EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 95/27/EC

of 29 June 1995

amending Council Directive 86/662/EEC on the limitation of noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal of 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 189b of the Treaty [3] in the light of the joint text approved by the Conciliation Committee on 11 May 1995,

Whereas within the framework of the internal market, requirements for noise emissions of hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders, hereinafter referred to as 'earth-moving machines' have to be harmonized, while a high level of protection for the environment has to be achieved without creating obstacles to the free movement of earth-moving machines;

Whereas Directive 86/662/EEC [4] provides for the EC type-examination of earth-moving machines, used to perform work on civil engineering and building sites, and whereas that Directive also lays down limits for noise levels and a test method;

Whereas earth-moving machines above 500 kW are predominantly used in quarries and mines and whereas it is therefore deemed appropriate to exclude these machines from the scope of the Directive;

Whereas Directive 86/662/EEC does not provide for permissible sound levels applicable in the period beginning six years after its entry into force, but envisages that after 1994 revised permissible sound levels shall be so determined that their effect on the environment is reduced by approximately 3 dB according to the category of power and type of machine;

Whereas the extension of the validity of Article 3 (1) (a) of Directive 86/662/EEC up to 29 December 1996 and the certificates granted under it up to 29 December 1997 ensure that the industry has sufficient time to prepare itself to the new permissible sound-power levels;

Whereas the reduction of the permissible noise levels, to be achieved at stage 1, corresponds to approximately 4 dB compared to existing standards and is aimed at achieving a high level of protection as far as health and environmental protection are concerned;

Whereas, as technology is evolving and in order to give the appropriate signals to the industries concerned, further reductions of the admissible noise levels have to be laid down for a second stage, subject, however, to reconsideration, where necessary in the light of the progress made;

Whereas the revised test method to be applied after 29 December 1996 has been established according to Directive 86/662/EEC;

Whereas an agreement on a '*modus vivendi*' between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty was reached on 20 December 1994;

HAVE ADOPTED THIS DIRECTIVE;

Article 1

Directive 86/662/EEC is hereby amended as follows:

1. In Article 1 (1), the full stop at the end shall be changed to a comma and the following shall be added: '... as long as their installed power is below 500 kW.'

2. Article 3 shall be replaced by the following:

'*Article 3*

1. The approved bodies shall issue an EC type-examination certificate for every type of earth-moving machine referred to in Article 1 (1):

(a) up to and including 29 December 1996, where the sound-power level of airborne noise emitted in the environment measured under the

[1] OJ No C 157, 9. 6. 1993, p. 7.
[2] OJ No C 304, 10. 11. 1993, p. 32.
[3] Opinion of the European Parliament of 14 July 1993 (OJ No C 255, 20. 9. 1993, p. 70). Council common position of 8 June 1994 (OJ No C 213, 3. 8. 1994, p. 5) and European Parliament Decision of 16 November 1994 (OJ No C 341, 5. 12. 1994, p. 74).
[4] OJ No L 384, 31. 12. 1986, p. 1. Directive as amended by Commission Directive 89/514/EEC. (OJ No L 253, 30. 8. 1989, p. 35).

conditions of stationary operation set out in Annex I to Directive 79/113/EEC, as amended by Directive 81/1051/EEC and supplemented by Annex I to this Directive, does not exceed the permissible level L_{WA} in dB(A)/1 pW specified with reference to the net installed power P in kW in the following table:

Net installed power P in kW (*)	Permissible sound power level L_{WA} in dB(A)/1 pW
$P \leq 70$	106
$70 < P \leq 160$	108
$160 < P \leq 350$	
(a) hydraulic and rope-operated excavators	112
(b) other earth-moving machines	113
$P > 350$	118

(*) As defined in Section 6.2.1 of Annex I (the value of installed power shall be rounded to the nearest whole kW).

(b) as from 30 December 1996 and up to and including 29 December 2001, where the sound-power level of airborne noise emitted in the environment measured under the conditions of real dynamic operation set out in Annex I to Directive 79/113/EEC, as amended by Directive 81/1051/EEC and supplemented by Annex II to this Directive, does not exceed the permissible sound-power level L_{WA} in dB(A)/1 pW specified with reference to the net installed power in kW (*) as follows:

(i) tracked machines, (except excavators): $L_{WA} = 87 + 11 \log P$

(ii) wheeled dozers, loaders, excavator-loaders: $L_{WA} = 85 + 11 \log P$

(iii) excavators: $L_{WA} = 83 + 11 \log P$.

These formulae are only valid for values greater than the lowest sound-power levels for the three types of machine shown in the table below. These lowest sound-power levels correspond to the lowest values of net installed power for each type of machine. For net installed powers below these values, the permissible sound-power levels are given by the lowest level shown in the table (see Annex VII).

Type of machine	Lowest sound-power level in dB(A)/1 pW
tracked machines (except excavators)	107
wheeled dozers, loaders, excavator-loaders	104
excavators	96

the measured sound-power level and the permissible sound-power level shall be rounded to the nearest whole number (less than 0,5 use lower number; greater than or equal to 0,5 use higher number)

(c) as from 30 December 2001, where the sound-power level of airborne noise emitted in the environment measured under the conditions of real dynamic operation set out in Annex I of Directive 79/113/EEC, as amended by Directive 81/1051/EEC and supplemented by Annex II to this Directive, does not exceed the permissible sound-power level L_{WA} in dB(A)/1 pW specified with reference to the net installed power P in kW (*) as follows:

(i) tracked machines (except excavators): $L_{WA} = 84 + 11 \log P$

(ii) wheeled dozers, loaders, excavator-loaders: $L_{WA} = 82 + 11 \log P$

(iii) excavators: $L_{WA} = 80 + 11 \log P$.

These formulae are only valid for values greater than the lowest sound-power levels for the three types of machine shown in the table below. These lowest sound-power levels correspond to the lowest values of net installed power for each type of machine. For net installed powers below these values, the permissible sound power levels are given by the lowest level shown in the table (see Annex VII).

Type of machine	Lowest sound power level in dB(A)/1 pW
tracked machines (except excavators)	104
wheeled dozers, loaders, excavator-loaders	101
excavators	93

the measured sound power level and the permissible sound power level shall be rounded to the nearest whole number (less than 0,5 use lower number; greater than or equal to 0,5 use higher number)

(*) As defined in Section 6.2.1 of Annex I (the value of installed power shall be founded to the nearest whole kW).