



European Materials Handling Federation

FEM comments on the public consultation on the review of the Outdoor Noise Directive (2000/14/EC)

Brussels, 17 April 2018

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.

FEM would like to share its views on Outdoor Noise Directive (OND) in the context of its current evaluation and review.

1. The OND has brought minor benefits for the EU industry

The OND harmonised noise emissions limits for a series of outdoor equipment across the EU, which in theory increased market opportunities within the EU for equipment manufacturers. However, it should be noted that the noise emissions were not regulated in EU Member States for the vast majority of material handling equipment when the OND was adopted.

Nevertheless, FEM acknowledges that the OND has prevented EU Member States from adopting different noise limits and measurements methods at national level.

The very limited benefits provided by the OND did not compensate the substantial costs arising from its requirements, notably product redesign, third-party certification and administrative requirements. We firmly believe that the Internal Market objective can be achieved at a lower cost for equipment manufacturers.

2. The OND has negatively impacted on the competitiveness of the EU industry

The noise emission of outdoor equipment is not a key purchase criterion, unlike equipment performance. Therefore, quieter machines have not provided significant competitive advantage neither in Europe, nor on other markets where the noise issue is largely ignored. This latter aspect is all the more relevant since nearly 50% of our production value goes to exports outside the EU. This means our manufacturers are competing with non-EU manufacturers on external markets.

In the context of the future OND review, this must be properly considered in order to preserve our companies' competitiveness on external markets and their world leader position. Therefore, the revised regulation should neither prevent technological innovation, nor monopolise R&D resources.



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3. Benefits to the human health, well-being and environment have been limited

Besides its contribution to the Internal Market, the OND aims to protect human health and well-being. Direct impacts of the OND and its noise requirements on the health of citizens and environment have been limited to a certain extent.

Average noise emissions of outdoor equipment have also been reduced due to local regulations restricting the usage time and locations. In addition, the noise aspect is also covered by other legislation, such as the Machinery Directive and regulations on noise exposure at work place.

Furthermore, the noise emissions of outdoor equipment have been reduced thanks to technology, which is the core element of innovation and competitiveness of the material handling sector. This is notably due to the development of electric equipment, especially battery-driven and hybrid machines. These types of equipment, which are intrinsically quieter, progressively substitute combustion engine equipment in the market.

The introduction of new technologies, like alternatives to lead-acid batteries, better monitoring of battery health and “quick charge” battery, will accelerate this trend. However, achieving a complete switch to electric equipment requires comparable performances to the combustion-engine products: this is not yet the case for all applications. Challenges in terms of battery capacity, weight and rechargeability have not been fully tackled yet.

This market trend is also driven by other legislative requirements, such as the new engine exhaust emissions Regulation.

4. Machinery noise emissions should be considered in the overall legislative environment

Complying with requirements from different pieces of legislation affecting the same machinery results in a technical challenge, which consumes substantial R&D resources. The wide range and simultaneous application of several types of EU legislation often result in conflicting challenges and consequently additional technical constraints.

The noise issue cannot be considered in an isolated manner from other objectives and requirements. Although noise emissions have been reduced thanks to innovation, results are rarely perceived by the end-user. Technological improvements have often been compromised by other design changes resulting from other legal requirements.

For example, the implementation of new engine exhaust emission requirements (Stage V) will make difficult any further noise reduction for combustion engine equipment. The stricter requirement results in higher heat rejection caused by the engine itself and the after-treatment systems. Consequently, more air needs to be moved through the engine compartment to cool the engine through numerous or bigger fans. This is likely to generate more noise.

Additional examples of supplementary obligations are energy efficiency requirements for electric driven machines, visibility and operability requirements for users as well as health and safety legislation.



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The current noise emission requirements for machines, as set by the OND, do not overlap with other legislation. However, the noise aspect is also addressed in other technical legislation, such as the Machinery Directive, but also health and safety legislation on exposure to noise at the work place (2003/10/EC). The test codes required by other pieces of legislation are often different: results are not directly comparable. Consequently, this creates costs and unnecessary administrative burden for manufacturers. For specific types of machines, such as telescopic material handlers, there is a clear discrepancy between the different applicable pieces of EU legislation, especially the OND and the Tractor Mother Regulation (167/2013).

In view of the OND review, FEM reiterates that a stable and coherent legislative framework is necessary for companies to plan their investments. A transition period between the implementation of two sets of legislative requirements is of utmost necessity for manufacturers to do R&D investment planning and remain competitive.

5. Self-certification should be enabled for all equipment types

FEM believes that the Internal Market objective of the OND can be achieved at a lower cost for equipment manufacturers, notably by enabling self-certification for both Article 12 and Article 13 equipment.

Manufacturers have gained experience in measuring noise emissions through the implementation of the OND and 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.

Furthermore, the current third-party certification does not substitute to proper market surveillance. Indeed, it neither enhances equipment compliance, nor guarantees a level playing field.

6. Current OND scope and noise limits should be maintained

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. The actual work cycle of the machines should be taken into consideration when defining the test codes. 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.



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7. Transferring measurement methods in implementing acts

The OND does not support the adaptation to technical progress regarding measurements methods, also called ‘test codes’.

Therefore, FEM supports transferring measurement methods from the main body of the Directive to implementing acts that could be more easily updated. In addition, the implementing acts should refer to harmonised standards. This will facilitate necessary changes in measurement methods according to technological and standardisation progress.

Generally speaking, our industry supports the concept of “harmonised standards”, which are voluntarily used and confer a presumption of conformity to the legislation they refer to. Considering measurement methods determine compliance with noise emission limits, the voluntary use of standards risks creating loopholes that must be avoided. Indeed, equipment must be measured on the same basis to ensure a level playing field and avoid the use of alternative methods offering more favourable testing conditions. However, we acknowledge that manufacturers might need to use alternative methods to better reflect specificities of certain machines.

If no standard exists for some equipment types, the implementing act should include the details of the test codes and give a mandate to standardisation bodies to develop the necessary standard. The objective should be to refer to the future standard once it is available.

8. The revised legislation should maintain the current labelling

FEM believes there is no need to change the current labelling requirements that have been used for around 15 years. Modifying noise marking is likely to lead to unnecessary confusion for both manufacturers and consumers. This will also result in unnecessary costs and administrative burdens for equipment manufacturers, which are contrary to the better regulation principles.

9. Data collection and the Article 16 database should be abolished

The current database and reporting obligation (Article 16) should be abolished to reduce the administrative burden for both the industry and the European Commission. This could be replaced by an indication of the noise level in sales literature.

10. Adopting a Regulation

FEM supports the adoption of a Regulation, instead of a Directive. It will contribute to a coherent and homogeneous application of the requirements in all EU Member States. Indeed, a Regulation reduces room for interpretation and mistakes when transposed into national legislation.