

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