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

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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[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(3)],

Whereas:

(1) Within the framework of the internal market, requirements for the noise emission by equipment for use outdoors have to be harmonised in order to prevent obstacles to the free movement of such equipment. Reducing permissible noise levels for such equipment will protect the health and well-being of citizens as well as protect the environment. The public should also be provided with information on the noise emitted by such equipment.

(2) Community legislation concerning noise emission by equipment for use outdoors has consisted to date of the following nine directives covering some types of construction machinery and lawnmowers: Council Directive 79/113/EEC of 19 December 1978 on the approximation of the laws of the Members States relating to the determination of the noise emission of construction plant and equipment[(4)], Council Directive 84/532/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to common provisions for construction plant and equipment[(5)], Council Directive 84/533/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power lever of compressors[(6)], Council Directive 84/534/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of tower cranes[(7)], Council Directive 84/535/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of welding generators[(8)], Council Directive 84/536/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of power generators[(9)], Council Directive 84/537/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible

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sound power level of powered hand-held concrete-breakers and picks[10], Council Directive 84/538/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of lawnmowers[11] and Council Directive 86/662/EEC of 22 December 1986 on the limitation of noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders[12], hereinafter referred to as 'existing Directives'; these Directives lay down the requirements with regard to permissible noise levels, noise test codes, marking and conformity assessment procedures for each type of equipment separately. A simplification of this legislation and the creation of a framework for the reduction of noise emission by equipment for use outdoors is appropriate.

(3) This Directive is based on the principles and concepts set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards[13]. The aforementioned principles have been further developed in the Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedure and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives[14].

(4) The Fifth Environmental Action Programme attached to the resolution of 1 February 1993[15] identifies noise as one of the most pressing environmental problems in urban areas and the need to take action with regard to various noise sources.

(5) In its Green Paper 'Future Noise Policy', the Commission addressed noise in the environment as one of the main local environmental problems in Europe, and announced its intention to propose a framework directive to control noise emission by equipment for use outdoors.

(6) Member States should ensure that equipment covered by this Directive complies with the requirements thereof when placed on the market or put into service in the Member States. Requirements protecting workers by regulating the use of outdoor equipment are not affected by this Directive.

(7) Member States should not prohibit, restrict or impede the placing on the market or putting into service in their territory of equipment which complies with the requirements of this Directive, bears the CE marking and the indication of the guaranteed sound power level and is accompanied by an EC declaration of conformity.

(8) The manufacturer or his authorised representative established in the Community should be responsible for ensuring that the equipment is in conformity with the provisions of this Directive and of any other directives that apply to it. The manufacturer or his authorised representative established in the Community should affix the CE marking and the indication of the guaranteed sound power level to the equipment and ensure that the equipment is accompanied by an EC declaration of conformity in order to certify thereby that the equipment is in conformity with the provisions of this Directive and any other pertinent directives.

(9) Member States, if necessary in cooperation with other Member States, should take all appropriate measures to ensure that non-complying equipment will comply in future or is withdrawn from the market. A sound implementation and application of this Directive

is indispensable to meet the objectives of this Directive. A closer cooperation in the market surveillance by means of a continuous exchange of information is necessary. Therefore a Committee should be established.

(10) Marking of equipment for use outdoors with its guaranteed sound power level is essential in order to enable consumers and users to make an informed choice of equipment and as a basis for regulation on use or economic instruments to be adopted at the local or national level. This marking must be clear and unambiguous. The indicated values should be guaranteed by the manufacturer. It is appropriate that the indication of the noise emission in the form of the guaranteed sound power level should accompany the CE marking. A unified, fixed procedure to assess noise emission values is an indispensable condition for reliable marking.

(11) Existing directives concerning compressors, tower cranes, welding and power generators, and concrete-breakers and picks require the Commission to submit proposals to reduce the permissible noise levels. Noise reduction technology for some other equipment for use outdoors (e.g. graders, loader-type landfill compactors, dumpers, combustion-engine driven counterbalanced lift trucks, mobile cranes, builders' hoists, construction winches, compaction machines, paver-finishers and hydraulic power packs) is available but not generally used. Surveys show that the noise emission values of equipment for use outdoors of the same power currently on the market can differ by more than 10 dB. It is appropriate to reduce noise emissions by equipment subject to noise limits down to the level of the better performers on the market today in two stages, in order to allow manufacturers who do not already comply with the requirements sufficient time to adapt their equipment to the more demanding limit values.

(12) Different conformity assessment procedures may be considered appropriate for different categories of equipment. Decision 93/465/EEC offers different modules for use in conformity assessment procedures. For equipment subject to permissible sound power levels, a procedure consisting of an involvement of a notified body for checking the conformity with the provisions of this Directive in the design and the production phase is considered to be appropriate. Self certification is considered appropriate for equipment subject to noise marking only. Monitoring is indispensable.

(13) The technical and administrative standards of notified bodies throughout the Community should be the same. This can only be achieved by setting minimum criteria they have to meet.

(14) The collection of noise data is considered to be indispensable as a basis for informed consumer choice and for the Member States' and the Commission's further assessment of new technological development and the need for further legislative action. These noise data can be collected by simply sending a copy of the EC declaration of conformity to the Member State and the Commission.

(15) In order to protect citizens against unreasonably high noise exposure, Member States should be able to restrict, in accordance with the provisions of the Treaty, the use of equipment in the environment.

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(16) The technical provisions concerning the measurement methods must be supplemented and adapted as necessary to technical progress and the progress in European standardisation. The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[16].

(17) It is important to have lower noise emission limits for lawnmowers and lawn trimmers/lawn edge trimmers which have remained unchanged since the adoption of Directive 84/538/EEC. To give guidance to industry, indicative figures for lower limits should be introduced for stage II. The Commission should submit a report to the European Parliament and the Council on whether and to what extent technical progress allows a reduction of limit values for lawnmowers and lawn trimmers/lawn edge trimmers, and, if appropriate, submit a proposal to amend this Directive.

(18) This Directive replaces the existing directives; the existing directives must be repealed when the requirements of this Directive come into force. Transitional periods are necessary to allow a smooth transition from the existing directives to this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Objectives

The aim of this Directive is to harmonise the laws of the Member States relating to noise emission standards, conformity assessment procedures, marking, technical documentation and collection of data concerning the noise emission in the environment of equipment for use outdoors. It will contribute to the smooth functioning of the internal market, while protecting human health and well-being.

Article 2

Scope

1 This Directive applies to equipment for use outdoors listed in Articles 12 and 13 and defined in Annex I. This Directive only covers equipment that is placed on the market or put into service as an entire unit suitable for the intended use. Non-powered attachments that are separately placed on the market or put into service shall be excluded, except for hand-held concrete-breakers and picks and for hydraulic hammers.

2 The following shall be excluded from the scope of this Directive:

— all equipment primarily intended for the transport of goods or persons by road or rail or by air or on waterways,

— equipment specially designed and constructed for military and police purposes and for emergency services.

Article 3

Definitions

For the purpose of this Directive the following definitions shall apply:

(a) 'equipment for use outdoors' means all machinery defined in Article 1(2) of Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery[17] which is either self-propelled or can be moved and which, irrespective of the driving element(s), is intended to be used, according to its type, in the open air and which contributes to environmental noise exposure. The use of equipment in an ambience where the transmission of sound is not or not significantly affected (for instance under tents, under roofs for protection against rain or in the shell of houses) is regarded as use in the open air. It also means non-powered equipment for industrial or environmental applications which is intended, according to its type, to be used outdoors and which contributes to environmental noise exposure. All these types of equipment are hereinafter referred to as 'equipment';

(b) 'conformity assessment procedures' means the procedures laid down in Annexes V to VIII, based on Decision 93/465/EEC;

(c) 'marking' means the visibly, legibly and indelibly affixing on the equipment of the CE marking defined in Decision 93/465/EEC accompanied by the indication of the guaranteed sound power level;

(d) 'sound power level L_{WA}' means the A-weighted sound power in dB in relation to 1 pW as defined in EN ISO 3744:1995 and EN ISO 3746:1995;

(e) 'measured sound power level' means a sound power level as determined from measurements as laid down in Annex III; measured values may be determined either from a single machine representative for the type of equipment or from the average of a number of machines;

(f) 'guaranteed sound power level' means a sound power level determined in accordance with the requirements laid down in Annex III which includes the uncertainties due to production variation and measurement procedures and where the manufacturer, or his authorised representative established in the Community, confirms that according to the technical instruments applied and referred to in the technical documentation it is not exceeded.

Article 4

Placing on the market

1 Equipment referred to in Article 2(1) shall not be placed on the market or put into service until the manufacturer, or his authorised representative established in the Community, ensures that:

— the equipment satisfies the requirements concerning the noise emission in the environment of this Directive,

— the conformity assessment procedures referred to in Article 14 have been completed,