

How Effective is the Urban noise legislation?

An import Directive was enacted in 1970. The scope of the directive was the reduction of traffic noise. It laid-down the exhaust sound level for the motor vehicles, that for private vehicles was 74 decibels .

This was followed , thirty-two years later, by the Environment Noise Directive (END), enacted in June 2002. Its scope is , the managing and reduction of noise from transport and the industry. It does not set limit or target values for environmental noise, nor does it prescribe the measures to be included in the action plans. It neither includes noise from other sources, such as; Construction and leisure activities.

What is the objective and limitations of directives?

The Union Law state that a Directive is binding on the Member States as regards the objective to be achieved, it leaves it to the national authorities to decide on how the agreed Union objective is to be incorporated into their domestic legal systems. "It allows intervention in domestic economic and legal structures to take a milder form. "In particular, Member States can take account of special domestic circumstances when implementing Union rules".

Might the special domestic circumstances override the health and wellbeing of the citizens?".

The most effective EU legal Acts are the Regulations.

Union Law lay down: "Regulations must be applied in full. A Member State has no power to apply a regulation incompletely or to select only those provisions of which it approves. Nor can it invoke provisions or practices of domestic law to preclude the mandatory application of a regulation".

Two regulations were enacted for the placement on the market of, motorcycles and motor vehicles and the replacement of their silencing system. Both regulations lay down the exhaust sound level limits. The motor vehicle regulation state that: "The exhaust sound level must be the same as the original, even if the silencing system is replaced".

The phasing out of the motor vehicles exhaust sound limits is spread out over three stages. As of June 2024, the maximum exhaust sound level of the motor vehicles and motorcycles is - 72 and 80 decibels respectively. So long for so little!

The dilemma, should the local VRT regulations be amended to bring them in line to the EU Regulation?

At present, the sound limit for motor cycles is 119dB(A) and that for motor vehicles is 100 to 105 dB(A).

If the VRT regulations are amended; "would the exhaust sound level be applicable to all the motor vehicles and motorcycle in service?"

The European environment protection agencies agree that progress was registered through the EU legislative frame work for the awareness of the adverse impact noise have on the health and wellbeing. On the other hand, several pieces of noise legislation enacted during the past 24 years, have failed the objective of reducing noise pollution in urban areas.

EEA need for legislate changes.

About 18 million people suffer long-term annoyance from transport noise in the European Union (EU). The European Commission's zero pollution action aims to reduce the number of people chronically disturbed by transport noise by 30% by 2030, compared to 2017 levels. According to the European Environment Agency's assessment published today, reaching this target is unlikely, without further regulatory or legislative changes. It is, mainly due to the difficulty in reducing the large number of people exposed to noise from road traffic.

EU Monitor – The Directives measured are not specified.

In some countries, the END noise maps and action plans are merely to monitor noise trends and inform the public. There are no legally binding consequences or noise measures that are taken as a result of the END. The evidence is very limited until now that the noise level threshold is being enforced effectively. The Directive does not prescribe which priority measures should be considered, so the implemented measures might in some instances remain ineffective.

Is the Maltese noise legislation adequate for the management of noise in urban areas?

The goal of noise management is to maintain low noise exposures, such that human health and well-being are protected. To achieve this goal, noise have to be measured and the risk from exposure to noise evaluated.

The local noise regulations are reactive and noise assessment is subjectively. How loud is too Loud.

At the moment, The Police Laws are the regulations best fit to stop noise nuisance, if applied effectively.

The application of the regulations is underline at; The Police Act ,The Code of Police Laws and the Criminal Code. The down side is that, several Police stations, in several localities, are inoperative. Hence, the complaint is to be made at the nearest police station. Which rules out a just in time intervention!

All noise complaints, especially during the evening and night, are reported to the police. The regulatory authorities service is unavailable during the evening or at night time.

Complaints have to be reported at the nearest police station, in person. The complaint is investigated depending on circumstance and the work load. If the situation is not resolve the case might have to be taken to court.

From that point onwards, it is anybody's guess what the outcome would be. The time taken for a noise nuisance case to be heard at court is considerable. Meantime, the victim remains exposed to noise nuisance and apprehensive if the ruling would give him the right to the quiet enjoyment of his property!

The IGNA report for the overview of critical noise values in the European Region, state that at least 26 European countries, "have some form of target or noise limit values". Malta doesn't have any noise limits or targets.

To be like those who "have", the Maltese legislators must enact a new set of regulations.

Standards for noise measurement, noise risk assessment methodology and national noise level threshold.

Introduction of noise pay polluter principle applicable to any damage or nuisance caused. Make noise pollution a criminal offence; same as that for pollution of air and water.

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