

# Make some noise

Shadow report on implementation of the Environmental  
Noise Directive

## Estonia



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# National report Estonia



## 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*

As of 25 June 2009, 3 strategic noise maps and 2 action plans have been prepared in Estonia.

The finished strategic noise maps are following:

- “The strategic noise map of the City of Tallinn” (hereinafter: the Noise Map of Tallinn)<sup>1</sup>;
- “The strategic noise map of road-cuts, which vehicle passages exceed six million a year” (hereinafter: the Noise Map of Roads)<sup>2</sup>;
- “The strategic noise map of the Old City Harbour in Tallinn” (hereinafter: the Noise Map of Old City Harbor)<sup>3</sup>.

Of the above listed noise maps, the first two have been prepared in order to fulfill the requirements of article 7(1) of 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 (hereinafter: END). END has been transposed to the national regulation by sections 130-136, 142 and 151 of the Ambient Air Protection Act (hereinafter: AAPA)<sup>4</sup> and Regulation of the Minister of Social Affairs No 87 of 29 June 2005 “The minimum requirements of strategic noise map and action plan designed to reduce noise” (hereinafter: Regulation No 87)<sup>5</sup>.

The third noise map – the strategic noise map of the Old City Harbor in Tallinn (hereinafter: Noise Map of the Old City Harbor) studies the noise emitted in the Old City Harbor in Tallinn, which is one of the biggest and busiest passenger harbors in the Baltic region and the biggest passenger harbor in Estonia<sup>6</sup>. Although END and the provisions transposing it in the national regulation do not require the compiling of strategic noise map of such site, it will be studied in this analysis, because it self-declares to have been prepared in accordance with the relevant requirements in AAPA and Regulation No 87.

The finished action plans are following:

- The action plan designed to reduce the noise of the City of Tallinn” (hereinafter: the Action Plan of Tallinn)<sup>7</sup>;

<sup>1</sup> Available: <http://www.tervisekaitse.ee/?page=237>

<sup>2</sup> Available: <http://www.mnt.ee/atp/index.php?id=3568>

<sup>3</sup> Available: <http://www.ts.ee/?k=1&p1=2&p2=68&p3=71&t=murauuringud>

<sup>4</sup> Välisõhu kaitse seadus (RT I 2004, 43, 298)

<sup>5</sup> Sotsiaalministri 29. juuni 2005. a määrus nr 87 “Välisõhu strateegilise mürakaardi ja välisõhus leviva müra vähendamise tegevuskava sisule esitatavad miinimumnõuded” (RTL, 14.07.2005, 78, 1092)

<sup>6</sup> Information from the homepage of the Port of Tallinn: <http://www.portoftallinn.com/?k=3&p1=8&p2=27&p3=29&t=old+city+harbour>

<sup>7</sup> Available: <http://www.tervisekaitse.ee/?mid=1118>

- The action plan designed to reduce the noise of road-cuts, which vehicle passages exceed 6 million a year” (hereinafter: the Action Plan of Roads)<sup>8</sup>.

Both of the action plans were prepared in order to fulfill the requirements of article 8(1) of END.

To fulfill the requirements of articles 7(2) and 8(2) of END, three more strategic noise maps (2 for agglomerations and 1 for roads) must be prepared by 30 June 2012 and 3 corresponding action plans must be prepared by 18 July 2013. Also, as is referred in the Noise Map of the Old City Harbor, there is a plan to prepare an action plan designed to reduce the noise of the Old City Harbor in Tallinn.

The Action Plan of Tallinn establishes twenty four quiet areas. The Action Plan of Roads does not establish any quiet areas.<sup>9</sup>

### ***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)***

An action plan and a noise map are prepared by either the operator causing the noise, owner of a road, owner of a railroad or a body of the local government of an densely populated area.<sup>10</sup> When ready<sup>11</sup>, an action plan and a noise map must both get the approval<sup>12</sup> of the Health Protection Inspectorate<sup>13</sup>, that checks whether the documents are in conformity with the requirements of AAPA and lesser acts based on it.<sup>14</sup> Although there is no such provision specifically for the Noise Maps or Action Plans, an action plan or a noise map should be formally endorsed by the compiler of the action plan after the approval of the Health Protection Inspectorate has been acquired (due to the general system of administrative law in Estonia). However, there is no information indicating, that such endorsements were issued in practice in any of the cases.

It cannot be sufficiently determined, whether an action plan and noise map, as regulated in AAPA and Regulation No 87, are binding administrative acts or not.

On the one hand, AAPA provides sanctions for violating the “*requirements of noise mapping, of a strategic noise map or an action plan for reducing the noise*”,<sup>15</sup> The grammatical interpretation of this provision opens a possibility, that the requirements in a noise map or in an action plan are also obligatory. As the action plans must set out anti-noise measures<sup>16</sup>, these measures could be interpreted as “requirements” of the action plan.

On the other hand, noise maps are not supposed to create any “requirements” and in practice, also the anti-noise measures in Estonian action plans can hardly be described as “requirements”. The Action Plan of Roads provides only “possible measures”, of which some are labeled as being “recommended”.

<sup>8</sup> Available: <http://www.tervisekaitse.ee/?mid=1095>

<sup>9</sup> During the publik consultations of the Action Plan of Roads, the compilers of the Action Plan expressed, that it is not clear to them, what does the notion of “quiet area” mean.

<sup>10</sup> Section 134(1) of AAPA

<sup>11</sup> Section 14(2) also indicates, that the in case of noise maps and action plans of agglomerations, the local government bodies of these agglomerations must endorse the noise maps and action plans before submitting them to the Health Protection Inspectorate.

<sup>12</sup> In Estonian “kooskõlastus” – a term, which in the rest of Estonian legislation is sometimes used more in the sense of “coordination” and is never used in the sense of “laying down an administrative or legal act”.

<sup>13</sup> A state body with mainly supervisory functions, in the domain of the Ministry of Social Affairs

<sup>14</sup> Section 135(2) of AAPA

<sup>15</sup> In case of legal persons, the sanction is a fee of 30 000 EEK (approx 1930 EUR)- Article 142 of AAPA

<sup>16</sup> Section 132(2) of AAPA provides, that an action plan must include a list of designed measures with their cost, authorities responsible for them and the deadlines for their application

Similarly, the Action Plan of Tallinn says in its introduction: “...*The Action Plan is a document of “good practice”, providing possibilities and measures, that could be applied by different parties to reduce environmental noise*”. Moreover, the overall subjects of anti-noise measures cannot be exhaustively defined and most measures are too general to be directly enforceable<sup>17</sup> Due to the generality of the measures, in most cases the action plans also lack the cost of- or deadlines for the measures. Also, the responsible authorities for measures in the Action Plan of Tallinn and for some of the measures in the Action Plan of Roads are state bodies. State bodies cannot be liable on the basis of Section 142 of AAPA.

Subsequently, there is no clear answer to the question, whether the measures in action plans can be binding or not. Section 142 of AAPA allows both interpretations, whereas in practice, the action plans are constructed as non-binding documents. The provisions in AAPA or Regulation No 87 do not exactly say, how specific or how general the anti-noise measures in an action plan should be. In this analysis, we will further on consider the measures of the action plan as non-binding, since this is the situation in practice.

The provisions, that regulate the compilation and content of action plans and noise maps (in AAPA and Regulation No 87) are, however, binding. In case of their violation, the liability provided in Section 142 of AAPA can be applied. The Health Protection Inspectorate can also issue a precept for preparation of a noise map or action plan and for bringing the map or plan into conformity with the requirements of AAPA. The most probable occurrence of violation of the legal requirements for action plans and noise maps would be the failure to prepare the noise maps and action plans on time. Also in practice, The Noise Map of Tallinn and both the Action Plan of Tallinn and the Action Plan of Roads, were finished after the relevant deadlines of Section 151 of AAPA. The Health Protection Inspectorate applied none of the afore-mentioned supervisory measures in practice.

The provision, that Health Protection Inspectorate must approve action plans and noise maps, is also binding. In the case of Noise Map of Tallinn, the Health Protection Inspectorate did not approve it, since it saw several contradictions with relevant legal norms<sup>18</sup>. As the Health Protection Inspectorate told J&E, the City of Tallinn subsequently failed to amend the Noise Map, but it was nevertheless sent to the European Commission and it was the basis of the Action Plan of Tallinn. This means, that not only the Noise Map of Tallinn fails to meet legal requirements, but also the Action Plan of Tallinn is wrongly based on an unlawful Noise Map. Therefore it was incorrect, that the Health Protection Inspectorate later approved the Action Plan of Tallinn. The flaws of the Noise Map of Tallinn make the Action Plan of Tallinn incomplete - some areas exposed to noise were most probably undiscovered by the Noise Map and the Action Plan could not take such areas into account.

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

There is no binding obligation to integrate the measures of an action plan in land use plans. It could be said however, that if measures in an action plan would be relevant to a land use plan in preparation, the body approving this land use plan would have an ethical and social responsibility to take them into

<sup>17</sup> For example, the Action Plan of Tallinn contains a measure (Chapter 1.A.3) “Amendment of existing legal acts (for example Ambient Air Protection Act)”. Ministry of Environment, Ministry of Economic Affairs and Communication, Ministry of Social Affairs and Health Protection Inspectorate are listed as the authorities responsible for this measure.

<sup>18</sup> For example- the Noise Map did not use “recommended interim computing measures” from Annex II of END, although Estonia has no official computing measures of its own and must use recommended measures from END; traffic noise was measured only on streets where vehicle passage exceeds 1000 per day, but the Health Protection Inspectorate estimated, that noise limits can be theoretically exceeded already on streets with over 300 vehicle passages per day (According to the information from the Health Protection Inspectorate).

consideration - especially if it is the same body, that prepared the relevant action plan (for example the City of Tallinn in case of building activity inside the City). Also, the ignoring of clearly relevant measures of an action plan without a proper motivation would probably constitute a violation of the rules of discretion of an administrative body.<sup>19</sup> In practice, the measures of the two existing action plans would probably be most relevant to comprehensive plans<sup>20</sup>, since many measures are too general to be considered in detailed plans.

The Action Plan of Tallinn has also a special section of measures, referred as “Considering environmental noise in new land-use plans” (chapter 1.B.1). This provides a list of measures, that could be especially relevant to different land-use plans (comprehensive as well as detailed), for example “*New land use plans should not pose a danger to quiet areas and should include environmental conditions for preserving the quiet areas*”.

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

As mentioned above, the action plans' measures are not legally binding. Therefore, the body issuing a building permit has probably no legal basis to decline the issuing a building permit solely on the basis, that issuing it would be against the measures of an action plan.<sup>21</sup> The measures can be integrated to the building permits only in case they have been part of an earlier land-use plan or if they are similarly prescribed by an environmental assessment.<sup>22</sup>

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

The only type of measures, that the Action Plan of Roads clearly recommends, is the construction of certain type of noise barriers. Since it was finalized only on 9 December 2008, these measures cannot have been actually applied yet, so the practical effectiveness of the measures cannot be evaluated at the moment. It is quite probable, however, that noise barriers have in practice some positive effect to the health of citizens affected.

In case of the Action Plan of Tallinn, it is also too early to evaluate the actual practical effectiveness of the measures, since the Action Plan was finalized on 5 May 2009.

In theory, the measures of both Action Plans could be very benefitting. The Action Plan of Roads sets out specific plans for constructing noise barriers and presents the evaluation of how the noise will be subsequently diminished. The measures in Action Plan of Tallinn are more general, but it is still probably the most comprehensive set of anti-noise measures in an urban community, that has ever been worked out in Estonia. The measures are not only restricted to the activities of the City of Tallinn- they include proposals for amending legislation by the state, for example. General suggestions for protection of quiet areas, considering noise in land-use planning and other guiding measures are included, which could in practice better the noise situation significantly. However, the measures are

<sup>19</sup> The conditions for using the of administrative discretion are provided in Section 4 of the Administrative Procedure Act (Haldusmenetluse seadus, RT I 2001, 58, 354).

<sup>20</sup> Comprehensive plans are land use plans prepared for the whole territory of the rural municipality or city or for parts thereafter according to Section 8 of the Planning Act (Planeerimiseseaduse, RT I 2002, 99, 579).

<sup>21</sup> The conditions for refusing a building permit are provided in Section 24 of the Building Act (Ehitusseadus, RT I 2002, 47, 297).

<sup>22</sup> Based on article of the Planning Act and article of the Environmental Impact Assessment and Environmental Management System Act (Keskkonnamõju hindamise ja keskkonnajuhtimissüsteemi seadus, RT I, 24.03.2005, 15, 87)

non-binding and general. There is no guarantee, that they will affect actual practices. As a rule, the measures of the Action Plan of Tallinn have also no deadlines for their application or cost estimations. Most probably, the City of Tallinn deliberately wanted to avoid taking any direct obligations in the current economic situation (period of diminishing incomes and cutting the already existing costs). During the public consultations, the officials of the City of Tallinn, said several times, that they do not know when the practical changes will take place. They said, that the economic situation is harsh and measures can be applied, “when the money for it can be allocated”

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

The anti-noise measures should be financed by the responsible authorities. In case the responsible authorities are local municipalities, it is probable, that due to the necessity of applying anti-noise measures, the money allocated to them by the state shall increase<sup>23</sup>. The Action Plan of Tallinn and the Action Plan of Roads themselves do not specify the sources of financing, it will be probably regulated in the budgets of responsible authorities. However, at the moment, it is yet early to study the mechanism and source of finances, since the anti-noise measures in the Action Plans were finalized too recently to have been integrated to the budgets of year 2009 (the Action Plan of Roads on 9 December 2008 and the Action Plan of Tallinn on 5 May 2009). In the budgets of year 2009, as well as in few previous years, the respective responsible authorities - the City of Tallinn and the Road Administration<sup>24</sup>- have not included any specific mechanism or source addressing anti-noise measures. Also, during the public consultations of the Action Plan of Tallinn, the officials of the City of Tallinn expressed repeatedly, that they do not know, if and when the City will be able to allocate the finances for the anti-noise measures.

## **1.2. Overview in details**

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

#### **Noise maps**

According to article 7(1) of END, EU member states shall ensure that no later than 30 June 2007 strategic noise maps must be made, and, where relevant, approved by the competent authorities

The most logical interpretation of article 7(1) of END would be, that the finalized version of noise maps must be completed by the fixed deadline of 30 June 2007. However, the transposition of the provision to Estonian legislation has modified this requirement. Namely, according to Section 134(1) of AAPA, after the noise map has been made, the compiler of the noise map (the “competent authority” in END) has to obtain the approval for the noise map from the Health Protection Inspectorate. Section 151 of AAPA sets 30 June 2007 as the deadline for submitting the noise map to the Health Protection Inspectorate for approval. This means, that Estonian national acts do not require the noise maps to be completely finalized by 30 June 2007, since the Health Protection Inspectorate can prescribe amending of the maps submitted to it. Therefore, the transposition of article 7(1) to the Estonian legislation has been improper.

<sup>23</sup> Local governments in Estonia are partly financed directly by the state.

<sup>24</sup> The Road Administration is a state body under the governance of the Ministry of Economic Affairs and Communications

The Noise Map of Roads was approved by the Health Protection Inspectorate on 27 August 2008. The END deadline was not followed.

The Noise Map of Tallinn was submitted to the Health Protection Inspectorate on 30 June 2008. This was a year after it should have been finalized according to END. Although at the time of writing the current report another year has passed, the Health Protection Inspectorate has still not approved the Noise Map of Tallinn, because it contained significant contradictions with relevant legal norms. Nevertheless, the Noise Map was forwarded to the European Commission and the City of Tallinn has not amended the Noise Map according to the suggestions of the Health Protection Inspectorate.<sup>25</sup>

The compilation of the Noise Map of the Old City Harbor was not an object of END deadlines, so it will not be discussed in this section.

### **Action Plans**

Article 8(1) of END provides, that EU member states shall ensure that no later than 18 July 2008 the competent authorities have made and approved action plans. Like in the case of noise maps, Estonian legislator has modified the initial requirement set out in art 8(1) in END, since Section 151 of AAPA sets 18 July 2008 as the deadline for submitting the noise map to the Health Protection Inspectorate for approval. Therefore (like in the case of article 7(1)) the transposition of article 8(1) to the Estonian legislation has been improper.

The Action Plan of Roads was submitted to the Health Protection Inspectorate on 30 October 2008 and approved on 9 December 2008. The Action Plan of Tallinn was submitted to Health Protection Inspectorate on 26 February 2009 and approved on 5 May 2009. The END deadlines were clearly not followed.

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

In Estonia, the specific process of PP is regulated by Section 12 of Regulation No 87. It most importantly provides mainly, that:

- Approved noise maps and action plans shall be made available to the public and disseminated through means of information technology, ensuring the free access to environmental information;
- The compilers of the action plans notify the public, provide the possibility to participate in the preparation and overview of all phases of the action plan, ensure that the opinion of public is taken into account and that the public is informed of the decisions made. The deadlines of the action plan process must enable the public to participate in all the phases of the action plan.

No specific lengths of public displays or other deadlines are provided.

#### **a) Early and effective opportunities of PP**

After its initial compilation (but before its submittance for approval), The Action Plan of Roads was on the public display for 14 days (1-15 October 2008). The public display was announced on the website of

<sup>25</sup> The information received from the Health Protection Inspectorate,

official publication *Ametlikud Teadaanded*<sup>26</sup> and It was available in the offices of two local governments (which were passed by the road sections covered by the Action Plan) and in the office and on the website of Road Administration (competent authority). On 15 October 2008, public consultations were supposed to be held in two locations. One of them was cancelled due to lack of participants. The other took place, but aside from the compilers of the Action Plan, the only participants were the employees of the company, that compiled the Action Plan of Tallinn. They were participating seemingly mainly out of professional interest and the public consultation turned into a discussion among noise experts exclusively. No written proposals were submitted to the Action Plan of Roads.

The absence of any actual participation from public indicates, that the notification of the public of the upcoming opportunities of PP was ineffective and probably insufficient.

After its initial compilation (but before its submittance for approval), The Action Plan of Tallinn was on the public display for 13 days (3-16 February 2009). The public display was announced in one nationally distributed newspaper and on the website of the City of Tallinn. There was also some additional media coverage (story in a nationally distributed newspaper) during the duration of the public display. During 16-18 February, 3 public consultations (in different districts of the City) were held. The number of participants was quite low – two of the consultations were attended by four citizens (beside the officials and experts) and one consultation was attended by only one citizen. This indicates probably the insufficiency of media coverage (press releases etc, articles etc). The few participating citizens took part of the consultations very actively, however. Several letters with proposals were also submitted during the public display of the Action Plan.

The minutes of the public consultations show, that the PP was not early and effective. While addressing the problems of the citizens, the typical answer of the City officials was, that they will forward the problems to the relevant department of the City (instead of agreeing to amend the Action Plan). One of the reasons for such behavior was probably the delay in completing the Action Plan- at the time of public consultations, the deadline of art 8(1) of END had passed 7 months earlier. On one occasion, an official said in a public consultation clearly, that there is no time to incorporate a proposal to the Action Plan (although it should otherwise be done), so the problem will be solved through other measures.

### **b) Results of the PP taken into account**

The Action Plan of Roads did not have any results (see the previous point of the current analysis).

The published version of the Action Plan of Tallinn includes the minutes of the public consultations as well as a table listing the proposals made and the answers, which were provided. Of approximately twenty proposals, only one brought upon the amendment of the Action Plan. In other cases, the most typical answers given during the public consultations or to written proposals, were:

- the problem is too specific to be addressed in the Action Plan of Tallinn;
- the problem will be forwarded to another administrative body or department( (Health Protection Inspectorate, Department of Transport of Tallinn, the Police etc);
- the problem is already covered by the Action Plan.

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<sup>26</sup> [www.ametlikudteadaanded.ee](http://www.ametlikudteadaanded.ee)

It can be clearly seen, that the citizens' proposals were much more specific, than the anti-noise measures in the Action Plan. For example, one citizen suggested reducing of the speed of trams in 2 specific sections of tramlines. The Action Plan at the same time provides a measure "Reducing the speed of tram- and trainlines", without further specification. There is also no deadline for this action, its duration is marked as "indefinite". Probably because of this general measure, the City of Tallinn found no reason to amend the Action Plan according to the afore-mentioned proposal, although it did promise to forward the proposal to the Department of Transport of Tallinn. This is a very typical example reflecting the nature of the public consultations.

### **c) Information about decision taken given to public**

The final versions of both Action Plans are available in internet. In case of the Action Plan of Tallinn, the final available version includes the minutes of public consultations and the account of proposals made and the answers provided.

In case of the Action Plan of Roads, the minutes of public consultation are not available in internet.

### **d) Reasonable time frame allowing sufficient time given to PP**

The Action Plan of Roads and the Action Plan of Tallinn were on public display for 14 and 13 days respectively. Given the complexity and length of these documents, the public display should have been longer. This applies especially to the Action Plan of Tallinn, which covers significantly more problems and measures, than the Action Plan of Roads. In case of comprehensive (land use) plans of local municipalities, the analogous time-span is four weeks. At least for the Action Plan of Tallinn, a similar length of public display should have been used.

Both of the Action Plans were completed significantly later, than the deadline set out in END. This probably put a pressure on the compilers of action plans. During the PP of the Action Plan of Tallinn, the City of Tallinn seemed to be reluctant to further amend the Action Plan. On one occasion, an official of the City of Tallinn said in a public consultation clearly, that there is no time to incorporate a proposal to the Action Plan (although it should otherwise be done), so the problem will be addressed by other measures).

### **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)**

The final versions (with all accompanying maps) of the Action Plan of Tallinn, the Action Plan of Roads, Noise Map of Tallinn, Noise Map of Old City Harbor and Noise Map of Roads are available in internet. The summaries of all those documents are available in internet as well.

The only exception is Annex IV of the Action Plan of Roads containing the minutes of the public consultation, which is not available in internet<sup>27</sup>.

### **g) Information are clear, comprehensible and accessible**

The most problematic of the documents in that aspect is the Noise Map of Tallinn. It is often impossible to understand, where have the compilers taken their information on existing noise and

<sup>27</sup> We had to submit a request to the Estonian Road Administration to receive this Annex.

its sources (for example only 12 facilities were studied in connection to industrial noise and it is not clear, how this choice was made). The noise map provides no clear explanation of the relevant legal framework, and the exceeding of noise limits are not clearly presented, but only referred to in a few specific cases (which are just explanatory). As a result, the explanatory letter of the Noise Map of Tallinn (the maps are clear) is difficult to understand even for people with good knowledge in noise regulation.

In the other Action Plans and Noise Maps, there are no defects of that scope, but they are still quite complicated (it might be unavoidable in these cases).

#### **h) Summary of the most important conclusions is provided**

The Summary has been compiled and published in the internet for the Action Plan of Tallinn, the Action Plan of Roads, the Noise Map of Tallinn, the Noise Map of Roads and the Noise Map of Old City Harbor.

#### **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:**

**b) an existing, a previous or a predicted noise situation in terms of a noise indicator,**

The Noise Map of Old City Harbor, the Noise Map of Roads and Noise Map of Tallinn all provide only the existing noise situation in terms of the noise indicator.

The noise indicators used in the maps are Lden, Lday, Levening and Lnight.

**c) the exceeding of a limit value,**

In case of the Noise Map of Roads, the exceedings of limit values are not shown on the maps. However, these are quite specifically described in the explanatory letter of the Noise Map. Together with the relatively good explanation of the legal framework of limit values, this description gives quite clear and comprehensible overview of exceeding of limit values. Also the maps of existing situation show the indicators of the exposed noise concerning every individual building,

The Noise Map of Tallinn has also no maps showing the exceedings of limit values. In this case, the textual part of the Noise Map provides only a general overview of the noise situation (there are separate chapters for railroad transport-, road transport-, tram transport-, industrial- and airport noise), together with overall conclusions and some examples of typical noise situations. Subsequently, also the exceeding in limit values are hardly mentioned – only in few cases in the context of a specific example or in some vague conclusions.<sup>28</sup>

Similarly, the Noise Map of Old City Harbor hardly explains the aspect of exceeding noise limits. The violations can only be evaluated from the maps, which present the existing noise situation in terms of noise indicator. Only in the “Conclusions” part of the Noise Map, some overall notions are made in connection to exceeding noise limits. In that matter, the Noise Map is not only insufficient and too

<sup>28</sup> For example, in the chapter describing the industrial noise, the Noise Map says (p 29): “If all industrial- and harbor facilities would work with full power and emit continuously noise more than 60 db/m<sup>2</sup>, then the noise level Lden of 55 db would be exceeded in dwelling areas- especially Mustamäe, Lasnamäe and Kristiine.” This sentence means, that in the created hypothetical situation, noise limits “could be” exceeded in at least half of the City of Tallinn. It is difficult to understand, what is the goal of such statement, if it is not explained more specifically.

general – it is also intransparent, because it remains unclear, which noise limits were actually applied in specific situations. The choice of applicable noise limits is often open to interpretation, due to big amount of different limits and confusing wordings in Estonian relevant acts.

Since legislation leaves room for interpretation of noise limits, it must be stressed, that in case of all the Noise Maps, the determination of the limit values applicable to certain situations are always based on the subjective interpretation of norms by the compilers of the Noise Map and can often be disputed.

The matter is further complicated by the fact, that the indicators of END (Lden, Lday, Lnight etc.) are different from the indicators in (Leq, Ln, Ld etc) which are used in the regulation of noise limits.<sup>29</sup>

**d) the estimated number of dwellings, schools and hospitals in a certain area that are exposed to specific values of a noise indicator,**

The Noise Map of Roads provide only the number of noise-sensitive buildings<sup>30</sup> The abovementioned categories are not specifically brought out in the Noise Map of Roads.

The Noise Map of Tallinn provides the estimated number of three type of buildings:

- Educational and childrens' institutions;
- Healthcare- and welfare institutions;
- Recreational areas, playgrounds and parks

However, the Noise Map of Tallinn lacks completely the amount of dwellings exposed to noise.

The Noise Map of Old City Harbor lacks any estimations of these type, although it mentions some specific dwellings exposed to noise.

**e) the estimated number of people located in an area exposed to noise.**

The Noise Map of Roads provides the estimated number of people exposed to noise in a corresponding table. The estimation is based on a presumption, that a household consists of an average of 2,4 persons.

The Noise Map of Tallinn also provides the estimation of people located in the area exposed to noise. However, since no statistical information regarding the dwellings exposed to noise has been provided, the basis of the estimation of people exposed to noise is not exactly clear. The Noise Map says, that the calculations were made by the Office of City Planning of Tallinn and given to the compiler of the Noise Map.

The Noise Map of Old City Harbor lacks this estimation.

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

- » *road traffic,*
- » *rail traffic,*

<sup>29</sup> This was specifically pointed out in the public consultation of the Action Plan of Roads.

<sup>30</sup> The “noise-sensitive” buildings are dwellings, healthcare- and welfare institutions, educational- and childrens' institutions and other buildings, that are exposed to special noise levels (Regulation No 42 of the Minister of Social Affairs from 4 March 2002 “Standard noise levels for residential and recreational areas, dwellings and buildings with joint use, and the methods of measuring noise”)

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

The Noise Map of Tallinn clearly puts a special emphasis on the above-mentioned sources of noise – all the chapters of the explanatory text of the Noise Map are devoted to the subchapters regarding those exact sources. Noise from different sources is also covered by adhering maps. Additionally to the above-mentioned categories, the maps and the explanatory text cover the noise emitted by “tram traffic”.

**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.*

All Noise Maps include numerous elements, that could be defined as “graphical presentations”

None of the three Noise Maps<sup>31</sup> contains such maps, in which the exceeding of limit values would be specifically brought out, it does not contain any difference maps or maps showing the value of a noise indicator at a height other than 4 m.

**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.**

The Noise Map of Roads assessment height of 4 m and the 5 dB ranges of Lden and Lnight as defined in Annex VI.

Regarding the Noise Map of Tallinn and the Noise Map of Old City Harbor, the case is the same.

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

Yes, Noise Map of Tallinn includes separate noise maps.

**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 Action Plan of Tallinn contains a corresponding section. It seems to be legally correct.

<sup>31</sup> At the same time, such maps are included in the Action Plan of Roads, which present:

- The predicted noise situation in year 2020 in terms of the noise indicator;
- The predicted noise situation in year 2020 in terms of the noise indicator, if noise barriers would be built.

Also in the Action Plan of Tallinn, there are “explanatory” models and maps for possible future situations with noise-alleviating measures concerning four specific locations.

- » *the authority responsible,*

The Action Plan of Tallinn does not have a corresponding section, but the authority responsible is mentioned in the “Introduction” (Section 1) of the Action Plan.

The Action Plan of Roads does have a corresponding section.

- » *the legal context,*

The Action Plan of Tallinn does have a corresponding section. The legal context is quite well presented.

The Action Plan of Roads includes a corresponding section as well. It gives a short list of relevant legislation with very general descriptions, so it could have gone into more detail.

- » *any limit values in place in accordance with Article 5,*

Both the Action Plan of Tallinn and the Action Plan of Roads, provide a quite clear and sufficient overview of binding noise limits.

- » *a summary of the results of the noise mapping,*

Both the Action Plan of Tallinn and the Action Plan of Roads include a corresponding section and it seems to be quite clear and sufficient.

- » *an evaluation of the estimated number of people exposed to noise, identification of problems and situations that need to be improved,*

Both Action Plans cover this question, although the Action Plan of Tallinn does not specifically give the overall number of people exposed to noise (it was given in the Noise Map of Tallinn).

- » *a record of the public consultations organised in accordance with Article 8(7),*

The Action Plan of Tallinn does have a corresponding section, it is publicly available.

The Action Plan of Roads has this record as well, as an annex to the Action Plan, but it is not available in internet.

- » *any noise-reduction measures already in force and any projects in preparation,*

The Action Plan of Tallinn and the Action Plan of Roads both have a corresponding section.

- » *actions which the competent authorities intend to take in the next five years, including any measures to preserve quiet areas,*

The Action Plan of Roads includes the list of those actions, but there are no specific measures for preserving quiet areas, since the Action Plan does not determine quiet areas.

The Action Plan of Tallinn includes a list of such actions.

- » *long-term strategy,*

The Action Plan of Tallinn and the Action Plan of Roads both have a corresponding section.

- » *financial information (if available): budgets, cost-effectiveness assessment, cost-benefit assessment,*

The Action Plan of Roads includes the specific cost of the proposed measures, as well as the cost-effectiveness assessment and cost-benefit assessment.

The Action Plan of Tallinn does not have any cost-effectiveness or cost-benefit assessments. The costs of the most anti-noise measures are also lacking, probably because the measures are so general, that it is impossible to determine their exact costs. More financial information is presented in connection to the actions which the competent authorities already intended to take before the Action Plan.

- » *provisions envisaged for evaluating the implementation and the results of the action plan.*

The Action Plan of Roads lacks this section.

The Action Plan has not a separate section, but very briefly lists the following actions for evaluation:

- concerning actions which the competent authorities intend to take in the next five years, the Action Plan of Tallinn declares, that a report will be compiled regarding the application of the measures and general noise situation, which will be made public on the website of the City of Tallinn.;
- annual supervision/audit of application of measures;
- annual surveillance of noise complaints;
- noise measurement tests after the application of noise-alleviating measures.

**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.*

The Action Plan of Roads presents a set of possible measures, which include technical measures at noise sources, (for example “quiet” road paving materials) , as well as measures connected to traffic planning, land use planning and reduction of sound transmission. During the analysis of those measures, the Action Plan reaches to a conclusion, that only one type of measures – building of noise-barriers – is “recommendable”.

The Action Plan of Tallinn includes measures from all of the categories mentioned in the question above. However, these measures are general and as a rule, no application costs or –deadlines are provided.

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

Both, the Action Plan of Tallinn and the Action Plan of Noise lack such estimation.

## 2. Description of national legal framework of protection against noise

The legal framework of protection against noise is chiefly based on AAPA and the Public Health Act. AAPA provides the definition of ambient noise and the most important definitions connected to measuring and limiting noise.<sup>32</sup> and sets the Health Protection Inspectorate as the body carrying out supervision of the following of noise protection requirements.<sup>33</sup> The Public Health Act<sup>34</sup> provides, that the level of noise shall not cause health disorders and shall comply with the requirements established for rest- and non-work areas.<sup>35</sup>

Based on AAPA and the Public Health Act, the main act to provide binding noise limits in Estonia is the

- Regulation No 42 of the Minister of Social Affairs from 4 March 2002 “Standard noise levels for residential and recreational areas, dwellings and buildings with joint use, and the methods of measuring noise” (hereinafter: Regulation No 42)<sup>36</sup>.

Some more specific noise limits are also provided in:

- Government of the Republic Regulation No 108 from 12 April 2007 “Requirements of occupational health and –safety for the noise-influenced occupational environment, noise limit levels of occupational environment and conditions of measuring noise”<sup>37</sup>;
- Regulation No 122 of the Minister of Environment from 22 September 2004 “The limit values of emissions, pollutant emissions, smokyness and noise-levels in fumes of a motor vehicle”<sup>38</sup>;
- Regulation No 87 of the Minister of Economic Affairs and Communication from 4 August 2005 “Requirements for noise, measuring of noise and marking of noise caused by the devices used in outdoor environment”<sup>39</sup>.

In the context of the focus of the current analysis, mainly Regulation No 42 is relevant

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

The binding limits for outdoor noise are mainly provided in Regulation No 42.

Regulation No 42 does not specifically define “outdoor protected”. However, the “noise-targets” for which the noise limits are applied are divided into four categories which serve as criterias for applying

<sup>32</sup> Section 123 of AAPA provides, that ambient noise means unwanted or harmful outdoor sound created by human activities created by stationary or mobile sources of pollution. Unjustified creation of noise is prohibited.

<sup>33</sup> Section 135 of AAPA

<sup>34</sup> Rahvatervise seadus (RT I 1995, 57, 978)

<sup>35</sup> Section 4(13) of Public Health Act

<sup>36</sup> Sotsiaalministri 4. märtsi 2002. a määrus nr 42 “Müra normtasemed elu- ja puhkealal, elamutes ning ühiskasutusega hoonetes ja müra piirnormide ja müra mõõtmise meetodid” (RTL, 14.03.2002, 38, 511)

<sup>37</sup> Vabariigi Valitsuse 12. aprilli 2007. a määrus nr 108 “Töötervishoiu ja tööohutuse nõuded müra mõjutatud töökeskkonnale, töökeskkonna müra piirnormid ja müra mõõtmise kord” (RTL, 27.04.2007, 34, 214)

<sup>38</sup> Keskkonnaministri 22. septembri 2004. a määrus nr 122 “Mootorsõiduki heitgaasis sisalduvate saasteainete heitkoguste, suitsususe ja müra piirväärtused” (RTL, 27.09.2004, 128, 1986)

<sup>39</sup> Majandus- ja kommunikatsiooniministri 4.08.2005. a määrus nr 87 “Nõuded välitingimustes kasutatavate seadmete poolt tekitatavale mürale, müra mõõtmisele ja müra taseme märgistamisele” (RTL 2005, 88, 1312)

different noise limits. These categories basically define the “outdoor environment” in the scope of the Regulation, and are the following:

- Category I: natural recreational areas and national parks, recreational areas of recreational- and healthcare institutions;
- Category II: childrens’- and educational institutions, healthcare- and welfare institutions, residential areas, recreational areas and parks in cities and urban settlements;
- Category III: mixed area (dwellings and buildings in joint-use, commercial-, services’- and manufacturing enterprises);
- Category IV: industrial area.

The second criteria, based on which the noise limits are applied, is the “sources of noise”. Regulation No 42 specifically excludes from its scope the so called “domestic noise” (“noise caused by human activities in buildings”) and noise caused by technical devices in dwellings..

It does apply to the following sources of noise:

- vehicle-, flight-, and air transport (with some special provisions concerning exclusively flight transport);
- industrial enterprises;
- commercial- and services’ enterprises, sports fields and entertainment venues;
- construction works.

The strictest limits are set for noise from construction works. As a general rule limits for noise from commercial- and services’ enterprises, sports fields and entertainment venues are the same as for industrial noise. The most non-strict are the limits for transport-caused noise.

The third category, based on which the noise limits are applied, is the time of the causing of noise. Different limits apply for:

- Daytime noise (from 7.00-23.00);
- Night-time noise

The fourth category is the duration of noise. As a general rule, the noise limits are set for the average level of noise for the whole period (daytime or night-time) , which is shown by the indicator Leq. However, in case of certain types of short “noise incidents” (lasting less than 5 minutes) in vehicle and air transport, also maximum levels (shown by indicator Lmax) of these incidents are separately provided.

The fifth category based on which noise limits are applied, is the “type of noise limit”. This category makes the application of Regulation No 42 especially complicated. Namely, it provides 3 different standards for noise levels (represented in order from the strictest to the most non-strict):

- “Target level of noise” represents good noise situation. This can be used as a recommendable level of noise, if the aim is simply “improving the existing noise situation.” However, in case of noise exposed to newly planned areas, its appliance is compulsory;

- “Limit level of noise” is the general maximum permitted level of noise - the exceeding of it requires enforcement of mitigation measures;
- “Critical level of noise” is a level of noise the exceeding of which creates an “unsatisfactory noise situation”, causes a significant annoyance to persons and requires the application of measures for the protection of human health.

Additionally to the system of Regulation No 42, the local government has some competences for limiting outdoor noise:

- According to Section 22(1) of the Local Government Organization Act<sup>40</sup>, the establishment of rules for public order in order to ensure public order is in the competence of governments of local municipalities (cities and counties). Such rules can also include noise restrictions, in practice mainly to prohibit the disturbing noise at nights;
- According to Section 129 of AAPA, local government bodies have the right to establish, with regard to their administrative territories or parts thereafter, standard levels for ambient noise which are up to 50 per cent more stringent than the standard levels established in Regulation No 42;
- In order to prevent the exceeding of the standard levels of ambient noise, the local government body has the right to restrict, through traffic management, the movement of motor vehicles within its territory (Section 138 of AAPA)

In practice, the proper application of the outdoor noise limits is often difficult, because some provisions of Regulation No 42 are complicated and confusing. It can maybe even be said, that the outdoor noise limits are over-regulated. Most important problems, which are caused by the current regulation, are following:

- It is unclear, how the areas exposed to noise should in practice be divided into the categories of Regulation No 42 (categories of “outdoor protected”),. Section 3 of Regulation No 42 says that the categorization should be done based on comprehensive plans of local municipalities (e.g. land use-plans on the level of local municipalities). However, the comprehensive plans of local municipalities do not endorse “noise categories”. Comprehensive plans do include the sectioning of territory according to its land-use, but these terms are different from the terms in the categories of Section 42. Therefore, the categories and subsequently the noise limits applicable are always open for subjective interpretations in specific situations;
- The purpose of the “critical noise levels” is unclear, since the more stringent “limit levels” should never be exceeded anyway. The reaching of “critical level” should probably bring upon urgent activities for the protection of human health. However, it is sometimes claimed, that in some “extraordinary situations”, the critical levels, not the limit levels, are in fact the applicable noise limits. This interpretation should not be used and it creates confusion, but the current wording of Regulation 42 does not exclude it entirely;
- Regulation No 42 and AAPA do not provide whether, and how, cumulative noise should be evaluated;

<sup>40</sup> Kohaliku omavalitsuse korralduse seadus (RT I 1993, 37, 558)

- Section 10(2) of Regulation No 42 provides, that noise has to be measured and computed according to ISO standards ISO 1996-1: 1982(E) and ISO 1996-2:1987(E)). The referred standards are out-dated. Moreover, the only way to get access to the standards, is to read them on spot in the office of Estonian Centre of Standardization or purchase the standards for a rather high cost (for 1021 EEK and 1248 EEK respectively).

It must be stressed, that these are only some of the problems, and several additional, but more specific, application problems have risen due to the unclear and confusing wording of Regulation No 42.

## 2.2. Existence of binding limits for indoor noise

Regulation No 42 provides as well binding limits for indoor noise. The application of limits has following criterias:

- Sources of noise (transport noise or noise caused by technical devices<sup>41</sup>)
- The type of indoor space, which is exposed to noise.

The indoor spaces are divided primarily in following groups (each are further divided):

- Dwellings;
- Accomodation institutions;
- Healthcare institutions;
- Schools and other educational institutions;
- Pre-school childrens' institutions;
- Office- and administrative buildings;
- Sports venues;
- Commercial- and services' enterprises.

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

There are special limits for noise from transport (as described above). Compared to noise from other sources, these limits lower the standard of protection. The only exception is indoor noise, which is caused by technical devices outside, but near the buildings – this type of noise has less stringent limits than noise from transport.

## 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?)

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<sup>41</sup> Technical devices is defined as: technical communications of buildings (water-, sewerage-, heating- ventilation- and cooling devices, elevators) and noise-causing devices in the manufacturing- or service areas of the same building or buildings, commercial- or industrial enterprises nearby (Section 7 of Regulation No 42).

The most important state body dealing with noise problems is certainly the Health Protection Inspectorate. Section 135(2) of AAPA provides, that it exercises supervision over ambient air noise levels. As a supervisory official, it has the right to:

- demand information and documents from persons who cause the creation of ambient noise and, with the knowledge of the persons or their representatives, use results of measurements or technical devices for recording noise levels;
- to receive, free of charge, excerpts from documents and up to two copies of each relevant document from persons who cause the creation of ambient noise;
- to issue a precept in order to restrict or terminate the operation of a stationary source of pollution if the noise levels emitted thereby exceed the limit or critical ambient noise levels. Upon failure to comply with this precept, the Health Protection Inspectorate may impose penalty with the upper limit of 10 000 kroons;
- conduct audit measurement tests for verifying noise level (the results of the tests indicate that the standard noise levels have been exceeded, the possessor of the relevant source of pollution is required to pay for the tests.)

The Health Protection Inspectorate has also the right to impose sanctions in case of violation of limit levels. It seems, that since both AAPA and Public Health Act refer to Regulation No 42, which sets out the noise limits, the Health Protection Inspectorate can apply the sanctions either on the grounds of violating AAPA or Public Health Act. If the sanctions are applied based on Public Health Act<sup>42</sup>, the fine for legal persons would be 50 000 EEK. If the sanctions are applied based on AAPA<sup>43</sup>, the fine would be 30 000 EEK.

In some local municipalities, the approval of Health Protection Inspectorate is sometimes also needed for buildings or land-use plans. This however, is not an overall rule. Either way, environmental conditions must be considered in land-use plans (either based on strategic impact assessment or not), so the local government has the obligation to consider the possible future risks of exceeding noise limits. In case of environmental permits, including building permits, the evaluation of noise levels is mainly actual as a part of environmental impact assessment.

In case of noise disturbances which contradict the rules of public order of the local municipality, the Police has the right to restrict or terminate the activity or impose sanctions to the person causing the noise.

The main problems in the legal regulation connected to the supervisory activities of the state bodies are the following:

- The Health Protection Inspectorate has the right to restrict or terminate an operation only when “limit levels” or “critical levels” of noise are exceeded. However, in some cases the “target levels” apply as obligatory noise limits, but the Health Protection Inspectorate has no right to restrict or terminate the operation;
- It is not clear, whether the sanctions based on AAPA or the sanctions based on Public Health Act should be applied when noise limits are exceeded;

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<sup>42</sup> Section 18<sup>1</sup> of Public Health Act

<sup>43</sup> Section 139 of AAPA

- In practice, the local governments are often reluctant to deal with noise questions, seeing it as an exclusive competence of Health Protection Inspectorate

**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?)**

In case of violation of noise limits, the citizens can:

- Inform the Health Protection Inspectorate of the possible violation. The citizen can request for audit measurement tests, but at first, the citizens themselves must cover the costs of such tests. If the limits are indeed exceeded, the costs will be beared by the possessor of the noise source;
- Demand from the Health Protection Inspectorate the restricting or terminating of the processes, which cause noise. Demand the imposition of sanctions;
- Inform the local government of the violations and demand the withdrawal of the activity license of the operation causing the noise (this would probably be successful if this violation is against the rules of public order of the local municipality, but in many cases the rules of public order include a requirement, that the noise must not exceed the levels in Regulation No 42).

In case of noise disturbances which contradict the rules of public order of the local municipality

- Inform the Police. Demand the restricting or terminating of the processes, which cause noise. Demand the imposition of sanctions;
- Inform the local government of the violations and demand the withdrawal of the activity license of the operation causing the noise

The main problems in practice are in our experience:

- Although the citizens often prefer to turn to the local government in case of noise problems, the competence of local government in these situations are not always clear;
- If the citizens turn to the Health Care Inspectorate, they will be asked to cover the costs of noise measurement tests. This limits the citizens' readiness and possibilities to protect their rights
- Before commencing the noise measurement tests, the Health Protection Inspectorate has to notify the person causing the noise. Sometimes this requirement diminishes the objectiveness of the tests, since the person causing the noise can be prepared and diminish the noise for the duration of tests.

Also, Section 5(6) of Regulation No 42 provides, that in case of single sports- or entertainment events and with the approval of the local government, the noise levels can exceed the usual limit level by 10 dB. The citizens cannot participate in issuing the aforementioned approval of the local government.

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

According to Section 143(1) of the Law of Property Act, if noise is coming from an immovable to another immovable and it significantly damages the use of the other immovable or is contrary to environmental protection requirements, then the owner of an immovable has a right to prohibit this nuisance. This right can be protected at a civil court. However, in case the termination of the nuisance cannot be economically assumed from the person causing it, then the owner of the disturbed immovable can claim only compensation (Section 143(2) of the Law of Property Act).

- 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?

The level of legal protection connected to noise limits is not sufficient due to the complex and open-for-interpretation nature of noise limits in Regulation No 42. If an supervisory authority "is not interested" in identifying the violation of noise limits, it can always find a way to interpret the regulation so, that less stringent noise limits would be applied. The same applies to the persons studying noise disturbances in environmental impact assessments and strategic environmental impact assessments.

The most effective legal tool from the citizens perspective is probably the making of a complaint to the Health Protection Inspectorate and demanding the conduction of audit measurement tests, and further on the restriction or termination of the operation causing limit-exceeding noise and/or the imposition of fees. Turning to local governments is not so effective, because their competences are not totally clear and they are often reluctant to deal with noise. However, the making of a complaint to Health Protection Inspectorate often eventually brings upon the necessity to cover the costs of audit noise measurements by the citizens themselves (which will only be compensated if the test identify the exceeding of limits). This restricts the use of this tool.

In order to improve the situation:

- The criterias of application of different noise limits in Regulation No 42 should be made clear and direct, so there would not be possibilities to manipulate the applicable noise limits due to "necessities of the situation";
- The rights of Health Protection Inspectorate and the rights of local governments as supervisory bodies should be clearly and sufficiently regulated and separated;
- In case of more apparent and probable noise disturbances, the citizens should not have to pay for audit measurement tests – whether the later results of these tests show the exceeding of noise limits or not.

## 3. Contact information

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