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

2011/0398(COD) - 21/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Jörg LEICHTFREID (ALDE, AT) on the proposal for a Regulation of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC of the European Parliament and of the Council. The committee recommends that the European Parliament adopt its position in first reading following the ordinary legislative procedure and amend the Commission proposal as follows:

The Commission's right of scrutiny: Members consider that Commission's right of scrutiny on operating restrictions infringes the principle of subsidiarity of the European Union. They are concerned that this provision would allow the Commission to undermine outcomes of regional mediation agreements between airports, the region and citizens, which are often reached after years of difficult negotiations. The committee reformulated the text in order to ensure that competences of local authorities and the principle of EU subsidiarity are fully respected. Accordingly, at the request of a Member State or on its own initiative, and without prejudice to a pending appeal procedure, the Commission may within a period of two months after the day on which it receives notice, evaluate the process for the introduction of a noise-related operating restriction. Where the Commission finds that the introduction of a noise-related operating restriction does not follow the process set out in the Regulation, it may notify the relevant competent authorities accordingly. The relevant competent authorities may take the Commission's opinion into account.

Provisions regarding the committee assisting the Commission are deleted, since it will not have the power to decide whether the competent authority concerned may proceed with the introduction of the operating restriction.

Cost-effectiveness: the committee considers that both, economic benefits and impacts on health and quality of people living in the vicinity of airports should be equally considered when assessing the noise situation at EU airports. Therefore, amendments aiming at strengthening this balance are proposed. The text states that while a noise abatement objective should be chosen by comparing all costs and all benefits, the tool to reach this objective should be cost-effective, taking account of health, economic and social aspects. A formal and comprehensive assessment of the likely cost-effectiveness of the available measures must be carried out. The cost-effectiveness of envisaged noise-related operating restrictions will be assessed taking due account of following elements, to the extent possible, in quantifiable terms: (i) the anticipated noise benefit, including the health benefit, of the envisaged measures, now and in the future; (ii) health and safety of local residents living in the surroundings of the airport; (iii) safety of aviation operations, including third party risk; (iv) direct, indirect and catalytic employment and economic effects, including potential effects on regional economies; (v) impact on working conditions at airports; (vi) capacity of the airport; (vii) effects on the European aviation network; (viii) environmental sustainability, including interdependencies between noise and emissions.

Marginally compliant aircraft: Members feel that he concept of marginally compliant aircraft plays important role in noise management. Phasing-out of the noisiest aircraft can be an effective measure to mitigate the noise. Focusing on the noisiest aircraft gives breathing space for further growth – whilst relieving the citizens living in the surroundings of airports. At the same time, the phase-out of the noisiest aircraft should take into account investments and lifecycle of aircraft.

‘Marginally compliant aircraft’ is re-defined by the committee as aircraft that are certified in accordance with Chapter 3 limits laid down in the Chicago Convention by a cumulative margin of less than 8 EPNdB (Effective Perceived Noise in Decibels) during a transitional period of four years after the entry into force of this Regulation, and by a cumulative margin of less than 10 EPNdB following the end of that transitional period.

The Commission’s proposal contained no transitional period for phasing out.

Delegated acts: Members amended the text so that the delegation of powers to the Commission might be limited to technical adaptations and changes. They state that the political decisions should remain in the remit of co-legislators.

Furthermore, the delegation of power shall be conferred on the Commission for a period of five years from the date of entry into force of the Regulation.

Transitional provisions: a new clause states that operating restrictions and decisions on the operation of airports, including court decisions and the outcome of mediation processes which were introduced or under examination before the entry into force of the Regulation shall not be subject to the Regulation. They shall, to the extent that Directive 2002/30/EC is applicable, continue to be subject to that Directive and, where applicable, the national rules transposing it. The effects of Directive 2002/30/EC shall therefore be maintained for such measures. A minor technical amendment to the existing measure without substantive implications on capacity or operations shall not be considered as a new operating restriction.

The committee felt that **this grandfathering clause is needed** in order to make it clear that existing operating restrictions and procedures on introducing those restrictions which were launched prior the entry into force of the new Regulation remain subject to the existing rules.