

A more effective Environmental Noise Directive

EEB recommendations for the review of Directive 2002/49/EC on Environmental Noise

22 October 2012

The Environmental Noise Directive (END) marks a move in the right direction for European Noise policy but lacks the appropriate means which could make it successful. The END should play the role of a framework Directive for reducing noise throughout Europe. To play this role, it should provide a long term strategy to reduce noise throughout the EU and should contain ambitious and measurable objectives, targets and limits based on health recommendations. In order to attain these objectives, the END should include a comprehensive policy to cut noise from all major sources, in particular from transport.

The following recommendations include key instruments which could, in our view, help the END to achieve its aim, which is to “avoid, prevent or reduce the harmful effects due to exposure to environmental noise”¹. These recommendations have been developed in cooperation with our member organisations and also include feedbacks resulting from the implementation on the Directive up to now².

¹ “The aim of this Directive shall be to define a common approach intended to avoid, prevent or reduce on a prioritized basis the harmful effects, including annoyance, due to exposure to environmental noise”, Article 1. 1 of the END.

² In addition to feedbacks received from EEB members via a questionnaire on the implementation of the END, the EEB used recommendations from the “Study on the implementation of the END (2009-2010)” prepared by Milieu Ltd for DG Environment. See final report here: <http://ec.europa.eu/environment/noise/milieu.htm>.

1. Reducing noise at the source

Enacting policy to tackle pollution at source has been shown to be the cheapest and most effective way to reduce noise exposure. On top of being cost-effective, it has the advantage of making emitters and the industry bear the cost for noise abatement, instead of tax payers. We therefore believe that EU noise policy should focus on reducing the noise from transport and other sources as a matter of urgency.

While one of the main objectives of the END is “to provide a basis for developing Community measures to reduce noise emitted by the major sources”³, there is nothing concrete in the END regarding *how* to reduce noise from these specific sources. This is a major shortcoming of the Directive, and we are disappointed by the little attention given to this major issue in the report on the implementation of the END⁴.

We recommend the inclusion of specific objectives and instruments for the reduction of noise from transport within in the END itself.

In particular, EU noise source policies should be reviewed in parallel to the five-year cycle of the END review or within shorter time frames, requiring that noise levels be reduced by a certain amount in each cycle, unless it could be demonstrated that this was not feasible.

The Commission should be obliged to propose EU wide legislation whenever there are gaps or where current source measures are insufficient, ineffective or will take unacceptably long to have an effect.

We also call upon the Commission to set up a comprehensive policy framework to cut noise from transport, as requested by the European Parliament⁵. The European Commission should set out a roadmap for tackling the sources of noise more effectively as well as taking up actions which are already behind schedule. This includes:

³ “This Directive shall also aim at providing a basis for developing Community measures to reduce noise emitted by the major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery”, art. 1 § 2, END.

⁴ The implementation report only looks at initiatives with regard to noise which are included in the Commission Work Programme (point 5.2.). It does not consider the appropriateness of further initiatives to cut noise at the source (e.g. from transport). See the “Report from the Commission to the European Parliament and the Council on the implementation of the Environmental Noise Directive”, available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0321:EN:NOT>.

⁵ See recital 32 of regulation 661/2009: “Furthermore, a comprehensive noise emissions policy covering all transport systems should be developed, covering aviation and rail noise in addition to road transport noise”.

- **Introduce effective and timely noise limits for cars, vans, trucks and buses to limit traffic noise.** Current technologies could make road traffic 10 decibels quieter⁶ which is equivalent to reducing perceived noise next to busy roads by half. For recommendations on vehicle noise, please refer to the recommendations by Transport and Environment (T&E), the Health and Environment Alliance (HEAL) and the EEB from April 2012⁷.
- **Establish a binding framework for the use of market-based instruments** to ensure that polluters pay for their noise costs. This should include road charges as well as differentiated rail track access charges that would incentivise retrofitting of the existing freight wagon fleet with quiet brake blocks.
- **Update railway rolling stock noise standards in the ‘TSI Noise’** (Technical Standards for Interoperability)⁸.
- **Set noise emissions ceilings on railway tracks**, in relation to land use and population density.
- **Introduce a European product classification (CEN standard) for road surfaces** according to noise performance.
- Ensure that **type approval data** for noise is made publicly available for vehicles, tyres, railway rolling stock, locomotives and aircraft.
- **Introduce labels** indicating to consumers and public authorities which vehicles are the best and worst noise performers (as is now required for tyres).
- **Address noise from 2-wheelers** (motorbikes, scooters) in order to reduce peak noise annoyance, night disturbances and especially poor enforcement of national measures. The EU could offer support and/or funding for competent authorities to enforce the ban on illegal noisy cars, motorcycles, scooters, trucks and other illegal appliances.
- Within the MOT (periodic test for cars), create ways to test noise and enable the police to check compliance with legislation when controlled on the street, including by promoting the use of innovative enforcement tools such as “noise cameras”⁹.

⁶ See: W. Kropp, Kihlman et al.: “Reduction potential of road traffic noise”, Royal Swedish Academy of Engineering Sciences (2007): www.iva.se/templates/page.aspx?id=4354 (pg17, first paragraph, re 10db achievable reduction)

⁷ Position Paper New EU Vehicles Noise Limits, April 2012, available here:

<http://www.eeb.org/?LinkServID=E5D02E7C-5056-B741-DBA057C7A47217DE&showMeta=0&aa>.

⁸ See demands by environmental NGO Transport & Environment (T&E) on this topic:

<http://www.transportenvironment.org/publications/revision-eu-rail-noise-standards-tsi-input-era-working-party-tsi-noise>.

⁹ Noise cameras have been introduced in Canada and Australia as a way to identify illegally noisy vehicles at local hotspots. See as illustration an article from The Calgary Herald, 31 July 2012:

<http://www.calgaryherald.com/news/calgary/Calgary+drivers+noisy+vehicles+watch+Police+switch+from+warning+s+tickets/7018235/story.html>

We call upon the European Commission to have a coherent approach by integrating noise and health concerns into *all* EU transport policies. In particular, the increase of traffic (e.g. air traffic) should be taken into account as it directly impacts on the health and well being of Europeans.

2. EU wide limits and targets for better health protection

The experience of EU ambient air legislation over the last decade shows that EU limits provide a strong incentive for competent authorities to take the measures that protect people's health. In the case of noise, targets and limits based on health recommendations could provide a strong incentive to seriously tackle noise sources and develop effective measures in action plans, e.g. quiet road surfaces, quieter rail wagons and equipment, more regular railway maintenance, cycling and traffic management policies.

With the introduction of EU-wide limit values, the EU would provide the same right to all citizens of Europe, regardless of the place they live in. On top of being an effective way to improve people's health, the concept of limit values is a way for the EU to guarantee an individual right to all EU citizens: the right to live in areas which don't put their health at risk.

Most importantly, since they are expressed in a maximum number of dB, limit values have the advantage of being precise and measurable objectives. Whereas the attainment of general objectives (such as art.1 of the END) is hard to assess, limit values are objectives which can actually be measured.

We therefore recommend that the European Commission considers the introduction of limit and trigger values within the END. When doing so, the European Commission should make sure that these limits are designed for the purpose of protecting human health. In particular, we recommend the following:

- Limit or trigger values should be based on the latest health recommendations provided by the WHO.
- Limit or trigger values should focus on the protection of certain vulnerable groups and sensitive areas (e.g. schools, residential areas).
- Limit or trigger values should be developed so as to limit noise from specific sources such as traffic, aviation and railway noise.

- Particular attention should be given to frequency and intensity of peak or single-event noise levels as these can be particularly dangerous to health, e.g. around airports.
- Limit or trigger values should be binding in order to be effective. The introduction of ambitious binding trigger or limit values, together with a close monitoring of their enforcement by the European Commission, would guarantee action to be taken by Member States.

3. Smarter and enforceable action plans

The implementation of the Directive so far has shown that the concept of action plans was one of the points of the Directive which could be significantly improved. The main problem lies in the absence of a clear definition and the fact that the concept and setting up of action plans are very much left to the discretion of competent authorities. This leads to many different situations throughout the EU and different levels of protection for its citizens.

To ensure a high and uniformed level of protection throughout the EU, we recommend to:

- **Adapt the definition of action plans** (art. 3) so as to make the reduction of excessive noise levels explicit and mandatory.
- Clarify the **objectives and content of action plans** in the text of the Directive. Action plans should include goals which are Specific Measurable Attainable Reportable Timely (SMART).
- **Clarify and strengthen the enforcement regime** of action plans and ensure that it is accompanied by sufficient means to make it effective.
- **Ensure that action plans are mandatory** when WHO recommended values are not met, e.g. when 40 dB L_{night} is exceeded¹⁰.
- Require action plans to exploit **synergies between noise, air and other relevant policies**. Bringing together noise, air, and climate policies in urban areas will permit subsequent benefits to society and may lower costs for local authorities.
- **Require competent authorities to assess the social and economic costs of noise pollution** more systematically. More generally, the END should include obligations for MS to assess noise costs and take them into account in their policies. Such information should be made available and actively communicated to the public.

¹⁰ See "Night Noise Guidelines for Europe", World Health Organisation, 2009, available here: http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf.

The Commission shall provide a common methodology to assess the social costs of noise.

- The Commission should provide guidance on best practices for noise management and **on how to assess the costs and benefits of various kinds of noise-reducing measure** (e.g. urban planning, traffic management, designating quiet areas, mitigation measures, limit values etc.).

4. Improved mapping

Maps are a useful tool to inform both decision makers and the general public about the nature and extent of noise problems on a territory.

Maps should bring together all sources of noise and should seek to include additional information such as population density or social index.

The END could ensure the development of additional maps, such as:

- **Night-time maps** to reflect possible serious effects of night-time noise on EU citizens.
- **Annoyance maps:** to be researched and developed, in addition to current noise maps¹¹.
- **Predictive mapping:** look into future developments such as the projected increase of traffic.
- Maps indicating the **number of people living** in areas where WHO minimum levels are not met.
- Maps with the **social index** of affected people.

5. Updated definitions and reporting levels

The implementation of the Directive has shown that many improvements could be made with regard to a number of definitions and reporting obligations, including:

- **Update noise indicators and reporting thresholds.** Currently, Member States are required to report noise exposure for levels equal or superior to 55dB for L_{den} and 50dB for L_{night} . These levels are in contradiction with the latest WHO Night Noise Guidelines for Europe which recommends the indicator value for L_{night} to be set at 40dB. The reporting bands in Annex VI should therefore be lowered accordingly.

¹¹ See EEA technical report No 11/2012 “Good practice guide on noise exposure and potential health effects” (p. 24), available here: <http://www.eea.europa.eu/publications/good-practice-guide-on-noise>.

- **Better define quiet areas.** Currently, the definition of quiet areas is very broad, and leaves competent authorities completely free in defining them, resulting in different levels of protection across the EU. The Directive should better define quiet areas, with common EU criteria on how to define them. In addition, the END should include a reference to the protection of quiet areas in open country (cf. art.11 END), with indications on how to define these.
- **Better define action plans.** The definition of action plans shall make the inclusion of measures aimed at reaching WHO recommended levels explicit and mandatory, as detailed in the above section.
- **Update the definition of agglomerations.** Many neighbourhoods may be experiencing severe noise problems, but may not fall into the current definition of agglomeration under the END, i.e. having more than 100.000 inhabitants. We therefore recommend changing the definition of agglomeration so as to cover smaller agglomerations where noise exposure results in harmful effects.
- **Update the definition of airports.** Noise perception research shows that aviation noise is more disturbing than other forms of transport noise. However, the airports falling under the scope of the END are limited to only those which have more than 50.000 movements per year. Smaller airports are shown to be disturbing as well, and the seasonal variations in airport use means that this annoyance can be just as important as that at larger airports during some parts of the year. We therefore recommended a more precise and broader definition of airports, just as for agglomerations.

6. Public information and public participation

The implementation of the END so far has shown that the consultation period on draft action plans varies drastically from one EU country to another (from 3 weeks to two months). The END should provide a minimum time for consultation to ensure equal treatment across the EU.

In many Member States, people do not know who to complain to regarding traffic noise - as opposed to neighbourhood noise, for instance. Complaints therefore may not reflect the magnitude of traffic noise annoyance. The END could designate contact points, such as one or more noise ombudsmen who would be responsible for receiving traffic noise complaints, playing a mediatory role and advising competent authorities.

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