



## **Questionnaire on the Study on Merger of the Noise Outdoor Equipment Directive with the Machinery Directive**

### **FEM REPLY**

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 IS FRIDAY 14 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 Independent expert
- Other (please, specify)

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

Created in 1953, the European Materials Handling Federation ([www.fem-eur.com](http://www.fem-eur.com)) represents, defends and promotes European manufacturers of materials handling, lifting and storage equipment. FEM speaks for 15 members representing some 1,000 companies (mostly SMEs) employing 160,000 people directly and with an annual turnover of more than €50 billion (2011).

3. 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

4. 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

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

Yes (please indicate your email address and telephone number)

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No

## 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<sup>1</sup> 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

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<sup>1</sup> 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.

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).<sup>2</sup> 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.

1.1. 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)

No (please state your reasons)

I have no opinion

For article 12 equipment, a meaningful reduction at source has been brought. For this equipment process noise is becoming predominant.

1.2. 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)

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<sup>2</sup> 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.

No (please state your reasons)

I don't know

It should be noted that although the noise limit has not changed for some years, efforts have been made by manufacturers to keep or reduce the level and this despite the introduction of other regulations impacting on noise, in particular Directive 97/68/EC on exhaust emissions from non-road mobile machinery. In addition the third party certification may be disproportionate, especially for some types of equipment like mobile crane where a unit verification procedure needs to be used.

1.3. 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)

Particular consideration must be given to hybrid machines. Moreover, depending on the test code adopted, noise from the machine and process noise are mixed when a clear distinction is necessary.

1.4. 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)

I don't know

This question is difficult to answer as it depends on the type of machines and the location of the operator. When the operator is in the vicinity of the machine or in a cabin, the efforts are not conducted in the same way.

1.5. 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)

I don't know

1.6. 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?

Yes (please state your reasons)

No (please state your reasons)

I don't know

The approaches of the 2 Directives are totally different.

## 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?

Yes

No (please state your reasons)

I don't know

Despite the fact that consumers and users do not have a clear understanding of the information, the given values can be compared.

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

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

X 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?

- Yes (please state your reasons)

X No (please state your reasons)

- I have no opinion

Machinery directive is not based on the same principle as OND; the information is given in the instruction handbook which enables to give more detail if necessary.

## 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?

- Yes

No (please state your reasons)

I don't know

The declaration is issued together with the machine so it is not available during the choice of the machines. In addition it is uncertain whether consumers/users understand this information easily.

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)

I don't know

This question has no link with the target of this questionnaire. Noise emission information given under machinery directive and OND are based on a test code which is different from the noise emitted during 8h in real use of the machines.

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?

Yes

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:

kept

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)

Extended (please specify and state your reasons)

X I have no opinion

“Noise emission declaration” is confusing as it can refer to the declaration of conformity or to the information about the noise level. The content of the declaration of conformity given in 2000/14/EC can be reduced. The information about noise in machinery directive should be revised to delete the uncertainties.

### **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:

X kept

- 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)

Information in the instruction handbook is more effective as it remains with the machine.

I don't know

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

See above

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:

kept

removed (please state your reasons)

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

I have no opinion

The information on noise emissions includes various elements. Some are useful, some are not. It is important to keep the name of the notified body when it exists. The values of noise emission should be transferred in the instruction handbook.

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)

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)

X I don't know

The purpose of this question is not clear. If the demonstration is for the users, the answer is no as they do not have access to the technical file. If the demonstration is for market surveillance, the answer is yes.

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?

X 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:

**X 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:

**X 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)

**X I don't know**

**The question is not clear. The technical file should include the information related to the requirement of the directive.**

### **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.

### 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**?

**Yes** (please state your reasons)

No (please state your reasons)

I don't know

As far as there is an obligation to have values which are comparable for machines belonging to the same family and with permissible values, it is important to have clear mandatory test method and test codes. The test code can be in the standards or in the directive but the directive should include a tool giving the possibility to update them when necessary.

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)

I don't know

If the costs are referred to the tests to carry out, this depends on the machines and the test code. Costs increase when a notified body is involved and when the machine samples are not available at the same time, so more than one test session is needed.

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)

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?

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)

I don't know

FEM agrees to have the method of measurement in standards as all stakeholders can participate to the development of the standards and the test code can be adapted as required in short time. FEM is not in favour of having them with voluntary application when the target of the directive is to be able to have comparison of the values for machines belonging to the same family and with permissible values. The values are directly linked to the method of measurement.

## 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)

No (please state your reasons)

I don't know

**This is in line with the philosophy of the Machinery Directive**

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)

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) if really the methods are different.

I don't know

**As a general principle, the methods for measurement for both directives are the same.**

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)

I don't know

**Different approaches must be avoided.**

## 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),<sup>3</sup> 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.<sup>4</sup>

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

**There is no real need to go through a notified body. EU manufacturers have indeed enough experience and technical knowledge to avoid a Notified Body monitoring their measurement procedures.**

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?

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<sup>3</sup> 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.

<sup>4</sup> 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.

Yes

- 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)

- I don't know

There is no reason to have different conformity assessment for Article 12 and Article 13 machines. In both cases, the manufacturer has to declare a guaranteed value.

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?

- 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):

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?

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)

The transfer of a DoC is not a good solution as their presentation is not harmonized and cannot be harmonised. Another burden lies in the provision of one declaration to the national authority and another to the EU database.

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)

I don't know

It will not change anything and make manufacturer / Commission / Member States' task even more complicated

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)

I don't know

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

Yes

No (please state your reasons)

It is not a useful tool because of its poor quality

I don't know

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)

The data are in any case not enough to evaluate the possibility to revise the legislation

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)

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?

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)

- 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)

- 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?

- Yes

No

I don't know

The result would be the same for one Directive or the other.

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

## Section II – Policy options and Impact assessment questions

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

Yes (please specify)

Although both directives regulate noise emission, the target is not the same. MD is focused on safety for operators (integrity and comfort) when OND is focused on environment. A machine can be noisy but with an insulated cabin.

No

I have no opinion

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

Yes

No

I don't know

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

Yes

No

X I have no opinion

Yes and no - it depends on the type of equipment.

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)

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?

FEM cannot answer

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

X 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)

2 Policy option 1: No change

**3 Policy option 2:** Repealing the existing legislation

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

**4 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) to be avoided

**5 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) to be avoided

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?

Yes (please state your reasons)

No (please state your reasons)

I don't know

The question is unclear

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

Policy option 1 - No additional cost

Policy option 2 - Reduction of cost

Policy option 3 - More or less costly than the current legislation depending on the content of the revision

Policy option 4 - To be avoided

Policy option 5 - To be avoided

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%

FEM cannot reply to this question

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

- Policy option 1
- Policy option 2
- Policy option 3
- Policy option 4

X Policy option 5

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

- 0 – 1%
- 1% - 5%
- 5% - 10%
- Above 10%

FEM cannot reply to this question

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

- 3 Policy option 1
- 5 Policy option 2
- 4 Policy option 3
- 2 Policy option 4

1 Policy option 5

14. 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)

4 Policy option 1

5 Policy option 2

3 Policy option 3

2 Policy option 4

1 Policy option 5

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

4 Policy option 1

5 Policy option 2

3 Policy option 3

2 Policy option 4

1 Policy option 5

16. 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 **no impact**

Policy option 2 **positive impact**

Policy option 3 **depends on the content of the revision**

Policy option 4 **major impact**

Policy option 5 **major impact**

17. 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 **no impact**

Policy option 2 **Benefit**

Policy option 3 **depends on the content of the revision**

Policy option 4 **no benefit**

Policy option 5 **no benefit**

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)

For the market surveillance purposes

No (please state your reasons)

I don't know

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.

Some questions would require additional comments (section II, Q3) and others cannot be replied as proposed (Section II, Q9, 16, 17). FEM will send additional comments in writing. In addition, FEM would like to give its full support to the position paper presented by Orgalime on this subject matter.