

**Opinion of the European Economic and Social Committee on the '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'**

(COM(2005) 370 final — 2005/0149 (COD))

(2006/C 28/23)

On 16 September 2005 the Council decided, under Article 95 of the Treaty establishing the European Community, to consult the European Economic and Social Committee on the abovementioned proposal.

On 27 September 2005, the Bureau of the European Economic and Social Committee instructed the Section for Agriculture, Rural Development and the Environment to prepare the Committee's work on the subject.

Given the urgent nature of the work, the European Economic and Social Committee appointed Mr Pezzini as rapporteur-general at its 421st plenary session, held on 26 and 27 October 2005 (meeting of 27 October) and adopted the following opinion by 81 votes to one, with 3 abstentions.

## 1. Conclusions and recommendations

1.1 The European Economic and Social Committee (EESC) warmly welcomes the Commission proposal to modify Directive 2000/14/EC ('noise directive') <sup>(1)</sup>.

1.2 The EESC takes the opportunity to emphasise that the main sources of noise, in the construction industry and in gardening activities and forestry, are indeed the various types of equipment listed in Directive 2000/14/EC, and that the technical information and guarantees provided by manufacturers are crucial to the employer in terms of noise management.

1.3 The EESC also stresses the future importance of full implementation of Directive 2000/14/EC to the containment of environmental noise, when public and private contracting authorities begin to insert requirements regarding low-noise machinery into their specifications.

1.4 The EESC points out that harmonised standards are in place for measuring noise emissions. The Noise Directive (2000/14/EC) is based on the principles and concepts underpinning the new approach to technical harmonisation and standardisation, as set out in the Council Resolution of 7 May 1985 <sup>(2)</sup> and in the Council Decision 93/465/EEC of 22 July 1993 <sup>(3)</sup>.

## 2. Reasons

2.1 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').

2.2 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.

2.3 The Directive set 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.

2.3.1 For those 22 types of equipment where permissible sound power levels apply there were 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').

2.3.2 The 'WG7' <sup>(4)</sup> working group, appointed by the Commission, 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.

2.3.3 For this reason, the Commission is proposing to consider the stage II permissible sound power levels for the above equipment as indicative only. Definitive figures will depend on amendment of the Noise Directive following the report foreseen in Article 20.

2.4 In the absence of any such amendment, the figures for stage I will continue to apply for stage II.

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

<sup>(2)</sup> OJ C 136, 4.6.1985, p. 1.

<sup>(3)</sup> OJ L 220, 30.8.1993, p. 23.

<sup>(4)</sup> Working Group on Outdoor Equipment (group of experts established by the Commission Services).

### 3. General comments

3.1 While expressing a positive opinion on the proposal for amending Directive 2000/14/EC it is important to emphasise **two important points**:

3.2 The **first point** concerns the need to uphold and reaffirm the line taken in Directive 2000/14/EC, in that this modifying proposal completes the existing set of Community measures concerning noise emitted by the major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery, and provides a basis for developing additional measures, in the short, medium and long term.

3.2.1 The directive should be considered alongside other legislation on the noise emission of certain categories of machinery:

- Council **Directive** 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles;
- Council **Directive** 77/311/EEC of 29 March 1977 on the approximation of the laws of the Member States relating to the driver-perceived noise level of wheeled agricultural or forestry tractors;
- Council **Directive** 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft and its complementary directives;
- Council **Directive** 92/61/EEC of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles;
- 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.

3.2.2 Before environmental policy was set, efforts to provide protection from noise were directed not only towards the environment, but particularly towards the implementation of the principles of free competition and the free movement of goods <sup>(5)</sup>.

<sup>(5)</sup> See the Court of Justice ruling of 12 March 2002, cases C-27/00 and C-122/00.

3.2.3 In this proposal, environmental protection requirements seem to fit well with the need to safeguard the free market.

3.3 **The second point** concerns the consistency of the proposal with the EU's various programmes, actions and objectives regarding environmental and health protection/protection from noise.

3.3.1 A high level of health and environmental protection must be attained through EU policy and, to this end, one of the objectives that must be pursued is protection from noise.

3.3.2 In its *Green Paper on Future Noise Policy*, the Commission identifies noise as one of the main environmental problems in Europe.

3.4 The Commission proposal ties in with the measures taken to implement the action plans and European environment and health strategy set out in the Council conclusions of 27 October 2003.

3.4.1 It should be pointed out that the EU previously took action against noise pollution by means of Directive 2002/49. This highly important directive regulates and specifies the criteria for determining an acceptable environmental noise threshold.

3.5 The EU institutions established **common assessment methods**, including the notion of limit values. It is up to Member States to establish such values in relation to various urban areas and to coordinate this with national legislation.

3.5.1 The adoption of common monitoring criteria was vital because otherwise, noise thresholds set may have varied from one Member State to another, with the possibility that in some countries certain motor vehicles or aircraft may have been prohibited from passing through, or that restrictions may have been placed on the use of certain vehicles.

3.6 Directive 2002/49 aims to combat noise pollution, establishing as a priority the need to eliminate the harmful effects of exposure to environmental noise.

3.6.1 With regard to exposure to **high levels of noise in the workplace**, which can cause irreversible damage to hearing and even cause accidents at work, the following prominent directives set minimum health and safety requirements:

- Council **Directive 89/391/EEC** of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.
- **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 risks arising from physical agents (**noise**).

- Council **Directive 89/655/EEC** of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace. For all workplaces in which noise is generated, this directive states that employers must manage operations in such a way as to minimise exposure, particularly through the use of low-noise machinery, by carrying out checks at source and by consulting workers.

Brussels, 27 October 2005.

The President  
of the European Economic and Social Committee  
Anne-Marie SIGMUND

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