



Council of the
European Union

168313/EU XXVII. GP
Eingelangt am 08/01/24

Brussels, 8 January 2024
(OR. en)

17021/23

MI 1156
ENT 282
ENV 1535
COMPET 1306
DELECT 216
IND 712

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 15968/23 + ADD 1 - C(2023) 7206
Subject:	Commission Delegated Regulation amending Directive 2000/14/EC as regards the methods to measure airborne noise emitted by equipment for use outdoors - Intention not to raise objections to a delegated act

1. On 25 April 2023, the Commission submitted the above draft delegated act to the Council in accordance with Article 18(a) of Directive 2000/14 (EC)¹.

¹ Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1–78). Current consolidated version is of 26/07/2019.

2. Directive 2000/14 complements the requirements of the Machinery Directive² with respect to airborne noise emissions. Directive 2000/14 is an ‘Old Approach’ legislation. The ‘New Approach’ legislation lays down general essential requirements while leaving the use of technical specifications to the manufacturer’s discretion. Annex III contains the description of the noise measurement methods that the industry needs to comply with for the design and the conformity assessment of outdoor equipment. These methods are currently outdated. The present proposal for a delegated regulation is based on the conclusions of the REFIT evaluation of the Directive from 16 November 2020, and would allow it to align with technical progress. It would also simplify the work of manufacturers and notified bodies. In addition, the new noise measurements would set a more robust basis for the update of the noise limits through a future revision of the Directive.
3. The Directive The Council had until 22 December 2023 to object to it or ask for an extension. No delegation has asked for that within the deadline. One Member State made a technical comment.
4. Against this background, the Permanent Representatives Committee could invite the Council to confirm the non-opposition to the delegated act, as laid out in document ST 15968/23 + ADD 1 as an item without discussion at one of its forthcoming meetings, and that the Commission and the European Parliament are to be informed thereof. This implies that unless the European Parliament objects to it, the delegated act shall be published and adopted after 18 January 2024, in accordance with Article 18b of Directive 2000/14 (EC).

² Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (OJ L 157, 9.6.2006, p. 24–86). Current consolidated version is of 26/07/2019.