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

2011/0398(COD) - 26/03/2014 - Council position

The Council adopted its position at first reading with a view to the adoption of 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.

The Council's position **reflects the compromise reached in negotiations between the Council and the European Parliament**, facilitated by the Commission.

The Council took the following stance on Parliament’s amendments :

Right of scrutiny: the Council accepted that it should reflect the European Parliament's concern in its first reading position, whereby the competent authorities had to examine the Commission notification and inform the Commission of their intentions on the operating restrictions to be introduced.

Health: Parliament adopted several amendments concerning the inclusion of the harmful effects of human health in the noise assessment process set up by the regulation. While acknowledging the importance health in the process, the Council considered that health related aspects were covered by the procedures set up by Directive 2002/49/EC on the assessment and management of environmental noise.

In the compromise text, Parliament's concerns were accommodated by a new recital stressing the need for the assessment of health aspects, a new reference to health among the objectives of the airport noise Regulation, and an obligation to assess the noise situation at an airport in accordance with Directive 2002 /49/EC.

Transitional periods

-Definition of 'marginally complaint aircraft' : according to the initial Commission proposal, the threshold for the definition of marginally compliant aircraft should have been set at a cumulative margin of less than10 EPNdB (Effective Perceived Noise in Decibels), without a transitional period.

The Council could not subscribe to this approach, and agreed with the European Parliament in lowering the cumulative margin to less than **8 EPNdB for a transitional period of four years.** the Commission would not be empowered to update the definition by delegated acts, and that aspect would remain subject to the ordinary legislative procedure.

-Entry into force : the compromise text maintained a delayed entry into force of **24 months**.

This longer period will effectively also extend the transitional application of the less than 8 EPNdB threshold for 'marginally compliant aircraft' to six years.

Existing operating restrictions and mediation : the compromise text ensured that **existing operating restrictions would remain in force** until the competent authorities decided to review them. With regard to **transitional provisions,** the operating restrictions would be considered under Directive 2002/30/EC, if the necessary consultation processes had already started before the entry into force of the new Regulation, and the operating restrictions were adopted within a period of one year.

On **mediation,** it was clarified that the consultation with interested parties may also take the form of a mediation process. In addition, a new recital specified that the concept of existing operating restrictions encompasses those resulting from court decisions and mediation processes.

Regular information for local residents on the implementation of noise mitigating measures : in addition to the obligation to provide this information, the compromise text adds an additional layer of transparency by listing information elements, the availability of which should be encouraged.

Provision of information on noise modelling data : in order to alleviate the burden on aircraft operators, the relevant provisions were streamlined in order to avoid duplication in the submission of already existing data.

The Chair of the European Parliaments' Committee on Transport and Tourism indicated in a letter to the Chairman of Coreper that that he will recommend to the members of the committee, and subsequently to the plenary, that they approve the Council's position at first reading without amendments, and conclude the ordinary legislative procedure at the second reading stage.