Noise-related operating restrictions at Union airports: rules and procedures

2011/0398(COD) - 07/06/2012

The Council agreed on a **general approach** on a draft regulation updating the 2002 directive on operating restrictions at EU airports aimed at limiting nuisances from aircraft noise.

One delegation, however, would have preferred to give the text the legal form of a directive rather than a regulation. Moreover, it still has misgivings about the Commission's right to review decisions on operating restrictions.

The draft regulation introduces two key changes:

(1) Prior to the application of an operating restriction, the Commission will have the **right to review the process that the competent authority followed for introducing the restriction**. If the Commission considers that the process does not comply with the requirements of the regulation, it will send a notification to the authority, which must take due account of the Commission's observations.

This new review provision is intended to reduce the risk of international disputes in the event that carriers from outside the EU are affected by restrictions. The Commission's initial proposal that it be given the right to suspend noise-related operating restrictions proposed by a member state has not been accepted by delegations.

(**2) A stricter noise threshold will be applied for the definition of "marginally compliant aircraft"**, so as to reflect modernisation of fleets and to promote the phasing-out of older, noisier aircraft. "Marginally compliant aircraft" designates a category of aircraft with a noise level that is only slightly lower than the maximum permitted noise levels established by the International Civil Aviation Organisation (ICAO). The margin by which an aircraft's noise level is lower than the maximum permitted levels constitutes the criterion for defining it as only marginally compliant.

The new definition gradually extends the margin so as to include aircraft that previously would have been considered fully compliant: while under the current rules the margin is 5 EPNdB (effective perceived noise in decibels) or less, it will be extended to less than 8 EPNdB as a first step, and to less than 10 EPNdB four years later. Operating restrictions affecting marginally compliant aircraft will give an incentive to airlines using such aircraft to replace them with less noisy aircraft since they could otherwise no longer fly to the airport concerned.

In addition, the new text requires that the **authorities responsible for deciding on operating restrictions must be independent of the parties directly affected by the measure**. It also places stronger emphasis on the need to take account of possible knock-on effects on the whole European aviation network when considering noise-related operating restrictions at an individual airport.