Basic information

2011/0398(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Noise-related operating restrictions at Union airports: rules and procedures Repealing Directive 2002/30/EC 2001/0282(COD) **Subject** 3.20.01 Air transport and air freight 3.70.07 Noise pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	LEICHTFRIED Jörg (S&D)	10/01/2012
	Shadow rapporteur GAHLER Michael (PPE) TREMOSA I BALCELLS Ramon (ALDE) LICHTENBERGER Eva (Verts/ALE) FOSTER Jacqueline (ECR) WILS Sabine (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	LEICHTFRIED Jörg (S&D)	10/01/2012

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	PERELLÓ RODRÍGUEZ Andrés (S&D)	12/01/2012

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3134	2011-12-12
Transport, Telecommunications and Energy	3171	2012-06-07

	Agriculture and Fisheries	3293	2014-02-17
	Agriculture and Fisheries	3307	2014-03-24

European Commission	Commission DG	Commissioner
	Mobility and Transport	KALLAS Siim

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
01/12/2011	Legislative proposal published	COM(2011)0828	Summary
12/12/2011	Debate in Council		Summary
15/12/2011	Committee referral announced in Parliament, 1st reading		
07/06/2012	Debate in Council		Summary
06/11/2012	Vote in committee, 1st reading		
21/11/2012	Committee report tabled for plenary, 1st reading	A7-0372/2012	Summary
11/12/2012	Debate in Parliament		
12/12/2012	Decision by Parliament, 1st reading	T7-0496/2012	Summary
12/12/2012	Results of vote in Parliament		
26/03/2014	Council position published	05560/2/2014	Summary
02/04/2014	Committee referral announced in Parliament, 2nd reading		
10/04/2014	Vote in committee, 2nd reading		
10/04/2014	Committee recommendation tabled for plenary, 2nd reading	A7-0274/2014	Summary
14/04/2014	Debate in Parliament		
16/04/2014	Decision by Parliament, 2nd reading	T7-0412/2014	Summary
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
12/06/2014	Final act published in Official Journal		

Technical information

Procedure reference	2011/0398(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation

Amendments and repeals	Repealing Directive 2002/30/EC 2001/0282(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/15290

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE494.543	26/07/2012	
Amendments tabled in committee		PE496.539	28/09/2012	
Committee opinion	ENVI	PE489.710	15/10/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0372/2012	21/11/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0496/2012	12/12/2012	Summary
Committee draft report		PE529.892	19/03/2014	
Amendments tabled in committee		PE532.357	03/04/2014	
Committee recommendation tabled for plenary, 2nd reading		A7-0274/2014	10/04/2014	Summary
Text adopted by Parliament, 2nd reading		T7-0412/2014	16/04/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	07583/2014	17/03/2014	
Council position	05560/2/2014	26/03/2014	Summary
Draft final act	00085/2014/LEX	16/04/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0828	01/12/2011	Summary
Document attached to the procedure	SEC(2011)1455	01/12/2011	
Document attached to the procedure	SEC(2011)1456	01/12/2011	
Commission communication on Council's position	COM(2014)0205	28/03/2014	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0828	24/02/2012	
Contribution	AT_BUNDESRAT	COM(2011)0828	13/04/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2014/0598
OJ L 173 12.06.2014, p. 0065 Summary

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

2011/0398(COD) - 16/04/2014 - Text adopted by Parliament, 2nd reading

Following the recommendation by the Committee on Transport and Tourism, the European Parliament **approved the Council 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.

Parliament also took note of the **Statement by the Commission** on the revision of Directive 2002/49/EC.

The Commission stated that it is discussing with the Member States Annex II to Directive 2002/49/EC (noise calculation methods) with a view to adopting it in the coming months. Based on work the WHO is currently undertaking regarding the methodology to assess health implications of the noise impact, the Commission intends to revise Annex III to Directive 2002/49/EC (estimation of health impact, dose response curves).

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.

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

2011/0398(COD) - 12/12/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 501 votes to 155 with 8 abstentions a legislative resolution 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. Parliament adopted its position in first reading following the ordinary legislative procedure and amended the Commission proposal as follows:

Criteria for noise abatement: Members consider that in accordance with Directive 2002/49/EC, noise assessments should be based on **objective and measurable criteria common to all the Member States.** That information must be reliable, obtained in a transparent manner, comparable and accessible to all stakeholders. Assessments should include monitoring of the latest technological developments and exchanges of information on the latest findings concerning the procedures to be employed. Competent authorities should put in place the necessary monitoring and enforcement tools. Noise assessments should be carried out or supervised by outside agencies independent of the airport operator.

Balanced approach: Parliament amended to the text to state that the 'Balanced Approach' means the process established by the International Civil Aviation Organisation (ICAO) in Volume 1, Part V of Annex 16 to the Chicago Convention under which the range of available measures, namely reduction of aircraft noise at source, land-use planning and management, noise abatement operational procedures and operating restrictions, is considered in a consistent way with the view to minimising noise in the most cost-effective way taking account, inter alia, of **health and economic aspects**, on an airport by airport basis in order to safeguard the health of citizens living in nearby areas.

Right of appeal: a new clause makes to clear that Member States must ensure the right to appeal against the operating restrictions adopted pursuant to the Regulation before the appeal body in accordance with national legislation and procedures.

The Commission's right of scrutiny: Members consider that Commission's right of scrutiny on operating restrictions infringe 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. Parliament 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: Parliament 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 for reaching 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' 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 the 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.

Member States may offer **economic incentives** to encourage aircraft operators to use less noisy aircraft during the transitional period.

The competent authorities shall decide on the annual rate for removing marginally compliant aircraft. This **annual rate shall not be more than 25 % of the movements** and shall be applied uniformly to each affected operator with reference to its number of movements with marginally compliant aircraft at that airport.

Delegated acts: Members amended the text so that the delegation of powers to the Commission might be limited to technical adaptations and changes. The Commission is empowered to adopt delegated acts with respect to regularly updating the method and technical report relating to the assessment of the noise situation at an airport.

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.

Parliament inserts **this grandfathering clause** 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.

Availability of relevant information: competent authorities must monitor the implementation of the noise mitigating measures and ensure that relevant information is made available on-line, thus allowing local residents living in the surroundings of the airports and other interested parties to access the information freely. The relevant information shall include: (a) information on alleged infringements due to changes in flight paths, in terms of their impact and the reasons why such change were made; (b) the criteria used when distributing and managing traffic in each airport, to the extent that those criteria may have an environmental or noise impact.

Operators of airport facilities must **install computerised noise measuring systems** at different points close to flight paths that affect or are likely to affect the local population. The data collected by those noise-measuring systems may be consulted via the internet.

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.

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

2011/0398(COD) - 28/03/2014 - Commission communication on Council's position

The Commission communication relates to the position of the Council on 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 of the European Parliament and of the Council.

The Commission **supports the position of the Council** which reflects the political agreement reached between the European Parliament and the Council on 27 January 2014. It accepts the amendments made by Council, these being related to :

- the increased visibility of the importance of health ;
- the introduction of a specific mediation process to conduct consultations ;
- the delayed phased out of 'marginally compliant aircraft" ;
- the more specific provision of noise information ;
- the deletion of a delegation to amend the definitions of ‘aircraft’ and ‘marginally compliant aircraft’, and implementation issues, including a grandfather clause ;
- on the Commission right of scrutiny, the obligation for the competent authority to examine the Commission notification and to inform the Commission of its intentions.

The Commission made **a statement** on the revision of Directive 2002/49/EC to facilitate the agreement between Council and Parliament.

The Commission declares that it is discussing with Member States Annex II to Directive 2002/49/EC **(noise calculation methods**) with a view to adopting it in the coming months.

Based on work the World Health Organisation is currently undertaking regarding the methodology to assess health implications of the noise impact, the Commission intends to revise Annex III to Directive 2002/49/ EC (**estimation of health impact, dose response curves**).

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

2011/0398(COD) - 10/04/2014 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Transport and Tourism adopted the recommendation for second reading in the report by Jörg LEICHTFRIED (S&D, AT) on the Council 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.

Following the adoption of Parliament's first reading position on 12 December 2012, informal negotiations with view to reaching an early second reading agreement took place on 14 January 2014 and 27 January 2014. The outcome text of negotiations was approved by the Committee on Transport and Tourism on 11 February 2014.

To recall, the Regulation further harmonises, clarifies and strengthens the common rules on how decisions on noise related operating restrictions at EU airports, such as bans on night flights.

At the initiative of the EP, the local authorities would retain their powers to decide on noise related measures at airports, such as bans on night flights. Moreover, the Commission has been obliged to address health-related aspects of aviation noise by revising the Environmental Noise Directive 2002/49 /EC.

Given that Parliament's objectives have been, to a large extent, met in the negotiations with the Council and the Commission, the committee recommended **endorsing without amendment the Council's position at the first reading** and the statement by the Commission on the revision of Directive 2002/49/EC.

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.

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

2011/0398(COD) - 01/12/2011 - Legislative proposal

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: a large number of EU citizens are exposed to high noise levels which may lead to negative health effects. An **active noise management strategy is therefore necessary** to mitigate the undesired effects. Such noise strategy must, however, **carefully balance** the interests of the affected citizens with other interests and take due account of the knock-on effects on the capacity of the whole aviation network. The process leading to a decision on noise-related operating restrictions should be consistent, evidence-based and robust to be acceptable for all stakeholders.

In an effort to ensure a consistent approach to the application of noise abatement measures at airports, the **International Civil Aviation Organisation (ICAO)** adopted a set of principles and guidance constituting the so-called "**Balanced Approach**" on noise management, which encourages ICAO Contracting States:

- to mitigate aviation noise through selection of the optimum local combination from a range of measures i) reducing noise at source (from use of quieter aircraft), ii) making best use of land (plan and manage the land surrounding airports; iii) introducing operational noise abatement procedures (by using specific runways, routes or procedures); and iv) imposing noise-related operating restrictions (such as a night ban or phasing out of noisier aircraft);
- to select the most cost-effective range of measures;
- not to introduce noise-related operating restrictions, unless the authority is in a position, on basis of studies and consultations, to determine whether a noise problem exists and having determined that an operating restriction is a cost-effective way of dealing with the problem.

At ICAO level the EU actively supports the development of new noise standards for aircraft and invests in new technologies through Framework Programmes and the Clean Sky project. But land use planning, together with the associated insulation and compensation programmes, is a national or local competence.

This proposed regulation aims to **apply noise-related operating restrictions of the Balanced Approach in the EU in a consistent manner** by clarifying the different steps of the decision-making process when considering operating restrictions. Consistent application of the approach should identify the most cost-effective solutions, tailor made to the specific airport situation.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 100 (2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed Regulation lays down rules on the introduction of **noise-related operating restrictions** in a consistent manner on an airport-by-airport basis so as to help improve the noise climate and to limit or reduce the number of people significantly affected by the harmful effects of aircraft noise, in accordance with the Balanced Approach. The objectives of the proposal are:

- to facilitate the achievement of specific environmental noise abatement objectives, as laid down in Union, national and local rules, and to assess their interdependence with other environmental objectives, at the level of individual airports;
- to enable selection of the most cost-effective noise mitigation measures in accordance with the Balanced Approach so as to achieve the sustainable development of the airport and air traffic management network capacity from a gate-to-gate perspective.

This Regulation shall apply to aircraft engaged in civil aviation. It shall not apply to aircraft engaged in military, customs, police, or similar services. The proposal introduces a new regulation to replace Directive 2002/30/EC. It clarifies and completes the requirements of that directive in relation to the following points:

- specification of objectives to stress link with other elements of the Balanced Approach and other instruments to manage air traffic noise.
- definition of allocation of responsibilities.
- listing of general requirements to manage noise.
- provision of more details on the noise assessment process.
- specification of stakeholders to be consulted.
- harmonisation of data and methods.
- specification of notification and introduction requirements.
- allowing comitology to adapt reference to noise standards to new technological progress.

BUDGETARY IMPACT: the proposal has no impact on the EU's budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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

2011/0398(COD) - 12/12/2011

The Commission presented to the Council three legislative proposals relating to different areas of **airport activities**: ground handling services, the allocation of slots and **rules on the reduction of noise.** The aim of the package, which also includes a communication on airport policy, is to address two key challenges: capacity at airports and the quality of airport services. More generally, it is intended to contribute to the implementation of the Single European Sky (SES) initiative.

The incoming Danish presidency considers the **airport package a priority**.

The Council also took note of information provided by the Commission on the implementation of the regulatory framework of the Single European Sky. The Commission drew ministers' attention to its report on this issue published in November and stressed that **2012 would be pivotal for the implementation of the SES** with key challenges to be addressed in a number of areas: the establishment of functional airspace blocks (FAB) grouping together two or more Member States in order to achieve better air traffic management; improvement of performance plans; network management; and preparations for the deployment of SESAR.

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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.