



Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

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Assessment and management of noise

Formal reference	
2002/49/EC (OJ L189 18.07.2002)	Directive relating to the assessment and management of environmental noise
Proposed 26.7.2000 – COM(2000)468	
Legal base	Article 192 TFEU (originally Article 175(1)TEC)
Binding dates	
Formal compliance	18 July 2004
Designation of implementing bodies	18 July 2005
Preparation of partial set of noise maps	30 June 2007
Preparation of associated action plans	18 July 2008
First Commission report on the Implementation of the Directive	18 July 2009
First Commission summary report on data from noise maps and action plans	18 July 2009
Preparation of all noise maps	30 June 2012
Preparation of associated action plans	18 July 2013

Purpose of the Directive

Directive 2002/49/EC sets a common, community-wide approach to reducing exposure to environmental noise. This will be achieved through the determination of the extent of noise exposure using common assessment methods and strategic noise mapping; the provision of information to the public; and the adoption of action plans to reduce noise exposure where necessary. The Directive also provides the basis for developing future Community measures to reduce noise emitted from major sources, including road and rail vehicles and infrastructure, aircraft and outdoor equipment, if appropriate.

Summary of the Directive

Directive 2002/49/EC applies to noise to which humans are exposed in urban areas and in the countryside, but excludes noise from domestic activities, workplace noise, noise inside transport vehicles and noise due to military activities.

Directive 2002/49/EC requires Member States to use four defined noise indicators for the purpose of noise mapping, as defined in Annex I – three of which apply to daytime (L_{day}), evening ($L_{evening}$) and night-time (L_{night}) exposure, while the fourth (L_{den}) is a weighted average of the other three. The Commission is to establish common assessment measures for L_{night} and L_{den} until which time their values shall be determined by means of the methods set out in Annex II of the Directive. For acoustic planning (i.e. planned measures to reduce future noise) and noise zoning, indicators other than L_{night} and L_{den} can be used. Any noise limit values in force or planned had to be communicated to the Commission by 18 July 2005.

The mapping of noise and the development of action plans had to be undertaken in two stages. In the first stage, strategic noise maps and action plans had to be prepared for all agglomerations of more than 250,000 people, major roads that carry more than six million vehicles a year, major railways that carry more than 60,000 trains a year and airports with more than 50,000 annual aircraft movements. The Commission was to be informed of the list of these locations by 30 June 2005 and noise maps were to be developed for each in the course of the following two years. By 18 July 2008, the competent authorities in each Member State should have drawn up action plans to reduce exposure to noise in the appropriate locations, as identified by the noise maps, on the basis of limit values or other criteria chosen by individual Member States. In the second stage, strategic noise maps and action plans for all agglomerations of over 100,000 people, roads carrying more than three million vehicles a year and railways carrying more than 30,000 trains were to be produced. The list of these locations was to be provided to the Commission by 31 December 2008, whereas the noise maps and action plans in the second stage were to be completed within five years of the respective stage one requirements. The minimum requirements for the noise maps and action plans are set out in Annexes IV and V of the Directive, respectively. Noise maps and action plans are to be reviewed and revised if necessary every subsequent five years, the first one of them being by 30 June 2012 at the latest.

Strategic noise maps and action plans are to be made available to the public in accordance with the relevant Community legislation, particularly Directive [90/313/EEC](#) concerning the freedom of access to the [information on the environment](#). Member States are also to collect information on the noise maps and action plans developed in their respective territories and forward these to the Commission within six months of these being finalized.

The Commission was to set up a database to facilitate the compilation of a summary report on the noise maps and action plans and a full report on the implementation of the Directive, both of which were due by 18 July 2009, but have not been submitted yet. The latter report shall assess the need for further Community action in the area of environmental noise and propose amendments to the Directive if necessary. By 18 July 2013, Member States have to have drawn up an action plan for major airports, roads and railways. Both reports are to be updated every five years.

Development of the Directive

Directive 2002/49/EC has its origins in the Green Paper on Future Noise Policy ([COM\(96\)540](#)), which reviewed the characteristics and impacts of the existing Community and Member State approaches to noise policy and concluded that these were unsatisfactory. Community policy had focused on product standards, whereas some Member States had set allowable noise levels for the domestic environment. The Green Paper recommended that a proposal for a Directive be brought forward, which would provide for noise mapping, the provision of information to the public and action to reduce noise exposure towards established target values.

In September 1998 – two years after the publication of the Green Paper – a major international conference on noise and noise pollution was held in Copenhagen, at which the then Environment Commissioner Ritt Bjerregaard announced that the Commission was preparing a Directive on environmental noise. At the time, the publication of the proposed Directive was expected within months. However, speculation as to its contents rightly predicted that it would focus on the harmonization of noise assessment methods and

indicators, the provision of information to the public and the requirement to develop noise maps and action plans, rather than on setting EU-wide noise standards.

In the following two years, a number of Commission technical working groups developed various aspects of the proposal leading to its publication in July 2000. The principal difference between the final Directive and the original proposal was in relation to the implementation timetable. The Commission proposed that the first stage of noise maps be finalized by the end of 2004, with the action plans to follow a year later; the second stage was to be completed by 2010. Member States were to have transposed the necessary legislation by 30 June 2003. The proposal also called on Member States to use the L_{night} and L_{den} indicators for acoustic planning and noise zoning, as well as for noise mapping. However, the Commission did not propose to use the draft Directive as the basis of further Community legislative proposals on noise emissions from major sources.

In October 2000, the Council held an open debate on the proposal. While most delegations supported the principle of noise mapping and the harmonization of measurement methodologies, some ministers were concerned with the reporting requirements that the Commission had set out in the Annexes on noise maps and action plans, and raised questions about subsidiarity. In the European Parliament's first reading of the proposal in December 2000, Members of the European Parliament (MEPs) adopted amendments proposing specific noise limits for areas around airports, in spite of the fact that no other such limits were included in the proposal. MEPs also called for swift action from the Commission to bring forward proposals for daughter Directives, which would set stricter mandatory emission standards for other sources of noise, such as commercial vehicles, motorcycles and railway vehicles.

In its Common Position, adopted in December 2000, the Council accepted many of Parliament's amendments, particularly those that improved public consultation and reduced the reporting burden on Member States. However, it rejected MEPs' desire for daughter Directives and stricter noise limits around airports, arguing that this was premature before the development of the noise maps. The Common Position also incorporated an article exempting Member States from the need to use the L_{night} and L_{den} indicators for acoustic planning and noise zoning and accepted that the proposal could be used as the basis for the development of further Community measures for reducing noise emitted from transport sources, in particular, if appropriate. The Commission broadly supported the Common Position, but objected to the fact that the dates by which many of the provisions were to be implemented had been delayed.

In its second reading in October 2001, the Parliament accepted the majority of the later implementation dates, as proposed by the Council. However, it reiterated its desire to see the proposed Directive effectively become a Noise Framework Directive by including provisions for daughter Directives to address all sources of noise emissions. The Council could not accept Parliament's continuing calls for daughter Directives, as well as a number of other more technical amendments, and so conciliation negotiations began in January 2002. When the final text was agreed, MEPs claimed victory as an article in the final Directive called on the Commission to come forward with appropriate legislative proposals to reduce noise emissions further from major sources by 18 July 2006. These were to be based on a report that the Commission had to submit to the Parliament and Council by 18 January 2004 on existing Community measures, rather than on the outcome of the noise maps, action plans or

any other aspects of the Directive. The Commission published this report to the Parliament and Council in March 2004 as ([COM\(2004\)160](#)).

Implementation

Member States had until 18 July 2004 to transpose the Directive, but some Member States including the United Kingdom, Luxembourg and Austria failed to meet this deadline and were brought before the ECJ by the Commission. Information on Member States transposition status can be found [here](#).

Individual Member State reports on a range of issues covered by the Directive (action plan summaries, competent bodies, limit values in force, noise control programmes, strategic noise, maps and reports on major roads, railways, airports and agglomerations) can be found in the [Reporting Obligations Database](#). A Commission Communication ([COM\(2004\)160](#)) reviewed existing Community measures relating to sources of environmental noise. Following this, an implementation report¹ was prepared by the Commission and presented late in 2010. The aim was to review the implementation of the Directive and identify the main problems and difficulties experienced by Member States. Some challenges were emphasised, especially the restrictions created for urbanised areas outside of city boundaries due to the definition of agglomeration. Road and airports were posing problems, in particular those which, following an increase in traffic, were required to develop noise maps. Availability of data was also a recurring issue, as well as the identification of the responsible authority for collecting data. Member States generally asked for more guidance and justified their lack of implementation due to costs and resources issues. The implementation report identified the absence of a legal requirement to implement the action plans and non-existent EU wide noise limit values as potential factors of the confusion described by Member States.

In June 2011, the Commission released a new implementation report ([COM \(2011\)321](#)). It acknowledged the shortcomings of the existing system: the absence of trigger or target values, dated noise indicators and enforcement issues. The Commission noted the variation on consistency and quality of the national reports produced by the Member States. Strategic noise maps had been submitted by all but Malta. Of the maps submitted, eleven had minor shortcomings and three were considered incomplete. Concerning the action plans that Member States are required to adopt to manage noise pollution levels and effects, seven had not yet been submitted (DK, FR, EL, HU, IT, MT, SI). The Commission noted that in the absence of consistent and comparable data, it is difficult to have an accurate picture of the situation. The Commission also found that only a limited number of Member States specifically indicated that they had used health based assessments or drew on WHO findings in determining their noise values. However, the existing data allowed it to conclude that around 40 million people across the EU are exposed to noise above 50 dB from roads with agglomerations at night. The introduction of mandatory EU wide limits has been discussed, but there are concerns that it would be incompatible with the subsidiarity principle. The report was welcomed by the European Environment Bureau, but it regretted that the Commission would not make a stronger commitment to reflect the growing concerns of noise pollution.²

In March 2011, the World Health Organisation released a [report](#), supported by the European Commission's Joint Research Centre on the effect of traffic-related noise on health. It found that each year at least one million healthy years of life are lost due to disability or disease caused by noise traffic.

Enforcement and court cases

The following cases regarding Directive 2002/49/EC have reached the European Court of Justice.

- [E-6/06](#) The European Free Trade Association (EFTA) Surveillance Authority brought this case against Lichtenstein before the Court arguing that it failed to transpose the Directive 2002/49/EC within the prescribed time-limit. The Court ruled in 2007 that it constituted a breach of its obligations.
- [C-78/06](#) This case was also a case of failure to transpose the Directive within the prescribed time limit. Luxembourg did not contest it and the Court in 2006 found it in breach of its obligations.
- [C-94/06](#) Austria was brought before the Court by the Commission for a failure to transpose Directive 2002/49/EC within the appropriate time limit. The Court judged that in failing to implement the disposition in its national law, Austria breached its obligations under the Directive.
- [C-138/06](#) This case was brought by the Commission upon the failure of the United Kingdom to transpose the Directive into its national law within the deadlines. The Court ruled in 2006 that it constituted a breach of its obligations.

References

1 Milieu Ltd. Review of the Implementation of Directive 2002/49/EC on Environmental Noise. Milieu Ltd, Brussels.

2 WHO and JRC, Burden of disease from environmental noise, Quantification of healthy life years lost in Europe, 2011