



FEM views on the Outdoor Noise Directive review

Brussels, 27th September 2016

FEM is the European federation representing manufacturers of materials handling, lifting and storage equipment. Several types of FEM equipment are affected by the Outdoor Noise Directive (2000/14/EC), notably industrial trucks, mobile elevating work platforms, cranes & lifting equipment hoists and conveyor belts. Therefore, FEM would like to provide its views on the Outdoor Noise Directive (OND) in the context of the review process.

1. Taking into consideration the overall framework

It is of the utmost importance to take into account the impact of new regulatory requirements on the competitiveness of the European industry throughout the revision process. The European materials handling industry is a world leader. Nearly 50% of our production value goes to exports outside the EU and our trade balance is largely positive. This means our manufacturers are increasingly competing with non-EU manufacturers on external markets.

In this context, it is important to point out that only a few countries, such as Brazil and Canada, address the issue of noise emissions of machinery. Therefore, meeting low noise requirements in Europe provides no competitive advantage on other markets where noise is ignored. This reality must be considered in order to preserve our companies' competitiveness on external markets and their world leader position.

2. Ensuring a coherent and stable legislative framework

Complying with requirements from different pieces of legislation affecting machinery manufacturers results in a technical challenge, which consumes substantial R&D resources. Therefore, a stable and coherent legislative framework is necessary for companies to plan their investments in order to remain competitive and continue to create jobs in Europe.

Two key pieces of legislation are particularly relevant for machinery manufacturers, namely the revised engine exhaust emissions Regulation for NRMM (revised 97/68/EC) which sets stricter exhaust emissions limits, and the Machinery Directive (2006/42/EC) which is currently under review.

Noise and exhaust emission requirements often entail conflicting challenges and therefore additional technical constraints. Consequently, FEM believes that at least 3 years of stability are required between the implementation of two sets of legislative requirements. Such a transition period is necessary to continue dedicating some R&D resources to innovation, thus maintaining the competitiveness of the European materials handling industry.

3. Enabling self-certification for all equipment types

FEM strongly supports the application of self-certification to all equipment types, including both Article 12 and Article 13 equipment. Manufacturers gained experience in measuring noise emissions through implementation of the OND and also other pieces of legislation such as the Machinery Directive. Indeed, the current OND already recognises that manufacturers can measure sound emissions for equipment subject to noise limits, but results are still checked by the notified bodies.

In addition, self-certification will reduce the administrative burden, the time required to place new equipment on the market, as well as costs for manufacturers and, consequently, for end-users. Enabling self-certification for all equipment types is also in line with the present objective to align the OND with the New Legislative Framework.

4. Ensuring proper market surveillance

While manufacturers ensure that their equipment maintains the highest level of safety, they expect effective and efficient market surveillance. This is of the utmost importance since market surveillance is the only way to maintain a level playing field in the EU internal market.

Market surveillance guarantees that equipment placed on the market meets minimum requirements and ensures that safety and environmental regulatory objectives are achieved. Proper market surveillance cannot be replaced by third party certification. Indeed, third party certification neither enhances equipment compliance, nor guarantees a level playing field.

5. Maintaining current scope and noise limits

FEM calls for maintaining the current OND scope and noise limits for materials handling, lifting and storage equipment. However, some types of equipment, notably construction winches, should be removed from the scope due to the very low number of items on the market and the resulting disproportionality between compliance costs and impact on the environment.

In addition, FEM suggests modifying test codes for some equipment types, such as cranes and lift trucks. When a modification of the test code impacts the measured noise limit value, the latter should be revised to preserve the stringency level in line with the current legislation.

For any modification or new limit value, the European legislators should properly take into account new stages of the revised engine exhaust emissions Regulation for NRMM (revised 97/68/EC), and also manufacturing and product investment cycles.

6. Transferring measurement methods in implementing acts

FEM supports transferring measurement methods in implementing acts referring to standards or ensuring a mandatory use of standards. This will facilitate necessary changes in measurement methods according to technological progress.

If no standard exists, the implementing act should include the details of the test codes or give a mandate to standardisation bodies to develop the necessary standard.

As regards uncertainties, FEM believes they should be addressed in standards, instead of in the OND itself. Considering the fact that there is no generic value for all equipment, this issue should be tackled by individual type of equipment on a case-by-case basis.

7. Maintaining the current labelling

FEM believes there is no need to improve labelling requirements. The current noise label has been used for around 15 years and is well understood by manufacturers and consumers. Modifying noise marking may lead to unnecessary confusion.

8. Removing the database

Data collection and the Article 16 database should be abolished to reduce the administrative burden for both the industry and the European Commission. The current EU database is incomplete and contains many errors that lead to an inaccurate picture of the current market for FEM products and, we understand, for other machine families.

FEM suggests replacing data collection by an indication of the noise level in sales literature of the equipment placed on the market.

9. Adopting a Regulation

FEM supports the adoption of a Regulation (instead of a Directive) since it will contribute to a coherent and homogeneous application of the requirements in all EU Member States. Indeed, a Regulation contributes to a level playing field since it reduces room for interpretation when applied at national level.

10. Addressing hybrid machines

FEM agrees that hybrid machines should be addressed in the context of the ongoing review process on the basis of the work already done in the Commission's Working Group.