



Department of Trade and Industry

**The Noise Emission in the Environment  
by Equipment for use Outdoors  
Directive 2000/ 14/ EC**

**Implementation in the United Kingdom**

**A Consultation Document**

**1 December 2000**

**URN 00/1194**

## PREFACE

The Department of Trade and Industry (“DTI”) would welcome your comments on the draft Regulations (Annex A), which will implement the Noise emission in the environment by equipment for use outdoors Directive 2000/14/EC (Annex B) in the UK. The Directive must be implemented in the UK by 3 July 2001. From 3 July 2001 until 2 January 2002, there will be a transition period whereby manufacturers or their authorised representatives within the Community may apply the provisions of the draft Regulations or the legislation currently in force. From 3 January 2002, the provisions of the Regulations become mandatory.

The Directive, which entered into force on 3 July 2000, covers 57 categories of equipment for use outdoors ranging from construction machinery to lawnmowers. Equipment primarily for transporting goods or people by road, rail, air or water and equipment specially designed and constructed for military, police and emergency services are excluded. The main requirements on manufacturers are to measure the noise levels of equipment and to fix labels showing the “guaranteed” noise levels of each machine. The proposal also sets noise limits for 22 of the 57 categories, which are laid down to apply in two stages. Among the 22 categories of equipment required to meet noise limits there are 11 which are already covered by existing directives, although these will be repealed and superseded by the Directive. In addition data will be collected by the Commission on the noise levels of all categories of equipment with the aim of setting or resetting noise limits for some of them at a later date.

The proposed Regulations are largely similar to those which give force in the United Kingdom to other product standard Directives adopted under Article 95 of the Treaty.

A guidance booklet issued by the DTI to explain the requirements of the Directive in less formal terms, entitled *Noise emission in the environment by equipment for use outdoors: Guidance notes on the Directive URN 00/525*, is available from the DTI Publication Orderline on 0870 1502 500 and the STRD website at [www.dti.gov.uk/strd/](http://www.dti.gov.uk/strd/). This booklet (which does not have force in law) will be updated and available when the Regulations have been made.

*Interim Guidelines for organisations seeking Notified Body status to undertake noise emission testing, inspection and certification URN 00/526* was published in July 2000, which will be updated once the Regulations have been made. Copies of this document are also available from the DTI Orderline and STRD website (details as above).

DTI would be grateful if any comments on the draft Regulations could, where possible be co-ordinated through trade or other representative organisations. Comments are required within 13 weeks and no later than 2 March 2001. Particular points where further consideration and/or further comment would be helpful are identified in the supplementary notes attached to the Summary of Proposals below. However, it should be noted that the consultation exercise relates to the implementation of the Directive rather than the Directive itself (which has, of course, been formally adopted by the European Parliament and the Council) and comments should relate to the method of implementation rather than to the text where this has been drawn directly from the Directive.

Comments will also be welcome on the draft Regulatory Impact Assessment attached at Annex C, specifically on the section headed 'Impact on small business'.

Co-ordinated responses should be sent to Fran Buckle at the address below. However, if e-mail is available then such means are preferred. Further copies of this document can be obtained from the same address or downloaded from the STRD website at:

[www.dti.gov.uk/strd/](http://www.dti.gov.uk/strd/)

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It should be noted that replies will be treated as open unless respondents state that they wish them or any part of them (including the identity of the respondent) to be treated as confidential.

**Department of Trade and Industry, London.**

## SUMMARY OF PROPOSALS

**(This note and the supplementary notes are not part of the Regulations)**

These draft Regulations apply to certain equipment for use outdoors and impose requirements which must be met if such equipment is placed on the market or put into service in the United Kingdom. The Regulations will implement Directive 2000/14/EC of the European Parliament and of the Council of 3 July 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

### CITATION, COMMENCEMENT AND REVOCATION

**Regulation 1** identifies these Regulations as the Noise Emission in the Environment by Equipment for use Outdoors Regulations, establishes the dates for entry into force and revokes the current noise emission Regulations.

These Regulations apply to the United Kingdom. There will not be any separate legislation for Northern Ireland.

### INTERPRETATION

**Regulation 2** provides interpretation and definitions necessary for the application of the subsequent Regulations.

### APPLICATION

**Regulation 3** provides for the general application of the Regulations to the equipment for use outdoors listed in Schedules 1 and 2, and as defined in detail in Schedule 4 (which replicates the text of Annex I of the Directive).

### EXCLUDED EQUIPMENT

**Regulation 4** excludes from the scope of the Regulations equipment as listed therein as derived from Article 2.1 and 2.2 of the Directive.

**Regulation 5** excludes from the scope of the Regulations equipment placed on the market before the date of application (3 July 2001).

**Regulation 6** sets out the transitional arrangements whereby equipment placed on the market or put into service on or before 2 January 2002 are excluded from the scope of the Regulations provided that they comply with any noise legislation relating to the placing on the market in the UK of that equipment which is in force on 2 July 2001.

### GENERAL DUTY TO PLACING ON THE MARKET OR PUTTING INTO SERVICE

**Regulation 7** imposes a duty on any 'responsible person' (defined in regulation 2(2)) who places on the market or puts into service any equipment listed in Schedules 1 and 2 and further defined in Schedule 4, to comply with certain requirements, set out in

regulation 7(2). These include that the equipment must satisfy the relevant requirements concerning the noise emission in the environment (as set out in regulation 8), that the appropriate conformity assessment procedure (chosen according to the provisions of regulation 10) has been carried out, that the CE marking and the indication of the guaranteed sound power level has been affixed in accordance with regulation 11, and that an EC declaration of conformity (as the minimum content of which is described in Schedule 5) has been drawn up and accompanies the equipment.

### **PERMISSIBLE SOUND POWER LEVEL OF EQUIPMENT**

**Regulation 8** sets out the requirement that the guaranteed sound power level of equipment listed in Schedule 1 does not exceed the permissible sound power level as set out in the table in Schedule 3, and the requirement that the guaranteed sound power level shall be marked on equipment listed in Schedule 2.

### **EXCEPTIONS TO PLACING ON THE MARKET AND PUTTING INTO SERVICE OF CERTAIN EQUIPMENT**

**Regulation 9** provides for a number of exceptions from the duties in regulation 7 for equipment which will be put into service outside the Community and for equipment exhibited at trade fairs and exhibitions.

### **CONFORMITY ASSESSMENT PROCEDURES**

**Regulation 10** sets out the conformity assessment procedures for equipment by reference to the modules set out in Schedules 8, 9, 10 and 11.

### **CE MARKING AND INDICATION OF SOUND POWER LEVEL**

**Regulation 11** sets out the requirement for CE marking and the indication of the guaranteed sound power level.

### **PROVISION OF DATA**

**Regulation 12** sets out the requirement for a copy of the declaration of conformity to be sent to the DTI and the European Commission.

### **NOTIFIED BODIES**

**Regulation 13** describes notified bodies.

**Regulation 14** provides for the Secretary of State to appoint notified bodies.

### **FEEES**

**Regulation 15** provides for notified bodies, subject to certain conditions, to charge fees for carrying out their duties under the Regulations.

## **CONDITIONS FOR EQUIPMENT BEING TAKEN TO CONFORM WITH THE PROVISIONS OF THE REGULATIONS**

**Regulation 16** sets out the conditions for equipment to be taken to comply with the Regulations.

### **ENFORCEMENT**

**Regulation 17** provides for enforcement of the Regulations by reference to Schedule 13 and also includes a requirement that a warning must be given and the opportunity given to the responsible person to remedy non-conformity before enforcement action is taken.

### **OFFENCES**

**Regulation 18** provides that a contravention of or failure to comply with regulations 7(1), 7(5) or 12 will be an offence.

### **PENALTIES**

**Regulation 19** provides that those charged with offences under regulations 7(1) and 7(5) are liable, on summary conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding level 5 on the standard scale, or to both; and that offences under regulation 12 are liable only to a fine not exceeding level 5 on the standard scale.

### **DEFENCE OF DUE DILIGENCE**

**Regulation 20** provides for a defence of due diligence.

### **LIABILITY OF PERSONS OTHER THAN THE PRINCIPAL OFFENDER**

**Regulation 21** provides for liability of persons other than the principal offender.

### **CONSEQUENTIAL AMENDMENTS**

**Regulation 22** provides for consequential amendments to other Regulations.

### **SCHEDULES**

**Schedule 1** lists the equipment subject to noise limits (reproduced from Article 12 of the Directive).

**Schedule 2** lists the equipment subject to noise marking only (reproduced from Article 13 of the Directive).

**Schedule 3** sets out the table with permissible sound power levels for equipment listed in Schedule 1.

**Schedule 4** sets of the definitions of equipment (reproduced from Annex I of the Directive).

**Schedule 5** sets out the information required in the EC declaration of conformity (reproduced from Annex II of the Directive).

**Schedule 6** sets out the methods of measurement of airborne noise emitted by equipment for use outdoors (reproduced from Annex III of the Directive).

**Schedule 7** sets out the models of the CE marking of conformity and of the indication of the guaranteed sound power level (reproduced from Annex IV of the Directive).

**Schedule 8** gives effect to the internal control of production conformity assessment procedure (reproduced from Annex V of the Directive).

**Schedule 9** gives effect to the internal control of production with assessment of technical documentation and periodical checking conformity assessment procedure (reproduced from Annex VI of the Directive).

**Schedule 10** gives effect to the unit verification conformity assessment procedure (reproduced from Annex VII of the Directive).

**Schedule 11** gives effect to the full quality assurance conformity assessment procedure (reproduced from Annex VIII of the Directive).

**Schedule 12** sets out the model of conformity certificate issued by the notified body for the unit verification procedure in Schedule 10.

**Schedule 13** sets out the arrangements for enforcement and contains some offence provisions related to enforcement.

## SUPPLEMENTARY NOTES

The following points are considered to be particularly worthy of note, consideration or comment:

**Page 1, footnote (a)** – A Designation Order to enable the Secretary of State to make these Regulations under the European Communities Act 1972 will be obtained by January 2001.

**Regulation 1(4) – Revocation of current legislation:** Some of the products covered by the draft Regulations are currently covered by Directives 84/533/EEC, 4/534/EEC, 84/835/EEC, 84/536/EEC, 84/537/EEC, 84/538/EEC, and 86/662/EEC. These Directives were implemented by The Construction Plant and Equipment (Harmonization of Noise Emission Standards) Regulations 1985 (S.I. 1985/1968 as amended by S.I. 1989/1127), the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1988 (S.I. 1988/361 as amended by S.I. 1992/488, 1992/3043 and 1995/2357), and the Lawnmowers (Harmonisation of Noise Emission Standards) Regulations 1992 (S.I. 1992/168 as amended by S.I. 1997/876). These are revoked as from 3 January 2002

**Regulation 1(2) – Date of application:** provides for regulations 2 and 14 to enter into force at the earliest possible date after the Regulations are made. This will enable the Secretary of State to appoint notified bodies before the main provisions of the Regulations enter into force on 3 July 2001.

**Regulation 2(1)(b) – European Economic Area (EEA):** it is expected that the application of the Directive will be extended to the EEA before 3 July 2001. This regulation therefore provides that all references in the Regulations to the Community includes also the EEA, in advance of a decision by the EEA Joint Committee. Should the EEA Joint Committee not provide a decision before the regulations are laid before Parliament, the alternative text in the footnote will be enacted.

**Regulation 2(2) – Definitions - ‘enforcement authority’:** The Secretary of State for Trade and Industry, who may act through the Vehicle Certification Agency (VCA), an executive agency of the Department of the Environment, Transport and the Regions, is defined as the ‘enforcement authority’ for the purposes of enforcement of the Regulations for the whole of the UK. Schedule 13 specifies the powers of the enforcement authority in respect of these Regulations.

**Regulation 7 – General duty to placing on the market or putting into service:** ‘place on the market’ and ‘put into service’ are not defined in the Directive or the Regulations but should be interpreted widely in line with the general principles applying to Article 95 Directives (see the Commission’s Guide to the implementation of directives based on the New Approach and the Global Approach). ‘Placed on the market’ and ‘put into service’ are generally understood to apply only to the first placing on the market and putting into service in the EEA. The Regulations will not therefore apply to equipment which has already been in use in the EEA.

**Regulation 12 – Provision of data:** the requirement is for the declaration of conformity to be sent to the DTI and the European Commission, as required by Article 16.1 of the Directive. The Commission has not yet specified where they wish the declarations of conformity to be sent in Brussels. This information will be published later by the Commission. If the address is available in time it will be inserted in the footnote to regulation 12. The Vehicle Certification Agency (VCA) may receive the declarations of conformity on behalf of the DTI.

**Regulation 22 – Consequential amendments:** are still under consideration. So far, amendments to the Provision and Use of Work Equipment Regulations 1998 (S.I. 1998/2306) and the Supply of Machinery (Safety) Regulations 1992 (S.I. 1992/3073) have been identified as requiring minor amendments.

**Technical drawings and markings throughout the Regulations:** these are not included at present but will be copied from the Directive. We are trying to ensure that clear and legible drawings are inserted in the published Regulations.

## **DRAFT REGULATIONS**

### **Citation, commencement and revocation**

1.–(1) These Regulations may be cited as the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001.

(2) This regulation, regulations 2 and 14 shall come into force on [date on which Regulations are made] 2001.

(3) The remaining regulations shall come into force on 3 July 2001.

(4) The Construction Plant and Equipment (Harmonization of Noise Emission Standards) Regulations 1985**(a)**, the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1988**(b)** and the Lawnmowers (Harmonisation of Noise Emission Standards) Regulations 1992**(c)** are revoked with effect from 3 January 2002.

### **Interpretation**

2.–(1) In these Regulations –

- (a) “the Directive” means Directive 2000/14/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors**(d)**;
- (b) except for the references to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State: for this purpose -
  - (i) the “EEA” means the European Economic Area;
  - (ii) an “EEA State” means a State which is a Contracting Party to the EEA Agreement; and

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**(a)** S.I. 1985/1968, amended by S.I. 1989/1127.

**(b)** S.I. 1988/361, amended by S.I. 1992/488, 1992/3043, 1995/2357.

**(c)** S.I. 1992/168, amended by S.I. 1997/876.

**(d)** O.J. L162. 3.7.2000, p.1.

(iii) the “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(a); and

(c) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference-

(i) to a paragraph in a regulation is a reference to a paragraph in that regulation;

(ii) to an Annex is a reference to an Annex of the Directive: for the purposes of these Regulations, Annexes I, II, III, IV, V, VI, VII, VIII are respectively set out in Schedules 4, 5, 6, 7, 8, 9, 10,11;

(iii) to a paragraph in an Annex is a reference to a paragraph in that Annex as set out in the relevant Schedule;

(iv) to an Article is a reference to an Article of the Directive.

(2) In these Regulations, unless the context otherwise requires –

“CE marking” means the CE marking referred to in regulation 11 consisting of the initials “CE” in the form shown in Schedule 7;

“the Commission” means the Commission of the European Communities;

“enforcement authority” shall be construed in accordance with paragraph 1(1) of Schedule 13;

“equipment” means “equipment for use outdoors”;

“equipment for use outdoors” means all machinery defined in Article 1(2) of Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery(b), that is to say;

- an assembly of linked parts or components, at least one of which moves, with the appropriate actuators, control and power circuits, etc., joined together for a

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(a) [The application of the Noise Emission in the Environment by Equipment for use Outdoors Directive was extended to the EEA from ... by virtue of Decision x/y of the EEA Joint Committee.] or

[A Decision of the EEA Joint Committee will extend the application of the Directive to the EEA. That Decision has not been made at the date of making of these Regulations.]

(b) O.J. L207, 23.7.1998, p.1 Directive as amended by Directive 98/79/EC (O.J. L331, 7.12.1998, p.1).

specific application, in particular for the processing, treatment, moving or packaging of a material, or

- an assembly of machines which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole, or
- interchangeable equipment modifying the function of a machine, which is placed on the market for the purpose of being assembled with a machine or a series of different machines or with a tractor by the operator himself insofar as this equipment is not a spare part or a tool;

which is either self-propelled or can be moved and which, irrespective of the driving element(s), is intended to be used, according to its type, in the open air and which contributes to environmental noise exposure, including non-powered equipment for industrial or environmental applications which is intended, according to its type, to be used outdoors and which contributes to environmental noise exposure;

“indication of the guaranteed sound power level” means the indication referred to in regulation 11 in the form shown in Schedule 7;

“open air” includes the use of equipment in an ambience where the transmission of sound is not or not significantly affected (for instance, under tents, under roofs for protection against rain or in the shell of houses);

“responsible person” means

- (a) the manufacturer;
- (b) the manufacturer’s authorised representative established in the Community; or,
- (c) where neither the manufacturer nor his authorised representative is established in the Community, the person placing the equipment on the market or putting it into service in Community;

“guaranteed sound power level” means a sound power level determined in accordance with the requirements laid down in Schedule 6 which includes the uncertainties due to production variation and measurement procedures and where the manufacturer or his authorised representative established in the Community confirms that according to the technical instruments applied and referred to in the technical documentation it is not exceeded;

“measured sound power level” means a sound power level as determined from measurements as laid down in Schedule 6; measured values may be determined either from a single machine representative for the type of equipment or from the average of a number of machines;

“notified body” shall be construed in accordance with regulation 13;

“sound power level  $L_{wa}$ ” means the A-weighted sound power level in dB in relation to 1pW as defined in EN ISO 3744:1995(a) and EN ISO 3746:1995(b).

### **Application**

3. Subject to regulations 4, 5 and 6, these Regulations shall apply to equipment listed in Schedules 1 and 2, as further defined in Schedule 4.

### **Excluded equipment**

4. These Regulations shall not apply to -

- (a) non-powered attachments separately placed on the market or put into service except for hand-held concrete breakers and picks and those for hydraulic hammers;
- (b) all equipment primarily intended for the transport of goods or persons by road or rail or by air or on waterways; or
- (c) equipment specially designed and constructed for military and police purposes and for emergency services.

5. These Regulations shall not apply to equipment placed on the market before 3 July 2001.

6. –(1) Subject to paragraph (2), these Regulations shall not apply to equipment placed on the market or put into service on or before 2 January 2002 which comply with any provisions with which they would have been required to comply for them to be placed on the market in the United Kingdom on 2 July 2001.

(2) The exclusion provided in paragraph (1) shall not apply in the case of equipment which-

- (a) unless required to bear the CE marking pursuant to any other Community obligation, bears the CE marking or an inscription liable to be confused with it; or
- (b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the Directive.

### **General duty relating to placing on the market or putting into service**

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(a) EN ISO 3744:1995 - Acoustics - Determination of sound power levels of noise sources using sound pressure - Engineering method in an essentially free field over a reflecting plane

(b) EN ISO 3746:1995 - Acoustics - Determination of sound power levels of noise sources using sound pressure - Survey method using an enveloping measurement surface over a reflecting plane

7.–(1) Subject to regulation 8, no person, who is a responsible person, shall place on the market or put into service any equipment listed in Schedules 1 and 2 and further defined in Schedule 4 unless the requirements of paragraph (2) have been complied with in relation to it.

(2) The requirements in respect of equipment described in paragraph (1) are that:

- (a) it satisfies the relevant requirements set out in regulation 8;
- (b) the appropriate conformity assessment procedure referred to in regulation 10 has been completed in relation to it;
- (c) it bears the CE marking and the indication of the guaranteed sound power level in accordance with regulation 11; and
- (d) it is accompanied by an EC declaration of conformity the minimum content of which is set out in Schedule 5.

(3) In respect of equipment to be placed on the market or put into service in the United Kingdom, the declaration of conformity shall be in English.

(4) A specimen of the declaration of conformity shall be retained by the responsible person for 10 years from the date on which the type of equipment was last manufactured, together with the technical documentation as provided for in Schedule 8 point 3, Schedule 9 point 3, Schedule 10 point 2, and Schedule 11 points 3.1 and 3.3.

(5) Type-examination certificates issued and measurements of equipment carried out under the Regulations listed in regulation 1(4) may be used in drawing up the technical documentation referred to in paragraph (4) above.

(6) Paragraph (1) shall only apply to equipment that is placed on the market or put into service as an entire unit suitable for the intended use of that equipment.

### **Permissible sound power level of equipment**

8.–(1) The requirements concerning noise emission in the environment in the case of equipment listed in Schedule 1 and defined in Schedule 4 are that the guaranteed sound power level does not exceed the applicable permissible sound power level as laid down in the table set out in Schedule 3 and as calculated in accordance with the provisions in Schedule 6.

(2) The sound power levels in the column headed “Stage I” of the table set out in Schedule 3 shall apply from 3 January 2002 and those in the column headed “Stage II” of the said table shall apply from 3 January 2006.

(3) The requirements concerning noise emission in the environment in the case of equipment listed in Schedule 2 and defined in Schedule 4 are that the guaranteed sound power level shall be marked on the equipment.

## **Exceptions to placing on the market and putting into service of certain equipment**

**9.** For the purposes of regulation 7, equipment shall not be regarded as being placed on the market or put into service -

- (a) where that equipment -
  - (i) will be put into service in a country outside the Community; or
  - (ii) is imported into the Community for re-export to a country outside the Community,

save that this paragraph shall not apply if the CE marking, or any inscription liable to be confused therewith, is affixed thereto; or

- (b) by the showing at trade fairs, exhibitions, demonstrations and similar events, of that equipment in respect of which the provisions of these Regulations are not satisfied if -
  - (i) a visible sign clearly indicates that -
    - (a) such equipment does not conform; and
    - (b) it is not placed on the market or put into service until it has been brought into conformity by the manufacturer or his authorised representative established in the Community; and
  - (ii) adequate safety measures are taken during demonstrations to ensure the protection of persons.

## **Conformity assessment procedures**

**10.** For the purposes of regulation 7(2)(b), the appropriate conformity assessment procedure is

- (a) for equipment listed in Schedule 1 and defined in Schedule 4, one of the procedures set out in Schedule 9, 10 or 11; or
- (b) for equipment listed in Schedule 2 and defined in Schedule 4, the procedure set out in Schedule 8.

## **CE marking and indication of the guaranteed sound power level**

**11.- (1)** The CE marking shall be accompanied by the indication of the guaranteed sound power level.

(2) The CE marking and the indication of the guaranteed sound power level shall be affixed in a visible, legible and indelible form to each item of equipment.

(3) Subject to paragraph (4), where the equipment is subject to other directives covering other aspects which provide for the affixing of the CE marking, the latter shall indicate that the equipment in question is also presumed to conform to the provisions of those other directives.

(4) Where one or more of the other directives referred to in paragraph (3) allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only with the directives applied by the manufacturer, and in this case, particulars of the directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the directives and accompanying the equipment.

(5) The affixing of markings or inscriptions on equipment which are likely to be misleading as to the meaning or form of the CE marking or to the indication of the guaranteed sound power level is prohibited.

(6) Any other marking may be affixed to equipment provided that the visibility and legibility of the CE marking is not thereby reduced.

### **Provision of data**

**12.** A copy of the declaration of conformity shall be sent by the responsible person to the Secretary of State at the Department of Trade and Industry at such address as he shall from time to time require and to the Commission **(a)** within 28 days of placing the equipment on the market.

### **Notified Bodies**

**13.** For the purposes of these Regulations, a notified body is a body which has been appointed to carry out one or more of the conformity assessment procedures mentioned or referred to in regulation 10 and which has been-

- (a) appointed as a notified body in the United Kingdom pursuant to regulation 14; or
- (b) appointed by a member State other than the United Kingdom, and has been notified by the member State concerned to the Commission and the other member States pursuant to Article 15 of the Directive.

**14.-** (1) The Secretary of State may from time to time appoint such persons as he thinks fit to be notified bodies for the purposes of these Regulations.

(2) An appointment-

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**(a)** [address to be inserted]

- (a) may relate to all descriptions of equipment or such descriptions (which may be framed by reference to any circumstances whatsoever) of equipment as the Secretary of State may from time to time determine;
- (b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;
- (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (4), require that body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the responsible person duly fulfils the obligations arising out of the relevant conformity assessment procedure;
- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State, at the request of the notified body; and
- (e) may be terminated if it appears to the Secretary of State that any of the conditions of the appointment are not complied with.

(3) Subject to paragraphs (2)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.

(4) A notified body appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (2)(c) if-

- (a) for any reason the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body;
- (b) the person making the application has not submitted with his application the amount of the fee which the body requires to be submitted with the application pursuant to regulation 15; or
- (c) the body reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are outstanding, it will be unable to commence the required work within three months of receiving the application.

(5) If for any reason the appointment of a notified body is terminated under this regulation, the Secretary of State may-

- (a) give such directions (either to the body the subject of the termination or to another notified body) for the purpose of making such arrangements for the determination of outstanding applications as he considers appropriate; and

- (b) without prejudice to the generality of the foregoing, authorise another notified body to take over its functions in respect of such cases as he may specify.

## **Fees**

**15.**(1) Without prejudice to the power of the Secretary of State, where he is appointed as a notified body in the United Kingdom, to charge fees pursuant to regulations made under section 56 of the Finance Act 1973<sup>(a)</sup> and subject to paragraph (2), a notified body appointed by the Secretary of State may charge such fees in connection with, or incidental to, carrying out its duties in relation to the functions referred to in regulation 14(2)(c) as it may determine; provided that such fees shall not exceed the sum of the following-

- (a) the costs incurred or to be incurred by the notified body in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to-
  - (i) the character and extent of the work done or to be done by the body on behalf of the applicant; and
  - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(2) The power in paragraph (1) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

## **Conditions for equipment being taken to conform**

**16.**(1) Subject to paragraph (2), any equipment which-

- (a) bears the CE marking and the indication of the guaranteed sound power level in accordance with regulation 7(2)(c); and
- (b) is accompanied by an EC declaration of conformity in accordance with regulation 7(2)(d),

shall be taken to conform with all the provisions of these Regulations which apply to it, including the appropriate conformity assessment procedure specified in regulation 10, unless there are reasonable grounds for suspecting that it does not so conform.

(2) Paragraph (1) does not apply in relation to an enforcement authority where a person fails or refuses to make available to the enforcement authority the documentation

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<sup>(a)</sup> 1973 c.51.

which he is required, by the conformity assessment procedure which applies to that equipment, to retain a copy thereof.

## **Enforcement**

**17.**-(1) Subject to paragraph (2), Schedule 13 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Where an enforcement authority has reasonable grounds for suspecting that the CE marking and the indication of the guaranteed sound power level has been affixed to equipment and in relation to which any provision of these Regulations has not been complied with it may serve notice in writing on -

- (a) the manufacturer of the equipment or his authorised representative established within the Community; or
- (b) in a case where neither the manufacturer of the equipment nor his authorised representative established within the Community has placed the equipment on the market, the person who places it on the market in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 13 may be taken, and no proceedings may be brought pursuant to regulation 18, in respect of that equipment until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) A notice which is given under paragraph (2) shall-

- (a) state that the enforcement authority suspects that the CE marking and the indication of the guaranteed sound power level has not been correctly affixed to the equipment;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given-
  - (i) to secure that any equipment to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking and the indication of the guaranteed sound power level within such period as may be specified in the notice; or
  - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking and the indication of the guaranteed sound power level has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under these Regulations in

respect of that equipment or equipment of the same type placed on the market by that person.

### **Offences**

**18.** Any person who-

- (a) contravenes or fails to comply with regulation 7(1);
- (b) fails to retain a copy of the declaration of conformity as required by regulation 7(4); or
- (c) fails to supply a copy of the declaration of conformity as required by regulation 12

shall be guilty of an offence.

### **Penalties**

**19.**-(1) A person guilty of an offence under regulation 18(a) shall be liable on summary conviction-

- (a) to imprisonment for a term not exceeding 3 months; or
- (b) to a fine not exceeding level 5 on the standard scale,

or to both.

(2) A person guilty of an offence under regulation 18(b), (c), or paragraphs 9, 10, 11(1) or (2) of Schedule 13 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Defence of due diligence**

**20.**-(1) Subject to the following provisions of this regulation, in proceedings against any person for an offence under regulation 18 above it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due-

- (a) to the act or default of another; or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in

Scotland, the trial diet), he has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) It is hereby declared that a person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular-

- (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether he had any reason to disbelieve the information.

### **Liability of persons other than the principal offender**

**21.**-(1) Where the commission by any person of an offence under regulation 18 is due to the act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) In this regulation, references to a "body corporate" include references to a partnership in Scotland and, in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

### **Consequential amendments**

**22.** In the Provision and use of Work Equipment Regulations 1998(a) in Schedule 1 there shall be deleted references to the Construction Plant and Equipment

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(a) S.I. 1998/2306.

(Harmonization of Noise Emission Standards) Regulations 1985**(b)**, the Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1988**(c)** and the Lawnmowers (Harmonisation of Noise Emission Standards) Regulation 1992 and there shall be added at the end of column 1 the words “The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001” and at the end of column (2) the words “S.I.2001/ ”.

**23.** These Regulations shall apply, and the provisions of paragraphs 1.5.8 and 1.7.4(f) of the Supply of Machinery (Safety) Regulations 1992**(d)** shall not apply, to any equipment listed in Schedules 1 and 2, as further defined in Schedule 4.

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**(b)** S.I. 1985/1968, amended by S.I. 1989/1127.

**(c)** S.I. 1988/361, amended by S.I. 1992/488, 1992/3043, 1995/2357.

**(d)** S. I. 1992/3073, amended by S.I. 1994/2063.

**(Extract from Article 12)**Equipment subject to noise limits

- builders' hoists for the transport of goods (combustion-engine-driven)  
Definition: Annex I, Item 3, Measurement: Annex III, Part B, item 3
- compaction machines (only vibrating and non-vibrating rollers, vibratory plates and vibratory rammers)  
Definition: Annex I, Item 8, Measurement: Annex III, Part B, item 8
- compressors (<350 kW)  
Definition: Annex I, Item 9, Measurement: Annex III, Part B, item 9
- concrete-breakers and picks, hand-held  
Definition: Annex I, Item 10, Measurement: Annex III, Part B, item 10
- construction winches (combustion-engine driven)  
Definition: Annex I, Item 12, Measurement: Annex III, Part B, item 12
- dozers (<500 kW)  
Definition: Annex I, Item 16, Measurement: Annex III, Part B, item 16
- dumpers (<500 kW)  
Definition: Annex I, Item 19, Measurement: Annex III, Part B, item 18
- excavators, hydraulic or rope-operated (<500 kW)  
Definition: Annex I, Item 20, Measurement: Annex III, Part B, item 20
- excavator-loaders (<500 kW)  
Definition: Annex I, Item 21, Measurement: Annex III, Part B, item 21
- graders (<500 kW)  
Definition: Annex I, Item 23, Measurement: Annex III, Part B, item 23
- hydraulic powers packs

- Definition: Annex I, Item 29, Measurement: Annex III, Part B, item 29
- landfill compactors, loader-type with bucket (<500 kW)
- Definition: Annex I, Item 31, Measurement: Annex III, Part B, item 31
- lawnmowers (excluding agricultural and forestry equipment, and multi-purpose devices, the main motorised component of which has an installed power of more than 20 kW)
- Definition: Annex I, Item 32, Measurement: Annex III, Part B, item 32
- lawn trimmers/lawn edge trimmers
- Definition: Annex I, Item 33, Measurement: Annex III, Part B, item 33
- lift trucks, combustion-engine driven, counterbalanced (excluding “other counterbalanced lift trucks” as defined in Annex I, Item 36, second indent with a rated capacity of not more than 10 tonnes)
- Definition: Annex I, Item 36, Measurement: Annex III, Part B, item 36
- loaders (<500 kW)
- Definition: Annex I, Item 37, Measurement: Annex III, Part B, item 37
- mobile cranes
- Definition: Annex I, Item 38, Measurement: Annex III, Part B, item 38
- motor hoes (<3 kW)
- Definition: Annex I, Item 40, Measurement: Annex III, Part B, item 40
- paver-finishers (excluding paver-finishers equipped with a high-compaction screed)
- Definition: Annex I, Item 41, Measurement: Annex III, Part B, item 41
- power generators (<400 kW)
- Definition: Annex I, Item 45, Measurement: Annex III, Part B, item 45
- tower cranes
- Definition: Annex I, Item 53, Measurement: Annex III, Part B, item 53
- welding generators

Definition: Annex I, Item 57, Measurement: Annex III, Part B, item 57

## SCHEDULE 2

Regulation 3

### (Extract from Article 13)

#### Equipment subject to noise marking only

- aerial access platforms with combustion engine  
Definition: Annex I, Item 1, Measurement: Annex III, Part B, item 1
- brush cutters  
Definition: Annex I, Item 2, Measurement: Annex III, Part B, item 2
- builders' hoists for the transport of goods (with electric motor)  
Definition: Annex I, Item 3, Measurement: Annex III, Part B, item 3
- building site band saw machines  
Definition: Annex I, Item 4, Measurement: Annex III, Part B, item 4
- building site circular saw benches  
Definition: Annex I, Item 5, Measurement: Annex III, Part B, item 5
- chain saws, portable  
Definition: Annex I, Item 6, Measurement: Annex III, Part B, item 6
- combined high pressure flushers and suction vehicles  
Definition: Annex I, Item 7, Measurement: Annex III, Part B, item 7
- compaction machines (explosion rammers only)  
Definition: Annex I, Item 8, Measurement: Annex III, Part B, item 8
- concrete or mortar mixers  
Definition: Annex I, Item 11, Measurement: Annex III, Part B, item 11
- construction winches (with electric motor)

- Definition: Annex I, Item 12, Measurement: Annex III, Part B, item 12  
conveying and spraying machines for concrete and mortar
- Definition: Annex I, Item 13, Measurement: Annex III, Part B, item 13  
conveyor belts
- Definition: Annex I, Item 14, Measurement: Annex III, Part B, item 14  
cooling equipment on vehicles
- Definition: Annex I, Item 15, Measurement: Annex III, Part B, item 15  
drill rigs
- Definition: Annex I, Item 17, Measurement: Annex III, Part B, item 17  
equipment for loading and unloading silos or tanks on trucks
- Definition: Annex I, Item 19, Measurement: Annex III, Part B, item 19  
glass recycling containers
- Definition: Annex I, Item 22, Measurement: Annex III, Part B, item 22  
grass trimmers/grass edge trimmers
- Definition: Annex I, Item 24, Measurement: Annex III, Part B, item 24  
hedge trimmers
- Definition: Annex I, Item 25, Measurement: Annex III, Part B, item 25  
high pressure flushers
- Definition: Annex I, Item 26, Measurement: Annex III, Part B, item 26  
high pressure water jet machines
- Definition: Annex I, Item 27, Measurement: Annex III, Part B, item 27  
hydraulic hammers
- Definition: Annex I, Item 28, Measurement: Annex III, Part B, item 28  
joint cutters

- Definition: Annex I, Item 30, Measurement: Annex III, Part B, item 30
- leaf blowers
- Definition: Annex I, Item 34, Measurement: Annex III, Part B, item 34
- leaf collectors
- Definition: Annex I, Item 35, Measurement: Annex III, Part B, item 35
- lift trucks, combustion-engine driven, counterbalanced (only “other counterbalanced lift trucks” as defined in Annex I, Item 36, second indent, with a rated capacity of not more than 10 tonnes)
- Definition: Annex I, Item 36, Measurement: Annex III, Part B, item 36
- mobile waste containers
- Definition: Annex I, Item 39, Measurement: Annex III, Part B, item 39
- paver-finishers (equipped with a high-compaction screed)
- Definition: Annex I, Item 41, Measurement: Annex III, Part B, item 41
- piling equipment
- Definition: Annex I, Item 42, Measurement: Annex III, Part B, item 42
- pipelayers
- Definition: Annex I, Item 43, Measurement: Annex III, Part B, item 43
- piste caterpillars
- Definition: Annex I, Item 44, Measurement: Annex III, Part B, item 44
- power generators ( $\geq 400$  kW)
- Definition: Annex I, Item 45, Measurement: Annex III, Part B, item 45
- power sweepers
- Definition: Annex I, Item 46, Measurement: Annex III, Part B, item 46
- refuse collection vehicles
- Definition: Annex I, Item 47, Measurement: Annex III, Part B, item 47
- road milling machines

- Definition: Annex I, Item 48, Measurement: Annex III, Part B, item 48
- scarifiers
- Definition: Annex I, Item 49, Measurement: Annex III, Part B, item 49
- shredders/chippers
- Definition: Annex I, Item 50, Measurement: Annex III, Part B, item 50
- site-removing machines with rotating tools (self-propelled, excluding attachments)
- Definition: Annex I, Item 51, Measurement: Annex III, Part B, item 51
- suction vehicles
- Definition: Annex I, Item 52, Measurement: Annex III, Part B, item 52
- trenchers
- Definition: Annex I, Item 54, Measurement: Annex III, Part B, item 54
- truck mixers
- Definition: Annex I, Item 55, Measurement: Annex III, Part B, item 55
- water pump units (not for use under water)
- Definition: Annex I, Item 56, Measurement: Annex III, Part B, item 56

## (Extract from Article 12)

Type of equipment	Net installed power $P$ (in kW) Electric power $P_{el}^{(1)}$ in kW Mass of appliance $m$ in kg Cutting width $L$ in cm	Permissible sound power level in dB/1 pW	
		Stage I as from 3 January 2002	Stage II as from 3 January 2006
Compaction machines (vibrating rollers, vibratory plates, vibratory rammers)	$P \leq 8$	108	105
	$8 < P \leq 70$	109	106
	$P > 70$	$89 + 11 \lg P$	$86 + 11 \lg P$
Tracked dozers, tracked loaders, tracked excavator-loaders	$P \leq 55$	106	103
	$P > 55$	$87 + 11 \lg P$	$84 + 11 \lg P$
Wheeled dozers, wheeled loaders, wheeled excavator-loaders, dumpers, graders, loader-type landfill compactors, combustion-engine driven counter balanced lift trucks, mobile cranes, compaction machines (non-vibrating rollers), paver-finishers, hydraulic power packs	$P \leq 55$	104	101
	$P > 55$	$85 + 11 \lg P$	$82 + 11 \lg P$

Excavators, builders' hoists for the transport of goods, construction winches, motor hoes	$P \leq 15$	96	93
	$P > 15$	$83 + 11 \lg P$	$80 + 11 \lg P$
Hand-held concrete- breakers and picks	$m \leq 15$	107	105
	$15 < m < 30$	$94 + 11 \lg m$	$92 + 11 \lg m$
	$m \geq 30$	$96 + 11 \lg m$	$94 + 11 \lg m$
Tower cranes		$98 + \lg P$	$96 + \lg P$
Welding and power generators	$P_{el} \leq 2$	$97 + \lg P_{el}$	$95 + \lg P_{el}$
	$2 < P_{el} \leq 10$	$98 + \lg P_{el}$	$96 + \lg P_{el}$
	$P_{el} > 10$	$97 + \lg P_{el}$	$95 + \lg P_{el}$
Compressors	$P \leq 15$	99	97
	$P > 15$	$97 + 2 \lg P$	$95 + 2 \lg P$
Lawnmowers lawn trimmers/lawn edge trimmers	$L \leq 50$	96	$94^{(2)}$
	$50 < L \leq 70$	100	98
	$70 < L \leq 120$	100	$98^{(2)}$
	$L > 120$	105	$103^{(2)}$

- (1)  $P_{el}$  for welding generators: conventional welding current multiplied by the conventional load voltage for the lowest value of the duty factor given by the manufacturer.  
 $P_{el}$  for power generators: prime power according to ISO 8528-1:1993; point 13.3.2
- (2) Indicative figures only. Definitive figures will depend on amendment of the Directive following the report required in Article 20(3). In the absence of any such amendment, the figures for stage I will continue to apply for stage II.

The permissible sound power level shall be rounded to the nearest whole number (less than 0.5 use lower number, greater than or equal to 0.5 use higher number)

(ANNEX I to the Directive)

**DEFINITIONS OF EQUIPMENT****1. Aerial access platforms with combustion engines**

Equipment consisting of a minimum of a work platform, an extending structure and a chassis. The work platform is a fenced platform or a cage which can be moved under load to the required working position. The extending structure is connected to the chassis and supports the work platform; it allows movement of the work platform to its required position.

**2. Brush cutter**

A combustion-engine driven portable hand-held unit fitted with a rotating blade made of metal or plastic intended to cut weeds, brush, small trees and similar vegetation. The cutting device operates in a plane approximately parallel to the ground.

**3. Builders' hoist for the transport of goods**

A power-operated, temporarily installed builders' hoist intended for use by persons who are permitted to enter engineering and construction sites, serving

- (i) defined landing levels, having a platform
  - designed for the transportation of goods only
  - which permits the access of persons during loading and unloading
  - which permits the access and travel by authorised persons during erection, dismantling and maintenance
  - guided
  - travelling vertical or along a path within 15° max. of the vertical
  - supported or sustained by: wire, rope, chain, screwed spindle and nut, rack and pinion, hydraulic jack (direct or indirect), or an expanding linkage mechanism
  - where masts may or may not require support from separate structures, or
- (ii) either one upper landing or a work area extending to the end of the guide (e.g. a roof), having a load-carrying device:
  - designed for the transportation of goods only

- designed that there is no need to step on it for loading or unloading purposes or for maintenance, erection and dismantling
- from which persons are prohibited at any time
- guided
- which is designed to travel at an angle of at least 30° to the vertical but may be used at any angle
- sustained by steel wire rope and a positive drive system
- controlled by constant pressure type controls
- which does not benefit from the use of any counterweight
- having a maximum rated load of 300 kg
- having a maximum speed of 1m/s
- and where the guides require support from separate structures.

#### 4. **Building site band saw machine**

A hand-fed powered machine weighing less than 200 kg fitted with a single circular saw blade in the form of a continuous band mounted on and running between two or more pulleys.

#### 5. **Building site circular saw bench**

A hand-fed machine weighing less than 200 kg fitted with a single circular sawblade (other than a scoring saw) with a diameter of 350 mm or more, up to a maximum diameter of 500 mm, which is fixed during the normal cutting operation, and a horizontal table, all or part of which is fixed during operation. The sawblade is mounted on a horizontal non-tilting spindle, the position of which remains stationary during machining. The machine may have any of the following features:

- the facility for the sawblade to be raised and lowered through the table.
- machine frame below the table may be open or enclosed.
- the saw may be fitted with an additional, manually operated travelling table (not adjacent to the sawblade).

## 6. **Chain saw, portable**

A power-driven tool designed to cut wood with a saw chain and consisting of an integrated compact unit or handles, power source and cutting attachment, designed to be supported with two hands.

## 7. **Combined high pressure flusher and suction vehicle**

A vehicle which may work either as a high pressure flusher or as a suction vehicle. See high pressure flusher and suction vehicle.

## 8. **Compaction machine**

A machine which compacts material, e.g. rock fills, soil or asphalt surfacing, through a rolling, tamping or vibrating action of the working tool. It may be self-propelled, towed, walk-behind or an attachment to a carrying machine. Compaction machines are subdivided as follows:

- rollers for ride-on operators: self-propelled compaction machines with one or more metallic cylindrical bodies (drums) or rubber tyres; the operator's station is an integral part of the machine
- walk-behind rollers: self-propelled compaction machines with one or more metallic cylindrical bodies (drums) or rubber tyres in which the operation facilities for travelling, steering, braking and vibrating are disposed in such a way that the machines have to be operated by an attending operator or by remote control
- towed roller: compaction machines with one or more metallic cylindrical bodies (drums) or rubber tyres which do not possess an independent drive system and where the operator's station is to be found on a tractor unit
- vibratory plates and vibratory rammers: compaction machines with mainly flat base plates which are made to vibrate. They are operated by an attending operator or as an attachment to a carrier machine
- explosion rammers: compaction machines with mainly a flat pad as the compacting tool which is made to move in a predominantly vertical direction by explosion pressure. The machine is operated by an attending operator.

## 9. **Compressor**

Any machine for use with interchangeable equipment which compresses air, gases or vapours to a pressure higher than the inlet pressure. A compressor comprises the bare compressor itself, the prime mover and any component or device supplied, which is necessary for safe operation of the compressor.

Excluded are the following categories of device:

- fans, i.e. devices producing air circulation at a positive pressure of not more than 110 000 pascals

- vacuum pumps, i.e. devices or appliances for extracting air from an enclosed space at a pressure not exceeding atmospheric pressure

- gas turbine engines.

#### 10. **Concrete-breakers and picks, hand held**

Powered (by any method) concrete-breakers and picks used to perform work on civil engineering and building sites.

#### 11. **Concrete or mortar mixer**

A machine to prepare concrete or mortar, irrespective of the loading, mixing and emptying process. It may be operated intermittently or constantly. Concrete mixers on trucks are called truck mixers (see definition 55).

#### 12. **Construction winch**

A power-operated, temporarily installed lifting appliance which is equipped with means for raising and lowering a suspended load.

#### 13. **Conveying and spraying machine for concrete and mortar**

Items of plant pumping and spraying concrete or mortar, with or without agitator, whereby the material to be transported is conveyed to the placing position through pipelines, distribution devices or distribution booms. Conveyance is carried out:

- for concrete mechanically, by piston or rotor pumps
- for mortar mechanically by piston, worm, hose and rotor pumps or pneumatically by compressors with or without air chamber.

These machines may be mounted on trucks, trailers or special vehicles.

#### 14. **Conveyor belt**

A temporarily installed machine suitable for transporting material by means of a power-driven belt.

#### 15. **Cooling equipment on vehicles**

A cargo space refrigeration unit on vehicle categories N2, N3, O3 and O4 as defined by Directive 70/156/EEC.

The refrigeration unit may be powered by means of an integral part of the refrigeration unit, a separate part attached to the vehicle body, a driving engine of the vehicle, or by an independent or standby power source.

16. **Dozer**

A self-propelled wheeled or crawler machine used to exert a push or pull force through mounted equipment.

17. **Drill rig**

A machine which is used for drilling holes on construction sites by

- percussive drilling
- rotary drilling
- rotary percussive drilling.

Drill rigs are stationary during drilling. They may move from one place of work to another, under their own power. Self-propelled drill rigs include those mounted on lorries, wheeled chassis, tractors, crawlers, skid bases (pulled by winch). When drill rigs are mounted on lorries, tractors and trailers, or a wheel-based, transportation may be carried out at higher speeds and on public roads.

18. **Dumper**

A self-propelled wheeled or crawler machine having an open body, which either transports and dumps or spreads material. Dumpers may be equipped with integral self-loading equipment.

19. **Equipment for loading and unloading of silos or tanks on trucks**

Powered devices attached to silo or tanker trucks for loading or unloading of liquids or bulk material by means of pumps or similar equipment.

20. **Excavator, hydraulic or rope-operated**

A self-propelled crawler or wheeled machine having an upper structure capable of a minimum of 360° rotation, which excavates, swings and dumps material by the action of a bucket fitted to the boom and arm or telescopic boom, without moving the chassis or undercarriage during any one cycle of the machine.

21. **Excavator-loader**

A self-propelled wheeled or crawler machine having a main structural support designed to carry both a front-mounted bucket loading mechanism and a rear-mounted backhoe. When used in the backhoe mode, the machine normally digs below ground level with bucket motion towards the machine. The backhoe lifts, swings and discharges material while the machine is stationary. When used in the loader mode, the machine loads or excavates through forward motion of the machine, and lifts, transports and discharges material.

22. **Glass recycling container**

A container, built of whatever material, that is used for the collection of bottles. It is equipped with at least one opening for filling in bottles and another one for emptying the container.

23. **Grader**

A self-propelled wheeled machine having an adjustable blade, positioned between front and rear axles, which cuts, moves and spreads material usually to grade requirements.

24. **Grass trimmer/grass edge trimmer**

A combustion-engine driven portable hand-held unit fitted with flexible line(s), string(s), or similar non-metallic flexible cutting elements, such as pivoting cutters, intended to cut weeds, grass or similar soft vegetation. The cutting device operates in a plane approximately parallel (grass trimmer) or perpendicular (grass edge trimmer) to the ground.

25. **Hedge trimmer**

Hand-held, integrally driven powered equipment which is designed for use by one operator for trimming hedges and bushes utilising one or more linear reciprocating cutter blades.

26. **High pressure flusher**

A vehicle equipped with a device to clean sewers or similar installations by means of a high pressure water jet. The device may be either mounted on a proprietary vehicular truck chassis or incorporated into its own chassis embodiment. The equipment may be fixed or demountable as in the case of an exchangeable bodywork system.

27. **High pressure water jet machine**

A machine with nozzles or other speed-increasing openings which allow water, also with admixtures, to emerge as a free jet. In general, high pressure jet machines consist of a drive, a pressure generator, hose lines, spraying devices, safety mechanisms, controls and measurement devices. High pressure water jet machines may be mobile or stationary:

- mobile high pressure water jet machines are mobile, readily transportable machines which are designed to be used at various sites, and for this purpose are generally fitted with their own undergear or are vehicle-mounted. All necessary supply lines are flexible and readily disconnectable.

- stationary high pressure water jet machines are designed to be used at one site for a length of time but capable of being moved to another site with suitable equipment. Generally skid or frame-mounted with supply line capable of being disconnected.

#### 28. **Hydraulic hammer**

Equipment which uses the hydraulic power source of the carrier machine to accelerate a piston (sometimes gas-assisted), which then hits a tool. The stress wave generated by kinetic action flows through the tool into the material, which causes the material to break. Hydraulic hammers need a supply of pressurised oil to function. The complete carrier/hammer unit is controlled by an operator, usually seated in the cabin of the carrier.

#### 29. **Hydraulic power pack**

Any machine for use with interchangeable equipment which compresses liquids to a pressure higher than the inlet pressure. It means an assembly of a prime mover, pump, with or without reservoir and accessories (e.g. controls, pressure relief valve).

#### 30. **Joint cutter**

A mobile machine intended for the production of joints in concrete, asphalt and similar road surfaces. The cutting tool is a rotating high speed disc. The forward motion of the joint cutter can be

- manual
- manual with mechanical assistance
- power-driven

#### 31. **Landfill compactor, loader type with bucket**

A self-propelled wheeled compaction machine having a front-mounted loader linkage with a bucket having steel wheels (drums) primarily designed to compact, move, grade and load soil, landfill or sanitary (refuse) materials.

#### 32. **Lawnmower**

A walk-behind or ride-on grass cutting machine or a machine with grass-cutting attachment(s) where the cutting device operates in a plane approximately parallel to the ground and which uses the ground to determine the height of cut by means of wheels, air cushion or skids, etc., and which utilises an engine or an electric motor for a power source.

The cutting devices are either

- rigid cutting elements, or

- non-metallic filament line(s) or freely pivoting non-metallic cutter(s) with a kinetic energy of more than 10 J each; the kinetic energy is determined using EN 786:1997, Annex B.

Also a walk-behind or ride-on grass cutting machine or a machine with grass-cutting attachment(s) where the cutting device is rotating about a horizontal axis to provide a shearing action with a stationary cutter bar or knife (cylinder mower).

### 33. **Lawn trimmer/lawn edge trimmer**

An electrically powered walk-behind or hand-held grass cutting machine with cutting element(s) of non-metallic filament line(s) or freely pivoting non-metallic cutters with a kinetic energy of not more than 10 J each, intended to cut grass or similar soft vegetation. The cutting element(s) operate(s) in a plane approximately parallel (lawn trimmer) or perpendicular (lawn edge trimmer) to the ground. The kinetic energy is determined using EN 786:1997, Annex B.

### 34. **Leaf blower**

A powered machine appropriate to clear lawns, paths, ways, streets, etc. of leaves and other material by means of a high velocity air flow. It may be portable (hand-held) or not portable but mobile.

### 35. **Leaf collector**

A powered machine suitable for collecting leaves and other debris using a suction device consisting of a power source which produces a vacuum inside the machine and a suction nozzle and a container for the collected material. It may be portable (hand-held) or not portable but mobile.

### 36. **Lift truck, combustion-engine driven, counterbalanced**

A wheeled, internal combustion-engine driven lift truck with counterweight and lifting equipment (mast, telescopic arm or articulated arm). These are:

- rough terrain trucks (wheeled counterbalanced trucks intended primarily for operation on unimproved natural terrain and on disturbed terrain of, e.g., construction sites),
- other counterbalanced lift trucks, excluded are those counterbalanced lift trucks that are specifically constructed for container handling.

### 37. **Loader**

A self-propelled wheeled or crawler machine having an integral front-mounted bucket-supporting structure and linkage, which loads or excavates through forward motion of the machine, and lifts, transports and discharges material.

38. **Mobile crane**

A self-powered jib crane capable of travelling, loaded or unloaded, without the need for fixed runways and relying on gravity for stability. It operates on tyres, crawlers or with other mobile arrangements. In fixed positions it may be supported by outriggers or other accessories increasing its stability. The superstructure of a mobile crane may be of the type of full-circle slewing, of limited slewing or non-slewing. It is normally equipped with one or more hoists and/or hydraulic cylinders for lifting and lowering the jib and the load. Mobile cranes are equipped either with telescopic jibs, with articulated jibs, with lattice jibs or a combination of these of such a design that may readily be lowered. The loads suspended from the jib may be handled by hook block assemblies or other load-lifting attachments for special services.

39. **Mobile waste container**

An appropriate designed container fitted with wheels intended to store waste temporarily, and which is equipped with a cover.

40. **Motor hoe**

A self-propelled machine designed to be pedestrian-controlled

- with or without support wheel(s), in such a way that its working elements act as hoeing tools to ensure propulsion (motor hoe), and
- and propelled by one or various wheel(s) directly actuated from the engine and equipped with hoeing tools (motor hoe with drive wheel(s)).

41. **Paver-finisher**

A mobile road construction machine used for the purpose of applying layers of construction material, such as bituminous mix, concrete and gravel on surfaces. Paver-finishers may be equipped with a high-compaction screed.

42. **Piling equipment**

Pile installation and extraction equipment, e.g. impact hammers, extractors, vibrators or static pile pushing/pulling devices of an assembly of machines and components used for installation or extraction of piles, which also includes:

- piling rig consisting of carrier machine (crawler, wheel or rail mounted, floating leader attachment, leader or guiding system)
- accessories, e.g. pile caps, helmets, plates, followers, clamping devices, pile handling devices, pile guides, acoustic shrouds and shock/vibration absorbing devices, power packs/generators and personal lifting devices or platforms.

43. **Pipelayer**

A self-propelled crawler or wheeled machine specifically designed to handle and lay pipes and carry pipeline equipment. The machine, the design of which is based on a tractor, has especially designed components such as undercarriage, main frame, counterweight, boom and load-hoist mechanism, and vertically pivoting side boom.

44. **Piste caterpillar**

A self-propelled crawler machine used to exert a push or pull force on snow and ice through mounted equipment.

45. **Power generator**

Any device comprising an internal combustion engine driving a rotary electrical generator producing a continuous supply of electrical power.

46. **Power sweeper**

A sweeping collection machine having equipment to sweep debris into the path of a suction inlet that would then pneumatically by way of a high velocity airstream or with a mechanical pick-up system convey the debris to a collection hopper. The sweeping and collecting devices may either be mounted to a proprietary vehicular truck chassis or incorporated into its own chassis embodiment. The equipment can be fixed or demountable as in the case of an exchangeable bodywork system.

47. **Refuse collection vehicle**

A vehicle designed for the collection and transportation of domestic and bulky waste based on loading via containers or by hand. The vehicle may be equipped with a compaction mechanism. A refuse collection vehicle comprises a chassis with cab onto which the bodywork is mounted. It may be equipped with a container lifting device.

48. **Road-milling machine**

A mobile machine used for removing material from paved surfaces using a power-driven cylindrical body, on which surface the milling tools are fitted; the cutter drums rotate during the cutting operation.

49. **Scarifier**

A walk-behind or ride-on powered machine which uses the ground to determine the depth of cut and which is equipped with an assembly appropriate to slit or scratch the surface of the lawn in gardens, parks and other similar areas.

50. **Shredder/chipper**

A powered machine designed for use in a stationary position having one or more cutting devices for the purpose of reducing bulk organic materials to smaller pieces. Generally it consists of a feed intake opening through which material (which may be held by an appliance or not) is inserted, a device which cuts up the material by whatever method (cutting, chopping, crushing or other methods) and a discharge chute through which the cut material is discharged. A collecting device may be attached.

**51. Snow-removing machine with rotating tools**

A machine with which snow can be removed from traffic areas by rotating means, accelerated and ejected by blower means.

**52. Suction vehicle**

A vehicle equipped with a device to collect water, mud, sludge, refuse or similar material from sewers or similar installations by means of a vacuum. The device may be either mounted on a proprietary vehicular truck chassis or incorporated into its own chassis embodiment. The equipment may be fixed or demountable as in the case of an exchangeable bodywork system.

**53. Tower crane**

A slewing jib crane with the jib located at the top of a tower which stays approximately vertical in the working position. This power-driven appliance is equipped with means for raising and lowering suspended loads and for the movement of such loads by changing the load-lifting radius, slewing, travelling of the complete appliance. Certain appliances perform several but not necessarily all of these movements. The appliance can be installed in a fixed position or equipped with means for displacing or climbing.

**54. Trencher**

A self-propelled, ride-on or pedestrian-controlled, crawler or wheeled machine, having a front- or rear-mounted excavator linkage and attachment, primarily designed to produce trenches in a continuous operation, through a motion of the machine.

**55. Truck mixer**

A vehicle which is equipped with a drum to transport ready-mixed concrete from the concrete mixing plant to the job site; the drum may rotate when the vehicle is driving or stands still. The drum is emptied on the job site by rotating the drum. The drum is driven either by the driving engine of the vehicle or by a supplementary engine.

**56. Water pump unit**

A machine consisting of a water pump itself and the driving system. Water pump means a machine for the raising of water from a lower to a higher energy level.

**57. Welding generator**

Any rotary device which produces a welding current.

**SCHEDULE 5**

**Regulation 7(2)(d)**

(ANNEX II to the Directive)

**EC DECLARATION OF CONFORMITY**

The EC declaration of conformity must contain the following particulars:

- name and address of the manufacturer or his authorised representative established in the Community
- name and address of the person who keeps the technical documentation
- description of the equipment
- conformity assessment procedure followed, and, where appropriate, name and address of the notified body involved
- measured sound power level on an equipment representative for this type
- guaranteed sound power level for this equipment
- a reference to this Directive
- the declaration that the equipment conforms to the requirements of this Directive
- where appropriate, the declaration(s) of conformity and references to the other Community Directives applied
- the place and date of the declaration
- particulars of the signatory authorised to sign the legally binding declaration for the manufacturer or his authorised representative established in the Community.

**SCHEDULE 6**

(ANNEX III to the Directive)

**METHOD OF MEASUREMENT OF AIRBORNE NOISE EMITTED BY EQUIPMENT FOR USE OUTDOORS****Scope**

This Annex lays down the methods of measurement of airborne noise that shall be used for the determination of the sound power levels of equipment covered by this Directive with a view to the conformity assessment procedures of this Directive.

Part A of this Annex for each type of equipment referred to in Article 2(1) lays down

- basic noise emission standards
- general supplements to these basic noise emission standards

for measuring the sound pressure level on a measurement surface enveloping the source and for calculating the sound power level produced by the source.

Part B of this Annex for each type of equipment referred to in Article 2(1) lays down

- a recommended basic noise emission standard including
  - a reference to the basic noise emission standard chosen from Part A
  - the test area
  - the value of the constant  $K_{2A}$
  - the shape of the measurement surface
  - the number and position of microphones to be used
- operating conditions including
  - the reference to a standard, if any
  - requirements relating to mounting of the equipment
  - a method to calculate the resulting sound power levels in the event that several tests with different operating conditions are to be used
- further information.

When testing specific types of equipment, the manufacturer or his authorised representative in the Community may in general choose one of the basic noise emission standards of Part A and apply the operating conditions of Part B for this specific type of equipment. In the event of a dispute, however, the recommended basic noise emission standard laid down in Part B has to be used together with the operating conditions of Part B.

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## PART A

### BASIC NOISE EMISSION STANDARD

For the determination of the sound power level of equipment for use outdoors as defined by Article 2(1) the basic noise emission standards

EN ISO 3744:1995

EN ISO 3746:1995

may generally be used subject to the following general supplements:

#### 1 Measurement uncertainty

Measurement uncertainties are not taken into account in the framework of conformity assessment procedures in the design phase.

#### 2 Operating of source during test

##### 2.1 Fan speed

If the engine of the equipment or its hydraulic system is fitted with (a) fan(s) it (they) must operate during the test. The fan speed is, in accordance with one of the following conditions, stated and set by the manufacturer of the equipment and must appear in the test report, this speed being used in further measurements.

##### (a) Fan drive directly connected to the engine

If the fan drive is directly connected to the engine and/or hydraulic equipment (e.g. by belt drive) it must operate during the test.

##### (b) Fan drive with several distinct speeds

If the fan can work at several distinct speeds the test shall be carried out either

- at its maximum working speed, or
- in a first test with the fan set at zero speed and in a second test the fan set at maximum speed. The resulting sound pressure level  $L_{pA}$  shall then be calculated by combining both test results using the following equation:

$$L_{pA} = 10 \lg \{ 0.3 \times 10^{0.1L_{pA, 0\%}} + 0.7 \times 10^{0.1L_{pA, 100\%}} \}$$

where:

$L_{pA,0\%}$  is the sound pressure level determined with the fan set at zero speed,

$L_{pA,100\%}$  is the sound pressure level determined with the fan set at maximum speed.

(c) Fan drive with continuous variable speed

If the fan can work at continuous variable speed, the test shall be carried out either according to 2.1(b) or with the fan speed set by the manufacturer at no less than 70% of the maximum speed.

## 2.2 *Test of powered equipment free of load*

For these measurements, the engine and hydraulic system of the equipment must be warmed up in accordance with the instructions, and safety requirements must be observed.

The test is carried out with the equipment in a stationary position without operating the working equipment or travelling mechanism. For the purpose of the test, the engine will idle at no less than the rated speed corresponding to the net power. (\*)

If the machine is powered by a generator or from the mains, the frequency of the supply current, specified for the motor by the manufacturer, shall be stable at  $\pm 1$  Hz if the machine is equipped with an induction motor, and the supply voltage at  $\pm 1\%$  of the rated voltage if the machine is equipped with a commutator motor. The supply voltage is measured at the plug of a non-detachable cable or cord, or at the inlet of the machine if a detachable cable is provided. The waveform of the current supplied from the generator shall be similar to that obtained from the mains.

If the machine is powered by battery, the battery shall be fully charged.

The speed used and the corresponding net power are stated by the manufacturer of the equipment and must appear in the test report.

If the equipment is fitted with several engines, they must work simultaneously during the tests. If this is not possible, each possible combination of engine(s) is to be tested.

## 2.3 *Test of powered equipment under load*

For these measurements, the engine (driving device) and hydraulic system of the equipment must be warmed up in accordance with the instructions, and safety requirements must be observed. No signalling device such as a warning horn or reversing alarm is to be operated during the test.

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(\*) Net power means the power in “EC kW” obtained on the test bench at the end of the crankshaft, or its equivalent, measured in accordance with the EC method of measuring the power of internal combustion engines for road vehicles, except that the power of the engine cooling fan is excluded.

The speed or velocity of the equipment during the test must be recorded and appear in the test report.

If the equipment is fitted with several engines and/or aggregates they must work simultaneously during the tests. If this is not possible, each possible combination of engine(s) and/or aggregates is to be tested.

For each type of equipment that is to be tested under load, specific operating conditions must be laid down which shall, in principle, produce effects and stresses similar to those encountered under actual working conditions.

#### 2.4 *Test of hand-operated equipment*

Conventional operating conditions for each type of hand-operated equipment shall be laid down that produce effects and stresses similar to those undergone under actual working conditions.

### 3. **Calculation of surface sound pressure level**

The surface sound pressure level shall be determined at least three times. If at least two of the determined values do not differ by more than 1 dB, further measurements will not be necessary; otherwise the measurements shall be continued until two values differing by no more than 1 dB are obtained. The A-weighted surface sound pressure level to be used for calculating the sound power level is the arithmetic mean of the two highest values that do not differ by more than 1 dB.

### 4. **Information to be reported**

The A-weighted sound power level of the source under test shall be reported to the nearest whole number (less than 0.5 use the lower number; greater than or equal to 0.5 use the higher number).

The report shall contain the technical data necessary to identify the source under test as well as the noise test code and the acoustical data.

### 5. **Additional microphone positions on the hemispherical measurement surface (EN ISO 3744:1995)**

In addition to clauses 7.2.1 and 7.2.2 of EN ISO 3744:1995 a set of 12 microphones on the hemispherical measurement surface may be used. The location of 12 microphone positions distributed on the surface of a hemisphere of radius  $r$  are listed in the form of Cartesian coordinates in the following table. The radius  $r$  of the hemisphere shall be equal to or greater than twice the largest dimension of the reference parallelepiped. The reference parallelepiped is defined as the smallest possible rectangular parallelepiped just enclosing the equipment (without attachments) and terminating on the reflecting plane. The radius of the hemisphere shall be rounded to the nearest higher of the following values: 4, 10, 16 m.

The number (12) of microphones may be reduced to 6, but the microphone positions 2, 4, 6, 8, 10 and 12 following the requirements of clause 7.4.2 of EN ISO 3744:1995 have to be used in any case.

Generally the arrangement with six microphone positions on a hemispherical measurement surface has to be used. If there are other specifications laid down in a noise test code in this Directive for a specific equipment, these specifications shall be used.

*TABLE*

**Coordinates of the 12 microphone positions**

Number of microphone	$x/r$	$y/r$	$z$
1	1	0	1.5m
2	0.7	0.7	1.5m
3	0	1	1.5m
4	-0.7	0.7	1.5m
5	-1	0	1.5m
6	-0.7	-0.7	1.5m
7	0	-1	1.5m
8	0.7	-0.7	1.5m
9	0.65	0.27	0.71r
10	-0.27	0.65	0.71r
11	-0.65	-0.27	0.71r
12	0.27	-0.65	0.71r

**6. Environmental correction  $K_{2A}$**

Equipment shall be measured on a reflecting surface of concrete or non-porous asphalt, then the environmental correction  $K_{2A}$  is set to  $K_{2A} = 0$ . If there are other specifications laid down in a noise test code of this Directive for a specific equipment, these specifications shall be used.

*Figure*

**Additional microphone array on hemisphere (12 microphone positions)**

*PART B*

**NOISE TEST CODES FOR SPECIFIC EQUIPMENT**

**0. EQUIPMENT THAT IS TESTED FREE OF LOAD**

**Basic noise emission standard**

EN ISO 3744:1995

*Test area*

Reflecting surface of concrete or non-porous asphalt

*Environmental correction  $K_{2A}$*

$K_{2A} = 0$

*Measurement surface / number of microphone positions / measuring distance*

(i) If the largest dimension of the reference parallelepiped does not exceed 8m:

hemisphere / six microphone positions according to Part A item 5 / according to Part A item 5.

(ii) If the largest dimension of the reference parallelepiped exceeds 8m:

parallelepiped according to ISO 3744:1995 with measurement distance  $d = 1\text{m}$ .

### **Operating conditions during test**

*Test free of load:*

The noise tests shall be carried out according to Part A item 2.2.

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

The period of observation shall at least be 15 seconds.

#### **1. AERIAL ACCESS PLATFORMS WITH COMBUSTION ENGINE**

See No 0

#### **2. BRUSH CUTTERS**

### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 10884:1995

*Measurement surface / number of microphone positions / measuring distance*

ISO 10884:1995

### **Operating conditions during test**

*Test under load*

ISO 10884:1995, point 5.3

*Period(s) of observation*

ISO 10884:1995

### 3. **BUILDERS' HOISTS FOR THE TRANSPORT OF GOODS**

See No 0

The geometrical centre of the engine shall be positioned above the centre of the hemisphere; the lift shall move without load and leave the hemisphere – if necessary – in direction of point 1.

### 4. **BUILDING SITE BAND SAW MACHINES**

*Basic noise emission standard*

EN ISO 3744:1995

*Measurement surface / number of microphone positions / measuring distance*

ISO 7960:1995, Annex J with  $d = 1\text{m}$

#### **Operating conditions during test**

*Test under load*

Corresponding to ISO 7960:1995, Annex J (point J2(b) only).

*Period of observation*

Corresponding to ISO 7960:1995, Annex J.

### 5. **BUILDING SITE CIRCULAR SAW BENCHES**

#### **Basic noise emission standard**

EN ISO 3744:1995

*Measurement surface / number of microphone positions / measuring distance*

ISO 7960:1995, Annex A, measurement distance  $d = 1\text{m}$

#### **Operating conditions during test**

*Test under load*

ISO 7960:1995, Annex A (point A2(b) only).

*Period of observation*

ISO 7960:1995 Annex A.

## 6. CHAIN SAWS, PORTABLE

### Basic noise emission standard

EN ISO 3744:1995

*Test area*

ISO 9207:1995

*Measurement surface / number of microphone positions / measuring distance*

ISO 9207:1995

### Operating conditions during test

*Test under load / Test free of load*

Full load sawing wood / engine at maximum revolution without load

- (a) combustion-engine driven: ISO 9207:1995 points 6.3 and 6.4
- (b) electric-motor operated: a test corresponding to ISO 9207:1995 point 6.3 and a test with the motor at maximum revolution without load

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

ISO 9207:1995 clauses 6.3 and 6.4

The resulting sound power level  $L_{WA}$  is calculated by:

$$L_{WA} = 10 \lg \frac{1}{2} [10^{0.1L_{W1}} + 10^{0.1L_{W2}}]$$

Where  $L_{W1}$  and  $L_{W2}$  are the average sound power levels of the two different modes of operation defined above.

## 7. COMBINED HIGH PRESSURE FLUSHERS AND SUCTION VEHICLES

If it is possible to operate both items of equipment simultaneously, this shall be done according to numbers 26 and 52. If not, they shall be measured separately and the higher values are to be stated.

## 8. COMPACTION MACHINES

### (i) NON-VIBRATING ROLLERS

See No. 0

(ii) **VIBRATING ROLLERS FOR RIDE-ON OPERATORS**

**Basic noise emission standard**

EN ISO 3744:1995

**Operating conditions during test**

*Mounting of equipment*

The vibrating roller shall be installed on one or more appropriate elastic material(s) such as air-cushion(s). These air-cushions shall be made of a supple material (elastomer or similar) and shall be inflated to a pressure ensuring that the machine is elevated by at least 5 cm; resonance effects shall be avoided. The dimension of the cushion(s) shall be such that the stability of the machine under test is ensured.

*Test under load*

The machine shall be tested in a stationary position with the engine at rated speed (stated by the manufacturer) and the moving mechanism(s) disconnected. The compacting mechanism shall be operated using the maximum compaction power corresponding to the combination of the highest frequency and the highest possible amplitude for that frequency as declared by the manufacturer.

*Period of observation*

The period of observation shall be at least 15 seconds.

(iii) **VIBRATORY PLATES, VIBRATORY RAMMERS, EXPLOSIVE RAMMERS AND WALK-BEHIND VIBRATING ROLLERS**

**Basic noise emission standard**

EN ISO 3744:1995

*Test area*

EN 500-4 rev. 1:1998, Annex C

**Operating conditions during test**

*Test under load*

EN 500-4 rev. 1:1998, Annex C

*Period of observation*

EN 500-4 rev. 1:1998, Annex C

## 9. COMPRESSORS

### **Basic noise emission standard**

EN ISO 3744:1995

*Measurement surface / number of microphone positions / measuring distance*

hemisphere / six microphone positions according to Part A, item 5 / according to Part A, item 5

or

parallelepiped according to ISO 3744:1995 with measurement distance  $d = 1\text{m}$

### **Operating conditions during test**

*Mounting of equipment*

The compressors shall be installed on the reflecting plane; skid-mounted compressors shall be placed on a support 0.40 m high, unless otherwise required by the manufacturer's conditions of installation.

*Test under load*

The compressor under test shall have been warmed up and be operating in stable conditions as for continuous operation. It shall be properly serviced and lubricated as specified by the manufacturer.

The determination of the sound power level shall be made at full-load or in an operating condition that is reproducible and is representative of the noisiest operation of typical usage of the machine under test, whichever is the noisiest.

Should the layout of the complete plant be such that certain components, e.g. inter-coolers are mounted away from the compressor, endeavours shall be made to separate the noise generated from such parts when performing the noise test. Separation of the various noise sources may require special equipment for the attenuation of the noise from these sources during the measurement. The noise characteristics and description of the operating conditions of such parts shall be given separately in the test report.

During test the gas exhausted from the compressor shall be piped clear of the test area. Care shall be taken to ensure the noise generated by the gas being exhausted is at least 10 dB lower than the noise to be measured at all measurement locations (e.g. by the fitting of a silencer).

Care shall be taken that air discharge does not introduce any extra noise due to turbulence at the compressor discharge valve.

### *Period of observation*

The period of observation shall be at least 15 seconds.

## 10. CONCRETE-BREAKERS AND PICKS, HAND-HELD

### **Basic noise emission standard**

EN ISO 3744:1995

### *Measurement surface / number of microphone positions / measuring distance*

Hemisphere /six microphone positions according to Part A, item 5 and the following table / according to mass of equipment as given in the following table:

Mass of equipment $m$ in kg	Radius of hemisphere	$z$ for microphone positions 2, 4, 6 and 8
$m < 10$	2m	0.75m
$m \geq 10$	4m	1.50m

### **Operating conditions during test**

#### *Mounting of equipment*

All appliances shall be tested in the vertical position.

If the test appliance has got an air exhaust, its axis shall be equidistant from two microphone positions. The noise of the power supply shall not influence the measure of the noise emission from the tested appliance.

#### *Support of the appliance*

The appliance shall be coupled during the test run to a tool embedded in a cube-shaped concrete block placed in a concrete pit, sunk into the ground. An intermediate steel piece may be inserted during tests between the appliance and the support tool. This intermediate piece shall form a stable structure between the appliance and the support tool. Figure 10.1 incorporates these requirements.

#### *Block characteristics*

The block shall be in the shape of a cube  $0.60 \text{ m} \pm 2\text{mm}$  long at the edge and as regular as possible; it shall be made of reinforced concrete and thoroughly vibrated in layers of up to 0.20 m to avoid excessive sedimentation.

#### *Quality of the concrete*

The quality of the concrete shall correspond to C 50/60 of ENV 206.

The cube shall be reinforced by 8mm-diameter steel rods without ties, each rod being independent of the other; the design concept is illustrated in figure 10.2.

#### *Supporting tool*

The tool shall be sealed into the block and shall consist of a rammer of no less than 178 mm or no more than 220 mm diameter and a tool chuck component identical to that normally used with the appliance being tested and complying with ISO 1180:1983, but sufficiently long to enable the practical test to be carried out.

Suitable treatment shall be carried out to integrate the two components. The tool shall be fixed in the block so that the bottom of the rammer is 0.30 m from the upper face of the block (see Figure 10.2).

The block shall remain mechanically sound, particularly at the point where the supporting tool and the concrete meet. Before and after each test, it shall be established that the tool sealed in the concrete block is integrated with it.

#### *Positioning of the cube*

The cube shall be set in a pit cemented throughout, covered by a screening slab of at least  $100 \text{ kg/m}^2$ , as indicated in Figure 10.3, so that the upper surface of the screening slab is flush with the ground. To avoid any parasitic noise, the block shall be insulated against the bottom and sides of the pit by elastic blocks, the cut-off frequency of which shall not be more than half the striking rate of the appliance tested, expressed as strokes per second.

The opening in the screening slab through which the tool chuck component passes shall be as small as possible and sealed by a flexible sound-proof joint.

#### *Test under load*

The appliance tested shall be connected to the supporting tool.

The test appliance shall be operated in stable conditions having the same acoustical stability as in normal service.

The test appliance shall be operated at the maximum power specified in the instructions supplied to the purchaser.

#### *Period of observation*

The period of observation shall at least be 15 seconds.

*Figure 10.1*

**Schematic diagram of intermediate piece**

*Figure 10.2*

**Test block**

*Figure 10.3*

## **Testing device**

The value of A should be such that the screening slab resting on the elastic joint J is flush with the ground

## **11. CONCRETE OR MORTAR MIXERS**

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Test under load*

The mixing device (drum) shall be filled to its rated capacity with sand of granulation 0 to 3 mm, the humidity shall be 4 – 10%.

The mixing device shall be operated at least at the rated speed.

#### *Period of observation*

The period of observation shall be at least 15 seconds.

## **12. CONSTRUCTION WINCHES**

See No. 0.

The geometrical centre of the engine shall be positioned above the centre of the hemisphere; the winch shall be connected but no load shall be applied.

### **13. CONVEYING AND SPRAYING MACHINES FOR CONCRETE AND MORTAR**

#### **Basic noise emission standard**

EN ISO 3744:1995

#### **Operating conditions during test**

If the machine is equipped with a boom, this is set upright and the pipe shall be lead back to the filler funnel. If this is not the case the machine shall be equipped with a horizontal pipe of at least 30 m leading back to the filler funnel.

#### *Test under load*

(i) For machines conveying and spraying concrete:

The conveying system and the pipe shall be filled with a medium similar to concrete, the cement being replaced by an admixture e.g. finest ash. The machine shall operate at its maximum output, the period of one working cycle being not more than 5 seconds (if this period is exceeded, water shall be added to the “concrete” in order to reach this value).

(ii) For machines conveying and spraying mortar:

The conveying system and the pipe shall be filled with a medium similar to finishing mortar, the cement replaced by an admixture, e.g. methyl cellulose. The machine shall operate at its maximum output, the period of one working cycle being not more than 5 seconds (if this period is exceeded, water shall be added to the “mortar” in order to reach this value).

#### *Period of observation*

The period of observation shall at least be 15 seconds.

### **14. CONVEYOR BELTS**

See No. 0.

The geometrical centre of the engine shall be positioned above the centre of the hemisphere; the belt shall move without load and leave the hemisphere, if necessary, in direction of point 1.

### **15. COOLING EQUIPMENT ON VEHICLES**

#### **Basic noise emission standard**

EN ISO 3744:1995

## **Operating conditions during test**

### *Test under load*

The cooling equipment shall be installed in a real or simulated cargo space and be tested in a stationary position where the height of the cooling equipment shall be representative of the intended installation requirements according to the instructions supplied to the purchaser. The power source of the cooling equipment shall operate at the rate that causes the maximum speed of the cooling compressor and the fan specified in the instructions. If the cooling equipment is intended to be powered by the driving engine of the vehicle the engine shall not be used during the test and the cooling equipment shall be connected to a suitable electrical power source. Removable tractor units shall be removed during the test.

Cooling equipment installed in cargo space refrigeration units which have a choice of different power sources shall be tested separately for each power source. The test result reported shall as a minimum reflect the mode of operation which leads to the maximum noise output.

### *Period of observation*

The period of observation shall be at least 15 seconds.

## **16. DOZERS**

### **Basic noise emission standard**

EN ISO 3744:1995

### *Test area*

ISO 6395:1988

### *Measurement surface/number of microphone positions/measuring distance*

ISO 6395:1988

## **Operating conditions during test**

### *Mounting of equipment*

Crawler dozers shall be tested on the test site corresponding to 6.3.3 of ISO 6395:1988

### *Test under load*

ISO 6395:1988, Annex B

*Period(s) of observation and consideration of different operating conditions, if any*

ISO 6395:1988, Annex B

## 17. DRILL RIGS

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Test under load*

EN 791:1995, Annex A

#### *Period of observation*

The period of observation shall at least be 15 seconds.

## 18. DUMPERS

### **Basic noise emission standard**

EN ISO 3744:1995

#### *Test area*

ISO 6395:1988

#### *Measurement surface / number of microphone positions /measuring distance*

ISO 6395:1988

### **Operating conditions during test**

#### *Test under load*

Equivalent ISO 6395:1988, Annex C, with the following amendment:

C.4.3. second paragraph is replaced by:

“The engine shall be operated at its maximum governed speed (high idle). The transmission control shall be set to neutral. Bring the bucket to the tipped position (emptying) up to about 75% of its maximum movement and return it to its travelling position three times. This sequence of events is considered to be a single cycle for the stationary hydraulic mode.

If no engine power is used to tip the bucket, the engine shall be operated at idling speed with the transmission in neutral. The measurement shall be performed without tipping the bucket, the period of observation shall be 15 seconds.”

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

ISO 6395:1988, Annex C

## **19. EQUIPMENT FOR LOADING AND UNLOADING TANKS OR SILOS ON TRUCKS**

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

*Test under load*

The equipment shall be tested with the truck in a stationary position. The engine driving the equipment shall operate at the speed that causes the maximum output of the equipment specified in the instructions supplied to the purchaser.

*Period of observation*

The period of observation shall at least be 15 seconds.

## **20. EXCAVATORS**

### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 6395:1988

*Measurement surface / number of microphone positions/ measuring distance*

ISO 6395:1988

### **Operating conditions during test**

*Test under load*

ISO 6395:1988, Annex A

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

ISO 6395:1988 Annex A

## **21. EXCAVATORS-LOADERS**

### **Basis noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 6395:1988

*Measurement surface /number of microphone positions / measuring distance*

ISO 6395:1988

### **Operating conditions during rest**

#### **Test under load:**

ISO 6395:1988, Annex D

*Period(s) of observation /determination of resulting sound power level if more than one operating condition is used*

ISO 6395:1988, Annex D

## **22. GLASS RECYCLING CONTAINERS**

### **Basic noise emission standard**

EN ISO 3744:1995

For the purpose of this noise test code the single-event sound pressure level  $L_{p1s}$  as defined in EN ISO 2744:1995 point 3.2.2 is used in measuring the sound pressure level at the microphone positions.

*Environmental correction  $K_{2A}$*

Measurement in the open air

$K_{2A} = 0$

Measurements indoors

The value of the constant  $K_{2A}$ , determined in accordance with Annex A of EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

### **Operating conditions during test**

The noise measurement shall be carried out during a complete cycle beginning with the empty container and completed when 120 bottles have been thrown into the container.

The glass bottles are defined as follows:

- capacity: 75cl
- mass:  $370 \pm 30$  g.

The testing operator holds each bottle by its neck and its bottom towards the filling aperture and then he pushes it gently inside through the filling aperture in the direction of the centre of the container, avoiding if possible the bottle hitting against the walls. Only one filling aperture is used for throwing the bottles and it is the one nearest to microphone position 12.

*Period(s) of observation / determination of resulting sound power if more than one operating condition is used*

The A-weighted single-event sound pressure level is preferably simultaneously measured at the six microphone positions for each bottle thrown into the container.

The A-weighted single-event sound power level averaged over the measurement surface is calculated according to EN ISO 3744:1995, point 8.1.

The A-weighted single-event sound pressure level averaged over all 120 throwings of bottles is calculated as the logarithmic mean of the A-weighted single-event sound pressure levels averaged over the measurement surface.

## **23. GRADERS**

### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 6395:1988

*Measurement surface / number of microphone positions / measuring distance*

ISO 6395:1988

### **Operating conditions during test**

*Test under load*

Corresponding to ISO 6395:1988, Annex B

*Period(s) of observation /determination of resulting sound power level if more than one operating condition is used*

ISO 6395:1988, Annex B

## 24. **GRASS TRIMMERS/GRASS EDGE TRIMMERS**

See No 2

The trimmer shall be positioned by a suitable device in such a way that its cutting device is above the centre of the hemisphere. For grass trimmers, the centre of the cutting device shall be held at a distance of about 50 mm above the surface. In order to accommodate the cutting blades, grass edge trimmers should be positioned as close as possible to the test surface.

## 25. **HEDGE TRIMMERS**

### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 11094:1991

in case of dispute, measurements shall be carried out in the open air on the artificial surface (point 4.1.2 of ISO 11094:1991)

*Environmental correct  $K_{2A}$*

Measurement in the open air

$K_{2A} = 0$

Measurements indoors

The value of the constant  $K_{2A}$ , determined without the artificial surface and in accordance with Annex A of EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions / measuring distance*

ISO 11094:1991

### **Operating conditions during test**

### *Mounting of equipment*

The hedge trimmer shall be held in the natural manner for normal use either by a person or by a suitable device in such a way that the cutting device is above the centre of the hemisphere.

### *Test under load*

The hedge clipper shall be operated at its nominal speed with the cutting device working.

### *Period of observation*

The period of observation shall at least be 15 seconds.

## **26. HIGH PRESSURE FLUSHERS**

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Test under load*

The high pressure flusher shall be tested in a stationary position. The engine and auxiliary units operate at the speed provided by the manufacturer for the operation of the working equipment; the high pressure pump(s) is (are) operating at its (their) maximum speed and operating pressure provided by the manufacturer. Using an adapted nozzle the pressure reduction valve shall be just on the point of reacting. The flow noise of the nozzle shall not have any influence on the results of the measurements.

#### *Period of observation*

The period of observation shall at least be 30 seconds

## **27. HIGH PRESSURE WATER JET MACHINES**

### **Basic noise emission standard**

EN ISO 3744:1995

#### *Measurement surface / number of microphone positions / measuring distance*

Parallelepiped / according to EN ISO 3744:1995 with measurement distance  $d = 1\text{m}$

### **Operating conditions during test**

### *Mounting of equipment*

The high pressure water jet machine shall be installed on the reflecting plane; skid-mounted machines shall be placed on a support 0.40m high, unless otherwise required by the manufacturer's conditions of installation.

### *Test under load*

The high pressure cleaning machine shall be brought to its steady-state within the range specified by the manufacturer. During testing the nozzle shall be coupled to the high pressure cleaning machine that causes the highest pressure if used according to the manufacturer's instructions.

### **Period of observation**

The period of observation shall at least be 15 seconds.

## **28. HYDRUALIC HAMMERS**

### **Basic noise emission standard**

EN ISO 3744:1995

*Measurement surface / number of microphone positions / measuring distance*

Hemisphere / six microphone positions according to Part A, item 5 /  $r = 10$  m

### **Operating condition during tests**

#### *Mounting of the equipment*

For the test the hammer is attached to a carrier and a special test block structure shall be used. Figure 28.1 gives the characteristics of this structure and Figure 28.2 shows the position of the carrier.

#### **Carrier**

The carrier for the test hammer shall meet the requirements of the test hammer's technical specifications especially in weight range, hydraulic output power, supply oil flow and return line back pressure.

#### **Mounting**

Mechanical mounting as well as connections (hoses, pipes ...) must correspond to specifications given in the hammer's technical data. All significant noise caused by pipes and various mechanical components needed for installation, ought to be eliminated. All component connections have to be well tightened.

## Hammer stability and static hold force

The hammer shall be firmly held down by the carrier in order to give the same stability as that existing under normal operating conditions. The hammer must be operated in an upright position.

## Tool

A blunt tool shall be used in the measurements. The length of the tool must meet the requirements given in Figure 28.1 (test block).

## *Test under load*

### Hydraulic input and power and oil flow

Operating conditions of the hydraulic hammer shall be appropriately adjusted, measured and reported along with the corresponding technical specification value. The hammer under test must be used in such way that 90% or more of the maximum hydraulic input power and oil flow of the hammer can be reached.

Care shall be taken that the total uncertainty of the measurement chains of  $p_s$  and  $Q$  is kept within  $\pm 5\%$ . This assures the hydraulic input power determination within  $\pm 10\%$  accuracy. Assuming linear correlation between hydraulic input power and emitted sound power this would mean variation of less than  $\pm 0.4$  dB in the determination of the sound power level.

### Adjustable components having effect on the hammer power

Pre-settings of all accumulators, pressure central valves and other possible adjustable components must meet the values given in technical data. If more than one fixed impact rate are optional, measurements have to be made using all settings. Minimum and maximum values are presented.

## Quantities to be measured

- $P_s$  The mean value of the hydraulic supply line pressure during the hammer's operation including at least 10 blows.
- $Q$  The mean value of the breaker inlet oil flow measured simultaneously with  $p_s$ .
- $T$  The oil temperature must lie between  $+ 40/ + 60^\circ\text{C}$  during measurements. The temperature of the hydraulic breaker body must have been stabilised to normal operating temperature before starting the measurements.
- $P_a$  The prefill gas pressures of all accumulators must be measured in static situation (breaker not operating) at stable ambient temperature of  $+ 15/ +25^\circ\text{C}$ . The measured ambient temperature shall be recorded with the measured accumulator prefill gas pressure.

Parameters to be evaluated from the measured operating parameters:

$P_{IN}$     *Hydraulic input power of the breaker*  $P_{IN} = p_s \cdot Q$

Hydraulic supply line pressure measurement,  $p_s$

- $p_s$  must be measured as close to the breaker IN-port as possible.
- $p_s$  shall be measured with a pressure gauge (minimum diameter: 100 mm; accuracy class  $\pm 1.0\%$  FSO).

*Breaker inlet oil flow,  $Q$*

- $Q$  must be measured from the supply pressure line as close to the breaker IN-port as possible.
- $Q$  must be measured with an electric flowmeter (accuracy class  $\pm 2.5\%$  of the flow reading).

*Measuring point of the oil temperature,  $T$*

- $T$  must be measured from the oil tank of the carrier or from the hydraulic line connected to hammer. Measuring point shall be specified in the report.
- accuracy of the temperature reading must lie within  $\pm 2^\circ\text{C}$  of the actual value.

*Period of observation / determination of resulting sound power level*

The period of observation shall be at least 15 seconds.

The measurements are repeated three times, or more if necessary. The final result is calculated as the arithmetic mean of the two highest values that do not differ by more than 1 dB.

*Figure 28.1*

Figure 28.2

Definitions

- $d$  Tool diameter (mm)
- $d_1$  Anvil diameter,  $1\ 200 \pm 100$  mm
- $d_2$  Inner diameter of the anvil support structure,  $\leq 1\ 800$  mm
- $d_3$  Diameter of the test block deck,  $\leq 2\ 200$  mm
- $d_4$  Diameter of the tool opening in the deck,  $\leq 350$ mm
- $d_5$  Diameter of the tool seal,  $\leq 1\ 000$ mm
- $h_1$  Visible tool length between the lowest part of the housing and tool seal upper surface, (mm)  $h_1 = d \pm d/2$
- $h_2$  Tool seal thickness above the deck,  $\leq 20$  mm (if the tool seal is located below the deck, its thickness is not limited; it may be made of foam rubber)
- $h_3$  Distance between deck upper surface and anvil upper surface,  $250 \pm 50$  mm
- $h_4$  Isolating foam rubber deck seal thickness,  $\leq 30$  mm
- $h_5$  Anvil thickness,  $350 \pm 50$  mm
- $h_6$  Tool penetration,  $\leq 50$  mm

If the quadratic shape of the test block structure is used, the maximum length dimension equals  $0.89 \times$  corresponding diameter.

The empty space between the deck and the anvil can be filled with elastic foam rubber or other absorption material, density  $< 220$  kg/m<sup>3</sup>.

## 29. HYDRAULIC POWER PACKS

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Mounting of equipment*

The hydraulic power pack shall be installed on the reflecting plane; skid-mounted hydraulic power packs shall be placed on a support 0.40 m high, unless otherwise required by the manufacturer's conditions of installation.

#### *Test under load*

During testing, no tools shall be coupled to the hydraulic power pack.

The hydraulic power pack shall be brought to its steady-state within the range specified by the manufacturer. It shall operate at its nominal speed and its nominal pressure. The nominal speed and pressure are those appearing in the instructions supplied to the purchaser.

#### *Period of observation*

The period of observation shall at least be 15 seconds.

## 30. JOINT CUTTERS

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Test under load*

The joint cutter shall be equipped with the largest possible blade foreseen by the manufacturer in the instructions supplied to the purchaser. The engine shall operate at its maximum speed with the blade idling.

#### *Period of observation*

The period of observation shall be at least 15 seconds.

## 31. LANDFILL COMPACTORS

See No 37

## 32. LAWNMOWERS

### **Basic noise emission standard**

EN ISO 3744:1995

#### *Test area*

ISO 11094:1991

In case of dispute, measurements shall be carried out in the open air on the artificial surface (point 4.1.2 of ISO 11094:1991).

#### *Environmental correction $K_{2A}$*

Measurement in the open air

$$K_{2A} = 0$$

Measurements indoors

The value of the constant  $K_{2A}$ , determined without the artificial surface and in accordance with Annex A to EN ISO 3744:1995 shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

#### *Measurement surface /number of microphone positions / measuring distance*

ISO 11094:1991

### **Operating conditions during test**

#### *Mounting of equipment*

If the wheels of the lawnmower could cause a compression of the artificial surface of more than 1 cm, the wheels shall be placed on supports so that they are level with the artificial surface before compression. If the cutting device cannot be separated from the driving wheels of the lawnmower, the mower shall be tested on supports with the cutting device operating at its maximum speed laid down by the manufacturer. The supports shall be made in such a way that they do not influence the measurement results.

#### *Test free of load*

ISO 11094:1991

#### *Period of observation*

ISO 11094:1991

### 33. **LAWN TRIMMERS/LAWN EDGE TRIMMERS**

See No 32

The trimmer shall be positioned by a suitable device in such a way that its cutting device is above the centre of the hemisphere. For lawn trimmers, the centre of the cutting device shall be held at a distance of about 50 mm above the surface. In order to accommodate the cutting blades, lawn edge trimmers should be positioned as close as possible to the test surface.

### 34. **LEAF BLOWERS**

#### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 11094:1991

In case of dispute, measurements shall be carried out in the open air on the artificial surface (point 4.1.2 of ISO 11094:1991).

#### **Environmental correction $K_{2A}$**

Measurement in the open air

$K_{2A} = 0$

Measurement indoors

The value of the constant  $K_{2A}$ , determined without artificial surface and in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions / measuring distance*

ISO 11094:1991

#### **Operating conditions during test**

*Mounting of equipment*

The leaf blower shall be positioned in the natural manner for normal use in such a way that the outlet of its blowing device is situated  $(50 \pm 25)$  mm above the centre of the hemisphere; if the leaf blower is hand-held it shall be held either by a person or by a suitable device.

### *Test under load*

The leaf blower shall be operated at its nominal speed and the nominal air flow stated by the manufacturer.

### *Period of observation*

The period of observation shall at least be 15 seconds.

*Note:* If a leaf blower can be also used as a leaf collector it shall be tested in both configurations, in which case the higher value shall be used.

## 35. LEAF COLLECTORS

### **Basic noise emission standard**

EN ISO 3744:1995

### *Test area*

ISO 11094:1991

In case of dispute, measurements shall be carried out in the open air on the artificial surface (point 4.1.2 of ISO 11094:1991).

### *Environmental correction $K_{2A}$*

Measurement in the open air

$$K_{2A} = 0$$

Measurements indoors

The value of the constant  $K_{2A}$ , determined without artificial surface and in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

### *Measurement surface /number of microphone positions /measuring distance*

ISO 11094:1991

### **Operating conditions during test**

#### *Mounting of equipment*

The leaf collector shall be positioned in the natural manner for normal use in such a way that the inlet of the collecting device is situated  $(50 \pm 25)$  mm above the centre of the hemisphere; if the leaf collector is hand-held it shall be held either by a person or by a suitable device.

### *Test under load*

The leaf collector shall be operated at its nominal speed with the nominal air flow in the collecting device stated by the manufacturer.

### *Period of observation*

The period of observation shall be at least 15 seconds.

*Note:* If a leaf collector can be also used as a leaf blower it shall be tested in both configurations, in which case the higher value shall be used.

## **36. LIFT TRUCKS**

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

Safety requirements and the manufacturer's information shall be observed.

#### Lifting condition

With the truck stationary the load (non-sound absorbent material, e.g. steel or concrete; at least 70% of the actual capacity stated in the manufacturer's instruction) shall be lifted, from the lowered position, at maximum speed to the standardised lift height applicable to that type of industrial truck in accordance with the relevant European Standard in the series "Safety of Industrial Trucks". If the actual maximum lift height is less, it may be used in individual measurements. The lift height shall be listed in the test report.

#### Drive condition

Drive the truck, without load, at full acceleration from stillstand over a distance of three times its length to reach line A-A (line connecting microphone positions 4 and 6), continue driving the truck at maximum acceleration to line B-B (line connecting microphone positions 2 and 8). When the rear of the truck has crossed line B-B, the accelerator may be released.

If the truck has a multi-gear transmission, select the gear that ensures the highest possible speed over the measurement distance.

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

The periods of observation are:

- for lifting condition: the whole lift cycle;
- for drive condition: the time period starting when the truck's centre crosses the line A-A and ends when its centre reaches the line B-B.

The resulting sound power level for all types of lift trucks, however, is calculated by

$$L_{WA} = 10 \log (0.7 \times 10^{0.1LWAc} + 0.3 \times 10^{0.1LWAa})$$

where subscript "a" indicates "lifting mode" and subscript "c" indicates "driving mode".

### 37. LOADERS

#### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 6395:1988

*Measurement surface / number of microphone positions / measuring distance*

ISO 6395:1988

#### **Operating conditions during test**

*Mounting of equipment*

crawler loaders shall be tested on the test site corresponding to point 6.3.3 of ISO 6395:1988

*Test under load*

ISO 6395:1988, Annex C

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

ISO 6395:1988, Annex C

### 38. MOBILE CRANES

#### **Basic noise emission standard**

EN ISO 3744:1995

#### **Operating conditions during test**

### *Mounting of equipment*

If the crane is equipped with outriggers, they shall be fully extended and the crane shall be levelled on its pads in mid position of possible support height.

### *Test under load*

The mobile crane to be tested shall be presented in its standard version as described by the manufacturer. The engine power considered for determination noise limit is the nominal power of the engine used for crane motion. The crane shall be equipped with its maximum permitted counterweight mounted on the slewing structure.

Before carrying out any measurement, the engine and the hydraulic system of the mobile crane shall be brought to their normal working temperature following the instruction of the manufacturer and all relevant safety-related procedures given in the instruction handbook shall be carried out.

If the mobile crane is equipped with several engines, the engine used for the crane's function shall be run. The carrier engine shall be turned off.

If the engine of the mobile crane is fitted with a ventilator, it shall run during the test. If the ventilator can be operated at several speeds, the test shall be carried out with the ventilator running at the highest speed.

The mobile crane shall be measured under the following three ((a) to (c)) or four ((a to (d)) conditions:

For all working conditions the following shall apply:

- Engine speed at  $\frac{3}{4}$  of maximum speed specified for crane operation mode with a tolerance of  $\pm 2\%$ .
- Acceleration and deceleration at the maximum value without dangerous movements of the load or the hook block.
- Motions at maximum possible speed as given in the instruction manual under the conditions given.

#### (a) Hoisting

The mobile crane shall be loaded with a load which creates 50% of the maximum rope force. The test consists of hoisting of the load and the immediately following lowering to the starting position. The length of the boom shall be chosen so that the full test lasts 15 to 20 seconds.

#### (b) Slewing

With the boom adjusted to an angle of 40° to 50° to the horizontal and without load the upper carriage shall be slewed 90° to the left immediately followed by slewing back to the starting position. The jib shall be at its minimum length. The observation period shall be the time needed to carry out the working cycle.

(c) Derricking

The test starts with raising the short jib from the lowest working position immediately followed by the lowering of the job to its original position. The movement shall be executed without load. The duration of the test shall be at least 20 seconds.

(d) Telescoping (if applicable)

With the jib adjusted to an angle of 40° to 50° to the horizontal without load and the jib fully retracted, the telescoping cylinder for the first section only shall be extended together with the first section to its full length and immediately retracted together with the first section.

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

The resulting sound power level is calculated by:

(i) if telescoping is applicable

$$L_{WA} = 10 \log (0,4 \times 10^{0,1L^{WAa}} + 0,25 \times 10^{0,1L^{Wab}} + 0,25 \times 10^{0,1L^{WAc}} + 0,1 \times 10^{0,1L^{WAd}})$$

(ii) if telescoping is not applicable

$$L^{WA} = 10 \log (0,4 \times 10^{0,1L^{WAa}} + 0,3 \times 10^{0,1L^{WAb}} + 0,3 \times 10^{0,1L^{WAc}})$$

where

$L^{WAa}$  is the sound power level for the hoisting cycle

$L^{WAb}$  is the sound power level for the slewing cycle

$L^{WAc}$  is the sound power level for the derricking cycle

$L^{WAd}$  is the sound power level for the telescoping cycle (if applicable)

## 39. MOBILE WASTE CONTAINERS

### Basic noise emission standard

EN ISO 3744:1995

*Test area*

- Reflecting surface of concrete or non-porous asphalt
- Laboratory room which provides a free field over a reflecting plane

*Environmental correction  $K^{2A}$*

Measurement in the open air:

$$K_{2A} = 0$$

Measurement indoors:

The value of the constant  $K_{2A}$ , determined in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K^{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions / measuring distance*

Hemisphere / six microphone positions according to Part A item 5 /  $r = 3$  m

### **Operating conditions during test**

All the measurements shall be carried out with an empty container.

*Test No 1: Free shutting down of the lid along the container body*

To minimise his influence on the measurements, the operator shall stand at the back side of the container (hinge side). The lid shall be released by its middle, to prevent warping during its fall.

The measurement is carried out during the following cycle, repeated 20 times:

- initially, the lid is raised vertically;
- the lid is released forward, if possible without giving an impulse, with the operator at the back of the container, unmoving until the lid is shut;
- after complete shutting, the lid is raised to its initial position.

*Note:* If necessary the operator can move temporarily to raise the lid.

*Test No 2: Complete opening of the lid*

To minimise his influence on the measurements, the operator shall stand at the back side of the container (hinge side) for the four-wheel containers, or on the right side of the container (between microphone position 10 and microphone position 12) for the two-wheel containers. The lid shall be released by its middle or as near as possible to its middle.

To prevent any moving of the container, wheels shall be locked during the test. For the two-wheel containers, and to prevent any bounce of the container, the operator can maintain it by placing his hand on the top rim.

The measurement is carried out during the following cycle:

- initially, the lid is opened horizontally;
- the lid is released without giving an impulse;
- after complete opening, and before a possible rebound, the lid is raised to its initial position.

*Test No 3 : Rolling of the container over an artificial irregular track*

For this test, an artificial test track, simulating an irregular ground is used. This test track consists of two parallel strips of steel mesh (6 m long and 400 mm wide), fastened in the reflecting plane approximately every 20 cm. The distance between the two strips is adapted according to the type of container, in order to allow the wheels to roll all over the whole length of the track. The mounting conditions shall ensure a flat surface. If necessary, the track is fastened on the ground with resilient material to avoid emission of parasitic noise.

*Note:* Every strip can be composed of several 400 mm wide elements fitted together.

An example of adequate track is given in Figures 39.1 and 39.2.

The operator is situated at the lid hinge side.

The measurement is carried out while the operator draws the container along the artificial track, with a constant speed of approximately 1 m/s, between point A and B (4,24 m distance – see Figure 39.3) when the wheel axle, for a 2-wheel container, or the first wheel axle for a 4-wheel container, reaches point A and B. This procedure is repeated three times in each direction.

During the test, for a 2-wheel container, the angle between the container and the track shall be 45°. For a 4-wheel container, the operator shall ensure an appropriate contact of all the wheels with the track.

*Period(s) of observation/determination of resulting sound power level if more than one operating condition is used*

*Test Nos 1 and 2: Free shutting down of the lid along the container body and complete opening of the lid*

If possible, the measurements are carried out simultaneously at the six microphone positions. Otherwise, the sound levels measured at each microphone position will be classified in increasing order and the sound power levels are calculated by associating the values at each microphone position according to their row.

The A-weighted single-event sound pressure level is measured for each of the 20 shuttings and the 20 openings of the lid at each measurement point. The sound power levels  $L_{Washutting}$  and  $L_{Waopening}$  are calculated from the quadratic mean of the five highest values among those obtained.

*Test No 3: Rolling the container over an artificial irregular track*

The period of observation  $T$  shall be equal to the duration necessary to cover the distance between point A and B on the track.

The sound power level  $L_{Warolling}$  is equal to the mean of six values differing by less than 2 dB. If this criterion is not fulfilled with six measurements, the cycle is repeated as far as necessary.

The resulting sound power level is calculated by:

$$L_{WA} = 10 \log \frac{1}{3} (10^{0.1L_{Washutting}} + 10^{0.1L_{Waopening}} + 10^{0.1L_{Warolling}})$$

*Figure 39.1*

**Drawing of the rolling track**

*Figure 39.2*

**Detail of construction and mounting of the rolling track**

*Figure 39.3*

**Measurement distance**

40. **MOTOR HOES**

See No 32

The tool shall be disconnected during measurement.

41. **PAVER-FINISHERS**

**Basic noise emission standard**

EN ISO 3744:1995

**Operating conditions during test**

*Test under load*

The engine of the machine shall operate at the nominal speed indicated by the manufacturer. All working units shall be activated and operate at the following speeds:

conveying system

at least 10% of maximum value

spreading system	at least 40% of maximum value
tamper (speed, stroke)	at least 50% of maximum value
vibrators (speed, unbalance moment)	at least 50% of maximum value
pressure bars (frequency, pressure)	at least 50% of maximum value

*Period of observation*

The period of observation shall at least be 15 seconds.

**42. PILING EQUIPMENT**

**Basic noise emission standard**

EN ISO 3744:1995

**Test area**

ISO 6395:1988

**Operating conditions during test**

*Test under load*

The piling equipment is installed at the top of a pile which has sufficient resistance in the ground to allow the equipment to work at a steady speed. In the case of impact hammers, the cap must be supplied with a new, wooden filling. The head of the pile is 0,50 m above the test area.

**Period of observation**

The period of observation shall at least be 15 seconds.

**43. PIPELAYERS**

See No 0

**44. PISTE CATERPILLARS**

See No 0

**45. POWER GENERATORS**

**Basic noise emission standard**

EN ISO 3744:1995

*Environmental correction  $K_{2A}$*

Measurement in the open air:

$$K_{2A} = 0$$

Measurement indoors

The value of the constant  $K_{2A}$ , determined without artificial surface in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0\text{dB}$ , in which case  $K_{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions/ measuring distance*

Hemisphere / six microphone positions according to Part A item 5 / according to Part A item 5. If  $l > 2\text{m}$ : a parallelepiped according to EN ISO 3744:1995 may be used with measuring distance  $d = 1\text{m}$ .

### **Operating conditions during test**

*Mounting of equipment*

The power generators shall be installed on the reflecting plane; skid-mounted power generators shall be placed on a support 0.40m high, unless otherwise required by the manufacturer's conditions of installation.

*Test under load*

ISO 8528-10:1998, clause 9

*Period of observation*

The period of observation shall least be 15 seconds.

## **46. POWER SWEEPERS**

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

*Test under load*

The power sweeper shall be tested in a stationary position. The engine and auxiliary units operate at the speed provided by the manufacturer for the operation of the working equipment; the broom operates at its highest speed, it is not in contact with the ground; the suction system shall work at its maximum suction power with the distance between ground and mouth of the suction system not exceeding 25 mm.

### *Period of observation*

The period of observation shall at least be 15 seconds.

## **47. REFUSE COLLECTION VEHICLES**

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Test under load*

The refuse collection vehicle shall be tested in a stationary position for the following operating conditions:

1. The engine is running at maximum speed provided by the manufacturer. The equipment shall not be running. This test is not carried out for vehicles with electrical supply only.
2. The compaction system is running

The refuse collection vehicle and the hopper receiving the waste are empty.

If the engine speed is automatically accelerated when the compaction system is running, this value shall be measured. If the measured value is lower than the speed provided by the manufacturer by more than 5% the test is carried out with the engine accelerated by the cab accelerator, to ensure the engine speed provided by the manufacturer.

If the engine speed for the compaction system is not provided by the manufacturer or if the vehicle is not provided with an automatic accelerator, then the engine speed, issued by the cab accelerator, shall be 1 200rpm.

3. The lifting device is running up and down, without load and without container. The engine speed is obtained and controlled as for the compaction system running (point 2).
4. Material is falling into the refuse collection vehicle.

Materials are emptied in bulk with the lifting device into the hopper (initially empty). A two-wheeled container with a 240 l capacity, complying with EN 840-1:1997, shall be used for this operation. If the lifting device is not able to pick up such a container, a container with a capacity close to 240 l shall be used. The material shall consist of 30 tubes of PVC, each with a 0,4 kg approximate mass and with the following dimensions:

- length : 150 mm ± 0,5 mm
- nominal external diameter : 90 mm + 0,3/-mm
- nominal depth : 6,7 mm + 0,9/-0mm

*Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

The period of observation shall be:

1. at least 15 seconds. The resulting sound power level shall be  $L_{WA1}$
2. at least three complete cycles, if the compaction system is running automatically. If the compaction system is not running automatically, but cycle by cycle, measurements are carried out at least during three cycles. The resulting sound power level ( $L_{WA2}$ ) shall be the root mean square value of the three (or more) measurements.
3. at least three continuous complete work-cycles, including the entirety of lifting device up and lifting device down. The resulting sound power level ( $L_{WA3}$ ) shall be the root mean square value of the three (or more) measurements.
4. at least three complete work-cycles, each including the falling of 30 tubes into the hopper. Each cycle shall not exceed 5 seconds. For these measurements,  $L_{pAeq,T}$  is replaced by  $L_{pA,1s}$ . The resulting sound power level ( $L_{WA4}$ ) shall be the root mean square value of the three (or more) measurements.

The resulting sound power level is calculated by:

$$L_{WA} = 10 \log (0.06 \times 10^{0.1L_{WA1}} + 0.53 \times 10^{0.1L_{WA2}} + 0.4 \times 10^{0.1L_{WA3}} + 0.01 \times 10^{0.1L_{WA4}})$$

*Note:* In the case of a refuse collection vehicle only electrically supplied, the coefficient associated to  $L_{WA1}$  is assumed to be equal to 0.

## 48. ROAD MILLING MACHINES

### **Basic noise emission standard**

EN ISO 3744:1995

### **Operating conditions during test**

#### *Mounting of equipment*

The longitudinal axis of the road milling machine shall be parallel to the y-axis.

#### *Test under load*

The road milling machine shall be brought to its steady state within the range specified in the instructions supplied to the purchaser. The engine and all attachments shall be running at their respective rated speeds in the idling mode.

*Period of observation*

The period of observation shall at least be 15 seconds.

49. **SCARIFIERS**

**Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 11094:1991

In case of dispute, measurements shall be carried out in the open air on the artificial surface (point 4.1.2 of ISO 11094:1991).

*Environmental correction  $K_{2A}$*

Measurement in the open air

$$K_{2A} = 0$$

Measurements indoors

The value of the constant  $K_{2A}$ , determined without artificial surface and in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions / measuring distance*

ISO 11094:1991

**Operating conditions during test**

*Test under load*

The scarifier shall be operated with the engine at its nominal speed and its working device idling (operating, but not ripping).

*Period of observation*

The period of observation shall at least be 15 seconds.

## 50. SHREDDERS/CHIPPERS

### **Basic noise emission standard**

EN ISO 3744:1995

*Test area*

ISO 11094:1991

*Environmental correction  $K_{2A}$*

Measurement, in the open air

$K_{2A} = 0$

Measurement, indoors

The value of the constant  $K_{2A}$ , determined without artificial surface and in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions / measuring distance*

ISO 11094:1991

### **Operating conditions during test**

*Test under load*

The shredder/chipper shall be tested chipping one or more pieces of wood.

The work-cycle consists of chipping a round piece of wood (dry pine or plywood) of at least 1.5 m length, that is sharpened at one end and has a diameter approximately equal to the maximum that the shredder/chipper is designed to accept specified in the instructions supplied to the purchaser.

*Period of observation / determination of resulting sound power level*

The period of observation shall end when there is no more material in the chipping area, but it shall not exceed 20 seconds. If both operation conditions are possible, the higher sound power level has to be given.

## 51. SNOW REMOVING MACHINES WITH ROTATING TOOLS

### **Basic noise emission standard**

EN ISO 3744:1995

## **Operating conditions during test**

### *Test under load*

The snow blower shall be tested in a stationary position. The snow blower shall, according to the manufacturer's recommendations, operate with the working equipment at its maximum speed and the engine at the corresponding speed.

### *Period of observation*

The period of observation shall at least be 15 seconds.

## **52. SUCTION VEHICLES**

### **Basic noise emission standard**

EN ISO 3744:1995

## **Operating conditions during test**

### *Test under load*

The suction vehicle shall be tested in a stationary position. The engine and auxiliary units operate at the speed provided by the manufacturer for the operation of the working equipment; the vacuum pump(s) is (are) operating at its (their) maximum speed provided by the manufacturer. The suction equipment is operated in such a way that the internal pressure is equal to atmospheric pressure (0% vacuum). The flow noise of the suction nozzle shall not have any influence on the results of the measurements.

### *Period of observation*

The period of observation shall at least be 15 seconds.

## **53. TOWER CRANES**

### **Basic noise emission standard**

EN ISO 3744:1995

*Measurement surface / number of microphone positions / measuring distance*

Measurement at ground-level

Hemisphere / six microphone positions according to Part A paragraph 5 / according to Part A paragraph 5.

Measurements carried out at jib-height:

Where the lifting mechanism is located at the jib-height, the measurement surface shall be a sphere of 4 m radius, the centre of which shall coincide with the geometrical centre of the winch.

Where the measurement is carried out with the lifting mechanism on the jib stay of the crane, the area of measurement surface is a sphere;  $S$  is equal to  $200 \text{ m}^2$ .

The microphone positions shall be as follows (see figure 53.1):

Four microphone positions on a horizontal plane passing through the geometric centre of the mechanism ( $H = h/2$ )

with  $L = 2.80 \text{ m}$   
and  $d = 2.80 \text{ m} - l/2$

$L$  = half-distance between two consecutive microphone positions;

$l$  = length of mechanism (along axis of jib);

$b$  = width of mechanism;

$h$  = height of mechanism;

$d$  = distance between microphone support and mechanism in direction of jib.

The other two microphone positions shall be located at the points of intersection of the sphere and the vertical line passing through the geometric centre of the mechanism.

### **Operating conditions during test**

#### *Mounting of equipment*

##### Measurement of lifting mechanism

The lifting mechanism during the test shall be mounted in one of the following ways. The position shall be described in the test report.

- (a) Lifting mechanism at ground level.

The mounted crane shall be placed on a flat reflecting surface of concrete or non-porous asphalt.

- (b) Lifting mechanism on the jib stay.

The lifting mechanism shall be at least 12m above the ground.

- (c) Lifting mechanism fixed to the ground.

The lifting mechanism shall be fixed to a flat reflecting surface of concrete or non-porous asphalt.

#### Measurement of the energy generator

Where the energy generator is attached to the crane, whether or not it is linked to the lifting mechanism, the crane shall be mounted on a flat reflecting surface of concrete or non-porous asphalt.

Where the lifting mechanism is situated on the jib stay, the noise measurement may be carried out with the mechanism either mounted on the jib stay or fixed to the ground.

Where the energy source powering the crane is independent from it (electrical power generator or mains, or hydraulic or pneumatic power source), only the noise level of the mechanism winch shall be measured.

Where the energy generator is attached to the crane, the energy generator and the lifting mechanism shall be measured separately if they are not combined. Where these two devices are combined, the measurement shall refer to the whole assembly.

During the test the lifting mechanism and the energy generator shall be installed and used in accordance with the manufacturer's instructions.

#### *Test free of load*

The energy generator incorporated in the crane shall operate at the full power rating indicated by the manufacturer.

The lifting mechanism shall operate free of load, with its drum turning at the rotation speed corresponding to the maximum hook-displacement speed, in the raising and lowering modes. This speed shall be specified by the manufacturer. The greater of the two sound power levels (raising or lowering) shall be used for the results of the test.

#### *Test under load*

The energy generator incorporated in the crane shall operate at the full power rating indicated by the manufacturer. The lifting mechanism shall operate with a cable tension at the drum corresponding to maximum load (for the minimum radius) with the hook moving at the maximum speed. The load and speed figures shall be specified by the manufacturer. The speed shall be checked during the test.

#### *Period(s) of observation / determination of resulting sound power level if more than one operating condition is used*

For the measurement of the sound pressure level of the lifting mechanism, the measuring period shall be  $(t_r + t_f)$  seconds:

$t_r$  being the period in seconds prior to activation of the brake, with the lifting mechanism operating in the manner specified above. For the purpose of the test  $t_r = 3$  seconds

$t_f$  being the period in seconds between the moment when the brake is activated and that when the hook comes to a complete standstill

If an integrator is used, the integration period shall be equal to  $(t_r + t_f)$  seconds

The root mean square value at microphone position  $i$  shall be given by:

$$L_{pi} = 10 \lg [(t_r 10^{0.1L_{ri}} + t_f 10^{0.1L_{fi}})/(t_r + t_f)]$$

$L_{ri}$  being the sound pressure level at microphone position  $i$  during period  $t_r$

$L_{fi}$  being the sound pressure level at microphone position  $i$  during breaking period  $t_f$

*Figure 53.1*

**Arrangement of microphone positions where the lifting mechanism is located on the jib stay**

54. **TRENCHERS**

See No 0

55. **TRUCK MIXERS**

**Basic noise emission standard**

EN ISO 3744:1995

**Operating conditions during test**

*Test under load*

The truck mixer shall be tested in a stationary position. The drum is filled with concrete of medium consistency (propagation measure 42-47 cm) complying to the rated capacity. The engine driving the drum shall operate at the speed that causes the maximum speed of the drum specified in the instructions supplied to the purchaser.

*Period of observation*

The period of observation shall at least be 15 seconds.

56. **WATER PUMP UNITS**

**Basic noise emission standard**

EN ISO 3744:1995

*Measurement surface / number of microphone positions / measuring distance*

Parallelepiped / according to EN ISO 3744:1995 with measurement distance  $d = 1\text{m}$

**Operating conditions during test**

*Mounting of equipment*

The water pump unit shall be installed on the reflecting plane; skid-mounted water pump units shall be placed on a support 0.40 m high, unless otherwise required by the manufacturer's conditions of installation.

*Test under load*

The engine must operate at the point of best efficiency given in the manufacturer's instructions.

*Period of observation*

The period of observation shall at least be 15 seconds.

## 57. WELDING GENERATORS

### **Basic noise emission standard**

EN ISO 3744:1995

*Environmental correction  $K_{2A}$*

Measurement in the open air:

$K_{2A} = 0$

Measurement indoors

The value of the constant  $K_{2A}$ , determined in accordance with Annex A to EN ISO 3744:1995, shall be  $\leq 2.0$  dB, in which case  $K_{2A}$  shall be disregarded.

*Measurement surface / number of microphone positions / measuring distance*

Hemisphere / 6 microphone positions according to Part A item 5 / according to Part A item 5;

If  $l > 2$ m: a parallelepiped according to EN ISO 3744:1995 may be used with measuring distance  $d = 1$ m.

*Operating conditions during test*

### **Mounting of equipment**

The welding generators shall be installed on the reflecting plane; skid-mounted welding generators shall be placed on a support 0.40 m high, unless otherwise required by the manufacturer's conditions of installation.

*Test under load*

ISO 8528-10:1998, point 9

### ***Period of observation***

The period of observation shall at least be 15 seconds.

**SCHEDULE 7                      Regulations 2(2) and 11**

(ANNEX IV to the Directive)

**MODELS OF THE CE MARKING OF CONFORMITY AND OF  
THE INDICATION OF THE GUARANTEED SOUND POWER LEVEL**

The CE conformity marking must consist of the initials 'CE' taking the following form:

If the CE marking is reduced or enlarged according to the size of the equipment the proportions given in the above drawing must be respected. The various components of the CE marking must have substantially the same vertical dimension which may not be less than 5 mm.

The indication of the guaranteed sound power level must consist of the single-number of the guaranteed sound power in dB, the sign  $L_{WA}$  and a pictogram taking the following form:

If the indication is reduced or enlarged according to the size of the equipment the proportions given in the above drawing must be respected. However, the vertical dimension of the indication should, if possible, not be less than 40 mm.

**SCHEDULE 8**

(ANNEX V to the Directive)

**INTERNAL CONTROL OF PRODUCTION**

1. This Annex describes the procedure whereby the manufacturer, or his authorised representative established within the Community, who carries out the obligations laid down in point 2, ensures and declares that the equipment concerned satisfies the requirements of this Directive. The manufacturer, or his authorised representative established in the Community, must affix the CE marking of conformity and the indication of the guaranteed sound power level as required in Article 11 to each equipment and draw up a written EC declaration of conformity as required in Article 8.
2. The manufacturer, or his authorised representative established in the Community, must draw up the technical documentation described in point 3 and he must keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes. The manufacturer, or his authorised representative established in the Community, may entrust another person to keep the technical documentation. In this case he has to include the name and address of this person in the EC declaration of conformity.
3. The technical documentation must enable the conformity of the equipment with the requirements of this Directive to be assessed. It must contain at least the following information:
  - name and address of the manufacturer or his authorised representative established in the Community
  - a description of the equipment
  - make
  - trade name
  - type, series and numbers
  - the technical data relevant for the identification of the equipment and the assessment of its noise emission, including, if appropriate, schematic drawings and any description and explanation necessary for their understanding.
  - the reference to this Directive
  - the technical report of noise measurements carried out in accordance with the provisions of the Directive

- the technical instruments applied and the results of the evaluation of the uncertainties due to production variation and their relation to the guaranteed sound power level.
4. The manufacturer must take all measures necessary in order that the manufacturing process ensures continuing compliance of the manufactured equipment with the technical documentation referred to in points 2 and 3 and with the requirements of the Directive.

## **SCHEDULE 9**

## **Regulation 10(a)**

(ANNEX VI to the Directive)

### **INTERNAL CONTROL OF PRODUCTION WITH ASSESSMENT OF TECHNICAL DOCUMENTATION AND PERIODICAL CHECKING**

1. This Annex describes the procedure whereby the manufacturer, or his authorised representative established in the Community, who carries out the obligations laid down in points 2, 5 and 6 ensures and declares that the equipment concerned satisfies the requirements of this Directive. The manufacturer, or his authorised representative established in the Community, must affix the CE marking of conformity and the indication of the guaranteed sound power level as required in Article 11 to each piece of equipment and draw up a written EC declaration of conformity as required in Article 8.
2. The manufacturer, or his authorised representative established in the Community, must draw up the technical documentation described in point 3 and he must keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes. The manufacturer, or his authorised representative established in the Community, may entrust another person to keep the technical documentation. In this case he has to include the name and address of this person in the EC declaration of conformity.
3. The technical documentation must enable the conformity of the equipment with the requirements of this Directive to be assessed. It must contain at least the following information:
  - name and address of the manufacturer or his authorised representative established in the Community
  - a description of the equipment
  - make
  - trade name

- type, series and numbers
- the technical data relevant for the identification of the equipment and the assessment of its noise emission, including, if appropriate, schematic drawings and any description and explanation necessary for this understanding
- the reference to this Directive
- the technical report of noise measurements carried out in accordance with the provisions of this Directive
- the technical instruments applied and the results of the evaluation of the uncertainties due to production variation and their relation to the guaranteed sound power level.

4. The manufacturer must take all measures necessary in order that the manufacturing process ensures compliance of the manufactured equipment with the technical documentation referred to in points 2 and 3 and with the requirements of this Directive.

5. *Evaluation by the notified body prior to placing on the market*

The manufacturer, or his authorised representative established in the Community, shall present a copy of his technical documentation to a notified body of his choice before the first item of equipment is placed on the market or put into service.

If there are doubts about the plausibility of the technical documentation, the notified body shall inform accordingly the manufacturer or his authorised representative established in the Community, and, if need be, carry out, or have carried out, modifications to the technical documentation, or possibly, tests deemed necessary.

After the notified body has issued a report confirming that the technical documentation satisfies the provisions of this Directive, the manufacturer or his authorised representative established within the Community may affix the CE marking to the equipment and issue an EC declaration of conformity in accordance with Articles 11 and 8, for which he will bear complete responsibility.

6. *Evaluation by the notified body during production*

The manufacturer, or his authorised representative established in the Community, shall further involve the notified body in the production phase according to one of the following procedures to be chosen by the manufacturer or his authorised representative established within the Community:

- the notified body shall carry out periodical checks in order to verify continuing compliance of the manufactured equipment with the technical documentation and with the requirements of this Directive; in particular the notified body shall concentrate on:

- = the correct and complete marking of the equipment according to Article 11,
- = issuing of the EC declaration of conformity according to Article 8,
- = the technical instruments applied and the results of the evaluation of the uncertainties due to production variation and their relation to the guaranteed sound power level.

The manufacturer, or his authorised representative established in the Community, shall give the notified body free access to all the internal documentation supporting these procedures, the actual results of the internal audits and the corrective actions which have been taken, if any.

Only if the above checks give unsatisfactory results shall the notified body carry out noise tests, which, on its own judgement and experience, may be simplified or completely carried out according to the provisions laid down in Annex III for the relevant type of equipment,

- the notified body shall carry out or have carried out product checks at random intervals. An adequate sample of the final equipment, chosen by the notified body, must be examined and appropriate noise tests as set out in Annex III, or equivalent tests, must be carried out to check the conformity of the product with the relevant requirements of the Directive. The product checking must include the following aspects:
  - = the correct and complete marking of the equipment according to Article 11,
  - = the issuing of the EC declaration of conformity according to Article 8.

In both procedures, the frequency of the checks shall be defined by the notified body according to the results of previous evaluations, the need to monitor corrective actions and further guidance for the frequency of the checks that may be given by the yearly production and the general reliability of the manufacturer to maintain the guaranteed values; however a check shall be carried out at least once every three years.

If there are doubts about the plausibility of the technical documentation or the adherence during production, the notified body shall inform accordingly the manufacturer, or his authorised representative established in the Community.

In those cases where equipment checked does not conform to the provisions of this Directive, the notified body must inform the notifying Member State

(ANNEX VII to the Directive)

### **UNIT VERIFICATION**

1. This Annex describes the procedure whereby the manufacturer, or his authorised representative established in the Community, ensures and declares that the equipment which has been issued with the certificate referred to in point 4 conforms to the requirements of this Directive. The manufacturer, or his authorised representative established in the Community, must affix the CE marking supplemented by the information as required in Article 11 to the equipment and draw up the EC declaration of conformity referred to in Article 8.

2. The application for a unit verification must be lodged by the manufacturer or his authorised representative established in the Community with a notified body chosen by him.

This application must include:

- the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address in addition
  - a written declaration that the same application has not been lodged with any other notified body,
  - a technical documentation conforming to the requirements set below:
    - = a description of the equipment
    - = trade name
    - = type, series and numbers
    - = the technical data relevant for the identification of the equipment and the assessment of its noise emission, including, if appropriate, schematic drawings and any description and explanation necessary for their understanding
    - = the reference to this Directive.
3. The notified body must:
- examine whether the equipment has been manufactured in conformity with the technical documentation
  - agree with the application the location where, in accordance with this Directive, the noise tests will be carried out

- in accordance with this Directive, carry out or have carried out the necessary noise tests.
4. Where the equipment meets the provisions of this Directive, the notified body must issue a certificate of conformity to the applicant as described in Annex X.

If the notified body refuses to issue a certificate of conformity, it must state the detailed grounds for the refusal.

5. The manufacturer, or his authorised representative established in the Community, must keep with the technical documentation copies of the certificate of conformity for a period of 10 years from the date on which the equipment is placed on the market.

## **SCHEDULE 11**

## **Regulation 10(a)**

(ANNEX VIII to the Directive)

### **FULL QUALITY ASSURANCE**

1. This Annex describes the procedure whereby the manufacturer who satisfies the obligations of point 2 ensures and declares that the equipment concerned satisfies the requirements of this Directive. The manufacturer, or his authorised representative established in the Community, must affix the CE marking supplemented by the information as required in Article 11 to each product and draw up the written EC declaration of conformity referred to in Article 8.

2. The manufacturer must operate an approved quality assurance system for design, manufacture and final product inspection and testing as specified in point 3 and shall be subject to surveillance as specified in point 4.

3. *Quality assurance system*

3.1 The manufacturer must lodge an application for assessment of his quality assurance system with a notified body of his choice.

The application must include:

- all relevant information for the product category envisaged, including technical documentation of all equipment already in phase of design or production that must contain at least the following information:
- = name and address of the manufacturer or his authorised representative established in the Community

- = a description of the equipment
- = make
- = trade name
- = type, series and numbers
- = the technical data relevant for the identification of the equipment and the assessment of its noise emission, including, if appropriate, schematic drawings and any description and explanation necessary for their understanding.
- = the reference to this Directive
- = the technical report of noise measurements carried out in accordance with the provisions of this Directive
- = the technical instruments applied and the results of the evaluation of the uncertainties due to production variation and their relation to the guaranteed sound power level
- = a copy of the EC declaration of conformity.
- the documentation concerning the quality assurance system.

3.2 The quality assurance system must ensure compliance of the product with the requirements of the Directives that apply to it.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality assurance system documentation must permit a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

3.3 It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality,
- the technical documentation to be drawn up for each product, containing at least the information indicated in point 3.1 for the technical documentations mentioned there,
- the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the equipment category covered,

- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
- the examinations and test that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned etc.,
- the means to monitor the achievement of the required design and product quality and the effective operation of the quality assurance system.

The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with these requirements in respect of quality assurance systems that implement EN ISO 9001.

The auditing team must have at least one member with experience as an assessor in the equipment technology concerned. The assessment procedure must include an assessment visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusion of the examination and the reasoned assessment decision.

3.4 The manufacturer must undertake to fulfil the obligations arising out of the quality assurance system as approved and to maintain it in an adequate and efficient manner.

The manufacturer or his authorised representative established within the Community shall keep the notified body that has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must evaluate the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in point 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### 4. *Surveillance under the responsibility of the notified body*

4.1 The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality assurance system.

4.2 The manufacturer must allow the notified body entrance for inspection purposes to the locations of design, manufacture, inspection and testing, and storage and must provide it with all necessary information, in particular:

- the quality assurance system documentation
- the quality records as foreseen by the design part of the quality assurance system, such as results of analyses, calculations, tests, etc.,
- the quality records as foreseen by the manufacturing part of the quality assurance system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned etc.

4.3 The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality assurance system and must provide an audit report to the manufacturer.

4.4 Additionally the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality assurance system is functioning correctly, if necessary. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period ending at least 10 years after the last equipment has been manufactured, keep at the disposal of the national authorities:

- the documentation referred to in the second indent of point 3.1 of this Annex,
- the updating referred to in the second paragraph of point 3.4,
- the decisions and reports from the notified body which are referred to in the final paragraph of point 3.4, points 4.3 and 4.4.

6. Each notified body must give the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.



**ENFORCEMENT**

**Enforcement authorities**

- 1.- (1) It shall be the duty of the Secretary of State to enforce these Regulations, and in carrying out that duty he may act through the Vehicle Certification Agency, an Executive Agency of the Department of the Environment, Transport, and the Regions, and “enforcement authority” shall be construed accordingly.
- (2) Nothing in this regulation shall authorise any enforcement authority to bring proceedings in Scotland for an offence.

**Test purchases**

- 2.- (1) An enforcement authority shall have power, for the purpose of ascertaining whether any equipment complies with the requirements of regulation 7 to make, or to authorise an officer of the authority to make, any purchase of equipment.
- (2) Where –
- (a) any equipment purchased under this paragraph by or on behalf of any enforcement authority is submitted to a test; and
  - (b) the test leads to –
    - (i) the bringing of proceedings for an offence under regulation 18 in relation to the equipment or the forfeiture of equipment of the same description under paragraph 13 or 14; or
    - (ii) the serving of a suspension notice in respect of any equipment; and
  - (c) the authority is requested to do so and it is practicable for the authority to comply with the request,

the authority shall allow the person from whom the equipment was purchased or any person who is a party to the proceedings or has an interest in any equipment to which the notice relates to have the equipment tested.

**Powers of search etc.**

- 3.- (1) Subject to paragraph 4, a duly authorised officer of an enforcement authority may at any reasonable hour and on production, if required, of his credentials exercise any of the powers conferred by the following provisions of this regulation.

(2) The officer may, for the purpose of ascertaining whether there has been a contravention of any of the requirements of regulation 7 –

- (a) inspect any equipment and enter any premises other than premises occupied only as a person's residence; or
- (b) examine any procedure (including any arrangements for carrying out a test) connected with the production of any equipment.

(3) If the officer has reasonable ground for suspecting that there has been a contravention of any of the requirements of regulation 7, he may for the purpose of ascertaining (by testing or otherwise) whether there has been any such contravention, seize and detain any equipment.

(4) The officer may seize and detain –

- (a) any equipment, any document, record or information which the officer may require production of under paragraph 8 below, or any other thing, which he has reasonable grounds for believing may be required –
  - (i) as evidence in proceedings for an offence under these Regulations;
  - (ii) by a competent authority of a member State other than the United Kingdom for the purposes of the exercise of its functions, or
- (b) any equipment which he has reasonable grounds for suspecting may be liable to be forfeited under paragraphs 13 and 14 below.

(5) The officer may, for the purpose of the exercise of his powers under paragraphs (3) or (4) above to seize any equipment, any document or record or any other thing –

- (a) require any person having authority to do so to open any container; and
- (b) himself open or break open any such container where a requirement made under paragraph (a) above in relation to the container has not been complied with.

### **Provisions supplemental to paragraph 3**

4.- (1) An officer seizing any equipment, records, documents, information or other thing under paragraph 3 above shall inform the person from whom they are seized that such equipment, records or other thing have been so seized.

(2) If a justice of the peace –

- (a) is satisfied by any written information on oath that there are reasonable grounds for believing either -

- (i) that any equipment, documents, records information or other thing which any officer has power to inspect under paragraph 3 above are on any premises (which may be premises occupied only as a person's residence) and that their inspection is likely to disclose evidence that there has been a contravention of any provisions of regulation 7 of these Regulations; or
  - (ii) that such a contravention has taken place, is taking place or is about to take place on any premises; and
- (b) is also satisfied by any such information either –
- (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this paragraph has been given to the occupier; or
  - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may by warrant under his hand, which shall continue in force for one month, authorise any officer of an enforcement authority to enter the premises, if need be by force.

(3) An officer entering any premises by virtue of paragraph 3 above or a warrant under sub-paragraph (2) of this paragraph may take with him such other persons and such equipment as may appear to him necessary.

(4) On leaving any premises which a person is authorised to enter by a warrant under sub-paragraph (2) of this regulation, that person shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

(5) Where any equipment seized by an officer under paragraph 3 above is submitted to a test, the officer shall inform the persons mentioned in sub-paragraph (1) of this paragraph of the result of the test and, if –

- (a) proceedings are brought for an offence in respect of a contravention in relation to any equipment of any provision of these Regulations or for the forfeiture of any relevant apparatus under paragraphs 13 and 14 below, or a suspension notice is served in respect of any equipment; and
- (b) the officer is requested to do so and it is practicable to comply with the request,

the officer shall allow any person who is a party to the proceedings or, as the case may be, has an interest in the equipment to which the notice relates to have the equipment tested.

(6) In the application of this regulation to Scotland, the reference in paragraph (2) above to a justice of the peace shall include a reference to a sheriff and the references to written information on oath shall be construed as references to evidence on oath.

(7) In the application of this regulation to Northern Ireland, the references in paragraph (2) above to any information on oath shall be construed as references to any complaint on oath.

### **Appeals against detention of equipment**

5.- (1) Any person having an interest in any equipment, document, record, information of other thing which is for the time being detained under any provision of this schedule by an enforcement authority or by an officer of such an authority may apply for an order requiring the equipment to be released to him or to another person.

(2) An application under this paragraph may be made –

- (a) to any magistrates' court in which proceedings have been brought in England and Wales and Northern Ireland –
  - (i) for an offence under regulation 18; or
  - (ii) for the forfeiture of the equipment under paragraph 13 below;
- (b) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or
- (c) in Scotland, by summary application to the sheriff.

(3) On an application under this paragraph to a magistrates' court or to the sheriff, an order requiring equipment to be released shall be made only if the court or sheriff is satisfied –

- (a) that proceedings –
  - (i) for an offence under regulation 18 in respect of the equipment; or
  - (ii) for the forfeiture of the equipment under paragraph 13 below, have not been brought or, having been brought, have been concluded without the equipment being forfeited; and
- (b) where no such proceedings have been brought, that more than six months have elapsed since the equipment was seized.

(4) Any person aggrieved by an order made under this regulation by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision –

(a) in England and Wales, to the Crown Court;

(b) in Northern Ireland, to the county court;

and an order so made may contain such provision as appears to the court appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts Act 1980(a) of article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (b) (statement of case)).

### **Suspension notices**

6.- (1) Where an enforcement authority has reasonable grounds for suspecting that regulation 7 has been contravened, the authority may serve a notice ("a suspension notice") in relation to equipment prohibiting the person on whom it is served, for such period ending not more than six months after the date of the notice as is specified therein, from {manufacturing}, placing on the market or putting into service the equipment without the consent of that authority.

(2) A suspension notice served by an enforcement authority in respect of any equipment shall –

(a) describe the equipment to which it relates in a manner sufficient to identify it;

(b) set out the grounds on which the authority suspects that regulation 7 has been contravened; and

(c) state that, and the manner in which, the person on whom the notice is served may appeal against the notice under paragraph 7 below.

(3) A consent given by an enforcement authority for the purposes of a suspension notice may impose such conditions on the doing of anything for which the consent is required as that authority considers appropriate.

(4) A suspension notice may require the person on whom it is served to keep the enforcement authority which served the notice informed of the whereabouts throughout the period during which the notice has effect of any of the equipment in which that person has an interest.

(5) Where a suspension notice has been served on any person in respect of any equipment no further such notice shall be served on that person in respect of the same equipment unless –

(a) proceedings against that person for an offence under regulation 18; or

(b) proceedings for the forfeiture of the equipment under paragraph 13 or 14 below,

are pending at the end of the period specified in the first-mentioned notice.

### **Appeals against suspension notices**

7.- (1) Any person having an interest in any equipment in respect of which a suspension notice is for the time being in force may apply for an order setting aside the notice.

(2) An application under this paragraph may be made –

(a) in England and Wales or Northern Ireland –

(i) to any magistrates' court in which proceedings have been brought –

(aa) for an offence under regulation 18; or

(bb) for the forfeiture of the apparatus under paragraph 13 below; or

(ii) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or

(b) in Scotland, by summary application to the sheriff.

(3) On an application under this paragraph to a magistrates' court in England and Wales or Northern Ireland the court shall make an order setting aside the suspension notice only if the court is satisfied that there has been no contravention in relation to the equipment of regulation 7.

(4) On an application under this paragraph to the sheriff he shall make an order setting aside the suspension notice only if he is satisfied that at the date of making the order –

(a) proceedings for an offence under regulation 18; or

(b) proceedings for the forfeiture of the equipment under paragraph 14 below,

have not been brought or, having been brought, have been concluded.

(5) Any person aggrieved by an order made under this regulation by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision –

(a) in England or Wales, to the Crown Court;

(b) in Northern Ireland, to the county court;

and an order so made may contain such provision as appears to the court appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts

Act 1980 or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)).

**Power to require production of documents and information etc.**

8. An officer of an enforcement authority may, for the purposes of exercising his functions under this Schedule, require –

- (a) any person who is required by regulation 7(4) to retain an EC declaration of conformity during the period in which that person is required to retain that document, to produce such document;
- (b) any person who is in possession of an EC declaration of conformity, or of a copy of such document, at any time to produce it;
- (c) a responsible person, to produce such technical documentation relating to such equipment as are in his possession or under his control; or
- (d) a responsible person, to give him such information as he may reasonably require,

and such officer may inspect any thing which he may require to be produced under this paragraph, and take a copy thereof or of any part thereof.

**Contravention of a suspension notice**

9. Any person who contravenes a suspension notice shall be guilty of an offence.

**False or misleading information**

10. Any person who, in giving any information which he is required to give under paragraph 8(c) or (d) above –

- (a) makes any statement which he knows is false or misleading in a material particular; or
- (b) recklessly makes any statement which is false or misleading in a material particular,

shall be guilty of an offence.

**Obstruction etc of officers of enforcement authorities etc.**

11.- (1) Any person who –

- (a) intentionally obstructs any officer of an enforcement authority who is acting in pursuance of any provision of this Schedule;

- (b) intentionally fails or refuses to comply with any requirement made of him by any officer of an enforcement authority under any provision of this Schedule;
- (c) without reasonable cause fails or refuses to give any officer of an enforcement authority who is so acting any other assistance which the officer may reasonably require of him for the purposes of the exercise of the officer's functions under any provision of this Schedule

shall be guilty of an offence.

(2) Any person who falsely pretends to be an officer of an enforcement authority shall be guilty of an offence.

### **Inference of condition of equipment at time of supply or taking into service**

12. It is hereby declared that, in any proceedings in which it is in issue whether any equipment complied with the requirements of regulation 7 at the time when it was placed on the market or put into service as the case may be, a court may infer that such equipment did not so comply at that time if –

- (a) it is proved that it does not so comply or did not so comply at a time subsequent to its having been taken into service; and
- (b) having regard to all the circumstances of the case, it appears to the court that the failure of the equipment to comply at the time referred to in sub-paragraph (a) above is not attributable to any cause arising subsequent to its having been taken into service.

### **Forfeiture: England and Wales and Northern Ireland**

13.- (1) An enforcement authority in England and Wales or Northern Ireland may apply under this regulation for an order for the forfeiture of any equipment on the grounds that there has been a contravention in relation thereto of regulation 7.

(2) An application under this regulation may be made –

- (a) where proceedings have been brought in a magistrates' court in respect of an offence in relation to the equipment under regulation 18;
- (b) where an application with respect to some or all of the equipment has been made to a magistrates' court under paragraph 5 or 7 above, to that court; and
- (c) where no application for the forfeiture of the equipment has been made under sub-paragraph (a) or (b) above, by way of complaint to a magistrates' court.

(3) On an application under this paragraph the court shall make an order for the forfeiture of the equipment only if it is satisfied that there has been a contravention in relation thereto of regulation 7.

(4) For the avoidance of doubt it is hereby declared that a court may infer for the purposes of this paragraph that there has been a contravention in relation to any equipment of regulation 7 if it is satisfied that that provision has been contravened in relation to equipment which is representative of that equipment (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(5) Any person aggrieved by an order made under this regulation by a magistrates' court, or by a decision of such court not to make such an order, may appeal against that order or decision –

(a) in England and Wales, to the Crown Court;

(b) in Northern Ireland, to the county court,

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of an order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts Act 1980 or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)).

(6) Subject to paragraph (7) below, where any equipment is forfeited under this regulation it shall be destroyed in accordance with such directions as the court may give.

(7) On making an order under this regulation a magistrates' court may, if it considers it appropriate to do so, direct that the equipment to which the order relates shall (instead of being destroyed) be released, to such person as the court may specify, on condition that that person –

(a) does not supply the equipment to any person otherwise than –

(i) to a person who carries on a business of buying equipment of the same description as the first mentioned equipment and repairing or reconditioning it; or

(ii) as scrap (that is to say, for the value of materials included in the equipment rather than for the value of the equipment itself); and

(b) complies with any order to pay costs or expenses (including any order under paragraph 14 below) which has been made against that person in the proceedings for the order of forfeiture.

## **Forfeiture: Scotland**

14.- (1) In Scotland an order for forfeiture of any relevant equipment in relation to which there has been a contravention of regulation 7 may be made by the sheriff –

- (a) on an application by the procurator-fiscal made in the manner specified in section 134 of the Criminal Procedure (Scotland) Act 1995<sup>(a)</sup> or
- (b) where a person is convicted of any offence in respect of any such contravention, in addition to any other penalty which the sheriff may impose.

(2) The procurator-fiscal making an application under paragraph (1)(a) above shall serve on any person appearing to him to be the owner of, or otherwise to have an interest in, the equipment to which the application relates a copy of the application, together with a notice giving him the opportunity to appear at the hearing of the application to show cause why the equipment should not be forfeited.

(3) Service under paragraph (2) above shall be carried out, and such service may be proved, in the manner specified for citation of an accused in summary proceedings under the Criminal Procedure (Scotland) Act 1995.

(4) Any person upon whom a notice is served under paragraph (2) above and any other person claiming to be the owner of, or otherwise to have an interest in, the equipment to which an application under this paragraph relates shall be entitled to appear at the hearing of the application to show the cause why the equipment should not be forfeited.

(5) The sheriff shall not make an order following the application under paragraph (1)(a) above –

- (a) if any person on whom notice is served under paragraph (2) above does not appear, unless service of the notice on that person is proved; or
- (b) if no notice under paragraph (2) above has been served, unless the court is satisfied that in the circumstances it was reasonable not to serve notice on any person.

(6) The sheriff shall make an order under this regulation only if he is satisfied that there has been a contravention in relation to the equipment of regulation 7.

(7) For the avoidance of doubt it is hereby declared that the sheriff may infer for the purposes of this regulation that there has been a contravention in relation to any equipment of regulation 7 if he is satisfied that that provision has been contravened in relation to equipment which is representative of that equipment (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

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(a) 1995 c.46.

(8) Where an order for the forfeiture of any equipment is made following an application by the procurator-fiscal under paragraph (1)(a) above, any person who appeared, or was entitled to appear, to show cause why it should not be forfeited may, within twenty-one days of the making of the order, appeal to the High Court by Bill of Suspension on the ground of an alleged miscarriage of justice; and section 182(5)(a) to (e) of the Criminal Procedure (Scotland) Act 1995 shall apply to an appeal under this paragraph as it applies to a stated case under Part X of that Act.

(9) An order following an application under paragraph (1)(a) above shall not take effect –

- (a) until the end of the period of twenty-one days beginning with the day after the day on which the order is made; or
- (b) if an appeal is made under paragraph (8) above within that period, until the appeal is determined or abandoned.

(10) An order under paragraph (1)(b) shall not take effect –

- (a) until the end of the period within which an appeal against the order could be brought under the Criminal Procedure (Scotland) Act 1995; or
- (b) if an appeal is made within that period, until the appeal is determined or abandoned.

(11) Subject to paragraph (12) below, equipment forfeited under this paragraph shall be destroyed in accordance with such directions as the sheriff may give.

(12) If he thinks fit, the sheriff may direct the equipment to be (instead of being destroyed) released to such person as he may specify, on condition that that person does not supply it to any person otherwise than –

- (a) to a person who carries on a business of buying equipment of the same description as the first-mentioned equipment and repairing or reconditioning it; or
- (b) as scrap (that is to say, for the value of materials included in the equipment rather than for the value of the equipment itself).

### **Recovery of expenses of enforcement**

15.- (1) This paragraph applies where a court –

- (a) convicts a person of an offence under regulation 18; or
- (b) makes an order under paragraph 13 or 14 above for the forfeiture of any equipment.

(2) The court may (in addition to any other order it may make as to costs or expenses) order the person convicted or, as the case may be, any person having an interest in the equipment the subject of the order for forfeiture, to reimburse an enforcement authority for any expenditure which has been or may be incurred by that authority –

- (a) in investigating the offence, and, without prejudice to the generality of the foregoing, in having the equipment tested;
- (b) in connection with any seizure or detention of the equipment by or on behalf of the authority; or
- (c) in connection with any compliance by that authority with directions given by the court for the purposes of any order for the forfeiture of the equipment.

### **Service of documents etc**

18.- (1) Any document required or authorised by this Schedule to be served on a person may be so served –

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
- (b) if the person is a body corporate, by serving it in accordance with subparagraph (a) above on the secretary or clerk of that body; or
- (c) if the person is a partnership, by serving it in accordance with that subparagraph on a partner or on a person having control or management of the partnership business.

(2) For the purposes of paragraph (1) above, and for the purposes of section 7 of the Interpretation Act 1978<sup>(a)</sup> (which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served by virtue of these Regulations shall be his last known address except that –

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body corporate;
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal office of the partnership;

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

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<sup>(a)</sup> 1978 c.30.

### **Savings for certain privileges**

19.- (1) Nothing in this Schedule shall be taken as requiring any person to produce any documents or records if he would be entitled to refuse to produce those documents or records in any proceedings in any court on the grounds that they are the subject of legal professional privilege or, in Scotland, that they contain a confidential communication made by or to an advocate or solicitor in that capacity, or as authorising any person to take possession of any documents or records which are in the possession of a person who would be so entitled.

(2) Nothing in this Schedule shall be construed as requiring a person to answer any question or give any information if to do so would incriminate that person or that person's spouse.

### **Savings for action taken under other enactments**

20. Nothing in this Schedule shall be construed as preventing the taking of any action in respect of any relevant equipment under the provisions of any other enactment.

## **ANNEX B**

Annex B to this consultation exercise consists of the actual text of the Directive on Noise from Equipment Used Outdoors, 2000/14/EC, as published in the Official Journal of the European Communities, No L162 of 3 July 2000.

This document can be obtained at a modest charge from European Information Centres and European Documentation Centres located throughout the United Kingdom, or downloaded in Adobe Acrobat format free of charge from the European Commission's website at:

<http://europa.eu.int/comm/environment/noise/home.htm#2>

**DRAFT**

**FINAL REGULATORY IMPACT ASSESSMENT:  
THE NOISE EMISSION IN THE ENVIRONMENT BY  
EQUIPMENT FOR USE OUTDOORS REGULATIONS 2001**

**1. Purpose and intended effect**

**Issue and objective**

The Noise Emission in the Environment by Equipment for use Outdoors Regulations (“the Regulations”) will implement, in the UK, Community Directive 2000/14/EC, which was adopted by the European Parliament and Council on 3 July 2000. The legal base for the Directive is Article 95 of the Treaty. The Regulations must come into force on 3 July 2001. A six-month transitional period will follow when manufacturers of equipment for use outdoor may comply with either the provisions of the implementing Regulations or existing national legislation. From 3 January 2002, the provisions of the implementing Regulations will be mandatory.

The Regulations will apply to 57 product types. These range from construction and waste management equipment to lawnmowers. The provisions of the implementing Regulations will apply when products are placed on the market or put into service for the first time in the Community. Of the 57 types of equipment 22 will be subject to requirements regarding noise limits (eleven of which will be subject to noise limits for the first time). All equipment will need to be labelled with the guaranteed sound power level of the product.

The objectives of the Regulations are to remove technical barriers to trade arising out of member States’ differing noise requirements for outdoor equipment; to simplify existing legislation by creating a framework for future noise reduction as and when developments in technology allow, as well as broadening the scope of Community legislation with regard to noise emissions from outdoor equipment; and to protect the health and well-being of citizens by reducing overall noise exposure and noise nuisance caused by outdoor equipment.

**Issues of equity and fairness**

The Regulations will benefit the general public by contributing in the medium to long term to reduced ambient noise levels. All industry within the scope of the Directive will incur compliance costs but equally will have access to the whole of the EU market without any additional technical barriers.

## **2. Options**

Three options have been identified:

### **Option 1**

The UK does not transpose the Directive.

### **Option 2**

The UK over implements the Directive.

### **Option 3**

The UK implements the Directive correctly with Regulations made using the European Communities Act 1972.

## **3. Risk Assessment by Option**

**Option 1** - by not transposing the Directive, the UK would certainly incur infraction procedures by the European Commission. In addition industry would have the right to take action against the Government for any loss incurred and the Directive could be directly applied in the UK.

**Option 2** – Over implementation (gold plating) is likely to put UK manufacturers at a competitive disadvantage against its EU competition. For example, UK could require manufacturers of equipment subject to labelling requirements (for which the Directive requires a self-certification route to compliance) to use the services of a Notified Body. This would also create a barrier to trade on EU imports into the UK, and could lead to legal proceedings by other member States.

**Option 3** - All the provisions of the Directive are implemented on time, before 3 July 2001.

## **4. Benefits by option**

**Option 1** - there will be no benefit.

**Option 2** - there will be a benefit to the population in terms of reduction to the noise emission of outdoor equipment as well as some EU market access benefits to industry.

**Option 3** – there will be a benefit to the population in terms of reduction to the noise emission of outdoor equipment as well as EU market access benefits to industry.  
[SEE BELOW FOR DETAILED ASSESSMENT]

## 5. Costs by option

**Option 1** - there will be substantial costs paid by the UK Government following infraction proceedings by the Commission. In addition, the Government would be open to legal action by manufacturers suffering for example trading loss. However, the real loss would be in terms of prestige for the UK losing an action in the ECJ and then suffering the direct application of the Directive.

**Option 2** – there will be the possibility of legal proceedings from other member States due to a barrier to trade, resulting in compensation claims against the UK Government. In addition, over implementation could leave UK industry at a competitive disadvantage, as it would incur greater compliance costs.

**Option 3** – There are both policy and implementation costs associated with implementation. [SEE BELOW FOR DETAILS]

## 6. ANALYSIS OF CHOICES

From the above it is clear that politically and practically the only real choice is for the UK to proceed with the proper transposition of the Directive and to ensure that it takes place within the tight deadline imposed by the Directive. For this reason, the benefits and costs of **Option 3** are addressed below in detail. Much of the information is based on the full Regulatory Appraisal which was produced during negotiations of the Directive and which were presented to Parliament together with Explanatory Memoranda 6363/98 over the period March 1998 to May 1999. However, the detail of costs has been amended to reflect the final position at adoption. The main change is that the estimate of costs to industry have reduced following concessions achieved during negotiations.

### (i) Detailed Benefits Analysis of Option 3

Noise emission legislation of outdoor equipment within the European Community is currently fragmented into several Directives covering 11 types of equipment, which are each implemented separately. Under this option, the Regulations would unify and expand current requirements increasing the harmonisation of Members States' differing noise requirements for 57 types of outdoor equipment. At implementation, the UK will also see the withdrawal of 7 existing noise Regulations.

The Directive will also allow the free movement of goods within the EU without any additional barriers to trade. The benefit here is that all EU industry should see an improvement in productivity through not having to manufacture to 15 sets of technical standards.

Maximum ambient noise reduction is likely to be achieved within 13 years of first implementation (allowing for renewal of old equipment). These reductions are likely to reduce the number of complaints in the UK concerning construction noise from 212 per million people to 136 per million people. For any specific site, there is a risk that the Regulations will provide little benefit in terms of noise reductions; however, on

average those living and working in proximity to noisy construction related activities should experience a benefit from either reduced noise levels during the activities or a reduction in the period of time over which the activities are undertaken (owing to the ability to operate more pieces of equipment within Local Authority site limits).

It has been estimated that the value of benefits resulting from the Directive are in the order of **£37m per annum**. This figure is based on a willingness by the general population to pay for a reduction in noise. This was presented in detail during the full Regulatory Impact Assessment as being a reasonable way of quantifying the potential benefit.

Marking of equipment for use outdoors with its guaranteed sound power level will enable consumers and users to make an informed choice of when purchasing equipment.

## **(ii) Detailed Costs Analysis of Option 3**

### **Business sectors affected**

The Regulations would not affect charities and voluntary organisations.

The businesses affected will be manufacturers and importers of construction equipment, waste management equipment, lawnmowers and certain other garden equipment. There is no single Standard Industry Code (SIC) which identifies the sector. The relevant SICs are: Machinery and equipment not elsewhere specified (Division 29); Motor vehicles, trailers and semi-trailers (Division 34); and Other transport equipment (Division 35).

We identified an estimated 250 companies in the UK, employing 30,000 people in total, that manufacture products covered by the Regulations. The annual UK production is estimated at around 23 million units with a sales value of £4 billion per year.

### **Costs**

Compliance costs to industry are estimated in the region of **£16m per annum**. This is an average figure over the life of the Directive. It includes elements for R&D prior to first implementation as well as further work which will be required when the second stage of limits is introduced. The other major component is for the recurring cost of a notified body to assess products or technical files under the conformity assessment procedure of the Directive. **£14m** of this figure may be termed as policy costs directly attributable to the policy goals of the Regulation. An Implementation cost **£2m** in Year 1 to industry will be mainly connected with changing from an existing regime (often under existing Directives) to a new, but not dissimilar, regime. These costs will be non-recurring and mainly connected with training and familiarisation of the new Directive.

Further implementation costs for enforcement are estimated at £0.23m per annum. These costs will be met by the Department which will contract the Vehicle Certification Agency (VCA) to carry out the work

### **Compliance costs for a typical business**

A notional business manufacturing construction and mining equipment may typically employ 35 people, with an annual turnover of £1.1 million.

Products covered by the new legislation would include portable compressors (5 models), Z25/100 (25kW), Z32/130 32kW, Z40/160 40kW and Z50/200 51kW; concrete breakers (7 models), from 14Kg to 43Kg; scabblers hand held and hand guided; and skid mounted compressors. These products are subject to noise limits and will therefore require third party assessment by a Notified Body.

Implementation costs could be broken down as follows:

- ❑ Trade Association membership (optional): £1,200,
- ❑ Legal/standards documents c£500 minimum,
- ❑ Consultancy fees £5,000,
- ❑ QA/Compliance Manager £24,500 (New post) plus associated costs of £8,500.

Policy costs could account for the following:

- ❑ Remove 14Kg product from range in 2005 (cannot meet legislative requirement),
- ❑ Remove 25Kg product from range since calculation of new requirement places excessive burden on design, effective immediately.
- ❑ Loss of production will require 3 redundancies (£50k saving)
- ❑ Need to convert old conformity system to new requirements - modification to ISO 9001 system c£5,500.
- ❑ Renegotiate with third party conformity assessment routines - c£5,000
- ❑ Test procedures and testing: c£10,000 (set-up) and £2,500 per annum continued costs at current rates (includes noise tests and vibration tests).

## **7. Impact on small business**

It is estimated that two-thirds of the companies affected by the Directive are small to medium in size. Two SMEs were selected to illustrate the impact the Directive may have. This information is provided below. It must, however, be noted that this information was originally put forward in the main CCA. Since that time, as already pointed out above, policy costs to industry are estimated to have reduced and the examples below have been amended to bring them up to date in terms of costs.

- (i) One company, with a turnover of £1m manufactures some products which will be subject to labelling only and others which will have to meet sound power level limits as well. 90% of their production goes to Europe and their costs of re-engineering and type evaluation will amount to £270k prior to first implementation of the Directive and another £230k afterwards, to meet the second stage of limits. Their recurring costs of conformity assessment and

extra materials on production machines will amount to a further £30k per year after first implementation.

(ii) The second company employs about 100 people and has a turnover of more than £6m derived from the manufacture and distribution of equipment for the building, construction and plant hire industries. They produce a number of different equipment types subject to labelling only, with a variety of power sources and units making up a large number of models to be type-evaluated relative to quantities sold. Their costs due to this cause will amount to some £900k in the year prior to first implementation of the Directive. Recurring costs thereafter will be £230k per year. They stressed that the testing requirements would represent a heavy load. Inevitably they will need to review their product range.

## **8. Securing compliance**

The Vehicle Certification Agency (VCA) will enforce the legislation in the UK. They will apply the principles of good enforcement set out in the Cabinet Office's Enforcement Concordat. We foresee enforcement as being both pro-active by undertaking documentation checks and product testing and reactive by following up complaints from competitors and consumers.

The Regulations, in line with other similar legislation, provide for fines of up to a maximum of £5000 and/or up to 3 months imprisonment.

Guidance documents have already been published to assist UK industry to comply with the legislation.

## **9. Consultation**

Consultations with industry and other Government Departments have been carried out throughout the negotiation of the Directive (i.e. since the draft mandate appeared in 1996). Approximately 200 contacts in all have been consulted. These include manufacturers, trade associations, Approved Bodies and other Government departments.

## **10. Recommendation**

That the Minister responsible agrees to adopt Option 3.

## **11. Monitoring and evaluation**

The Directive states that not later than 3 July 2002 the Commission shall submit to the European Parliament and to the Council a report concerning whether and to what

extent technical progress allows a reduction in noise limits for lawnmowers and lawntrimmers/lawn edge trimmers, and if appropriate, a proposal to amend the Directive. If an amendment is required a new Regulatory Impact Assessment will be carried out.

The Regulations will be subject to review and amendment every 4 years, following a report by the European Commission containing a review of the noise data collected; a statement of the need for revision to the lists of equipment covered by the legislation; a statement of the need and possibilities for revision of the limit values for equipment subject to limits taking into account technological development; and a statement setting out an integrated range of instruments to be used in continuing the reduction of noise by equipment.

## **12. Ministerial approval**

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the responsible Minister .....

Date .....

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