

Make some noise

Shadow report on implementation of the Environmental
Noise Directive

Czech Republic



Justice & Environment

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National report Czech republic



1. Implementation of the END (Environmental Noise Directive) on national level

1.1. General info

1.1.1. How many strategic noise maps and action plans were prepared in respective country, how many quiet areas were established

The following strategic noise maps were drawn up in the Czech Republic:

- Strategic noise maps for agglomerations Prague, Brno, Ostrava,
- A strategic noise map of places near the major roads (approximately 1350 km in all CZ),
- A strategic noise map of places near the major railways (approximately 300 km in all CZ),
- A strategic noise map of Ruzyně International Airport.

The following action plans have been completed as at the date of this Report:

- Airport Prague - Ruzyně action plan
- Action plan - major railways
- Road transport action plans for individual regions:
 - » *South Bohemia Region*
 - » *South Moravia Region*
 - » *Karlovy Vary Region*
 - » *Hradec Králové Region*
 - » *Liberec Region*
 - » *Moravia-Silesia Region*
 - » *Olomouc Region*
 - » *Pardubice Region*
 - » *Plzeň Region*
 - » *Central Bohemia Region*
 - » *Ústí Region*
 - » *Vysočina Region*
 - » *Zlín Region*
- Action plans for agglomerations Prague, Brno, Ostrava

As at the date of the preparation of this Report no quiet areas have been established nor has an implementing regulation been as yet issued that would regulate how to declare quiet areas.

1.1.2. Legal context (liability of action plans, or their connection to other fields of law, like link to land-use planning, permitting etc)

a) are the action plans measures to be integrated into land-use plans

- Czech legislation does not include any special provisions that would deal with the link between action plans and land-use planning. The cohesion between action plans and land-use planning is, therefore, only a question of legal interpretation, the application practice of authorities and judicial decisions. Discussions are underway that concentrate on whether or not action plans can be subordinated under the general definition of source materials for land-use planning.

b) is the body issuing land-use permit (for building, roads, airports) obliged to apply the action plans measures?

- Czech legislation does not include provisions from which it would ensure that action plans represent an obligatory source document for whatever kind of further decision-making. As stated above, discussions are being held over whether action plans can at least be viewed as a source material for land-use planning.

c) does the action plan help in praxis from the perspective of protection of health of citizens, if no why / what should be changed

- A more detailed analysis of action plans drawn up in the Czech Republic shows that these documents in the part that concerns concrete measures for reduction of noise burdens do not contain almost any projects or plans that have not already been planned by the competent authorities within land-use planning, maintenance and transport infrastructure development procedures.
- Basically, all action plans are a mere summary of already drawn up projects and measures and contain only a minimum of new stuff.
- From this point of view it may be said that action plans as such do not measurably-wise contribute to the protection of inhabitants against noise.

d) is there clear and specific mechanism and source of finances for financing the anti-noise measurements?

- In the Czech Republic a special institution has been established by law for the purpose of financing the development and the maintenance of transport infrastructure, namely the State Fund for Transport Infrastructure. The said institution manages a part of the state budget. Formally, the Fund is supervised by Parliament, which approves its budget on an annual basis as part of the state budget.
- The State Fund for Transport Infrastructure is also responsible for financing measures leading to a reduction in noise burden, such as the replacement of windows in exposed houses, the erection of anti-noise walls, and the like. But when putting together the Fund budget for anti-noise measures in the given year it does not act in accordance with any strategies or concepts not to mention any action plans but it proceeds purely in a utilitarian manner according to which measures individual road administrators succeeded in preparing for the given year.

1.2. Overview in details

1.2.1. Timely preparation of strategic noise maps and action plans, according to deadlines of END

Article 7 (1) of the Directive lays down the latest date for the completion of strategic noise maps for all agglomerations with more than 250 000 inhabitants and for all major roads which have more than six million vehicle passages a year, major railways which have more than 60 000 train passages per year and major airports to 30 June 2007.

As at this date, none of the strategic maps required by the Directive have been provably completed in the Czech Republic. The Ministry of Health succeeded by October 2007 in arranging the drawing up of strategic noise maps for places near the roads, airports and railways.

The remaining strategic noise maps for the agglomerations were completed and published together with the other ones at the Ministry of Health website in January 2008; that is more than half a year after the deadline stipulated by the END.

Failure to observe the binding deadline for the completion and publication of strategic noise maps has become the subject-matter of a complaint filed by seven Czech non-governmental organizations with the European Commission concerning failure to comply with community law. Investigation of the said complaint by the European Commission has as yet not been formally concluded.

The Czech Ombudsman has also criticized the delay in drawing up strategic noise maps.

The deadline for drawing up action plans for places near the major roads which have more than six million vehicle passages a year, major railways which have more than 60 000 train passages per year and major airports and for agglomerations with more than 250 000 inhabitants is set in Article 8 (1) of the END to 18 July 2008.

The first proposals for action plans prepared by the Ministry of Transport were published in May 2008 (the proposals concerned action plans for places near the major roads, railways and airports). These action plans were completed within the time-frame expected by the END. On the other hand action plans for the agglomerations Prague, Brno and Ostrava were completed no sooner than in the following months of the year 2008.

1.2.2. Meeting END requirements on public participation in action plans preparation process

a) Early and effective opportunities of PP

Czech national legislation is very brief when it comes to public participation in the preparation of action plans. It restricts public participation in the preparation of action plans to the possibility of filing comments to the already drawn up final proposal of an action plans prior to its final approval. It does not expect public participation in the earlier phases of preparation of proposals for the action plan. This fact in itself reduces the effectiveness of public participation. To add to that it needs to be kept in mind that the preparation of the action plans was often delayed – some action plans were actually completed only after the deadlines set by the END. Comment procedures regarding some

proposals for action plans (for example the action plan for the agglomeration Prague) were conducted only after the lapse of the deadline for their completion.

Czech national legislation does not provide for any opportunity whatsoever to initiate reviews of action plans by the public (for example through appeals, actions, etc.)

Overall, public participation in the preparation of action plans can be evaluated as being insufficient. Only a minimal standard is set for informing the public on the possibility of participating in the preparation of an action plan (in documentary form for inspection, in electronic form at the author's website). It does not give the public the chance to comment on the action plan sooner than at the point of the final proposal for the action plan; public participation is only one round; legislation does not deal with how to handle comments made by the public (may be only informal) or with the possibility of filing remedial measures.

b) Results of the PP taken into account

Czech national legislation in this respect merely stipulates that the author of the action plan will publish how comments and suggestions made by the public will be assessed in documentary form at his registered office and via the Internet. It does not give any further procedural clues how to handle comments made by the public.

Public comments and suggestions, regarding proposals for all action plans, filed within the deadlines stipulated are made by the public at the website of the Ministry of Transport in the form of a comments table. The table always contains the text of the actual comment and information about how it was handled.

Seven persons commented on the Prague Ruzyně Airport action plan. The action plan author handles all comments in the form of explanations or polemics. It is not clear whether any or some of the comments were included in the wording of the action plan (most probably not), it is not expressly stated whether individual comments were accepted, partially accepted or not accepted.

Nine persons commented on the major railways action plan; two comments were partially accepted; six comments did not concern the railway lines that were the subject-matter of the action plan.

A total of forty-four comments from all the regions were filed in regards to the action plans for places near to major roads (of which twelve comments were sent in by the Environmental Law Service).

Three persons commented on the Prague agglomeration action plan. The action plan author handles all comments in the form of explanations or polemics. It is not clear whether any or some of the comments were included in the wording of the action plan (most probably not), it is not expressly stated whether individual comments were accepted, partially accepted or not accepted.

The Brno agglomeration action plan was accepted without any comments from the public.

In what regards the Ostrava agglomeration action plan only one comment was received. It is not stated whether the comment was accepted, partially accepted or not accepted.

Overall, public participation in the preparation of action plans can be evaluated as being very low. More than half of the comments were filed or prepared by two non-governmental organizations (Environmental Law Service, Children of the Earth).

c) Information about decision taken given to public

Following the requirements of the END and Czech national legislation, strategic noise maps are available to the public in documentary form at the registered office of the Ministry of Health and in electronic form at the website of the same ministry.

Those action plans that have been accepted are collectively presented in electronic form at the website of the Ministry of Transport. The public can also inspect the action plans in documentary form at the building of the same ministry during the allocated hours.

d) Reasonable time frame allowing sufficient time given to PP

Czech national legislation does not stipulate deadlines by which comments regarding proposals for action plans must be sent. In individual cases it therefore depended on the decisions passed by the competent authorities that prepared the action plans.

The exact time-frame for filing comments cannot be retroactively established based on sources available. In all cases, however, the time period was 1-2 months (July – August 2008), which is time enough for formulating comments. The only thing that can probably be pointed out is that the comment procedure in regards to proposals for action plans was conducted during the summer holiday when it is generally more difficult to coordinate time-wise comment procedures with the public due to people being away on holiday.

e) Meeting END requirements on availability and dissemination of strategic noise maps and action plans

f) Availability and dissemination through the means of IT (internet)

Those strategic noise maps which according to national legislation and the END were supposed to have been finished by 18 June 2009 are available at the Ministry of Health's special website, namely: <http://hlukovemapy.mzcr.cz/>. This website, however, only contains the graphic part of the noise maps depicting territories affected by noise. The individual maps can be downloaded as image files.

Furthermore, strategic noise maps form part of the GIS system, which runs on the public administration website at <http://geoportal.cenia.cz/>. These strategic noise maps are depicted as information on the territory.

Other documents can then be located at another part of the Ministry of Health website; this primarily concerns the Report on Drawing Up the Strategic Noise Map of the Czech Republic (Zpráva o zpracování strategické hlukové mapy ČR1) (the report was drawn up by

¹ <http://www.mzcr.cz/Verejne/Pages/23-zverejnovani-udaju-o-shm-dle-vyhlasky-c-5232006-sb.html>

the Health Institution having its seat in Ostrava in December 2007). It presents summary information about the individual strategic noise maps.

Individual strategic noise maps for places near major roads, railways, airports and for agglomerations² can then be found at another place at the Ministry of Health website.

In all cases the files concerned can be downloaded in .pdf format, they are quite often very extensive and it is difficult for laymen to find their way around. Overall, the presentation of strategic noise maps on the Internet can be evaluated as exhaustive content-wise, but it comes across rather fragmented and not understandable enough for the general public.

Action plans are collectively published at the Ministry of Transport³ website. The same website also provides for downloading the text and map parts of the action plans and also presents comments sent in by the public and how they were handled in the form of a table.

g) Information are clear, comprehensible and accessible

Overall, the presentation of strategic noise maps on the Internet can be evaluated as exhaustive content-wise, but it comes across rather fragmented and not understandable enough for the general public.

Action plans are presented collectively on the Internet at one place, which makes things clearer for the common user. Restrictions, if any, merely touch on the fact that the documents concerned are extensive and that they come in .pdf format – there is no user-friendly summarized information.

The documentary forms of strategic noise maps can be examined at the Ministry of Health during official opening hours (restricted to only two days per week and to add to that only from 3 p.m. to 5 p.m. on these two days). The documentary forms of action plans can be examined at the Ministry of Transport, without a prior appointment only one day per week and to add to that only from 1 p.m. to 4 p.m.). The above described restrictions make the availability of maps and plans to the general public in documentary form practically unexploitable.

h) Summary of the most important conclusions is provided

Strategic noise maps are accompanied by The Report on Drawing Up the Strategic Noise Map of the Czech Republic (Zpráva o zpracování strategické hlukové mapy ČR4) (the report was drawn up by the Health Institution having its seat in Ostrava in December 2007). The said Report presents collective data.

There is no collective document in what regards action plans.

1.2.3. Meeting END requirements on content of strategic noise maps (according to the Annex IV of END, art. 1,2,3,6,7,8), especially:

a) If a strategic noise map presents data on one of the following aspects:

² <http://www.mzcr.cz/Verejne/Pages/24-ii-etapa.html>, <http://www.mzcr.cz/Verejne/Pages/22-i-etapa.html>

³ http://www.mzcr.cz/cs/Strategie/Akcni_plany/akcni_plany.htm

⁴ <http://www.mzcr.cz/Verejne/Pages/23-zverejnovani-udaju-o-shm-dle-vyhlaskey-c-5232006-sb.html>

- b) an existing, a previous or a predicted noise situation in terms of a noise indicator,**
- c) the exceeding of a limit value,**
- d) the estimated number of dwellings, schools and hospitals in a certain area that are exposed to specific values of a noise indicator,**
- e) the estimated number of people located in an area exposed to noise.**

Formally, strategic noise maps contain all the required data. Nonetheless, their credibility was challenged by the author of follow-up action plans who added the following commentary to the action plans for major roads:

“The carried out analysis discovered discrepancies in the total number of dwellings and also in the number of inhabitants in the places near the monitored roads concerned. Owing to the fact that suitable digital data were not provided for the drawing up of the action plans it could not be ascertained whether the stated discrepancies were caused by the drawing up of strategic noise maps or whether the stated discrepancies originated through the provision of inaccurate input data. Without the above stated data, what is difficult is a follow-up analysis, search for hot spots and, thereby, also the drawing up of the actual action plans, that is their results can be affected by inaccuracies that are difficult to specify.”

f) If strategic noise maps for agglomerations put a special emphasis on the noise emitted by: road traffic,

- » *rail traffic,*
- » *airports,*
- » *industrial activity sites, including ports.*

Formally, strategic noise maps contain all the above-stated data. Nonetheless, strategic noise maps for agglomerations are affected by fundamental unlawful actions. Implementing Regulation No. 523/2006 Sb. lays down a list of those towns that represent individual agglomerations (Prague, Brno, Ostrava) and for the territory of which a strategic noise map should be drawn up. Nevertheless, in reality, the strategic noise maps were drawn up for considerably smaller territories and they do not cover the entire agglomerations stipulated on the basis of the above-stated legal regulation. This fact was the subject-matter of complaints filed by non-governmental organizations at a national level and it was also the subject-matter of complaints filed by omitted towns filed with the European Commission on 5 August 2008. The European Commission, however, did not register this impulse as a complaint on the grounds that the matter does not concern a breach of European law but rather national legislation.

g) If additional and more detailed information are given, such as:

- » *a graphical presentation,*
- » *maps disclosing the exceeding of a limit value,*
- » *difference maps, in which the existing situation is compared with various possible future situations,*
- » *maps showing the value of a noise indicator at a height other than 4 m where appropriate.*

Strategic noise maps include graphical presentations that depict the territories where noise limit values are exceeded.

Strategic noise maps do not contain maps in which the existing situation is compared with various possible future situations, and maps showing the value of a noise indicator at a height other than 4 m where appropriate.

h) If strategic noise maps for local or national application are made for an assessment height of 4 m and the 5 dB ranges of Lden and Lnight as defined in Annex VI.

This information is not available from strategic noise maps.

i) If separate strategic noise maps for road-traffic noise, rail-traffic noise, aircraft noise and industrial noise are made in agglomerations

Strategic noise maps for agglomerations contain separate strategic noise maps for road-traffic noise, rail-traffic noise, aircraft noise and industrial noise.

1.2.4. Meeting END requirements on content of action plans (according to the Annex V, art. 1-4), especially:

a) If action plan include the following elements:

- » *a description of the agglomeration, the major roads, the major railways or major airports and other noise sources taken into account,*
- » *the authority responsible,*
- » *the legal context,*
- » *any limit values in place in accordance with Article 5,*
- » *a summary of the results of the noise mapping,*
- » *an evaluation of the estimated number of people exposed to noise, identification of problems and situations that need to be improved,*
- » *a record of the public consultations organised in accordance with Article 8(7),*
- » *any noise-reduction measures already in force and any projects in preparation,*
- » *actions which the competent authorities intend to take in the next five years, including any measures to preserve quiet areas,*
- » *long-term strategy,*
- » *financial information (if available): budgets, cost-effectiveness assessment, cost-benefit assessment,*
- » *provisions envisaged for evaluating the implementation and the results of the action plan.*

The action plans do not contain records of the public consultations organised in accordance with Article 8(7) because no public consultations were organized as part of action plan preparations. The public could participate in the preparation of action plans only through comments filed in writing. The action plans contain summaries of the comments filed and the way how they were handled by the acquirer of the action plan.

The action plans for the agglomerations do not deal with the quiet areas issue. In other regards the action plans meet the formal requirements of the END.

b) Description of actions which the competent authorities intend to take in the fields within their competence, for example:

- » *traffic planning,*
- » *land-use planning,*
- » *technical measures at noise sources,*
- » *selection of quieter sources,*
- » *reduction of sound transmission,*
- » *regulatory or economic measures or incentives.*

A greater number of action plans concentrate on the general enumeration of possible anti-noise measures. Nonetheless, their concrete application to roads, agglomerations, etc., is very short. It focuses primarily on a description of already planned traffic measures (construction of highways, by-passes, etc.) and anti-noise measures (especially the construction of already planned anti-noise walls and the replacement of windows). The number of measures created during the preparation of the action plans is very poor, almost nil. It is probable that this situation is caused by the insufficient source material of strategic noise maps the criticism by the authors of the action plans of which is cited above and the short time period for the preparation of the action plans, in which case the authors add the following, "... the level, the quality and the details of the action plans will correspond with the data and time-frame provided ... The submitted action plan was proposed in regards to the realistic possibilities of the acquirer in the given time-frame to propose measures for noise reduction. It needs to be said that very little time was given for the drawing up of the action plans because of late hand-over of source material, that being the strategic noise maps, and also the handover of the said source material in a form where the outputs are non-uniform and unsuitable for further processing."

The authors of the action plans for places near major roads add to the above that they received the necessary data for the drawing up of the action plans as late as mid May 2008, whereby the deadline for the submission of the proposal for the action plans was July of the same year (max 2.5 months). It is obvious that these factors affected the poor content level of the action plans.

c) If each action plan contains estimates in terms of the reduction of the number of people affected (annoyed, sleep disturbed, or other).

The action plans do not contain information on estimates in terms of the reduction of the number of people exposed to noise in consequence of the implementation of the proposed anti-noise measures.

2. Description of national legal frame of protection against noise

2.1. Existence of binding limits for outdoor noise (including definition of outdoor protected against noise)

2.2. Existence of binding limits for indoor noise

National legislation constitutes generally binding hygiene noise limits for indoor and outdoor noise. These limits are laid down by Act 258/2000 Sb. on the protection of public health and Implementing Governmental Decree 148/2006 Sb. on health protection from adverse effects of noise and vibrations. Hygiene limits are construed as equivalent (average) noise values for a certain time period. They differ according to the noise source, according to the nature of the place that is protected from the noise and according to the time of day (various limits for day and night time). For this purpose a complicated system of so-called corrections has been created that are either added to or deducted from the basic limit depending on the nature of the noise source, protected area and time of day.

Those outside areas that are protected by law from excess noise limits are deemed, according to the law, to be undeveloped property that is used for recreation, sports, treatment and training (courtyards, gardens, sports grounds, etc.) and areas up to two meters around residential houses, family houses, constructions for school and pre-school education and for health and social purposes.

Those inside areas that are protected by law from noise are deemed to be dwelling rooms, with the exception of rooms in recreation constructions and in constructions for production and storage.

2.3. Any special legal condition for noise from transport? Does it help or does it lower the standards of protection?

Traffic noise is subject to special hygiene limits and that in two aspects, as follows:

- In contrast to other noise sources, where only the values from the noisiest hour over the period of measurement are averaged to prove the fact that the limits have been exceeded, the limit for traffic noise is calculated as the average value of the entire period of measuring (for the entire day or night period)
- Higher hygiene limits apply to traffic noise in comparison to other noise sources. A further 5 dB is automatically added to the basic noise limit for outside areas (50 dB). A total of 10 dB is added to the basic limit (the total limit is then 60 dB) in the case of so-called major roads or protective zones around railway lines. In the event of noise from roads built before the end of the year 2000, a total of 20dB is actually added to the basic limit and the total limit is then 70 dB.

It may generally be stated that in consequence of the described measures traffic noise has the highest hygiene limits in comparison with the other noise sources. This procedure is partly rationally substantiated by the nature of the traffic noise (stable noise without distinct fluctuations and tonal components, which reduces the rate of negative perception by inhabitants). The main reason, however, is that traffic noise is so widespread that the enforcement of the observance of the basic limits by state authorities would be impossible.

2.4. Are there specialized state bodies, which do have competence to deal with noise problems on the basis of national legislation (preventive, i.e. sources of noise during the course of issuing a permit for construction work, sanctions, i.e. supervision that specified noise limits are not exceeded, can the body award a fine?)

The Czech Republic has a network of state bodies that have the competence to protect so-called public health, against noise amongst others. It *interalia* means that the protection against noise is almost completely outside the competence of communities or regions.

The supreme state authority is the Ministry of Health and it is in charge of the network of Regional Public Health Departments. Special tasks in the field of protection against noise are entrusted to Health Institutions, which are state technical organizations that amongst other arrange noise measuring, the compilation of noise maps, etc.

Specific tasks in the field of protection from noise, arising from the transposition from the END, are entrusted to the Ministry of Health (compilation of strategic noise maps), the Ministry of Transport (compilation of action plans for places near major roads, airports, railways and agglomerations), the Ministry of Environmental Affairs (quiet areas) and Regional authorities (compilation of action plans for agglomerations).

Regional Public Health Departments secure protection against above-limit (excessive) noise in two fields, namely:

- When permitting new constructions that may be a source of noise, they issue a binding standpoint following assessment whether noise limits will be exceeded after completion of construction work,
- Oversee the observance of hygiene noise limits, secure noise measuring and they may impose a fine should it be discovered that noise limits are being exceeded.

2.5. What options do citizens have to achieve protection against noise in relation to administrative state bodies, which address this issue (option of initiating noise metering, fine proceedings, etc.) If there is a mechanism for decision about exception from noise limits - can the citizens effectively participate in the proceeding?)

Citizens have rather limited options to achieve protection against above-limit (excessive) noise. Two types of noises need to be distinguished here – current sources of noise and future sources of noise (from a construction site that is still being planned).

In the event of an already existing source of noise, citizens' legal possibilities are narrowed down to them possibly filing an incentive with the Regional Public Health Department. Owing to the fact that the law assumes that it is none other than Regional Public Health Departments that are obliged to control and enforce the observance of hygiene noise limits, it practically does not provide citizens with any effective legal tools. It is at the discretion of the competent Regional Public Health Department whether it will inspect a specific case, have the noise measured and then impose a fine should it be proven that noise limits are being exceeded. A citizen that has been harmed by excess noise does not have any formal position in this procedure – such as a participant in proceedings. He is, therefore, not even immediately informed about the closing of proceedings on the part of the Regional Public Health Department, about the anti-noise measures adopted or about the sanctions imposed.

Even though the hygiene noise limits are stipulated as binding by law, the law knows how to enable long-term operation of sources of excessive noise. Regional Public Health Departments can temporarily and in view of serious reasons permit the running of sources of excessive noise, provided the owner proves that the noise was restricted to a reasonably achievable level. Such a permit is issued as a decision under administrative proceedings the only participant of which is, however, the owner of the noise source.

Not even in this case do citizens affected by excessive noise have the possibility to intervene in the proceedings, yet the matter may concern permission to exceed noise limits for five or more years.

2.6. Existence of other (for instance civil legal) instruments for protection against noise, their effectiveness.

The Czech Civil Law provides legal means how a property owner can defend himself against annoyance emissions, including noise emission. The following Civil Law tools are especially applicable from this point of view:

- Protection of ownership rights against annoyance emissions. The provisions of Section 127 of the Civil Code give each and every property owner the right to claim at a court of law protection against annoyance through emissions that originate in neighboring property. During judicial proceedings, the plaintiff must prove that the producer of the annoying noise is the owner or the user of the neighboring property and that the noise is of such an intensity that it is annoying in excess of reasonable circumstances. Should the court satisfy the action it may impose on the defendant to refrain from creating noise emissions.
- In practice this concerns the often applied provisions for protection against so-called neighbor's noise (when the noise source is a minor business premise, specific household operation, playing on musical instruments, etc.). Less common, almost rare, is the application of this tool for the protection against a dominant noise source – industrial business premise and especially traffic. At this point in time there are only two judgments in the Czech Republic where a group of citizens defended themselves against noise from a neighboring road with the help of this legal tool. In both cases the court settled the matter in favor of the plaintiffs.
- Damages. If it can be proved that in consequence of excessive noise emissions a property owner incurred damage (the sales price of the property went down, decrease in income from rent, etc.), the court may be required in accordance with the provisions of Section 415 et seq. of the Civil Code to order the defendant to compensate the damage incurred. The plaintiff must prove in the judicial proceedings that the damage occurred objectively in consequence of noise emissions, that the defendant is responsible for the noise and he must express the damage in money. In practice no judgment is known that would concern this type of case.
- Protection of the personal rights of an individual. The right to protection of personal rights includes the right to protection of health. Provided the plaintiff proves before court that the noise is so intensive that it could harm his health, he may demand of the defendant to refrain from noise emission or to provide reasonable satisfaction in money. In practice no judgment is known that would concern this type of case.

All the above stated possibilities regarding protection against noise have the following joint restrictions:

- Judicial proceedings are expensive (costs originate in consequence of court fees and lawyer fees),
- Judicial proceedings take a long time (courts take a long time to dispose of cases, the same applies to appeals, and this may result in disputes going on for three to five years.
- Your short conclusion: is there sufficient level of legal protection? Which legal tools are effective from the citizen's perspective? What should be addressed in order to improve the situation?

Even though the legislation of the Czech Republic in regards to protection against noise is based on binding and enforceable hygiene noise limits, including traffic noise limits, noise limits are practically exceeded very often. Even though the legislation of the Czech Republic in regards to protection against noise has a rather long tradition, and even though the Czech Republic boasts a network of specialized state administrative bodies – Regional Public Health Departments, hundreds of thousands of people are affected by excessive noise. The situation is especially pathetic in regards to the biggest noise source – traffic. Some 226 700 people live near roads where the limit value for traffic noise exceeds $L_{\text{dvn}} 70$ dB and which are the subject-matter of strategic noise maps.

A big shortfall in national legislation is the very restricted space it gives inhabitants that are exposed to excessive noise. Their chances of achieving protection against noise practically narrows down to communication with Regional Public Health Departments or costly, tedious judicial proceedings.

The strategic noise maps and action plans drawn up in accordance with the END do not under this situation present any promise of significant improvement. The strategic noise maps were drawn up after the deadline stipulated by the END. In consequence thereof, there was only restricted space for the good quality preparation of action plans. To add to that, the output of the strategic maps was submitted in a format that was partly unexploitable. Moreover, strategic noise maps suffer from material defects: (a) they contain mistakes from the point of view of the number of affected persons and houses, (b) the strategic noise maps for agglomerations are not compiled for entire agglomerations. Action plans then in the part that concerns proposals for noisy places contain a mere enumeration of already planned projects that would be implemented even without them. Public participation in the preparation of action plans was only formal which is underlined by the number of comments filed. And last but not least it must be underlined and highlighted that the action plans are not interconnected with other national legislation, especially in what concerns land-use planning; therefore, their effect on real solutions to noise-related problems is very doubtful.

In order to improve the situation the following steps need to be taken especially at the legislation creation level:

- Interlink action plans with national legislation at the land-use planning section,
- Reform the national body of laws in regards to protection against noise so that it not only stands on unenforceable binding limits and the necessity to prove the observance thereof through costly measuring, which leads to overall issuance of exceptions that allow the operation of excessive noise sources. Legislation must reflect those situations where it is not possible to observe noise limits in outdoor areas and it must be able to react to these situations in extreme cases also through financial compensations in relation to the owners of the property concerned.

At a political decision-making level it is necessary to increase the budget of the state, regions and communities in what regards the implementation of anti-noise measures.

At an administrative decision-making level it is essentially necessary to remove in the next round of strategic noise map and action plan reviews the current defects and that primarily in what concerns measures proposed in action plans to improve the situation.

3. Contact information:

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