EUROPEAN
COMMISSION

Brussels, 17.11.2023
COM(2023) 709 final

REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2002/49/EC relating to the assessment and management of environmental noise

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1. INTRODUCTION

Directive 2002/49/EC relating to the assessment and management of environmental noise ([1]) (hereinafter, 'the Environmental Noise Directive') lays down rules to establish a common approach intended to avoid, prevent or reduce, on a prioritised basis, the harmful effects, including annoyance and sleep disturbance, caused by exposure to environmental noise.

To this end, the Directive requires noise exposure to be assessed using the same methodology across the EU. These methods are defined in Annex II of the Directive. This Annex must, therefore, be kept up to date with technical developments, including adjustments to correct the existing method for errors identified by end users.

Article 12 of the Environmental Noise Directive empowers the Commission to adopt delegated acts in accordance with Article 12a to adapt certain Annexes, including Annex II, in line with technical and scientific progress.

Article 6(2) provides that "*[t]he Commission is empowered to adopt delegated acts in accordance with Article 12a amending Annex II in order to establish common assessment methods for the determination of* L_{den} *and* L_{night}."

2. LEGAL BASIS

This report is required under Article 12a of the Environmental Noise Directive. Under this article, the Commission has the power to adopt delegated acts for a period of five years from 26 July 2019. The Commission is also required to prepare a report on delegated powers, at the latest 9 months before the end of the five-year period.

In accordance with Article 12a(2), the delegation of power will be tacitly extended for periods of an identical duration, unless the European Parliament or the Council – not later than three months before the end of each period – opposes such an extension.

3. EXERCISE OF THE DELEGATION

During the period covered by this report, the Commission adopted one delegated act, Commission Delegated Directive (EU) 2021/1226 of 21 December 2020[2].

[1] *OJ L 189 18.7.2002, p. 12, as amended by Regulation (EC) No 1137/2008 of 22 October 2008, Commission Directive (EU) 2015/996 of 19 May 2015, Regulation (EU) 2019/1010 off5 June 2019, Regulation (EU) 2019/1243 of 20 June 2019, Commission Directive (EU) 2020/367 of 4 March 2020 and Commission Delegated Directive (EU) 2021/1226 of 21 December 2020.*
[2] *OJ L 269, 28.7.2021, p. 65–142*

This delegated directive amended Annex II to the Environmental Noise Directive, to adapt it to scientific and technical progress. Namely, the amendment to Annex II updated the method for calculating noise levels, which provides technical details on the procedures, lays down the formulas and gives input values necessary to calculate the noise levels that are harmful to human health and the environment.

In preparing the delegated directive, the Commission cooperated with technical and scientific experts of the Member States to assess which adaptations were needed taking into account the technical and scientific advances in the calculation of environmental noise. This process was carried out in close consultation with the Noise Expert Group, composed of Member States, industry stakeholders, public authorities of Member States, NGOs, citizens and academia.[3]

[3] See in particular the 12th and 13th meetings of the Noise Expert Group: https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=19771&fromExpertGroups=2809; https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=22455&fromExpertGroups=2809