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DOCUMENT 1-176/81

REPORT

on behalf of the Committee on Economic and Monetary Affairs

on the proposal from the Commission of the European
Communities to the Council (Doc. 1-711/80)

for a directive on the/limitation of noise emitted
by hydraulic and rope-operated excavators and by
dozers and loaders

Rapporteur : Mr K. NYBORG

12.3

PE 71.634/fin.



By letter of 11 December 1980 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposals from the Commission of the European Communities to the Council for a directive on the limitation of noise emitted by hydraulic and rope-operated excavators and by dozers and loaders.

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

On 29/30 January 1981 the Committee on Economic and Monetary Affairs appointed Mr Nyborg rapporteur.

It considered this at its meeting of 14 and 15 April 1981 and at the same meeting it unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Delors, chairman; Mr de Ferranti, vice-chairman; Mr Macario, vice-chairman; Mr Nyborg, rapporteur; Mr Ansquer (deputizing for Mr Deleau), Mrs Baduel-Glorioso (deputizing for Mr Piquet), Mr Beumer, Mr von Bismarck, Mr Bonaccini, Mr Carossino (deputizing for Mr Fernandez), Mr Damseaux (deputizing for Mr Combe), Miss Forster, Mr Franz, Mr de Goede, Mr Herman, Mr Markozanis, Mr Mihr, Mr Notenboom (deputizing for Mr Schnitker), Mr Petronio, Mr Purvis, Sir Brandon Rhys-Williams, Mr Wagner, Mr Walter and Mr von Wogau.

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	6
Opinion of the Committee on the Environment, Public Health and Consumer Protection	8

A

The Committee on Economic and Monetary Affairs hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the limitation of noise emitted by hydraulic and rope-operated excavators and by dozers and loaders

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(80) 468 final),
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 1-711/80),
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-176/81).

Approves the Commission's proposal.

EXPLANATORY STATEMENT

1. The purpose of the present proposal is to harmonize the permitted noise emission levels of hydraulic and rope-operated excavators, dozers and loaders. Legislation is required in this field in order to protect the environment and indeed one of the priorities laid down in the European Community's action programme was to take measures against noise emissions constituting a nuisance. Action has to be taken at this level in order to prevent divergent national rules from becoming a barrier to intra-Community trade.
2. The present proposal for a directive contains references to two other directives. Firstly, there is the outline directive on construction plant and equipment which has still not been adopted by the Council even though it was submitted to it by the Commission at the end of 1974. Secondly, the method of measurement is to be based on the Council directive of 19 December 1978 (79/113/EEC) amendments to which are shortly to be discussed in the Council.
3. The Commission proposes total harmonization since this affords better protection of the environment. However, under the outline directive under which this special directive comes, total harmonization is not necessary; the outline directive prescribes only optional harmonization. The proposal for a directive is concerned only with excavators brought on to the market after its entry into force. It is however open to the Member States to incorporate noise limits in their national legislation provided these are not discriminatory.
4. The directive has two stages. The first stage will last five years and will give manufacturers sufficient time to adapt their production lines. The Commission claims that most machines now on the market can meet the limit value set for the first stage without modification, but the manufacturers maintain that the increase in the price of earth-moving machines due to the stage-one specifications will be 1 - 2 %.

The second stage limits, on the other hand, will require a substantial number of machines to be improved but the necessary technology is available. The direct cost of the second stage has

been estimated at 3 - 4 % of the cost per unit. According to the Commission, the impact of this increase on overall site costs will be very slight and will not in consequence affect the rate of inflation.

5. The explanatory memorandum included with the Commission's proposal gives a brief economic assessment of the sector. Community production accounts for almost a quarter of the world total, comprising some 60,000 construction plant units worth approximately 3,000 million EUA. There are some 85 manufacturers in the sector employing 52,000 people. 40% of production is intended for use in a country other than the country of manufacture and of this more than one-third remains in the Community and the rest is exported to third countries, OPEC and EFTA being the main customers. In view of the size of production intended for intra-Community trade, the laying down of uniform standards for the common market in these machines is extremely important. The large share of production exported to third countries also means that it would be of advantage to the Community to have its standards agree as far as possible with those applying internationally and the Commission in fact mentions that it is involved in the work to formulate international standards now in progress.

6. In view of the above the Committee on Economic and Monetary Affairs cannot fail to give its support to the principle of the harmonization of the noise emissions of these earth-moving machines. With regard to the permitted levels of noise emissions, it is stated in the draft opinion of the Committee on the Environment, Public Health and Consumer Protection that the limits proposed for the first stage can be met by most machines on the market without modification and that for reasons of health (impairment of hearing) the first stage should be reduced to one year. However, in the draft opinion of the Economic and Social Committee, it is argued that the proposed noise levels for the first stage are already extremely low and require major adaptation by industry. The Economic and Social Committee believes that industry must first be given five years in which to comply with the reduction in noise levels proposed for the first stage. The Committee on Economic and Monetary Affairs, however, considers that the Commission's proposal is well-balanced and therefore approves it.

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND
CONSUMER PROTECTION

Draftsman: Mrs Vera SQUARCIALUPI

On 27 January 1981 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Squarcialupi draftsman.

It examined the Commission's proposal at its meeting on 14 April 1981 and at the same meeting adopted the draft opinion by 11 votes to 5.

Present: Mr Collins, chairman; Mr Alber, Mr Johnson and Mr Weber. vice-chairmen; Mrs Squarcialupi, draftsman; Mr Adam (deputizing for Mr O'Connell), Mr Ceravolo (deputizing for Mr Segre), Mr Del Duca (deputizing for Mrs Schleicher), Mr Forth (deputizing for Sir Peter Vanneck), Miss Hooper, Mrs Lenz-Cornette, Mrs Maij-Weggen, Mr Mertens, Mr Remilly, Mr Sherlock, and Mr Verroken.

A. Introduction

1. The proposal for a Council directive which is the subject of this opinion forms part of the Community's action programme on the environment, a programme that gives high priority to action on noise emission.
2. The proposal comes within the field of application of the outline directive concerning construction plant and equipment, which the Commission forwarded to the Council on 20 December 1974, but on which the Council has yet to take a final decision.

B. Purpose of the proposal

3. Owing to their extensive use and method of operation, hydraulic and rope-operated excavators, dozers and loaders and their working accessories contribute significantly to the ambient noise level.
4. The proposal aims, therefore, to reduce the noise emission levels of earth-moving machines under a uniform set of regulations applicable to the entire European Community. It also seeks to remove the barriers to the free movement of these machines.

C. Content of the proposal

5. It is proposed that earthmoving machines should be divided into four categories and that their noise emission levels should be reduced in two stages (see Article 3).

- (a) The first stage would last for a period of five years and thus give manufacturers the time needed to adapt their production lines to new models.

The Commission points out that 'the limit proposed for the first stage is a value that can be met by most machines now on the market'.

- (b) The second stage limits would require a substantial number of machines to be improved, but the technology is well known and the manufacturers estimate that the costs involved would be very low (1-2% of the cost per unit in the first stage and 3-4% of the cost per unit in the second stage).
6. The Commission proposes 'total' harmonization. Once adopted, therefore, this proposal is intended to replace the legal and administrative provisions in force in the Member States.
 7. The directive would relate only to earth-moving machines placed on the market after its entry into force.

D. Observations on the effects of noise

8. One of the most widespread social diseases is the deafness caused by exposure to excessive noise. But noise also causes other physical and psychological disorders since it impairs circulatory and respiratory functions and, in particular, damages the entire nervous system. To give specific examples, excessive noise levels can damage the digestive system, cause changes in blood hormone levels, reduce sexual drive and provoke a variety of psychological disturbances: anxiety states, enervation, depression, insomnia and reduced powers of retention.
9. Noise is also responsible for many accidents at work because workers cannot easily perceive or alert others to potential danger and because the ability to concentrate is impaired in a noisy environment. For instance, after 90 minutes of exposure to noise at 114 dB attention is reduced by half. Moreover, 20% of persons exposed for 8 hours a day to continuous noise at 95 dB become deaf within 15 years.
10. Since deafness is irreversible, the only course is to introduce preventive measures and keep noise levels within the limits necessary to protect health. A further fact to be borne in mind is the very high cost of the social diseases caused by exposure to excessive noise. Consequently, the initial savings made by not taking preventive measures against noise are as nothing compared with the extremely high costs of treatment.

E. Observations on the proposal for a directive

11. The problems of providing protection from harmful noise levels has evidently been approached here in a piecemeal fashion, whereas it ought to be tackled comprehensively. Indeed, it seems pointless to issue one directive to protect the environment from the noise produced by particular types of machines and then to issue a separate one to protect the people who operate them. For one thing, it means that designers have to make structural modifications in two separate stages which is particularly onerous for the manufacturers.
12. There are other grounds for doubting the value of the directive as it stands since, for example, point 4.2 of the Introduction (page 4 of the English version) states that 'the limit proposed for the first stage is a value that can be met by most machines on the market without modification'. If this is so, it may reasonably be argued that the first stage is pointless and that the five years proposed for adjustment can be reduced to one.

13. The second stage is proposed for the alteration of machines built after the directive enters into force. However, no provision is made for the adjustment of machines sold earlier and already in use. Since the machines in question have a long working life, there ought to be a requirement that those already in use should be altered as well. Yet, as point 2 of the Introduction indicates, it would be left to the Member States to decide whether to apply any restrictions to earth-moving machinery already in use, since the directive 'is only concerned with those placed on the market after its entry into force'.
14. Instead of confining itself to the noise emitted by the machines when stationary, the directive should take account of the 'dynamic' noise level, which is higher than the 'static' level. The directive should at least require two noise levels to be given - when the machine is stationary and when all its working parts are in motion - so that the difference can be assessed. The maximum values in the table in Article 3 of the directive should be those recorded for the machine at its noisiest, i.e. when all its parts are in motion.
15. The values indicated in Article 3 are in any case too high and afford no protection against the risk of deafness. Either these values should be lowered or, to eliminate the risk of deafness to which operators of the machines are exposed, consideration should be given to the possibility of reducing working hours, since it is widely recognized that already at 85 dB noise is harmful to health. SMAL, the Italian organization concerned with industrial medicine, recommends the following table, which establishes the 'tolerability ratio' between noise level and exposure time:

<u>Decibels (dB)</u>	<u>Exposure time</u>
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	$\frac{1}{2}$ hour
100	$\frac{1}{4}$ hour

16. The whole vast problem of noise emissions is linked to the adoption by the Council of a directive on the approximation of the laws of the Member States relating to construction plant and equipment. This directive is designed to fix the procedures for EEC type approval and EEC certification and was forwarded to the Council on 20 December 1974.

Since then many other directives concerning specific types of machines used on construction sites have been forwarded to the Council and are still awaiting adoption. They include, notably:

Proposals before the Council

Title	Date of submission	Reference
Permissible sound level for pneumatic concrete-breakers and jackhammers ¹	31.12.74	OJ C 82
Permissible sound level and the exhaust system of motorcycles ¹	17.12.75	OJ C 54 8.3.76
Permissible sound emission level for current generators for welding ¹	30.12.75	OJ C 54 8.3.76
Permissible sound emission level for tower cranes ¹	30.12.75	OJ C 54 8.3.76
Limitation of noise emission from subsonic aircraft	26.4.76	OJ C 126 9.6.26
Communication from Commission to Council concerning the establishment of criteria on noise emission levels	31.12.76	COM(76) 646 3.12.76

¹ Proposals aimed at the approximation of the laws of the Member States

F. CONCLUSIONS

The Committee on the Environment, Public Health and Consumer Protection:

1. Welcomes the proposal for a directive which aims to eliminate the barriers to the free movement of earth-moving equipment within the Member States, while seeking to obviate the dangers to individuals from exposure to excessive noise;
2. Notes with concern, however, that the Council of Ministers has not yet adopted the outline directive fixing the procedures for EEC type approval and EEC certification, which was forwarded by the Commission to the Council on 20 December 1974, or four other directives relating to specific machines used on building sites;
3. Urgently requests, therefore, that the Council adopt forthwith both the outline directive and the other directives on noise emission levels;

4. Considers that the present directive should deal comprehensively with protection against noise, since to issue, first, one directive to protect the environment from the noise of earth-moving machines and then a second to protect the operators of such machines would be more expensive and more troublesome for all concerned.
5. Requests that the limits laid down in Article 3 of the proposal for a directive should apply to machines that are switched on and in operation and not to machines that are switched off and stationary.¹

¹The draftsman shared the opinion of the minority of the committee that the transitional period of five years stipulated in Article 3 of the proposed directive was too long and that it should be reduced to one year. Her opinion was based on the fact, also recognized by the Commission that the limits proposed for the first stage could already be met by most machines on the market.

