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***"For the right to sleep at night
and get around easily daytime in public spaces"***



MANIFESTO

For the protection of citizens against noise: *The European directive on "quiet areas" in debate*

Set up in 2010, the "Vivre Paris !" (Live Paris!) collective consists of 24 national and/or local associations. We are up in arms in reaction to the alarming development of illegal practices concerning use of the public space that lead to major disturbances. These include

- Daily abuse of space intended for pedestrians;
- Excessive noise, particularly at night, which creates a genuine problem of public health.

In terms of protecting residents against noise, the subject of this manifesto, European Union legislation is to be found mainly in Directive 2002/49/CE of the European Parliament and the Council of June 25, 2002. It covers the rating and management of neighbourhood noise.

We wish to draw the attention of European decision-makers, on the one hand, to the lack of definition of the noise spectrum covered by the directive and, on the other, on the way the definition of "quiet areas" can be subverted in practice. This in fact makes the directive counter-productive in relation to its original intended objectives.

1/ What's missing

Despite its general heading, Directive 2002/49/CE relating to the evaluation and management of noise in the environment exclusively covers noise made by *"traffic and road/rail infrastructures, aircraft, and outside equipment and manufacturing equipment and mobile machines"*. Of course, these disturbances are considerable in a dense neighbourhood. But the directive leaves aside a source of noise that in fact is very dangerous for public health. This is the noise made by local businesses such as bars, restaurants, clubs and similar establishments. Their number is increasing.

As concerns use of amplified music, these businesses are — in France — supposed to comply with rather stringent regulations. But, apart from the fact that some of them refuse to apply the regulations, they are developing new commercial strategies that create still more nuisance for the neighbourhood. For example, they set up terraces, or serve drinks supposedly to be “taken away” but in fact are drunk outside. This can mean literally dozens or hundreds of customers standing outside on the pavement.

In most cases, these businesses take no action to prevent this appropriation of the public space, which takes place of course most often at night. Local residents suffer from this abuse most especially. Some of these businesses say that since smoking is forbidden inside they must let consumers smoke outside. This trend increases noise in public spaces. In fact, we can only express our regret of measures that could have come along with anti-smoking laws, which have actually been a major contribution to the decline in the quality of life of local residents.

As the new ways that bars and restaurants continue to grow, public authorities seem to have given up on applying the measures that would grant growing number of victims of these abuses the right to a quiet household. Often they seem to be happy enough just to use charters of “good conduct”, which are optional and generally inefficient.

The right of a neighbourhood to peace and calm is nonetheless recognized. It is protected by the European Court of Human Rights which, based on Article 8 of the Convention, has condemned some member states for not having protected their citizens.

Some towns and cities, including Paris, seem even to have relinquished to the bar and restaurant lobbies, who assert that their businesses cannot be hampered, whatever the nuisances generated on public space. Indeed, in July 2011, a French MP, Ms Sandrine Mazetier, drafted a bill that would protect these businesses from “*a certain number of attacks*” by means of “*sanctions against unjustified claims against nightlife activities.*”

This issue goes well beyond the city of Paris or France. All the media are talking about a type of competition that various main cities of Europe are engaged in — Berlin, London and Barcelona as well as Paris — in terms of party tourism, whose development is supposedly based on an ever-growing acceptance of noise generated by nightlife activities.

During the “Etats Généraux de la Nuit” (Conference on Paris nightlife), organised by the the City of Paris in October 2010, the recurrent idea put forward by the bar and restaurant lobby, and even by some local councillors, was that residents should be “tolerant” about noise related to the Paris’s

nightlife activity. The lack of tolerance would result in the decline of business in the city. Since then, the association has very specifically identified, on two occasions, that the City of Paris seems to privilege the growth of nightlife activity over the protection of the right of residents to peace and quiet.

- Our request to be able to assess the proportionality of support and financial aid to developing nightlife activity related to the measures that protect residents against noise has not been heard.
- Our request to see that noises created by businesses and their terraces are taken into account when the city assesses noise as part of its new rules. The mayor rejected this in a decree dated June 1, 2011.

Nonetheless, everyone knows how much daily noise — especially at night — is bad for our health. Residents suffer from sleep trouble, insomnia, higher breathing rates, ulcers, diminished immune defenses and depression in addition to work difficulties. The possible socio-economic benefits of more active nightlife business have a high socio-economic offset due to these regular, long-term health-related problems. In addition to these factors, on a purely economic level the value of real estate (in terms of both ownership and rental) falls in a neighbourhood affected by these noise volumes.

For this reason, Europeans are generally protesting more and more actively against the lack of response by local authorities, or about the disinterest of elected officials regarding neighbourhood noise linked to night-time activity. The Council of Europe on its side and in its Report No. 12179 issued on March 22, 2010, on noise and light pollution, mentions public demonstrations and events — on a one-off or less occasionally regular basis — such as parties, fireworks, festivals, concerts and other musical entertainment venues, sports facilities. It regrets, as we do, what is missing in the approach of the 2002/49/CE directive in this regard.

Our request:

We would like the institutions of the European Union to use, as part of their prerogatives in public health, to regulate the too-frequent competition that European cities run against each other in attracting night-time activities. This sometimes happens using aid granted to a particular event or establishment, causing harm to residents and their health. For this reason, we request that disturbances caused by night-time activity be integrated into European law. Limits should be set in terms of hours for noise generated by this activity in all neighbourhoods of European cities.

For comparison, we point to the 2002/30/CE Directive of the European Parliament and the Council of March 26, 2002 that introduced noise-related restrictions regarding the operation of airports in the Community.

Fixing this oversight is all the more important in that, paradoxically, night-time partying mainly takes place in neighbourhoods which the 2002/30/CE Directive calls to be identified. In Paris, this means for example pedestrian areas or those with little traffic such as "Halles-Montorgueil", "Beaubourg-Centre Pompidou", "le Marais", "Bastille", the Descartes-Mouffetard streets, "la Butte aux Cailles" and "les Buttes-Chaumont" park. These areas are generally described as quiet, pleasant neighbourhoods. But those who frequent them would not agree, in particular residents who are regularly deprived of sleep. Their impression is one of living in a kind of hell.

2/ Risks of exploitation

In opposition to the intentions of the 2002/49/CE Directive, labelling some areas as "quiet" can lead to a form of exploitation in two respects.

Firstly, labelling an area in that way could create confusion in public opinion when it comes to the involvement of authorities in noise abatement. This has happened in Paris. The city is trying to label some areas as "quiet" and will not forget to include this in its external communication. But it is at the same time developing a policy to encourage nightlife activity without any concern for the disturbances created for the neighbourhood.

Secondly, the development of the "quiet-area" concept is spawning an opposite, and very dangerous, concept of "party areas". This is not officially recognized and has no legal value. But the concept is regularly used by public authorities to moderate the way regulations are applied in terms of noise. Ms Sandrine Mazetier has proposed a text that would make it compulsory to make a noise diagnosis for dwellings near nightlife businesses. One of the consequences of this "noise diagnosis" could be to foreclose any future complaint by purchasers or new tenants. In light of the shortage of available properties and the increase of noisy nightlife businesses, this would entail poorer living conditions in whole areas of our cities.

This "party-zone" concept, even rampant, creates a risk that should be taken into account given the responsibility of public bodies for day-to-day life:

- Unequal treatment of citizens within various neighbourhoods of a city

- Departure or even camouflaged expulsion of permanent residents who can no longer put up with the disturbances. Who benefits? Tourists and occasional residents, who are more likely to put up with an area that is noisier both day and night.
- “Partying” neighbourhoods, usually town-centres, turned into single-function areas, “museums”, running against principles of sustainable development.

Confronted with the refusal of public officials to recognize the rights of citizens to live, and in particular sleep in a quiet home, a legal alternative is available. But everyone knows that this alternative is not available for most people and takes a lot of time. It is probably not the most efficient way to stop the irresponsible competition among European cities, which is detrimental to the citizens living or visiting those so-called “partying areas”.

Our request

To ensure the protection of the health of residents of neighbourhoods exposed to nightlife activity and to keep or strengthen this blend of businesses and long-term development of European cities, we request that European Union institutions exercise oversight in the creation “quiet areas”. This should be an obligation enshrined generally in the overall policy to protect city residents, excluding — in fact or by law — “party” areas where national authorities do not apply European or national regulations.

To conclude, we request European Union institutions to set out serious guidelines on which European citizens can rely to make heard their right to peace and quiet. This would reinforce the determined, effective and coordinated reduction of noise disturbances of all kinds across the country.

Members of « Vivre Paris ! » : Vivre aux Halles-Montorgueil-St-Eustache-Montmartre (1^{er}), Accomplir (1^{er} et 2^e), ASSACTIVE (3^e), Vivre le Marais ! (3^e et 4^e), Aubriot-Guillemites (4^e), Descartes-Mouffetard (5^e), Droit au sommeil, halte aux nuisances (5^e), Quartier Latin Passionnément (5^e et 6^e), SOS Bruit Paris (6^e), Comité d'aménagement et d'animation du 8^e arrondissement, Collectif des riverains des boulevards de Clichy et Rochechouart (9^e et 18^e), Collectif Riverains Jean-Pierre Timbaud (11^e), Les Riverains de la Butte aux Cailles (13^e), XVI^e Demain (16^e), DéCLIC 17-18 (8^e, 9^e, 17^e et 18^e), ADDM 18 (défense de Montmartre et du 18^e), Vivre Secrétan (19^e), Vivre les Buttes-Chaumont (19^e), Association Antibruit de Voisinage, Les Droits du Piéton, HANDIRAIL (Association nationale des cheminots handicapés), Les Droits des non fumeurs, Association des paralysés de France, Association pour la prévention et l'action contre les bruits excessifs (APABE).