



30.1.2015

NOTICE TO MEMBERS

Subject: Petition No 2211/2013 by Alexander Downes (Irish), on behalf of the Coastguard Station Residence Group, on sleep disturbance caused by ambient noise

1. Summary of petition

The petition relates chiefly to the night-time noise produced by the Dublin Port Company's stevedoring work at the southern container terminal. In 2002 the Port of Dublin installed 30-metre gantry cranes less than 12 metres from the petitioners' homes. Dublin City Council considered them to be unlawful. The cranes are in operation for as many as four nights a week, and their noise level exceeds 70 decibels, disturbing the sleep of the 11-house residents' group.

2. Admissibility

Declared admissible on 17 September 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 January 2015

Directive 2002/49/EC relating to the assessment and management of environmental noise¹ (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/EC². This

¹ OJ L 189, 18.7.2002

² OJ L 334, 17.12.2010. The reference in Directive 2002/49/EC was to Annex I of Directive 92/61/EEC but must

Annex, however, does not specifically list port installations or gantry cranes, leaving the decision as to whether these are considered to be industrial activities – in the sense of Directive 2002/49/EC – to the relevant national authority in each Member State.

Given that the Directive does not prescribe any noise limits or target values itself, the enforcement of any such noise limit or target value set at national level remains the sole responsibility of the Member State concerned. Consequently the Commission cannot intervene where exceedance of any such limit or target value is at stake.

With regard to the city of Dublin, the Irish authorities have submitted two strategic noise maps and the accompanying action plans, thus complying with the requirements of the Directive.

The Summary of the Noise Action Plan for the city of Dublin for the period 2014-2018, submitted to the Commission on 12 September 2013, indicated that "no maps were produced for Industrial Plant or Port activities as an assessment of individual plants located in the more heavily populated areas of the agglomeration indicated that sound emissions at the boundary of the sites were below the reporting threshold required in the Directive."

Conclusion

Based on the information available at this stage, the Commission cannot identify any breach of EU legislation. The Commission therefore considers that the competence to regulate the issue in question remains with the national authorities in Ireland.

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.