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Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE REFIT EVALUATION of the Directive 2002/49/EC relating to the assessment and management of environmental noise

Delegations will find attached document SWD(2016) 455 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE REFIT EVALUATION

of the

Directive 2002/49/EC

relating to the assessment and management of environmental noise

Environmental noise pollution relates to noise caused by road, rail and airport traffic, as well as large industrial installations. Prolonged exposure to high levels of noise pollution can lead to serious health effects mediated by the human endocrine system and by the brain, such as cardiovascular diseases, sleep disturbance and annoyance (a feeling of discomfort affecting general well-being). According to the World Health Organisation (WHO), among the environmental pressures in Europe, noise pollution leads to a disease burden that is second in magnitude only to that from air pollution.

The General Union Environment Action Programme to 2020¹ recognises noise as one of the environment-related pressures and risks to health and well-being from which the Union's citizens need to be safeguarded and calls for ensuring that by 2020 noise pollution in the Union has significantly decreased, moving closer to levels recommended by the WHO. One of the key legislative instruments for achieving this aim is Directive 2002/49/EC relating to the assessment and management of environmental noise (END).

The END's two objectives are to define a common approach intended to avoid, prevent or reduce the harmful effects of environmental noise and to provide a basis for developing Community measures to reduce noise. To these ends, the END requires Member State authorities to develop, every five years, strategic noise maps and action plans for noise management for agglomerations, major roads, major railways and major airports. The END does not set targets for the avoidance, prevention or reduction of noise pollution, but merely provides a framework to facilitate it. The level of ambition in addressing the noise pollution, the prioritisation of interventions and the choice of noise management instruments are left at the discretion of the competent authorities in the Member States.

The END has been evaluated within the framework of the Commission's Regulatory Fitness and Performance (REFIT) programme. The evaluation explored whether the Directive was relevant to tackling the issue of environmental noise, while providing EU added value in comparison to Member State action alone. In addition, the evaluation assessed whether the END achieved this in an effective and efficient manner, and whether its provisions were coherent with other EU legislation. The evaluation also considered the impact of the Directive on SMEs, and the potential for simplification and reduction of administrative burdens. The findings of the evaluation will – together with the Commission's second report on the implementation of the END planned for 2017 – inform consideration of any further development of the EU noise policy.

The evaluation methodology included desk research which considered reporting data from the Member States and other relevant EU and national documents, as well as the latest scientific literature. An in-depth review of the implementation of the END in 28 Member States was also undertaken to support the evaluation. Administrative costs of the END's implementation were reviewed and a cost-benefit analysis performed. Finally, the evaluation involved an extensive and comprehensive consultation with competent authorities and stakeholders from all Member States through online surveys, in-depth interviews, a workshop, and an online public consultation.

¹ OJ L 354, 28.12.2013

The implementation arrangements for the END vary widely between Member States, from highly centralised to highly decentralised, including a combination of approaches. Overall, implementation is severely delayed, with more than 20% of the required noise maps and around 50% of the action plans for the current five-year reporting cycle still not supplied by Member States 3 years or more after they were due. The delays in the drawing up of noise maps and the adoption of action plans for noise management indicate that the Member States in question have not taken steps to ensure that their citizens are informed about noise pollution in their territories (or parts thereof) and its effects, nor have they adopted measures to address noise pollution. The overriding reasons for the delays include the lack of priority given to the issue at the national/local level when deciding on the allocation of limited human and financial resources as well as the lack of active follow-up on poor implementation. Moreover, evidence shows that Member States with a highly decentralised approach to implementation have in particular struggled to enforce the timely implementation of the Directive's measures on their authorities.

The Directive itself and its two objectives remain highly relevant to identified EU policy-making needs². Noise pollution continues to constitute a major environmental health problem in Europe. In order to tackle this, stakeholder feedback indicates that there is a continuing need for a common approach to the management of noise. Moreover, collecting harmonised data on EU level is important to provide a high-quality evidence base for the further development of EU noise-at-source legislation, which is necessary since local noise management measures could be ineffective without additional controls over noise emitted by the major sources of noise.

With regard to coherence, the END is largely internally coherent, although there are some perceived ambiguities among stakeholders. Moreover, the END has demonstrated external coherence with other relevant EU legislation (environmental and noise-at-source legislation), and is considered to be complementary to it. Although there were practical challenges in the early stages of the END's transposition, national noise control legislation was found to be almost universally coherent with the END.

Some progress has been made towards the achievement of the first objective of the END, but effects have not yet materialised due to the long delays in the legislative adoption of common methodologies and the long delays in implementation in Member States. With regard to progress made towards the second objective, the END is increasingly drawing attention at EU level to the significance of the harmful effects of noise on health. However, END noise population exposure data has not yet been used by the EU for the design of legislation on noise at source. With regard to the overall impact of the END on noise pollution, it must be noted that the benefits of most measures to address noise can only be seen in the longer term as noise reduction measures take long to be implemented (e.g. over a 20-year period), therefore the impact of the END on noise pollution cannot be fully evaluated at the moment.

² As expressed in the Consolidated version of the Treaty on European Union (OJ C 326, 26.10.2012), the European Commission Green Paper 'Future Noise Policy' (COM(96)540 final) and the General Union Environment Action Programme to 2020 (OJ L 354, 28.12.2013).

The five-year cycles for END implementation appear to be appropriate, but the one-year timeframe between the finalisation of maps and adoption of associated action plans was found to be too short. The END Reporting Mechanism is effective in enabling the prompt submission of reporting data by Member States, but its design could be further improved.

The administrative costs of END implementation are low, amounting to €0.15 for noise maps and €0.03 for action plans per inhabitant out of the total population (median values) per reporting round (i.e. every 5 years). Taking into account the total EU population of 508 million, the administrative costs of full END implementation by all Member States would amount to around €1 million every 5 years, or approximately €18 million per year. As the administrative costs of implementing the Directive are already very low, there is no potential to reduce the burden further. The Directive also has no implications for SMEs. Moreover, even though the END does not provide an incentive to Member State authorities to establish high ambitions for noise reduction, in cases where action plans including measures for noise management have been adopted and implemented, the implementation of the END has been efficient overall, with a favourable cost-benefit ratio of 1:29 identified under the most likely scenario in the cost-benefit analysis.

The END has the potential to generate EU added value, by creating a level playing field across the EU in which transport infrastructure operators can compete, and by contributing to a better understanding of the presence of noise pollution and better-informed EU policy-making through the provision of comparable data on noise exposure at EU level. Despite this considerable potential, as a result of delays in implementation, the END has thus far fallen short of delivering the EU added value that it could provide.

Regarding the potential for simplification, the evaluation found that the requirements of the Directive are rather simple, and that complications arise mostly from the manner in which the Member States have implemented the Directive under subsidiarity (e.g. delegating responsibility for implementation to several different levels of governance, resulting in complex competency arrangements within the Member State). Therefore the potential for simplification is at the level of Member State implementation, rather than at the level of the legal text of the Directive. Recent legislative revisions of national legislation transposing the END in some Member States have indicated that Member States recognise the issue.