

*Comments on the Proposals for Revision of the Legal Regime of Noise
Pollution/Environmental Noise Management (March 2005)*

On February 4th 2005, the Deputy Secretary of State of the Minister of Environment and Land Planning asked CNADS for advice on the draft decree law concerning the assessment and management of environmental noise, which would transpose the Directive 2002/49/EC of the European Parliament and of the Council of 25th June 2002.

In this context, CNADS considered it would be worth stressing some relevant aspects of the draft legal instruments or related with them, among which:

- i. The safeguard of an adequate public awareness and an effective participation of citizens in action plans by stressing that such participation and information should be effectively implemented and published all over the whole country; it is a necessary requirement for dialogue and other forms of understanding among the parties concerned.
- ii. The legislative effort should be accompanied by political will to clearly encourage the draw-up of noise maps throughout the territory. Municipalities and other competent entities should be equipped with adequate tools to fulfil the established requirements.
- iii. Establishment of the concept of “less quiet mixed areas” between noise-sensitive areas and noisy mixed areas.
- iv. Lack of regulation associated with activities already installed and licensed by keeping the standard of a 5dB(A) sonorous increase during the day period and a 3 dB (A) sonorous increase during the night period;
- v. The supervision system should be provided the resources to fulfil its task and its interaction with an appropriate rigorous comminatory system would be desirable, which should be simultaneously updating the Noise (cf. General Regulation).