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

2011/0398(COD) - 16/04/2014 - Final act

PURPOSE: to establish rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports.

LEGISLATIVE ACT: Regulation (EU) No 598/2014 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.

CONTENT: the measures introduced by the Regulation should **improve the noise environment around Union airports** in order to maintain or increase the quality of life of neighbouring citizens and foster compatibility between aviation activities and residential areas, in particular where **night flights** are concerned.

Specifically, the Regulation aims to **harmonise and strengthen the rules** applicable to the introduction by the authorities of decisions laying down operating restrictions at EU airports to limit the noise-related nuisance of aircraft. These rules are based on principles defined by the **International Civil Aviation Organisation** (ICAO) and known as the 'balanced approach to noise management'.

The Regulation should only apply to **large airports** with more than 50 000 civil aircraft movements per calendar year. It applies to aircraft engaged in civil aviation, not to aircraft such as military aircraft and aircraft undertaking customs and police operations.

The Regulation includes the following provisions:

Competent authorities: a Member State in which an airport is located shall designate one or more competent authorities responsible for the process to be followed when adopting operating restrictions. The competent authorities must be **independent** of any organisation which could be affected by noise-related action.

Right of scrutiny: before introducing an operating restriction, the competent authorities shall give to the Member States, the Commission and the relevant interested parties six months' notice. At the request of a Member State or on its own initiative, the Commission may, within a period of three months after the day on which it receives notice, **review the process for the introduction of an operating restriction**.

Where it finds that the process does not follow the rules, the Commission may notify the relevant competent authority, **which shall examine the notification of the Commission** and inform it of its intentions before introducing operational restrictions.

Health aspects: the Regulation recognises health aspects, and underlines that it is important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives, taking into account the existence of common Union rules in this area. Therefore, health aspects should be assessed in accordance with Union legislation on the evaluation of noise effects (Directive 2002/49/EC).

Noise performance information: decisions on noise-related operating restrictions shall be based on the noise performance of the aircraft. At the request of the Commission, aircraft operators shall **communicate**

free of charge, the following noise information in respect of the aircraft that they operate at Union airports:

- the aircraft nationality and registration mark;
- the noise documentation of the aircraft used, together with the associated maximum take-off weight;
- any modification of the aircraft which affects its noise performance and is stated on the noise documentation.

Data shall be stored in a **central database** and made available to competent authorities, aircraft operators, air navigation service providers and airport operators.

Noise assessment and information for residents: the competent authorities shall ensure that noise nuisances at airports within their responsibility are regularly evaluated.

If the evaluation shows that new restriction measures may be necessary, the **process of consultation with interested parties** (which may take the form of a **mediation** process) should be organised in a timely and substantive manner. Interested parties shall have at least three months prior to the adoption of the new operating restrictions to submit comments.

The competent authorities should also ensure that information on the operating restrictions is updated **free of charge and rapidly available to the people living near airports** as well as local authorities.

Phasing out the noisiest aircraft: measures to deal with a noise problem may consist of the withdrawal of **marginally compliant aircraft**, if deemed necessary.

The competent authorities shall decide on the annual rate for reducing the number of movements of marginally compliant aircraft of affected operators at a given airport, the maximum rate being 25% per annum.

'Marginally compliant aircraft' means aircraft whose noise level is only very slightly less than the maximum noise defined by the Convention on International Civil Aviation (CICA). The new definition progressively extends this margin. The new threshold for defining an aircraft with a low level of compliance is now set with **a cumulative margin of less than 8 EPNdB** (Effective Perceived Noise in Decibels) during a transitional period ending on 14 June 2020, and by a cumulative margin of less than **10 EPNdB** following the end of that transitional period.

Developing countries: in order to avoid undue economic hardship, the competent authorities may exempt marginally compliant aircraft registered in developing countries from noise operating restrictions, while fully respecting the principle of non-discrimination, provided that such aircraft respect certain conditions.

ENTRY INTO FORCE: 13.06.2016.

DELEGATED ACTS: the Commission may adopt delegated acts in order to reflect the continuous technological progress in engine and airframe technologies. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** as from 13 June 2014. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.