

## Concerns posted to Dr Metsola for the Attention of the EU Commissioner

**From:** john fenech [mailto:johnfenech@onvol.net]

**Sent:** 14 February 2015 17:55

**To:** 'METSOLA Roberta'

**Cc:** 'TABONE Matthew'; 'ZAHRA Larkin'; 'mlowell@robertametsola.eu'; 'fdebono@robertatmetsola.eu'; secretary nasomalta

**Subject:** RE: Reminder -NASoM Noise & your health

Dr Roberta Metsola MEP

Dear Dr. Metsola,

Thank you for forwarding our concerns to the Environmental Commissioner. Nevertheless the information given to you confuse the issue rather than answer our concerns.

Reference -Noise action plan:

The crux of the END initiative is the reduction of the harmful effect caused by the noise from transportation. MEPA failed to implement the noise actions in those roads listed in their report of 2012. Therefore, the comment referred to by the Commissioner, "The Commission is closely monitoring the situation," is perplexing.

Although a high percentage of private car imported to the local market are manufactured in Europe, nevertheless, the maintenance & replacement of the vehicle exhaust system, in most cases are not in line to the EU standards and hence, neither is the effective control of air & noise pollution to the detriment of the population.

Of consequence, the urban sprawl from the Northern to the Southern part of the Island consists of residential dwellings situated side by side to Industrial, Commercial and Tourist establishments. Therefore, most of the road traffic trips are through urban areas. Consequently, the residents are exposed to chronic traffic noise, leading to sleep disturbance, speech interference and annoyance. Good evidence shows the adverse effects of noise on communication, school performance, sleep and temper, as well as cardiovascular effects and hearing impairment. Therefore in reference to the, 'Member States' Liability for Legal Acts or Failure to Act':

According to the third criteria:

(3) A direct causal link must exist between the infringement of the obligation on the Member State and the harm suffered by the injured party. It is not necessary to demonstrate fault (intent or negligence) in addition to establishing that a sufficiently serious infringement of Union law has occurred.

Reference - Legal Instruments (L I) for the reduction of traffic noise:

In order to explain the relevance of the L I objectives and noise reduction, were applicable; I have compiled two documents with a summarised format. Hence, if the information suffices, I would be grateful if you would advise how to proceed in order to get the attention and action from the EU Environmental DG.

The information in the attached files is validated as follows:

- A. Official Journal of the European Union –
  - Search for the relevant Legal Instruments & their amendments
- B. Internet –
  - Search if the legal instruments were transposed to our legislation
- C. MJCL e Services portal
  - Crosscheck the internet feedback to ascertain which documents were enacted

These findings will be forwarded if required by email or preferably to you personally at your office in Malta.

I look forward to a your reply,

Best regards  
John

Obo NASoM  
[www.nasomalta.org](http://www.nasomalta.org)

**From:** METSOLA Roberta [mailto:roberta.metsola@europarl.europa.eu]  
**Sent:** 09 February 2015 09:44  
**To:** johnfenech@onvol.net  
**Cc:** TABONE Matthew; ZAHRA Larkin; mlowell@robertametsola.eu; fdebono@robertatmetsola.eu  
**Subject:** Re: Reminder -NASoM Noise & your health

Dear Mr Fenech,

Please note that the European Commission has provided answers to the noise related Parliamentary Questions which I have submitted.

With regards to the Environmental Noise Directive, the Commission has answered that it is closely monitoring the implementation of the directive 2002/49/EC (Environmental Noise Directive), which requires Member States to report strategic noise maps and summaries of action plans designed to manage noise issues and effects. Eight Member States have reported to the Commission comprehensively, providing all or nearly all the information required by the directive. The Commission has taken legal action against France and Italy for non-compliance with the directive, and is discussing the implementation of the directive with eighteen further Member States, which have reported incomplete or nearly no information.

Directive 2002/49/EC is undergoing an evaluation as part of the Commission programme on Regulatory Fitness and Performance (REFIT). The Commission has recently begun the evaluation process, which will include an assessment of the directive's effectiveness and efficiency.  
(<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-006755&language=EN>)

On Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting, the Commission has stated that this Directive was implemented by all Member States. The directive has also been reviewed in the context of the General Safety Regulation (EC) No 661/2009 and the European Parliament and the Council have decided to set out more stringent limits that already apply to new types of tyres being introduced on the market since 1 November 2012. As from 1 November 2016 all new vehicles must be fitted with such quieter tyres and existing stock may be sold as replacement tyres only for an additional 30 months.  
(<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-008139&language=EN>)

On Directive 2007/34/EC amending Council Directive 70/157/EEC on vehicle noise, the Commission stated that this Directive was fully implemented by Member States. However, It should be mentioned that the new test method introduced in Directive 2007/34/EC was taken over, together with new noise limits, by the newly adopted Regulation (EU) No 540/2014 on the sound level of motor vehicles. Regulation (EU) No 540/2014 will replace Directive 70/157/EEC for \*<sup>1</sup>new types of vehicles from 1 July 2016. \*<sup>2</sup>Consequently no revision of Directive 2007/34/EC or Directive 70/157/EEC is foreseen.

Recital Article 25 \*<sup>1</sup>Since the objective of this Regulation, namely to lay down administrative and technical requirements for the EU type-approval of all new vehicles with regard to their sound level and of replacement silencing systems and components thereof

Recital Article 26 \*<sup>2</sup>As a consequence of the application of the new regulatory framework laid down pursuant to this Regulation, Directive 70/157/EEC should be repealed,

Enacting Article (14) 1. Without prejudice to the second subparagraph of Article 4(2) and the second subparagraph of Article 4(4), Directive 70/157/EEC is repealed with effect from 1 July 2027.

However, several revisions of Regulation (EU) No 540/2014 are foreseen in particular by its Articles 7, 8 and 11. Accordingly, the Commission shall review Annex VIII to the regulation by 1 July 2017 to include harmonised international requirements on the performance of the acoustic vehicle alerting system used by electric vehicles to signal the vehicle's presence to pedestrians. Moreover, the Commission shall, by 1 July 2018 carry out a comprehensive impact assessment on labelling conditions applicable to air and noise pollution levels and shall, if appropriate, submit a legislative proposal.

\*<sup>1</sup>Finally, the Commission shall carry out a detailed study on sound level limits by 1 July 2021 and shall, where appropriate, submit a legislative proposal.

\*<sup>1</sup>**Article 11 Revision clause** The Commission shall carry out and publish a detailed study on sound level limits by 1 July 2021. The study shall be based on vehicles meeting the latest regulatory requirements. On the basis of the conclusions of that study, the Commission shall, where appropriate, submit a legislative proposal.

(<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-008138&language=EN>)

Finally, the Commission shall carry out a detailed study on sound level limits by 1 July 2021 and shall, where appropriate, submit a legislative proposal.

On the question relating to Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, the Commission answered that this Regulation was published only recently on 27 May 2014 and will only be applicable from 1 July 2016. Therefore the Commission has no information on how Member States have started to implement it. However, as a regulation, it shall be binding in its entirety and directly applicable in all Member States. Moreover, this regulation is 'self-standing' and does not need to be supplemented by any additional legal act.

(<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-008140&language=EN>)

Please do not hesitate to contact me if you require any further information.

Regards,

Roberta

Dr Roberta Metsola MEP

----- Forwarded message -----

From: **METSOLA Roberta** <[roberta.metsola@europarl.europa.eu](mailto:roberta.metsola@europarl.europa.eu)>

Date: Tue, Sep 23, 2014 at 7:49 PM

Subject: RE: Reminder -NASoM Noise & your health

To: "[johnfenech@onvol.net](mailto:johnfenech@onvol.net)" <[johnfenech@onvol.net](mailto:johnfenech@onvol.net)>

Cc: TABONE Matthew <[matthew.tabone@europarl.europa.eu](mailto:matthew.tabone@europarl.europa.eu)>, ZAHRA Larkin

<[larkin.zahra@europarl.europa.eu](mailto:larkin.zahra@europarl.europa.eu)>, "[fdebono@robertametsola.e](mailto:fdebono@robertametsola.e)" <[fdebono@robertametsola.e](mailto:fdebono@robertametsola.e)>, "[mllowell@robertametsola.eu](mailto:mllowell@robertametsola.eu)" <[mllowell@robertametsola.eu](mailto:mllowell@robertametsola.eu)>

Dear Mr. Fenech,

Thank you for your email. For completeness' sake, I will also submit Parliamentary Questions to ask about the process of implementation across the EU Member States of the pieces of legislation mentioned in your email below.

I will keep you up to date with the answers provided by the Commission.

Regards,

Roberta

Dr Roberta Metsola MEP

**From:** john fenech [[johnfenech@onvol.net](mailto:johnfenech@onvol.net)]

**Sent:** Monday, September 22, 2014 6:42 PM

**To:** METSOLA Roberta

**Cc:** secretary nasomalta

**Subject:** RE: Reminder -NASoM Noise & your health

Dear Dr Metsola,

Thank you for your support and initiative on behalf of the Association. A point of clarification; items (A) & (B) are intrinsic to the issue of Road Traffic Noise reduction.

A) Transpose of Directives 2007/34/EC & 2001/43/EC (Tyre noise requirement) in the local legislation

B) Transpose Regulation 540/2014 ( sound level of motor vehicles and of replacement silencing systems) in the local legislation

Thank you again & will look forward to further updates.

Best regards

John Fenech  
Obo NASoM

**From:** METSOLA Roberta [mailto:[roberta.metsola@europarl.europa.eu](mailto:roberta.metsola@europarl.europa.eu)]  
**Sent:** 22 September 2014 17:21  
**To:** [johnfenech@onvol.net](mailto:johnfenech@onvol.net)  
**Cc:** TABONE Matthew; ZAHRA Larkin; [mllowell@robertametsola.eu](mailto:mllowell@robertametsola.eu); [fdebono@robertametsola.eu](mailto:fdebono@robertametsola.eu)  
**Subject:** Re: Reminder -NASoM Noise & your health

Dear Mr Fenech,

I agree that noise pollution is a problem and as a result I have submitted a Parliamentary Question to the European Commission on this subject.

I have asked the European Commission whether it has information on the implementation of Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise by all the Member States. I have also asked the European Commission whether it has the intention to review this Directive on environmental noise.

I will keep you updated with the answer that will be provided by the European Commission.

Regards

Roberta  
Dr Roberta Metsola MEP

**From:** john fenech <[johnfenech@onvol.net](mailto:johnfenech@onvol.net)>  
**Date:** 15 September 2014 21:01:38 GMT+2  
**To:** <[roberta@robertametsola.eu](mailto:roberta@robertametsola.eu)>  
**Subject: Reminder -NASoM Noise & your health**

Dr Roberta Metsola  
Vice- Chair  
Committee of Petitions

Dear Dr Metsola,

I hope that you are in good health.

In May, before the election, we discussed the ups & downs, alas more downs, about the state of affairs regarding noise management. Since that time the Association posted its concerns to the Commissioner of the Environment and a reminder to his Assistant, as per the adjointed email.

The Association concerns relate to the following issues:

- a) Application of the Noise Action Plans for the reduction of Traffic Noise
- b) Transpose Directive 2007/34/EC in the local legislation
- c) Transpose Directive 2001/43/EC (Tyre noise requirement) in the local legislation
- d) Transpose Regulation 540/2014 ( sound level of motor vehicles and of replacement silencing systems) in the local legislation
- e) Enact the 'Noise Prevention & Control Regulations'; published in 2013 through the initiative of Dr. M DeMarco, or a comparable set of regulations.

Therefore, could you advice how to proceed in order to move forward regarding issues (a) to (d) ?

Thank you for your support,

Kind regards

John Fenech  
Obo NASoM

[www.nasomalta.org](http://www.nasomalta.org)

**From:** Dace.OZOLINA@ec.europa.eu [mailto:[Dace.OZOLINA@ec.europa.eu](mailto:Dace.OZOLINA@ec.europa.eu)] **On Behalf Of**  
[Janez.POTOCNIK@ec.europa.eu](mailto:Janez.POTOCNIK@ec.europa.eu)

**Sent:** 26 May 2014 09:40

**To:** [johnfenech@onvol.net](mailto:johnfenech@onvol.net)

**Cc:** [Elena.VISNAR-MALINOVSKA@ec.europa.eu](mailto:Elena.VISNAR-MALINOVSKA@ec.europa.eu); [ENV-MAIL-CAB@ec.europa.eu](mailto:ENV-MAIL-CAB@ec.europa.eu)

**Subject:** FW: Environmental Noise, Ares(2014)1632640

Dear Mr Fenech,

In view of the importance of this issue, please be informed that your letter has been forwarded to our colleagues - the experts of the Environment Directorate General and you should receive a direct reply from them shortly. I am sure that they will get in touch with you directly should they need further details in order to follow up on your request.

I thank you very much for your understanding,

With kind regards,

Dace Ozolina

Office of Commissioner Potočnik

<http://www.facebook.com/potocnikjanez>

<http://www.twitter.com/JanezPotocnikEU>

**From:** john fenech [<mailto:johnfenech@onvol.net>]

**Sent:** Saturday, May 24, 2014 4:31 PM

**To:** ZADNIK Helena (CAB-POTOCNIK)

**Cc:** POTOCNIK Janez (CAB-POTOCNIK)

**Subject:** Environmental Noise

**Assistant to the Commissioner for the Environment**

Dear Ms Helena Zadnik ,

This email is a follow-up to the correspondence posted to the Commissioner of the Environment Dr Janez Potočnik on the 18<sup>th</sup> May 2014.

I represent the Noise Abatement Society of Malta that was official inaugurated in October 2010. The association is affiliated with the Malta Commissioner of Voluntary Organizations under the Voluntary Organizing Act, the registration ID number VO/0342.

Due to the state of the current situation, the Association need clarifications about matters that relate to noise pollution. Therefore, would you kindly advise about the following?

Background information to frame our concerns:

The Society in 2011 had the opportunity to discuss the findings of the white paper that were intended to explore a range of strategic options to improve the present institutional and legal framework. The Minister, after due consultation with all the stakeholders, published the guidelines in the "Noise Prevention & Control (framework) regulations"<sup>[1]</sup> in January 2013.

Nevertheless, both Governments, the preceding and the present, did not enforce these regulations. The Association lobbied the government to address this issue and other shortcomings, listed below.

- a) Implementation of the Noise Action Plans for the reduction of Traffic Noise
- b) Review of the Environmental Construction Site Regulations; to protect the residents and the construction workers from the adverse effects of noise pollution.
- c) Transpose Directive 2007/34/EC in the local legislation

Due to the foregoing, the general perception is that the government is ignoring the adverse impact that noise has on the health & wellbeing of the citizens.

Hence, the information requested:

A. Directives

What is the period that binds the Malta Government to transpose the following Directives?  
2007/34/EC

97/24/EC194  
2001/43/EC

B. Action of non-compliance

If the Government fail to implement the obligations, (noise action plans) underlined in the Directive what are the measures available to the citizens to protect their rights.

Thank you for your kind interest and look forward to your comments and guidance,

Kind regards  
John Fenech  
obo/ NASoM  
[www.nasomalta.org](http://www.nasomalta.org)

[1] [http://media.wix.com/ugd/fcc2da\\_45b3eeff02d7f96b8c5f914391798d10.pdf](http://media.wix.com/ugd/fcc2da_45b3eeff02d7f96b8c5f914391798d10.pdf)