



**UK Government Response to
Consultation of 26 October 2005**

**Directive 2005/88/EC, amending
Directive 2000/14/EC, relating to
Noise Emission in the
Environment by Equipment for
Use Outdoors - Implementation in
the United Kingdom**

January 2007

URN 07/574

Consultation on Directive 2005/88/EC, amending Directive 2000/14/EC relating to the Noise Emission in the Environment by Equipment for Use Outdoors – Implementation in the United Kingdom

Government Response

The DTI issued a consultation paper on 26th October 2005 seeking views on how it is proposed to implement, in the UK, the amendment to Directive 2000/14/EC (The Noise Directive). The Directive relates to noise emission in the environment by equipment for use outdoors. The amendment has been necessary to enable manufacturers of those types of equipment to continue to place that equipment on the market after 3 January 2006. The European Commission issued their proposal to amend the Directive in August 2005; the amending Directive was adopted on 14 December 2005 and published in the OJ on 27 December 2006.

The UK transposed the amending Directive 2000/14/EC of the European Parliament and of the Council, amended by the Directive 2005/88/EC, on 3 January 2006 (http://ec.europa.eu/enterprise/mechan_equipment/noise/legisl.htm). It sets out both noise limits and labelling requirements for a number of types of machines intended for use outdoors.

It covers 57 types of equipment used outdoors:

- for 22 of them, it sets noise limits in terms of A-weighted overall sound power;
- for 35 additional types of equipment, only a noise declaration is required.

The consultation closed on 23rd November 2005.

The Department sent the consultation document to 227 contacts, including representative bodies for the machinery industries, regulatory enforcement authorities, manufacturers and other interested parties. Two responses were received in total.

This document sets out the Government's formal response to the responses received and outlines the key issues raised by the consultation and sets out how the Government proposes to deal with them.

The DTI is very grateful for all of the responses to this consultation and has considered all of the comments and suggestions made, the views from which have helped inform the approach set out below.

Overall response:

Two responses provided views on the proposals from JC BAMFORD EXCAVATORS Ltd (JCB) and Construction Equipment Association (CEA).

Summary of responses to Consultation Paper

Consultation questions:

Question 1:

Do consultees, particularly those whose trade includes the manufacture, importation or sale of equipment listed in the amending Directive, believe that the proposed Regulations will have a significant impact on competition or profitability?

Consultation Response:

JCB said that they did not foresee any negative impact on competition as the amending Directive affects whole product categories and not specific manufactured products. The profitability of UK manufacturers and importers can be assisted through continued sale of machines that would have otherwise been unavailable to the UK (and EU) market.

CEA said that the new Regulations will allow the continued supply of machines to the UK and EU market that cannot meet Stage II limits. This is important as there will always be machines imported to the UK from outside the EU that do not meet the EU Directives, commonly known as non-compliant imports. These machines would have been allowed into the UK regardless of the fact that they did not meet Stage II limits, whereas UK manufacturers would have been targeted for enforcement. As such, the new Regulations will allow competition and profitability that would otherwise have been jeopardised.

JCB and CEA in favour.

Recommendation: To implement changes along the line set out in the consultation document

Question 2:

If you are a small or medium sized enterprise, what costs or other burdens are associated with the introduction of the Regulations?

JCB – not applicable

CEA – Did not foresee any additional costs or burdens for SMEs

Recommendation: To implement changes along the line set out in the consultation document

Question 3:

Are there any consequences of these Regulations that have not been anticipated?

Consultation Response:

JCB and CEA said that it is important to receive the Article 20 report from the Commission to determine the possibility of any further noise reduction for all the products covered by the Regulations.

Recommendation: To implement changes along the line set out in the consultation document

Question 4:

Do you consider this consultation exercise to be an effective means of disseminating information to those affected by the changes? How else could the DTI ensure these Regulations are implemented effectively?

Consultation Response:

JCB – See above response.

CEA – The consultation exercise on its own is not sufficient. It is very important to hold a Briefing session and for an official DTI Press Release so that all parties are fully informed of the new Regulations and interim procedures.

Government Response: We have an obligation to issue an official DTI Press Release at the point the UK Regulations enter into force

Recommendation: To implement changes along the line set out in the consultation document

List of respondees:

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