

**Draft Decree of the Government of the Brussels-Capital Region on combating the noise caused by special audible warning devices**

The Government of the Brussels-Capital Region,

Having regard to the Ordinance of 17 July 1997 on combating noise in urban areas, Article 9;

Having regard to the opinion of the Environmental Council for the Brussels-Capital Region given on 7 September 2022;

Having regard to the opinion of the Economic and Social Council of the Brussels Capital Region, given on 15 September 2022;

Having regard to opinion No [\*] of the Council of State, given on [\*], pursuant to Article 84, § 1, subparagraph 1, point 2 of the laws on the Council of State, consolidated on 12 January 1973;

Having regard to the opinion of the Data Protection Authority, given on [\*];

Having regard to the equal opportunities test, as defined by the Decree of the Government of the Brussels-Capital Region of 22 November 2018 implementing the Ordinance of 4 October 2018 relating to the introduction of the equal opportunities test, carried out on 28/06/2022;

Having regard to the notification of [\*] under Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

On the proposal of the Minister for the Environment,

Following deliberation,

**Hereby orders**

**Chapter I: Definitions and Scope**

**Article 1. Definitions**

For the application of the present Decree, the following definitions shall apply:

- 1° **Special audible warning device:** any acoustic apparatus installed permanently or temporarily in or on any emergency vehicle and referred to in Article 43(2)(3) of the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories;
- 2° **Emergency vehicle:** any vehicle referred to in Article 43(2)(3) of the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories;
- 3° **Emergency service:** service using one or more emergency vehicles;
- 4° **Daytime:** period from 07:00 to 22:00;
- 5° **Night time:** period from 22:00 to 07:00;
- 6° **Installer:** any natural or legal person responsible for the installation of a special audible warning device on an emergency vehicle;
- 7° **Level  $L_{Aeq,1s,max}$ :** maximum continuous sound pressure level measured with frequency weighting A and at intervals of one second;
- 8° **Level  $L_{Aeq,1s}$ :** maximum continuous sound pressure level measured with frequency weighting A and energetically equivalent to a fluctuating noise measured over the same time interval of one second;
- 9° **Pneumatic special audible warning device:** special audible warning device operating with an air compressor, such as a mist horn;
- 10° **Supervisory officer:** officer designated pursuant to Article 5 of the Ordinance of 25 March 1999 laying down the Code for the Inspection, Prevention, Determination and Punishment of Environmental Offences and Environmental Liability;
- 11° **Mobility plan:** thematic mobility plan, specifying objectives and measures for mobility and/or road development, by mode of transport, type of activity or type of audience, adopted by a public authority and targeting a significant part of the regional or communal territory.

**Article 2. Scope of application**

The purpose of this Decree is to limit the nuisance caused by special audible warning devices of emergency vehicles belonging to emergency services located on the territory of the Brussels-Capital Region.

**Chapter II: Acoustic characteristics of special audible warning devices**

**Article 3. Acoustic characteristics of special audible warning devices during daytime**

During daytime, the level  $L_{Aeq,1s,max}$  of all special audible warning devices installed on an emergency vehicle, measured 7 metres away from the emergency vehicle, does not exceed the maximum level of 100 dB(A).

The authorised frequency range of any special audible warning device ranges from 350 Hz to 560 Hz.

The special audible warning device consists of 2 linked alternating tones. The frequency of a cycle of 2 tones, equal in duration, is 25 to 30 per minute.

#### **Article 4. Acoustic characteristics of special audible warning devices during nighttime**

During nighttime, the level  $L_{Aeq,1s,max}$  of all special audible warning devices installed on an emergency vehicle, measured 7 metres away from the emergency vehicle, does not exceed the maximum level of 90 dB(A).

The authorised frequency range of any special audible warning device ranges from 350 Hz to 560 Hz.

The special audible warning device consists of 2 linked alternating tones. The frequency of a cycle of 2 tones, equal in duration, is 25 to 30 per minute.

#### **Article 5. Prohibition of pneumatic special audible warning devices**

Pneumatic special audible warning devices are prohibited within the territory of the Region of Brussels-Capital, 4 years after the entry into force of this Decree.

Articles 3 to 8 and 11(3) of this Decree shall not apply to special pneumatic special audible warning devices.

#### **Article 6. Checking sound levels**

The sound levels of the special audible warning devices shall be checked at installation by means of a sound level meter complying at least with the specifications of Class 1 of IEC 61672-1, where applicable in its most recent version and name.

The sound level meter shall be calibrated at the beginning of each measurement with an acoustic calibrator complying at least with the specifications of Class 1 of IEC 60942-1, where applicable in its most recent version and name.

The sound level meter is configured to continuously measure the level  $L_{Aeq,1s}$ .

The minimum measurement time of the special audible warning devices that are switched on shall be 15 seconds.

Measurements shall be made outdoors and preferably in the absence of rain and with a wind speed of less than 5 metres per second.

The microphone is:

- equipped with a windscreen;
- placed at a height of between 1.20 metres and 1.50 metres above ground level and 7 metres in front of the front side of the emergency vehicle;
- positioned in a free field or in such a way as to minimise reflections other than on the ground.

If the distance of 7 metres cannot be respected, another distance  $d$  of not less than 3 metres can be used. In this case, a correction factor  $C$  shall be added to the sound level obtained and calculated as follows:

$$C = 20 \log \left( \frac{d}{7} \right)$$

The selected sound level is the level  $L_{Aeq,1s,max}$  obtained during measurement, with special audible warning devices switched on.

#### **Article 7. Issuance of a certificate of conformity**

The installer shall regulate the maximum sound levels of all special audible warning devices fitted to an emergency vehicle circulating on the territory of the Brussels-Capital Region in accordance with Articles 3, 4 and 6, and shall draw up and issue a certificate of conformity in accordance with the model set out in the Annex to this Decree.

The certificate of conformity referred to in the first paragraph shall be valid until the next intervention on the special audible warning device concerned. With each modification or maintenance of a special audible warning device, the installer shall issue a new certificate of conformity.

#### **Article 8. Verification of the certificate of conformity**

The valid certificate of conformity must be on board the emergency vehicle circulating on the territory of the Brussels-Capital Region and be made available to supervisory officers and police services.

Emergency services must keep a register of all valid certificates of conformity issued for their emergency vehicles equipped with special audible warning devices. This register is transmitted annually by electronic means to Bruxelles Environnement. Bruxelles Environnement may define the format of the register as well as the means of transmission.

Without prejudice to the provisions of the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories, during the technical inspection

of the emergency vehicle, the valid certificate of conformity shall be checked to ensure compliance with the provisions of this Decree.

### **Chapter III: Complementary measures**

#### **Article 9. Mobility plans**

Where mobility plans are drawn up or modified, the impact of the use of special audible warning devices which may cause noise nuisance to local activities on all or part of the territory concerned shall be assessed.

On the basis of this assessment, the mobility plan shall include, where appropriate, any measures to reduce such noise, including the identification and/or implementation of privileged routes around places to or from which emergency vehicles travel frequently using special audible warning devices.

### **Chapter IV: Transitional/Final provisions**

#### **Article 10.**

§ 1<sup>st</sup>. Bruxelles Environnement processes data that may contain personal data in the context of the implementation of Article 7 where the vehicle certificate, transmitted via an online form by the installers, contains data relating to an installer, natural person or legal representative(s) and/or manager(s) of legal persons.

Bruxelles Environnement is responsible for the processing such personal data within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) as regards such personal data.

Bruxelles Environnement shall take the appropriate technical and organisational measures necessary for the protection of personal data when implementing the online form through which the installers transmit the data. These measures will ensure an adequate level of protection, taking into account, on the one hand, the state of the art in this area and the costs associated with the application of those measures and, on the other hand, the nature of the data to be protected and the risks.

Bruxelles Environnement will ensure that personal data are processed only for the purposes for which they are processed, i.e. the limitation of noise pollution caused by special audible warning devices of emergency vehicles belonging to emergency services located in the Brussels-Capital Region.

These data will be kept by Bruxelles Environnement in a form allowing for the identification of the data subjects for a period not exceeding the time period necessary for the fulfilment of these purposes.

§ 2. The Government is responsible for the processing of personal data required on the certificate of conformity of audible warning devices by installers pursuant to Article 7 in accordance with the model set out in the Annex to this Decree within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

The data are processed for the purpose of checking and monitoring the objectives of the Ordinance of 17 July 1997 on combating noise in urban areas, Article 9 in particular and to enable the verification of compliance of each emergency vehicle with a special audible warning device with noise standards.

The data are limited as they are specific to a particular vehicle and are kept for a limited period of time if the certificate is no longer valid beyond the next intervention on the special audible warning device concerned and as the installer issues a new certificate of conformity at each modification or maintenance of a special audible warning device.

#### **Article 11.**

The Government shall evaluate the application of this Decree within 5 years of its entry into force in collaboration with Bruxelles Environnement and emergency services.

#### **Article 12.**

This Decree shall enter into force ten days after its publication in the Moniteur belge.

The provisions of Chapter II shall apply to emergency vehicles registered for the first time from 1<sup>st</sup> January 2025.

Emergency vehicles equipped with special audible warning devices registered for the first time before 1<sup>st</sup> January 2025 shall comply with the provisions of Chapter II during the next intervention on the special audible warning device concerned.

**Article 13.** The Minister in charge of the Environment shall be responsible for the implementation of this Decree.