



29.9.2014

## **NOTICE TO MEMBERS**

**Subject:      Petition 1153/2012 by Gabi Schäffer (German), on excessive noise levels from Frankfurt airport**

**Petition 0891/2013 by Torsten Jäger (German) on aircraft noise and the burden it places on health**

### **1.      Summary of petition 1153/2012**

The petitioner objects to excessive noise levels caused by flights to and from Frankfurt airport, indicating that her residence has not benefited from the noise prevention action plan since it is not situated in one of the eligible districts. She indicates that flights are being routed with increasing frequency over her residence in order to relieve the situation to the south of Frankfurt, effectively moving the problem of excessive noise elsewhere without actually solving it. She maintains that the relevant data and noise maps of 2005/2006 and the predictions based on them are erroneous and that measures adopted to date have been ineffective. Furthermore, the present flight paths are not contained in the original set of plans, the calculated noise levels are not realistic, maximum noise levels (including WHO standards) are not being complied with and no account is being taken of the harmful consequences to individuals of obtaining only five-and-a-half hours sleep a night or less as a result of provisional night flight authorisations. She also argues that it is unacceptable for the impact on the health of local residents to be investigated only after years of exposure to these excessive noise levels.

### **Summary of petition 0891/2013**

The petitioner lives in a small town in Germany, which is close to the flight paths of Frankfurt airport. A new flight path has recently come into operation at the airport, resulting in increased air traffic. Despite the ensuing financial benefits, it has a negative overall impact on quality of life in the area, and also on the residents of the small town where the petitioner lives, as the noise is excessive. He complains that they fail to comply with the prohibition on night flights and that most of the inhabitants cannot get sufficient sleep, with the result that they cannot work efficiently and lose income. He presents the findings of World Health Organisation (WHO) studies which show that noise is a public health risk, and that prolonged exposure causes a range of chronic and serious injuries and diseases, with environmental noise ranking second after environmental pollution as a factor resulting in health problems. He asks for a reduction in noise due to aircraft flights in the Essen area and consistent compliance with the prohibition on night flights.

## **2. Admissibility**

Petition 1153/2012 declared admissible on 11 January 2013.

Petition 0891/2013 declared admissible on 20 January 2014.

Information requested from Commission under Rule 202(6).

## **3. Commission reply, received on 28 June 2013**

Pursuant to Article 8 of Directive 2002/49/EC on the assessment and management of environmental noise<sup>1</sup> Member States had to draw up noise action plans for places near major airports (airports with more than 50.000 flights per year) by 18 July 2008. These noise action plans should manage noise issues and effects and where necessary include noise reduction measures. Article 8(7) of the Directive obliges Member States to ensure that the public is consulted on proposed noise action plans; Annex V lists the minimum requirements concerning their content.

The Commission has addressed questions to the German authorities concerning the noise action plan for places near the airport of Frankfurt. It was communicated that an action plan is being developed to reduce noise and will be published during the second quarter of 2013. According to the German authorities there has been a decrease of approximately 19100 people exposed to L<sub>night</sub> above 50dB and 119500 people exposed to L<sub>den</sub> above 55dB between 2006 and 2011.

Measures to reduce noise remain in the prerogative of the Member States authorities and the Commission cannot oblige Member States to take specific noise reduction measures. The deviation of flight tracks with the purpose of reducing the overall number of exposed people is one of the potential valid noise reduction measures.

According to the information reported so far by the German authorities, the village of Maintal is not affected by L<sub>den</sub> above 55 dB or L<sub>night</sub> above 50 dB and therefore an action plan and the associated consultation is not necessarily required by the Directive.

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<sup>1</sup> OJ L 189, 18.7.2002

## Conclusion

The Commission has requested information from the German authorities concerning a noise action plan for places near the airport of Frankfurt as required by Article 8 of Directive 2002/49/EC. The adoption of the action plan is expected within the next three months. The Commission will inform the Petitions Committee on the developments in this investigation.

### **4. Commission reply (REV), received on 31 March 2014**

#### **Petitions 1153/2012 and 891/2013**

The Commission continues to follow the situation, amongst others, via the noise action plans that Member States have to adopt –and submit to the Commission - under 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<sup>1</sup>.

The draft noise action plan regarding Frankfurt airport, which is based on noise protection levels set at national level, was available for public consultation from beginning September until mid October 2012 and can be found at: [www.rp-darmstadt.hessen.de](http://www.rp-darmstadt.hessen.de).

A summary of this draft action plan has been submitted to the Commission on 17 January 2014 and can be found at:

[http://cdr.eionet.europa.eu/de/eu/noise/df10/colutzdvw/envutzj0q/DE\\_HE\\_DF10\\_MAir\\_EDDF\\_v1.pdf](http://cdr.eionet.europa.eu/de/eu/noise/df10/colutzdvw/envutzj0q/DE_HE_DF10_MAir_EDDF_v1.pdf).

## Conclusion

The final, approved action plan required by Directive 2002/49/EC has not yet been submitted to the Commission. The Commission will therefore continue to follow up the issue.

### **5. Commission reply (REV. II), received on 29 September 2014**

#### **Petitions 1153/2012 and 891/2013**

Directive 2002/49/EC relating to the assessment and management of environmental noise<sup>2</sup> (hereafter: the Directive) requires noise mapping and preparation of action plans for agglomerations and major roads, railways and airports. The Directive also applies to noise from sites of industrial activities such as those listed in Annex I of Directive 2010/75/EC<sup>3</sup>.

Action plans, summaries of which need to be submitted to the Commission, need to comply with the requirements laid down in Annex VI of the Directive. The German authorities have

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<sup>1</sup> 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, OJ L 189, 18.7.2002

<sup>2</sup> OJ L 189, 18.7.2002

<sup>3</sup> OJ L.334, 17.12.2010. The reference in Directive 2002/49/EC was to Annex I of Directive 92/61/EEC but must now be understood as being a reference to Annex I of Directive 2010/75/EC. This Directive applies to the industrial activities giving rise to pollution and referred to in Chapters II to VI of the Directive.

submitted the summary of the noise action plan for the Frankfurt Airport. This summary is available at:

[http://cdr.eionet.europa.eu/de/eu/noise/df10/colu0alng/envu705wg/DE\\_HE\\_DF10\\_MAir\\_EDDF\\_v2.pdf](http://cdr.eionet.europa.eu/de/eu/noise/df10/colu0alng/envu705wg/DE_HE_DF10_MAir_EDDF_v2.pdf)

The entire action plan can be found at:

[http://www.rp-darmstadt.hessen.de/irj/RPDA\\_Internet?rid=HMdI\\_15/RPDA\\_Internet/sub/aec/aec40079-4fac-2731-79cd-aa2b417c0cf4,,22222222-2222-2222-2222-222222222222.htm](http://www.rp-darmstadt.hessen.de/irj/RPDA_Internet?rid=HMdI_15/RPDA_Internet/sub/aec/aec40079-4fac-2731-79cd-aa2b417c0cf4,,22222222-2222-2222-2222-222222222222.htm)

The respective noise mapping has been carried out in 2012.

The Directive does not prescribe any measures for such action plans, nor does it set any limit or target values – it remains for the Member States to decide on measures and to set any noise limit or target value they deem useful or necessary.

The Directive prescribes that noise the indicators  $L_{den}$  and  $L_{night}$  shall be used for strategic noise mapping<sup>1</sup>, and Annex I of the Directive provides definitions of these noise indicators. They are indeed based on long-term average sound levels. Additional background information on the harmonisation process regarding noise indicators can be found in the position paper on EU noise indicators, available at <http://ec.europa.eu/environment/noise/pdf/noiseindicators.pdf>. Moreover, indication on the health implications of different noise levels can be found in a recent publication by the World Health Organisation at [http://www.euro.who.int/\\_data/assets/pdf\\_file/0017/43316/E92845.pdf](http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf)

According to Article 5 (4) of the Directive, Member States may use other indicators than  $L_{den}$  and  $L_{night}$  for acoustic planning and noise zoning.

Member States shall also ensure that the public is consulted and is given early and effective opportunities to participate in the preparation and review of the action plans. According to the information submitted to the Commission, the current action plan has been publically consulted. Results of this consultation are contained in the action plan itself and the summary.

## Conclusion

Based on the information available at this stage, the Commission cannot identify any breach of EU legislation.

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<sup>1</sup> Until the new Draft Commission Directive on establishing common noise assessment methods according to Directive 2002/49/EC comes into force, Member States may use other national indicators, but must convert them into the indicators mentioned above.