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DOCUMENT 469/78

Report

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

on the proposal from the Commission of the European Communities to the
Council (Doc. 57/78) for a directive on the limitation of the noise emitted by
compressors

Rapporteur: Mrs V. SQUARCIALUPI

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By letter of 14 April 1978 the President of the Council of the European Communities requested the European Parliament, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the limitation of the noise emitted by compressors (Doc. 57/78).

On 28 April 1978, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible.

At its meeting of 22 May 1978 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs SQUARCIALUPI rapporteur.

It considered this proposal at its meetings of 25/26 September 1978 and, at its meeting of 21/22 November 1978, adopted the motion for a resolution unanimously.

Present: Mrs Krouwel-Vlam, chairman; Mrs Squarcialupi, rapporteur; Mr Brégégère, Mr Brown, Lord Kennet, Mr Lamberts, Mr Noè, Mr Veronesi and Mr Wawrzik.

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A

The Committee on the Environment, Public Health and Consumer Protection 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 the noise emitted by compressors

The European Parliament

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 235 of the EEC Treaty (Doc. 57/78),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 469/78),
1. Welcomes the submission of this specific proposal for a directive which meets an economic need and at the same time will also help to bring about a general improvement to the quality of the environment;
 2. Expresses its satisfaction with the measures proposed which are based on a system of total harmonization;
 3. Regrets however that the Commission has given no attention to the protection of workers' health at the workplace in this context in order to limit the danger to the hearing of those concerned to a minimum;
 4. Is aware that the lowering of compressor noise levels will in certain cases lead to a considerable increase in production costs, although this will be compensated for by the expected increase in the working life of the machinery;

¹ OJ No. C 94, 19.4.1978, p.2

5. Is however of the opinion that the deadline for the introduction of the suggested lower noise levels of the various types of compressor should be strictly adhered to;
6. Urges the Commission to follow closely technological progress and industrial production in this area and, where appropriate, to submit proposals for amendments to reduce those noise levels which are still too high;
7. Considers it necessary to urge that the use of compressors and all other noisy machines, whether silenced or unsilenced, in particularly sensitive or densely built-up areas be subject to special rules;
8. Expects the Commission to make progress on its proposal for a Council regulation establishing a programme for the suppression of noise and that it will soon be able to present a proposal on this matter;
9. Urges the Council to adopt at the earliest opportunity the directives on noise abatement still before it in view of the damage noise can cause to human health and the obstacles it presents to an improvement of the quality of life;
10. Makes its approval of the present directive conditional on the full implementation of the outline directive and the directive on the measurement method for sound-emission levels;
11. Requests the Commission to incorporate the following amendments in its proposal, pursuant to Article 149, second paragraph, of the EEC Treaty.

Proposal from the Commission of the European Communities to the Council
for a directive on the limitation of the noise emitted by compressors

Preamble and recitals unchanged

Articles 1 to 6 unchanged

Article 7

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| 1. Member States shall not prohibit, on grounds relating to the permissible sound level, the sale, placing in service or use for its intended purpose of any compressor accompanied by the certificate of conformity referred to in Article 5(4) which is marked as described in Article 6. | 1. Unchanged. |
| 2. Member States shall take measures to regulate the use of compressors in areas which they consider particularly sensitive. | 2. Member States shall take measures to regulate the use of <u>silenced and unsilenced</u> compressors in <u>densely built-up areas and</u> in areas which they consider particularly sensitive. |

Articles 8, 9, 10 and 11 unchanged.

¹ For complete text, see OJ No. C 94, 19.4.1978, p.2

EXPLANATORY STATEMENTI. INTRODUCTION

1. So far the Council has only adopted the following directives on noise abatement:

- Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ No. L 42, 23.2.1970, p.16),
- Directive 77/212/EEC of 8 March 1977 amending the directive of 6 February 1970 (OJ No. L 66, 12.3.1977, p. 33),
- Directive 77/311/EEC of 29 March 1977 relating to the driver-perceived noise level of wheeled agricultural or forestry tractors (OJ No. L 105, 28.4.1977, p. 1).

2. The following proposals are still being considered by the Council:

- Proposal for a directive on the limitation of noise emission from subsonic aircraft forwarded to the Council on 26 April 1976. The Commission amended its proposal on the basis of the opinion delivered by the European Parliament and forwarded it to the Council on 4 November 1976,
- Proposals for the approximation of the laws of the Member States
 - (a) relating to the measurement of the sound level of constructional plant and equipment, forwarded to the Council on 31 December 1974,
 - (b) relating to the permissible sound level for pneumatic concrete-breakers and jackhammers, forwarded to the Council on 31 December 1974,
 - (c) relating to the permissible sound level and to the exhaust system of motorcycles, forwarded to the Council on 17 December 1975,
 - (d) relating to the permissible sound-emission level for tower cranes, forwarded to the Council on 30 December 1975,
 - (e) relating to the permissible sound-emission level for current generators for welding, forwarded to the Council on 30 December 1975,
 - (f) relating to the permissible sound-emission level for current generators for power supply, forwarded to the Council on 30 December 1975.

3. In order to advance Community policy on noise abatement, which is still in an initial phase having been endorsed by the Council in its declaration of 22 November 1973 and its resolution of 17 May 1977, the Commission has based the present proposal relating to the permissible sound-emission level for compressors on the premise that the most efficient way of combating noise is to keep noise sources themselves within acceptable limits.
4. With certain Member States having already laid down measures to protect the environment or preparing to do so, barriers to trade and distortions of competition may easily arise to create an obstacle to the good functioning of the common market. The production of and trade in compressors is a case in point. The present proposal, in common with the proposals for directives mentioned above, therefore takes Article 100 of the EEC Treaty as its legal basis.
5. In the explanatory memorandum to the present proposal for a directive, the Commission makes reference to an outline directive and a directive on the measurement method for sound-emission levels which have, however, not yet been adopted by the Council. An account on the progress made on these proposals in the Council was given in Notice to Members PE 55.779. The present proposal was submitted taking these circumstances into account.
6. Its objective is to reduce the sound-emission levels of new compressors divided into four types. This division into four classes with differing permissible sound-emission levels is based on the air-flow capacity and takes account of the estimated increase in production costs for each type.

II. GENERAL REMARKS

7. The constant development of modern industrial society and urbanization have produced a sharp rise in sound-emission levels and a worrying increase in cases of loss of hearing amongst human beings.
8. Recent studies of the frequency of this affliction have shown that more than 10 million people in the Member States are suffering from some form of noise induced deafness and in a large number of cases this disorder also affects their speech.
9. Excessive noise can provoke not only explosion traumas causing irreparable damage to the hearing but also chronic cochlear lesion when the auditory organ is exposed to it for long periods and at great intensity.

10. Typical of these studies is the research carried out by BAUGHN on loss of hearing resulting from exposure to sound emissions. He suggests that one may work continually with up to 80 dB(A) with absolute certainty of incurring no damage to the hearing. The risk increases slightly between 80 dB(A) and 85 dB(A) and quite considerably between 85 dB(A) and 90 dB(A). This is the reason for the action being taken in the United States to bring down the permitted level from 90 dB(A) to 85 dB(A).
11. Taking account of the fact that the effects of noise on hearing are largely dependent on the rhythm of the noise, the vibrations caused, the frequencies making up the noise, the surroundings, the length of exposure, individual human sensitivity and the difference in age of the people who were exposed to sound emissions, BAUGHN's findings have been confirmed in many other scientific investigations. In general it may be said that exposure to sound emissions of between 80 and 90 dB(A) is acceptable provided that measures are taken for the most sensitive workers. General protection measures are needed above 90 dB(A) since at this level it is certain that a large percentage of workers will suffer lasting damage to their hearing.

III. PARTICULAR REMARKS

12. It becomes immediately apparent in the light of the above remarks that the Community has done very little in the field of noise abatement. Perhaps this is because the Commission has been without a clear legal basis on which to prepare a coherent programme on the subject.
13. Until now it has always been supposed that noise abatement was only feasible in the context of the removal of technical barriers to trade occasioned by the divergent specifications adopted by the Member States with regard to noise-producing equipment. It has therefore been limited to a gradual reduction of the sound-emission levels of the most disturbing noise sources. Your rapporteur wishes to express her satisfaction at the fact that, unlike previous proposals, this measure is not an optional one. Only total harmonization can meet the objective set here.
14. The Committee is further of the opinion that, although Article 100 may be taken as the legal basis of this proposal, emphasis ought also to be placed on the full protection of workers' health at the workplace and an improvement to the quality of life.

15. When it is found with scientific certainty that exposure to sound emissions higher than 90 dB(A) will inevitably damage hearing and produce other unwelcome side-effects in human beings, the committee considers that the use of compressors should be subject in every case to measures to protect the health of the persons most affected.
16. The committee therefore very much appreciates the fact that in the penultimate recital and in Article 7, the Commission has provided for stricter rules governing the use of compressors in certain sensitive areas. It suggests that this article should be worded more clearly so as to prevent compressors coming on to the market before mid-1981, i.e. compressors already in use and those which might be brought onto the market before the coming into force of the present directive, being used unrestrictedly in areas where they would cause the most nuisance.
17. The committee also feels that the concept of 'sensitive areas' must not be interpreted in too limited a sense. It should not be used **only** to mean areas in the vicinity of hospitals, old people's homes or schools but also the acoustic environment of densely built-up areas in which the noise emitted by compressors is quite often boosted by a cumulative effect perceived both by the people living round about and the workers directly affected.
18. Despite the good intention of the present proposal, the committee feels it must point out a serious shortcoming in it concerning these workers. When drawing up the proposal the Commission was indeed moved by concern for people affected indirectly by the use of compressors but, unless other measures are assumed to give sufficient protection to workers at these workplaces, it has not provided for any additional safety measures for those directly affected.
19. As to the economic and technical implications of the proposal to reduce sound-emission levels, the committee draws particular attention to the Commission's findings (point 5 of the Commission document) and the consultations which it has had on the matter with interested circles including those at international level, in particular the International Standards Organization. Cooperation with this body can only benefit the

good functioning of a common market in both economic and human terms. Paragraph 8 of the motion for a resolution should be interpreted in this light, allowing for the eventuality that new or improved techniques may be brought on to the market which would make it possible to reduce even further the still far too high permissible sound-emission levels.

20. As a matter of general interest, the committee would point out that a study carried out by the US Environmental Protection Agency has shown that compressors are amongst the least noisy machines on a modern building site. Amongst the 20 noise-producing machines tested the compressor took only 16th place.
21. The immediate question is not whether the Commission and other bodies which have assumed responsibility for a humane environment policy should be investigating what particular directives are still needed: it is surely much more desirable that the Commission should draw up general criteria for noise abatement in the near future, as announced in its first report on the environment, since attention must be given not only to consequences of a specific kind but also, perhaps even more so, to the whole range of undesirable side-effects.

IV. CONCLUSION

22. Subject to the proposed amendments to the text and the remark made in paragraph 21, the committee gives its approval to the present proposal.