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DOCUMENT 1-495/83

REPORT

drawn up on behalf of the Committee on the Environment,
Public Health and Consumer Protection

on the proposal from the Commission of the European
Communities to the Council (Doc. 1-995/81 - COM(81)
811 fin.) for a directive concerning airborne noise
emitted by household appliances

Rapporteur: Mrs J. KROUWEL-VLAM

PE 83.212/fin.

By letter of 4 February 1982, the President of the Council requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive concerning airborne noise emitted by household appliances.

On 15 February 1982, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Economic and Monetary Affairs for its opinion.

On 18 March 1982, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Krouwel-Vlam rapporteur.

The committee considered the Commission proposal and the draft report at its meetings of 3 December 1982 and 21 June 1983. At the latter meeting, the committee decided by 7 votes to 2 with 5 abstentions to recommend approval of the Commission proposal with the following amendment.

The committee subsequently decided to propose to Parliament the application of Rule 36(2).

The motion for a resolution as a whole was unanimously adopted.

The following took part in the vote: Mr COLLINS, chairman; Mrs WEBER, vice-chairman; Mrs KROUWEL-VLAM, rapporteur; Mr ALBER, Mr BOMBARD, Mrs VAN HEMELDONCK, Mrs LENTZ-CORNETTE, Mr MERTENS (deputizing for Mr GHERGO), Mr PROTOPAPADAKIS (deputizing for Mr DEL DUCA), Mr PROVAN (deputizing for Mr FORTH), Mrs SCHLEICHER, Mrs SEIBEL-EMMERLING, Mr SHERLOCK and Mrs SPAAK.

The opinion of the Committee on Economic and Monetary Affairs is attached.

The report was tabled on 29 June 1983.

C o n t e n t s

Page

Amendment to the Commission proposal 5

A. MOTION FOR A RESOLUTION 6

B. EXPLANATORY STATEMENT 8

Opinion of the Committee on Economic and
Monetary Affairs 12

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following amendment to the Commission's proposal and motion for a resolution together with explanatory statement:

Proposal from the Commission for a Council directive concerning airborne noise emitted by household appliances.

Amendment tabled by the Committee
on the Environment, Public Health
and Consumer Protection

Text proposed by the Commission
of the European Communities

AMENDMENT No. 1

Article 7(2)

Delete

Article 7(2)

2. If, following a check, it is found that the noise level is higher than the published level, Member States may request that the marketing of the appliance be suspended pending the issue of accurate information by the manufacturer or importer.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive concerning airborne noise emitted by household appliances

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 1-995/81),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Economic and Monetary Affairs (Doc. 1-495/83),
 - having regard to the result of the vote on the Commission's proposal,
1. Welcomes the submission of this proposal which meets a public demand for noise abatement, an objective which can be attained only partially by market mechanisms;
 2. Recognizes that this proposal can make only a limited contribution to further noise abatement;
 3. Agrees with the Commission that Community standards should be brought into line with the findings of the international standardization agencies, CENELEC and ISO;
 4. Hopes, however, that when it submits proposals for the implementation of this framework directive, in particular concerning labelling, the Commission will express the relevant data in the form of a scale of maximum noise levels which the consumer can easily understand;

¹ OJ No. C 181, 19/7/1982, p. 1

5. Urges the Comission to combat the level of noise emissions from other sources as well (a) by coordinating national measures and (b) by exchanging information;
6. Urges the Council to consider the previously submitted proposal for an optional directive on the indication by labelling of the energy consumption of household appliances¹ when it considers this proposal;
7. Instructs its President to forward to the Council and Commission, the proposal from the Commission as voted by Parliament and the corresponding resolution as Parliament's opinion.

¹ OJ No. C 149/80, 18.6.1980

EXPLANATORY STATEMENTI. CONTENT

1. The objective of this proposal is to achieve harmonization of noise abatement measures as a means of improving the quality of life. Essentially, the proposal is based on Article 100 of the EEC Treaty and forms part of the action programmes of the European Communities on the environment¹, consumer protection² and safety and health at work³,

2. The purpose and scope of the proposed framework directive are set out in Article 1, the definitions in Article 2, the general information requirements in Articles 3 to 8, the clause concerning adaptation to technical progress in Article 9, the setting up of a new committee in Article 10, its procedures in Article 11 and the date of entry into force in Article 12. Annex I contains all the technical measuring methods, and Annex II states that verification shall take the form of spot checks.

II. REMARKS

3. Noise abatement measures have already been envisaged in the first and, in particular, the second action programme on the environment (Title II, Chapter 4)⁴. Noise is defined as 'a number of tonal components disagreeable to man and more or less intolerable to him because of the discomfort, fatigue, disturbance and, in some cases, pain it causes'.

4. In many cases, continuous indoor noise levels caused by external factors (crowded living conditions, recreation activities, industrial plant, traffic) are already so high that the use of domestic appliances may temporarily increase these levels to an excessive degree. Hence, the problem requires more than superficial consideration.

¹ OJ No. C. 112 20.12.1973
OJ No. C. 139 of 13.6.1977

² OJ No. C. 92 25.4.1975
OJ No. C. 133 3.6.1981

³ OJ No. C. 165 11.7.1978

⁴ OJ No. C. 139 13.6.1977

5. The proposal should therefore be viewed against the totality of the information required to enable the consumer to form a clear idea of the main characteristics, including noise levels, of articles offered for sale.
6. Article 8 refers to the implementing directives which the Commission intends to draft for each family of household appliances on the basis of this framework directive, the substance of which is contained in Annex I in the form of draft standard measuring methods. The number and type of families of household appliances to be considered for this purpose is not specified.
7. Since the level of noise emitted from household appliances is relatively minor compared with total noise levels, a matter on which further information is being sought, careful consideration must be given to finding the best approach to this issue, notwithstanding the work already by the Commission.
8. While the statistics given by the Commission in the introduction to its proposal provide a certain amount of general economic information on trade in dishwashers and washing machines compared with total trade figures for household appliances, this by no means justifies the need for such a proposal in the absence of specified objectives concerning maximum noise levels.
9. When national measures along these lines are being envisaged, it is appropriate for the Commission to consider the matter as well with a view to achieving harmonization and preventing the creation of fresh barriers to trade.
10. The primary objective is to reduce the disturbance caused by noise emissions from certain categories of household appliances to a minimum. However, the committee considers that initially, efforts to achieve this objective must take the form of this optional directive, which complements the draft directive on information concerning energy consumption. In this way, the manufacturers concerned will be encouraged to compete with each other.

11. The Committee on the Environment, Public Health and Consumer Protection does not therefore share the views of the Committee on Economic and Monetary Affairs, which categorically rejects the proposal, considering that the matter is too technical and complex for consideration by European institutions and that it should be left to the standardization agencies.

12. The Committee on the Environment, Public Health and Consumer Protection still maintains that the public is in favour of noise abatement but considers that this can be only partially achieved by market mechanisms (hence the importance of labels indicating noise levels). In a number of cases, legal provisions will be necessary to achieve this objective (particularly when the nuisance caused to others is greater than that directly caused to the user of the appliance).

13. The committee does, however, consider that the proposed system of standards which should of course be brought into line with that of the ISO standardization agency, should in practice, provide simple and comprehensible information. For this purpose, the relevant directives should be based on a scale of maximum noise levels instead of the average values referred to in Annex I.

14. In view of the practical experience required in other countries, especially in Japan, where low-noise and inexpensive appliances are already being manufactured, there can be no doubt that such a trend should be emulated and, where possible, intensified.

III. CONCLUSION

15(a) Leaving aside for the moment, the question of a deadline for the achievement of certain maximum noise levels, the Committee on the Environment, Public Health and Consumer Protection considers that the proposed noise abatement measures should be encouraged, although the level of noise emitted by certain washing machines, kitchen equipment and other domestic appliances is relatively low compared with the overall noise problem

(b) This framework directive is necessary as an optional directive for an as yet unspecified transitional period which should be limited in the appropriate implementing directives according to the circumstances of each type of appliance.

(c) Of course, this draft directive concerning the information to be provided for the consumer should be considered in conjunction with the draft directive on the indication by labelling of energy consumption.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Draftsman: Mr P. BEAZLEY

On 23 February 1982 the Committee on Economic and Monetary Affairs appointed Mr Beazley draftsman of the opinion.

The committee considered the draft opinion at its meeting of 23/24 June 1982. It rejected the Commission proposal and adopted the draft opinion by 11 votes to 0 with 6 abstentions.

The following took part in the vote: Mr Deleau, acting chairman; Mr Beazley, draftsman; Mr Albers (deputizing for Mr Mihr), Mr Delorozoy, Mr Desouches, Miss Forster, Mr Franz, Mr Giavazzi, Mr Herman, Mr Hopper, Mr Leonardi, Mr Nyborg, Mr Papantoniou, Mr Purvis, Mr Rogalla (deputizing for Mr Walter), Mr Wagner and Mr Wedekind (deputizing for Mr von Wogau).

1. The Commission's proposal has to be seen in the context of the objective of limiting the noise emitted by electrical household appliances. This objective is without any doubt part of the environment policy and forms part of the programme of action of the European Communities on the environment. The Commission's proposal first appeared in 1979 as a result of national legislative proposals in certain Member States which were initiated in 1975. The Commission considered it desirable to issue its own proposal to ensure that national proposals should not create technical barriers to trade. The present proposal concerns, as a first step to the objective indicated, three sections:

- method for measuring the level of noise emission;
- method for checking the published noise level figures; and
- publication of noise level figures.

For these sections, the Commission proposes harmonisation, in order to prevent any disparity in the labelling, measurement or inspection methods chosen by the different Member States, which could create obstacles in the intra-Community trade. This is, in fact, the main objective of the proposal, which does not, however, propose any harmonisation of the level of the noise limits.

2. The legal basis of Article 100 of the EEC Treaty is absolutely primordial in this case, so that the decision of the Bureau to refer this proposal to the Committee on the Environment, as the competent committee, and to the Committee on Economic and Monetary Affairs only for an opinion, is not justified.

3. The fundamental question which has been discussed was whether there is a need for such harmonisation. Therefore, the Commission was asked which objectives it intended to pursue in the directive. Is it intended to protect the housewife against too high noise emission or, rather, is it destined to protect the neighbour? If the directive were to pursue in particular the protection of the neighbours against too high noise emission in blocks of flats, it should be noted that the other tenants are not only disturbed by the noise of the household appliances of their neighbours, but by many other noise sources, such as radio, television and children. The only possibility of protecting the flat dwellers against the noise of their neighbours are provisions with respect to the thickness of the walls, the materials used, etc., to which the construction should conform or, alternatively, the opening of windows. Consequently, this directive does not make any use at all of this in the objective pursued.

4. With regard to the limitation of noise for the consumer himself, there is no need to compel the producers to publish the noise level as it is anyway an important point in sales promotion. Likewise the character of the noise whether high pitched, discordant, discontinuous or rasping - must be considered in regard to consumer irritation or acceptance. The consumer, like the manufacturer, is sufficiently aware of the importance of this characteristic of the household appliance he wants to buy, even if this is not the only characteristic and sales argument which should determine his choice. The level of noise emissions and the type of noise emissions is therefore a most important concern of manufacturers. They, therefore, ensure that their technical departments in designing household appliances take this into account and market forces ensure that this is the case. The consumer is therefore well informed to be able to judge for himself the information concerning the noise level from available sales literature, publications, consumer protection services, etc.

5. Consequently, whatever objective is pursued, there is no need to force the producer to publish the noise level of household appliances.

6. The remaining questions which should be examined is whether there is any need to harmonise the method of measurement and the method for checking in cases where the producer publishes the noise level. The information supplied by the producer is indeed much easier to interpret for the consumer if he is assured that the information so given is measured and checked according to the same method. Harmonisation in this field would improve the transparency of the market. However, as the Committee on Economic and Monetary Affairs has already repeated on several occasions, it is not the task of the Community institutions to be concerned with technical specifications which are as detailed as this draft directive. The technicality of the annex provoked much criticism. Parliament should only concentrate on the political aspects and the technical elaboration of the standards should be left to the standard institutes in coordination with the manufacturing industries. Only when they do not succeed in drafting a standard should the Commission consider drafting a standard itself. In the present case, however, the Commission states that the CEI (Commission Electronique Internationale) is on the point of reaching agreement on the standard. In that case, the Committee is of the opinion that the Commission should not anticipate

the activities of the standard institute by publishing this technical annex which, according to the Commission, reflects the result of the work of the standard institute, but which cannot be understood unless one is an expert in that field. On the contrary, under such circumstances, one should await the agreement of the CEI. A standard in this field should be sufficient and no further harmonisation is necessary. If the standard is of good quality, there will be sufficient publicity given to it that the consumer will be informed of it through many different channels, e.g. consumer organisations, and manufacturers' sales literature. Consequently, if the noise emitted by the household appliances is an important sales point, the existence of a European standard, without a European directive, is largely sufficient to give him the means of making a responsible choice from this point of view.

7. Conclusions

The Committee on Economic and Monetary Affairs

- (a) poses the question as to what objective is pursued in the draft directive on the protection against noise - the neighbour of the consumer?
- (b) is of the opinion that whatever objective is pursued, it is not necessary to compel the producer to publish the noise level of the household appliances as noise emission at a satisfactorily low level and of an acceptable character is a normal sales requirement of household appliances.
- (c) is of the opinion that the annex is of too great a technical complexity to be tackled by the European institutions;
- (d) reiterates its request that technical drafting should be left to the standard institutes and that a simple reference in the directive to the standard should suffice; this request is still more justified as the standard institute is on the point of reaching agreement on the standard;
- (e) is, moreover, of the opinion that the publication of a standard should be sufficient and that no further harmonisation is necessary, control being left in the hands of normal market forces;
- (f) rejects, consequently the proposal for a directive.

