



## **Manual of European Environmental Policy**

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# Outdoor equipment

<b>Formal reference</b>	
<a href="#">2000/14/EC</a> (OJ L16 23.7.2000) proposed 22.4.98 – COM(98)46 (OJ C/1998/124/1)	Directive on the approximation of the laws of Member States relating to the noise emission in the environment by equipment for use outdoors
<b>Formal reference</b>	Amendment
<a href="#">2005/88/EC (OJ L344 27.12.2005)</a>	
<b>Legal base</b>	Article 114 TFEU (originally Article 95 TEC)
<b>Binding dates</b>	
Formal compliance	3 July 2001
Stage I limits to be met	3 January 2002
Commission report on technical progress in relation to further noise limit reductions for lawn mowers	3 July 2002
Commission’s first report on implementation and administration of the Directive	3 January 2005 amended to 3 January 2007
Stage II limits to be met	3 January 2006

*Note:* On 3 January 2002, Directive 2000/14/EC repealed Directives 79/113/EEC, 84/537/EEC, 84/538/EEC, 86/662/EEC, and their amendments listed in the [section on historic legislation](#). A corrigendum to Directive 2005/88/EC was published in the OJ L 165 17.06.2006; it concerns only the value for welding and power generators

## Purpose of the Directive

The purpose of Directive 2000/14/EC was to establish a framework for avoiding technical barriers to trade, which resulted from different noise requirements in Member States for outdoor equipment. It replaced a series of Directives dating back to 1979, which set up a type approval system and noise limits for different types of construction plant equipment (compressors, tower cranes, welding generators, power generators, concrete breakers, picks and earth-moving equipment) and lawnmowers. Directive 2000/14/EC simplified and repealed the previous legislation and extended it to cover a wider range of equipment than addressed by the previous Directives. It also further reduced the previous noise limits for most types of outdoor equipment.

## Summary of the Directives

### Directive 2000/14/EC

Prior to Directive 2000/14/EC, noise from construction equipment was based on a framework Directive [84/532/EEC](#), which was complemented by a set of daughter Directives addressing particular equipment (see Table 1 in [Historic Legislation](#)). The coverage of Directive 2000/14/EC was expanded to include a broader range of equipment, but still excluding tractors. Directive 2000/14/EC addressed noise from a wide range of outdoor equipment,

including some not covered by previous legislations (e.g. mobile cranes, some hoists, construction winches and lift trucks, motor hoes and loader-type landfill compactors), and lawn mowers, which were previously addressed separately. For 55 types of outdoor equipment noise was to be measured and the equipment was to be labelled indicating the ‘guaranteed’ noise levels of each machine. For 19 of these 55 types of equipment (including 9 new types), noise reduction limits were set, which were to be achieved in two stages – the first by 2 January 2002 and the second by 3 January 2006. Directive 2000/14/EC also simplified the existing legislation by bringing together the various aspects of noise legislation for outdoor equipment, so it set out the conformity assessment procedures and labelling requirements. It led to the repeal of a number of previous Directives on 3 January 2002 (see Table 1 in [Historic Legislation](#)). Even though the first Directive relating to noise from construction equipment ([79/113/EEC](#)) addressed the noise levels experienced by the operator, Directive 2000/14/EC did not, as these are now addressed by the so-called ‘Machinery Directive’ ([89/392/EC](#) as amended by [91/368/EEC](#)).

### **Directive 2005/88/EC**

Directive 2005/88/EC represented the conclusion of a review process of Directive 2000/14/EC carried out by the Commission's Working Group on Outdoor Equipment. Its report was a requirement of Article 20 (3) of the Directive and was published two years later than expected. It concluded that a number of the stage II limits due to be applied from January 2006 were not technically feasible. The revised Directive therefore made provision for this through the specification of indicative targets for a number of specific equipment types. The timescale for the Commission's report on the implementation and administration of Directive 2000/14/EC was also extended by two years to 2007. Other legislation related to Directive 2000/14/EC includes Directive [97/68/EC](#) relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery and Directive [98/37/EC](#) on machinery.

## **Development of the Directives**

Directive 2000/14/EC was the successor to a number of Directives, each addressing a particular type of equipment.

### **Construction Plant Equipment**

Directive 84/532/EEC set out an approval, examination, verification and certification procedure for all types of construction plant and equipment, but explicitly excluded [agricultural and forestry tractors](#) and lawnmowers. The daughter Directives all dealt with noise from construction plant equipment. Directive 79/113/EEC as amended set out methods of measuring noise from construction plant equipment, while the daughter Directives of 84/532 (84/533/EEC to 537) as amended set noise level limits to be met in two stages, March 1986 and September 1989, for a range of such equipment. Directive [86/662/EEC](#) covered permitted noise levels in the environment and measured levels at the operator position of earth-moving equipment; it added to the Annex of 79/113/EEC dealing with noise at the operator's position. Limits were to be observed for a six-year period from December 1988 following which it was intended to set new, more stringent levels. [Directive 95/27/EC](#) required noise levels to be reduced – although the actual limit varied with the different type of machine and its power level.

## **Lawnmowers**

[Directive 84/538/EEC](#) as amended by [87/252/EEC](#) addressed the noise emitted by lawnmowers. It originally applied to all types of motorized machines used for cutting grass, except motorized cylinder mowers, agricultural and forestry equipment, non-independent devices such as drawn cylinders and other devices with motors of over 20 kW power. Noise limits were set according to the cutting width of the mower and ranged from 96 to 105 dB(A). Machines were to be certified and marked with the name of the manufacturer, the type and the maximum sound power level guaranteed by the manufacturer.

Member States were not able to limit the sale of mowers which met the requirements of the Directive. If a mower did not meet the limits, a Member State had to ensure that further production did conform. Verification of conformity with the requirements of the Directive was to be achieved by spot checks. An Annex set out methods for measuring noise from mowers and, as amended, provided for hover mowers. Other Annexes specified the form of the manufacturer's certificate and the mark for sound power level.

[Directive 88/180/EEC](#) extended the coverage of Directive 84/538/EEC to include motorized cylinder mowers. The same sound power levels applied. [Directive 88/181/EEC](#) introduced a sound level limit of 90 dB(A), as measured at the operator's position for lawnmowers with a cutting width exceeding 120 cm. An Annex laid down the method for measuring this, and it had to be marked on a plate on the mower.

## **Background to the adoption of the Directives**

The first action programme on the environment of 1973 proposed legislation to reduce noise from construction plants, but by then the Community had already decided to legislate in the field in order to prevent the creation of trade barriers. Proposals were put to the Council at various dates between 1975 and 1978. Progress was made in agreeing their texts but final approval and adoption was held up pending resolution of what was referred to as the 'third country' question<sup>1</sup>.

There were two aspects to the 'third country' question. First, since the Directives would allow a manufacturer to obtain Community-wide type approval or certification in any Member State and would then free to sell the product in all Member States, and since it was argued that in certain fields not every Member State had the expertise and facilities to test all equipment, a manufacturer outside the Community could choose a 'weak' Member State in which to have his product approved and so gain entry to the whole Community market. Secondly, certain Member States believed that if a third country was given access to the Community market there should be some reciprocal agreement by which access were given to the market of that third country. The 'third country' question illustrates how matters quite unrelated to environmental policy may hold up agreement on environmental measures. The 'third country' question was finally resolved by establishing an elaborate complaints procedure. If a Member State were informed that machinery it has approved were defective it must suspend or withdraw approval. Disputes between Member States are to be resolved with the help of the Commission.

The original proposal to address noise from lawnmowers had its origin in a notification of legislation under the 'Information Agreement'. There was much discussion with trade associations before the proposal was submitted. The intention to propose legislation led to

some adverse publicity in the United Kingdom as an example of the Community getting involved in inappropriate matters. Yet the Wilson Committee's 1963 Report on Noise<sup>2</sup> had recommended that maximum limits be set for lawnmowers. There were, however, real difficulties in achieving harmonization because of different practices arising out of differing ways of life. A rather different housing and garden pattern between the continent and the United Kingdom and climatic variations had led to different machines being used, with rotary mowers being preferred on the continent while much more use was made in the United Kingdom of the more traditional cylinder mower. Limiting noise levels without reducing efficiency was more difficult for the cylinder mower.

Although agreement was reached on noise levels, it was not possible, therefore, to arrive at a testing procedure for cylinder mowers which could be agreed. Cylinder mowers were therefore excluded until a satisfactory testing procedure could be found. Commission proposals for a common testing procedure under which noise levels are monitored at full speed for both main types of mower were opposed by manufacturers of cylinder mowers in Derby and by the European Parliament. An amendment requiring the testing of cylinder mowers at walking pace rather than full speed was however rejected by the Commission, even though, as Geoffrey Hoon MEP explained, to use a cylinder mower at full speed would in practice require the operator 'to run up and down chasing the mower' (European Parliament Debate, 15.9.87).

After the adoption of the framework Directive 84/532/EEC on construction plant equipment and its daughter Directives 84/533/EEC to 84/537/EEC, further proposals to reduce noise levels were supposed to have been brought forward by the Commission in 1989. However, these did not appear until 1995 when the issue of noise from outdoor equipment was addressed in the Green Paper on Future Noise Policy ([COM\(96\)540](#)). This noted that the range of outdoor equipment covered by noise legislation to date was relatively narrow and that various Member States had been calling on the Commission to widen the scope of EU legislation to cover a wider range of outdoor equipment. This was needed in order that national noise legislation did not lead to trade restrictions or cause problems for the functioning of the internal market, as some Member States were already introducing legislation for equipment not addressed by existing EU legislation. In order to address this problem, the Commission was to propose a new framework Directive in 1997 that would address the equipment covered by existing legislation as well as other types of outdoor equipment, including garden equipment and equipment used on specific vehicles.

The proposal (COM(98)46) appeared a year later than planned and proposed noise limits on 19 types of equipment and noise level marking requirements for a further 36 types of equipment for which limits were not introduced. With respect to excavators, dozers and loaders (covered by 86/662/EEC and its amendments) and lawn mowers (covered by 85/538/EEC and its amendments), it proposed no reduction in noise limits beyond those of 95/27/EEC and 84/538/EEC, respectively, but made some minor amendments to the conformity assessment procedure. For the equipment addressed by Directives 84/533/EEC to 84/537/EEC, two stages of noise reductions were proposed, which amounted to a 1 dB(A) reduction for the first stage and a further 2 dB(A) reduction coming into effect six years after the adoption of the Directive. Noise limits were proposed for a range of other outdoor equipment, including mobile cranes, some hoists, construction winches and lift trucks, motor hoes and loader-type landfill compactors, for the first time.

The proposal was relatively uncontroversial: Parliament approved the proposal without proposing stricter noise limits at either of its readings, while the Council's Common Position only made minor amendments. These included a simplification of the conformity assessment procedure and the introduction of indicative second-stage noise limits for lawnmowers, which had not been included in the Commission's original proposal. Directive 2000/14/EC was agreed in May 2000. A table listing legislation repealed by Directive 2000/14/EC can be found in the [historic legislation section](#).

## Implementation of the Directives

Directive 2000/14/EC has been transposed in Member States, with the exception of Greece that has been brought before the European Court of Justice (ECJ) upon the failure to transpose within the prescribed time limit. Information on Member States transposition status can be found in the national [execution measures](#).

Directive 2005/88/EC amending the previous Directive has been transposed by all Member States. Information on Member States transposition status can be found in the national [execution measures](#).

In 2007, DG Enterprise and Industry reported on the implementation of Directive 2000/14/EC as amended<sup>3</sup>. It stated that the main implementation issue is the lack of market surveillance that creates unfair competition from non-compliant users. Throughout the consultation process, there were many complaints on the complexity of the Directive. Two consultation exercises were undertaken – one with the industry actors and one with the NGO's. Both commented on the uncertainty arising from the complexity of the criteria for type description. Finally, the cost of the implementation was also underlined – there is not a lot of demand for quieter equipment, so carrying out research and development can be financially burdensome. The recommendations argued for a better understanding and application of the Directive. To that end, an EC database has been revised in the form of an IT tool.

## Enforcement and court cases

One case regarding this legislation has reached the European Court of Justice.

[C-352/02](#) This case was brought by the Commission upon the failure of Greece to transpose Directive 2000/14/EC within the prescribed time period. The Court ruled in 2003 that it constituted a breach of its obligations.

## Further developments

An impact assessment study was released in 2009, on the policy solutions available for reviewing Directive 2000/14/EC. Following the results from the 2007 DG Enterprise and Industry report and the impact assessment, the Commission held a public consultation to gather views on the revision of the Directive between 1 April and 30 June 2010. 94 answers were received from 22 countries (including three non-EU). The stakeholders proposed some options to improve the environmental performance of outdoor equipment, such as the extension of noise emission limits to new equipment types, stricter emissions limits and an

update of methods of measurement. It was also suggested to revise the collection of noise data and the methods of measurement. Finally a large majority of respondents wished to have a merger of methods of measuring noise emissions also required under the [Machinery Directive 2006/42/EC](#) into a single harmonised standard.

The Belgian Ministry of Environment organised a workshop with the Commission on 29 October 2010, entitled “Towards low-noise outdoor machinery” that focused on various key amendments of the outdoor equipment Directive. The key areas were improving the environmental commitment of consumers for low-noise equipment and green public procurement for outdoor equipment; improving the labelling clarity for low noise equipment; setting labelling criteria; and trying to identify economic incentives for using outdoor equipment.

## References

1 House of Lords' Select Committee on the European Communities, *Noise in the Environment 13<sup>th</sup> Report Session 1981-82*. HMSO, London.

2 Wilson Sir Alan (chairman) 1963 *Noise: Final Report Cmnd 2056*, HMSO, London.

3 Nomeval Project, *Study on the Experience in the Implementation and Administration of Directive 2000/14/EC Relating to the Noise Emission in the Environment by Equipment for Use Outdoors*, Michael Dittrich TNO Sciences and Industry, CALM workshop OE Noise, 28 June 2007.