome than the current requirements.

○No (please state your reasons)

○ I don’t know

9. Which of the following policy options would, in your opinion, bring the highest **additional savings**?

Question CECE: It is not clear what is meant by “savings” and to whom? If savings is “money” it’s option 2, but this would not be beneficial to society. Is environmental cost is also included in “savings”?

CEPS answer: Monetary savings for all the parts involved.

○Policy option 1

○Policy option 2

○Policy option 3

○Policy option 4

○Policy option 5

10. Could you please try to quantify the **additional savings** of your preferred option in the previous question?

□ 0 – 1%

□ 1% - 5%?

□ 5% - 10%

□ Above 10%

CECE remark: To be answered individually.

11. Which of the following policy options would, in your opinion, bring more **additional costs?**

○Policy option 1

○Policy option 2 1 (CECE remark: This would probably involve manufacturers in separate compliance regimes in each Member State).

○Policy option 3

○Policy option 4

○Policy option 5 1

12. Could you please try to quantify the **additional costs** of your preferred option in the previous question?

Preferred option is the worst option we presume

□ 0 – 1%

□ 1% - 5%

□ 5% - 10%

□ Above 10% if product range extended to all machinery ?

CECE remark: To be answered individually.

1. Which of the following policy options will be in your opinion most **cost-efficient**? (please, rank: 1 = Not at all, 5 = very much)

○Policy option 1 3

○Policy option 2 1

○Policy option 3 5

○Policy option 4 2

○Policy option 5 2

1. Which of the following policy options will, in your view, contribute the most to the **simplification** of the current regulatory framework? (please, rank: 1 = Not at all, 5 = very much)

○Policy option 1 3

○Policy option 2 1

○Policy option 3 5

○Policy option 4 2

○Policy option 5 2

1. Which of the following policy options will reduce the **administrative burden to the largest extent**? (please, rank: 1 = Not at all, 5 = very much)

○Policy option 1 3

○Policy option 2 1

○Policy option 3 5

○Policy option 4 2

○Policy option 5 2

1. Which of the following policy options will have the least impact on **small and medium enterprises** in terms of costs? (please, rank: 1 = Not at all, 5 = very much)

○Policy option 1 3

○Policy option 2 1

○Policy option 3 5

○Policy option 4 2

○Policy option 5 3

1. Which of the following policy options will bring the most benefits to small and medium enterprises in terms of the reduction of **administrative burdens** and **simplification of the current regulatory framework**? (please, rank: 1 = Not at all, 5 = very much)

○Policy option 1 3

○Policy option 2 1

○Policy option 3 5

○Policy option 4 2

○Policy option 5 3

18. At present the OND has no equivalent provisions to Article 11 (‘safeguard clause’) of the Machinery directive. If either of policy options 3 and 4 were to be adopted, i.e. the OND would be retained in some form of independent capacity, do you think that the introduction into a revised OND of a safeguard clause would be beneficial?

○ Yes (please state your reasons)

○ No (please state your reasons)

○ I don’t know

CECE answer: The MD and the ODN should be aligned with the NLF, including safeguard clause, market surveillance, etc.

Thank you for completing this questionnaire. If there are any other comments about this subject matter which you would like to make, but have not been able to link them to any of your specific answers above, then please feel free to use the space below for this purpose.

1. The exposure of workers to noise is regulated in the Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16 (1) of the Directive 89/391/EEC).

This Directive sets out exposure limit values and exposure action values with respect to the daily noise exposure levels and peak sound pressure levels of workers. [↑](#footnote-ref-1)
2. The manufacturer approach to preventing risks due to noise emission must take into account the principles of safety integration set out in section 1.1.2. of Annex I of the Machinery Directive. This means that priority must be given to reducing noise at source. Secondly, priority should be given to integrating protective measures that aim to complete the measures for noise reduction at source. Finally, priority must be given to informing the users about residual noise emissions, allowing them to take the necessary protective measures. [↑](#footnote-ref-2)
3. The assessment of conformity with internal checks on the manufacture of machinery, referred in Annex VIII or EC type-examination procedure provided in Annex IX, plus the internal checks on the manufacturer of machinery provided for in Annex VIII, point 3 or the full quality assurance procedure, provided for in Annex X. [↑](#footnote-ref-3)
4. The EC type-examination procedure provided in Annex IX, plus the internal checks on the manufacturer of machinery provided for in Annex VIII, point 3 or the full quality assurance procedure, provided for in Annex X. [↑](#footnote-ref-4)