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A7-0372/ 001-043

## AMENDMENTS 001-043

by the Committee on Transport and Tourism

### Report

**Jörg Leichtfried**

**A7-0372/2012**

Introduction of noise-related operating restrictions at Union airports

Proposal for a regulation (COM(2011)0828 – C7-0456/2011 – 2011/0398(COD))

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### Amendment 1

#### Proposal for a regulation

##### Recital 2

*Text proposed by the Commission*

*Amendment*

(2) Sustainable development of air transport necessitates the introduction of measures aimed at reducing the noise **nuisance** from aircraft at airports with particular noise problems. A large number of EU citizens are exposed to high noise levels which may lead to negative health effects.

(2) Sustainable development of air transport necessitates the introduction of measures aimed at reducing the noise from aircraft at **and around** airports with particular noise problems. A large number of EU citizens are exposed to high noise levels which may lead to negative health effects, **particularly where night flights are concerned**.

### Amendment 2

#### Proposal for a regulation

##### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

**(6a) In order to reduce the need for operating restrictions, the national action plans described in Directive 2002/49/EC should, in the immediate future, embrace the adoption of complementary measures**

*to manage external airport noise, such as soundproofing of homes and plans for general noise barriers.*

#### *Justification*

*The 2002 Directive on management of environmental noise is, unfortunately, on its way to becoming obsolete owing to the huge increase in air traffic in recent years. Until such time as this directive is revised, the present Regulation should complement it insofar as possible.*

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) While noise assessments should take place on a regular basis, such assessments should only lead to additional noise abatement measures if the current combination of noise mitigating measures **does** not achieve the noise abatement objectives.

###### *Amendment*

(7) While noise assessments should take place on a regular basis, such assessments should only lead to additional noise abatement measures if the current combination of noise mitigating measures, **or the measures established by Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise<sup>1</sup>**, do not achieve the noise abatement objectives. **Additional noise abatement measures should be drawn up following a systematic process of environmental monitoring and control and be based on a conservative approach with the aim of identifying promptly the management and/or operational Monitoring-Based Corrective Actions (MBCA) required.**

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<sup>1</sup> OJ L 189, 18.7.2002, p. 12

### **Amendment 4**

#### **Proposal for a regulation**

##### **Recital 8**

###### *Text proposed by the Commission*

(8) While a **cost-benefit analysis provides an indication of the total economic welfare effects** by comparing all costs and

###### *Amendment*

(8) While a **noise abatement objective should be chosen** by comparing all costs and **all** benefits, **the tool to reach this**

benefits, *a cost-effectiveness assessment focuses on achieving a given objective in the most cost-effective way, requiring a comparison of only the costs.*

objective *should be* cost-effective, *taking account of health, economic and social aspects.*

## Amendment 5

### Proposal for a regulation Recital 9

*Text proposed by the Commission*

*(9) Suspension of noise mitigating measures is important to avoid unwanted consequences on aviation safety, airport capacity and competition. Whilst an appeal procedure against noise-related operating restrictions may relate to noise abatement objectives, assessment methods and selection of cost-effective measures, the appeal may not suspend their implementation. Therefore, the Commission should well before implementation of the measures be able to use the right of scrutiny and to suspend measures deemed to produce unwanted or irreversible consequences. It is recognised that the suspension should be for a limited period.*

*Amendment*

*(9) The Commission should be able to evaluate proposed operating restrictions before their implementation.*

## Amendment 6

### Proposal for a regulation Recital 9 a (new)

*Text proposed by the Commission*

*(9a) The use of approved noise abatement operational procedures should ensure that the necessary flight safety is maintained by considering all factors that might affect a particular operation. Noise abatement operational measures must not preclude or prohibit anti-terrorist security measures.*

*Amendment*

*Justification*

*Safety and security are overriding priorities in aviation.*

## Amendment 7

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) Noise assessments should **build on existing information available and ensure that such information is** reliable and accessible to **competent authorities and** stakeholders. Competent authorities should put in place the necessary monitoring and enforcement tools.

*Amendment*

(10) **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.**

## Amendment 8

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

(13) In order to reflect the continuous technological progress **in engine and airframe technologies and** the methods used to map noise contours, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with respect to regularly updating the **noise standards for aircraft referred to in this Regulation and the reference to the associated certification methods; amending the definitions of marginally compliant aircraft and of civil aircraft accordingly, and updating the reference to the method to computing noise contours.** It is particularly important that the Commission carry out appropriate

*Amendment*

(13) In order to reflect the continuous technological progress and the methods used to map noise contours, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with respect to regularly updating the **method and technical report relating to the assessment of the noise situation at an airport.** It is particularly important that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and *drawing up* delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the

consultations during its preparatory work, including at expert level. The Commission, when preparing and *drawing-up* delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

European Parliament and Council.

## **Amendment 9**

### **Proposal for a regulation Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) In order to ensure legal certainty and planning reliability, operating restrictions and decisions on the operation of airports, including court decisions and the outcome of mediation processes which were already introduced or under examination before the entry into force of this Regulation should not be subject to this Regulation but should be dealt with under existing rules.***

## **Amendment 10**

### **Proposal for a regulation Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) This Regulation deals solely with aircraft noise. It does not seek to regulate the impact of pollutant emissions from the operation of aircraft and measures to reduce those emissions. Rules and procedures governing emissions-related operating restrictions should be laid down in a separate legislative act.***

## **Amendment 11**

### **Proposal for a regulation Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. This Regulation lays down rules on the

1. This Regulation lays down ***the*** rules on

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 introduction of noise-related operating restrictions in a consistent manner on an airport-by-airport basis *and where a noise problem has been identified* so as to help improve the noise climate and to limit or reduce the number of people affected by aircraft noise, in accordance with the Balanced Approach.

## Amendment 12

### Proposal for a regulation

#### Article 1 – paragraph 2 – point a

*Text proposed by the Commission*

(a) 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;

*Amendment*

(a) to facilitate the achievement of specific environmental noise abatement objectives, as laid down in Union, national *or* local rules, and to assess their interdependence with other environmental objectives, *including health aspects*, at the level of individual airports;

## Amendment 13

### Proposal for a regulation

#### Article 1 – paragraph 2 – point b

*Text proposed by the Commission*

(b) 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.

*Amendment*

(b) to enable selection of the most *effective* noise mitigation measures, *taking account of both health and economic aspects*, 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.

## Amendment 14

### Proposal for a regulation

#### Article 1 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

This Regulation shall apply to aircraft engaged in civil aviation.

*Amendment*

This Regulation shall apply to aircraft *flights* engaged in civil aviation.

## Amendment 15

### Proposal for a regulation

#### Article 1 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

It shall not apply to aircraft engaged in military, customs, police, or similar services.

##### *Amendment*

It shall not apply to aircraft **flights** engaged in military customs, police, or similar services.

##### *Justification*

*The proposal for a Regulation would apply to airports with more than 50,000 civil aircraft movements per year. Therefore, it applies to flights and not to aircraft.*

## Amendment 16

### Proposal for a regulation

#### Article 2 – point 2

##### *Text proposed by the Commission*

(2) ‘Balanced Approach’ means the **method** 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 **addressing the noise problem** in the most **cost-effective** way on an airport by airport basis.

##### *Amendment*

(2) ‘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 **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**.

## Amendment 17

### Proposal for a regulation

#### Article 2 – point 4

##### *Text proposed by the Commission*

(4) ‘Marginally compliant aircraft’ means **civil** aircraft that **meet the** Chapter 3 **certification** limits laid down in Volume 1,

##### *Amendment*

(4) ‘Marginally compliant aircraft’ means aircraft that **are certified in accordance with** Chapter 3 limits laid down in Volume

Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation (Chicago Convention) by a cumulative margin of less than **10EPNdB** (Effective Perceived Noise in *decibels*), **whereby** the cumulative margin is the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in Volume 1, Part II, **Chapter 4** of Annex 16 to the Chicago Convention;

1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation (Chicago Convention) by a cumulative margin of less than **8 EPNdB** (Effective Perceived Noise in *Decibels*) **during a transitional period of four years after ...\*** **and by a cumulative margin of less than 10 EPNdB following the end of that transitional period.** The cumulative margin is the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in Volume 1, Part II, **Chapter 3** of Annex 16 to the Chicago Convention;

**\* OJ: please insert the date of entry into force of this Regulation.**

#### *Justification*

*It is proposed to adapt the definition to better reflect the life cycle of aircrafts.*

### **Amendment 18**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 6**

##### *Text proposed by the Commission*

(6) ‘Operating restrictions’ means a noise-related action that limits the access to or reduces the optimal capacity use of an airport, including operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating restrictions of a partial nature, ***affecting the operation of civil aircraft according to*** time period.

##### *Amendment*

(6) ‘Operating restrictions’ means a noise-related action that limits the access to or reduces the optimal capacity use of an airport, including operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating restrictions of a partial nature, ***which for example apply for an identified*** time period ***during the day or only for certain runways at the airport.***

#### *Justification*

*The definition of partial operating restrictions in Article 2(6) shall be based on ICAO’s definition (see page I-7-2 of ICAO Guidance on the Balanced Approach, ICAO Doc 9829). In particular, the definition proposed by the Commission is inaccurate and inconsistent with ICAO’s Balanced Approach as it limits partial restrictions to restrictions affecting operations*



according to time period. The balanced approach is based on the core principle that solutions to noise problems need to be tailored to the specific characteristics of the airport concerned. It requires due consideration to be given to its four principal elements, namely noise reduction at source, land-use planning and management, noise abatement operational procedures, and not as a first resort operating restrictions.

## Amendment 19

### Proposal for a regulation Article 3

#### *Text proposed by the Commission*

Competent authorities

1. Member States shall designate competent authorities responsible for adopting measures on operating restrictions, as well as an independent appeal body.
2. The competent authorities and the appeal body shall be independent of any organisation which could be affected by noise-related action.
3. The Member States shall notify the Commission of the names and addresses of the designated competent authorities and appeal body referred to in paragraph 1.

#### *Amendment*

Competent authorities **and right of appeal**

1. Member States **in which an airport is located** shall designate **one or more** competent authorities responsible for **following the process of adoption of operating restrictions**, as well as an independent appeal body, **in accordance with national laws and practices**.
2. The competent authorities and the appeal body shall be independent of any organisation which could be affected by noise-related action.
3. The Member States shall notify **in a timely manner** the Commission of the names and addresses of the designated competent authorities and appeal body referred to in paragraph 1. **The Commission shall publish that information.**
4. **Member States shall ensure the right to appeal against the operating restrictions adopted pursuant to this Regulation before the appeal body in accordance with national legislation and procedures.**

## Amendment 20

### Proposal for a regulation Article 4 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Member States shall **adopt a** Balanced Approach in regard to aircraft noise management. To this end, they shall:

#### *Amendment*

1. Member States shall **implement the** Balanced Approach in regard to aircraft noise management, **on an airport-to-**

*airport basis, within the scope of this Regulation. To this end, they shall assess the noise situation at an individual airport in accordance with Directive 2002/49/EC, including harmful effects on human health. Where a noise problem is identified, they shall:*

#### **Amendment 21**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – points a and b**

*Text proposed by the Commission*

(a) *assess the noise situation at an individual airport;*

(b) *define the environmental noise abatement objective;*

*Amendment*

(a) *ensure that the noise abatement objective for that airport, taking account, as appropriate, of Article 8 of and Annex V to Directive 2002/49, is defined;*

#### **Amendment 22**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) *evaluate* the likely cost-effectiveness of the available measures;

*Amendment*

(d) *carry out a formal and comprehensive assessment of* the likely cost-effectiveness of the available measures;

#### **Amendment 23**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) noise abatement operational procedures;

*Amendment*

(c) noise abatement operational procedures, *including the guidance of take-off and landing routes;*

#### **Amendment 24**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The available measures may include the withdrawal of marginally compliant aircraft, if so deemed necessary.

*Amendment*

The available measures may include the withdrawal of marginally compliant aircraft, if so deemed necessary. ***Member States may offer economic incentives to encourage aircraft operators to use less noisy aircraft during the transitional period referred to in point 4 of Article 2.***

**Amendment 25**

**Proposal for a regulation  
Article 4 – paragraph 3**

*Text proposed by the Commission*

3. Member States may, within the Balanced Approach, differentiate noise mitigating measures according to aircraft ***type***, runway use and/or timeframe covered.

*Amendment*

3. Member States may, within the Balanced Approach, differentiate noise mitigating measures according to aircraft ***noise performance***, runway use, ***flight path*** and/or timeframe covered.

**Amendment 26**

**Proposal for a regulation  
Article 4 – paragraph 5**

*Text proposed by the Commission*

5. Measures or a combination of measures taken in accordance with this Regulation for a given airport shall ***not be more restrictive than necessary*** to achieve the environmental noise abatement objectives set for that airport. Operating restrictions shall be non-discriminatory, in particular on grounds of nationality, identity or activity of aircraft operators.

*Amendment*

5. Measures or a combination of measures taken in accordance with this Regulation for a given airport shall ***be appropriate*** to achieve the environmental noise abatement objectives set for that airport. Operating restrictions shall be non-discriminatory, in particular on grounds of nationality, identity or activity of aircraft operators ***and be non-arbitrary***.

**Amendment 27**

**Proposal for a regulation  
Article 4 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. The Member States shall adopt, speedily and without any undue delay, the***

## Amendment 28

### Proposal for a regulation Article 5

#### *Text proposed by the Commission*

1. The competent authorities shall **assess** the noise situation at airports ***in their territory*** on a regular basis, in accordance with the requirements of Directive 2002/49/EC and national or local rules. The competent authorities may call on the support of the Performance Review Body referred to in Article 3 of Commission Regulation (EU) No 691/2010.
2. The competent authorities shall use the method, indicators and information described in Annex I for the assessment of the current and future noise situation.
3. ***When the assessment of the noise situation reveals that new measures are necessary to achieve or maintain the level of noise abatement objectives, the competent authorities shall take due account of the contribution of each type of measure under the Balanced Approach, in accordance with Annex I.***
4. ***The competent authorities shall ensure that, at the appropriate level, a forum for technical cooperation is established between the airport operator, aircraft operator and air navigation service provider, for actions which these operators are responsible for, and taking due account of the interdependency between measures to mitigate noise and to reduce emissions. The members of this forum for technical cooperation shall regularly consult local residents or their representatives, and provide technical information and advice on noise mitigating measures to the competent authorities.***

#### *Amendment*

1. The competent authorities shall ***ensure that*** the noise situation at airports ***for which they are responsible is assessed*** on a regular basis, in accordance with the requirements of Directive 2002/49/EC and national or local rules. The competent authorities may call on the support of the Performance Review Body referred to in Article 3 of Commission Regulation (EU) No 691/2010.
2. The competent authorities shall use the method, indicators and information described in Annex I for the assessment of the current and future noise situation.
3. ***If that assessment indicates that new operating restriction measures may be required to address a noise problem at an airport, the competent authorities shall ensure that:***
  - (a) ***the method, indicators and information in Annex I are applied to*** take due account of the contribution of each type of measure under the Balanced Approach,

**5. The competent authorities shall assess the cost-effectiveness of the new measures, as referred to in paragraph 3 in accordance with Annex II. A minor technical amendment to an existing measure without substantive implications on capacity or operations is not considered as a new operating restriction.**

**6. The competent authorities shall organise** the consultation process with interested parties in a timely and substantive manner, ensuring openness and transparency as regards data and computation methodology. Interested parties shall have at least three months prior to the adoption of the new measures to provide comments. The interested parties shall at least include:

**(a) representatives from local residents living in the surroundings of the airports affected by air traffic noise;**

**(b) relevant airport operators;**

**(c) representatives of aircraft operators which may be affected by noise-related actions;**

**(d) relevant air navigation service providers;**

**(e) the Network Manager, as defined in Commission Regulation No 677/2011.**

**(b) at the appropriate level, technical cooperation is established between the airport operators, aircraft operators and air navigation service providers to examine measures to mitigate noise. The competent authorities shall also ensure that local residents, or their representatives, and relevant local authorities are consulted, and that technical information on noise mitigating measures is provided to them.**

**(c) the cost-effectiveness of any new operating restriction is assessed, in accordance with Annex II. Minor technical amendments to existing measures without substantive implications on capacity or operations shall not be considered as new operating restrictions.**

(d) the consultation process with interested parties **is organised** in a timely and substantive manner, ensuring openness and transparency as regards data and computation methodology. Interested parties shall have at least three months prior to the adoption of the new **operating restrictions** to provide comments. The interested parties shall at least include:

**(i) local residents, living in the vicinity of the airports, affected by air traffic noise or their representatives and representatives of the relevant local and regional authorities;**

**(ii) representatives of local businesses based in the surroundings of the airports whose operations are affected by air traffic and the operation of the airport;**

**(iii) relevant airport operators;**

**(iv) representatives of aircraft operators which may be affected by noise-related actions;**

**(v) relevant air navigation service providers;**

*(vi) the Network Manager, as defined in Commission Regulation (EU) No 677/2011;*

*(vii) where applicable, the designated slots coordinator.*

7. The competent authorities shall follow up and monitor the implementation of the noise mitigating measures and take action as appropriate. They shall ensure that relevant information is ***provided on a regular basis to the*** local residents living in the surroundings of the airports.

4. The competent authorities shall follow up and monitor the implementation of the noise mitigating measures and take action as appropriate. They shall 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.*

***5. The competent authorities shall ensure that the operators of airport facilities install computerised noise measuring systems at different points close to flight paths which affect or are likely to affect the local population. The data collected by those noise measuring systems may be consulted via the internet.***

## Amendment 29

### Proposal for a regulation Article 6

#### *Text proposed by the Commission*

1. Decisions on noise-related operating restrictions shall be based on the noise performance of the aircraft as determined by the certification procedure conducted in accordance with Volume 1 of Annex 16 to the Chicago Convention, fifth edition of July 2008.

2. At the request of the Commission,

#### *Amendment*

1. Decisions on noise-related operating restrictions shall be based on the noise performance of the aircraft as determined by the certification procedure conducted in accordance with Volume 1 of Annex 16 to the Chicago Convention, fifth edition of July 2008.

2. At the request of the Commission ***and if***

aircraft operators shall communicate the following noise information in respect of their aircraft that use Union airports:

- (a) the tail number of the aircraft;
- (b) the noise *performance* certificate or certificates of the aircraft used, together with the associated actual maximum take-off weight;
- (c) any modification of the aircraft which influences its noise performance;

***(d) aircraft noise and performance information of the aircraft for noise modelling purposes.***

***For each flight making use of a Union airport, aircraft operators shall communicate the noise performance certificate used and the tail number.***

The data shall be provided *free of charge*, in electronic form and using the format specified, where applicable.

3. The Agency shall verify the aircraft noise and performance data for modelling purposes in accordance with Article 6 (1) of Regulation (EC) No 216/2008 of the European Parliament and the Council.

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

***the Agency does not already have the information requested***, aircraft operators shall communicate the following noise information in respect of their aircraft that use Union airports:

- (a) the tail number of the aircraft;
- (b) the noise certificate or certificates of the aircraft used, together with the associated actual maximum take-off weight;
- (c) any modification of the aircraft which influences its noise performance ***and is recorded in its noise certificate.***

***Each time an operator changes the noise certificate used for an aircraft, it shall inform the Commission.***

The data shall be provided in electronic form and using the format specified, where applicable. ***The Commission shall bear any costs for providing those data.***

3. ***Modelling of airport community noise shall be based on manufacturer-provided aircraft noise and performance data recommended for use by the international community and made available through ICAO.*** The Agency shall verify the aircraft noise and performance data for modelling purposes in accordance with Article 6 (1) of Regulation (EC) No 216/2008 of the European Parliament and the Council. ***The Agency shall refer to the established ICAO Committee on Aviation Environmental Protection Modelling and Databases Group's process to determine data validity and best practices and ensure continued harmonisation across international airworthiness agencies.***

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

## Amendment 30

### Proposal for a regulation

#### Article 7

##### *Text proposed by the Commission*

1. Before introducing an operating restriction, the competent authorities shall give notice **of six** months, ending at least two months prior to the determination of the slot coordination parameters as defined in Article 2, point m) of Council Regulation EEC N° 95/93 for the airport concerned for the relevant scheduling period, to the Member States, the Commission and the relevant interested parties.
2. Following the assessment carried out in accordance with Article 5, the notification of the decision shall be accompanied by a written report explaining the reasons for introducing the operating restriction, the **environmental** objective established for the airport, the measures that were considered to meet that objective, and the evaluation of the likely cost-effectiveness of the various measures considered, including, where relevant, their cross-border impact.
3. Where the operating restriction concerns the withdrawal of marginally compliant aircraft from an airport, no new services shall be allowed with marginally compliant aircraft at that airport six months after the notification. The competent authorities shall decide on the annual rate for removing marginally compliant aircraft **from the fleet of affected operators at that airport, taking due account of the age of the aircraft and the composition of the total fleet. Without prejudice to paragraph 3 of Article 4, this rate shall not be more than 20% of that operator's fleet of** marginally compliant aircraft serving that airport.
4. **Any appeal against decisions on noise-related operating restrictions shall be**

##### *Amendment*

1. When introducing an operating restriction, the competent authorities shall give notice **three** months **before**, ending at least two months prior to the determination of the slot coordination parameters as defined in Article 2, point m) of Council Regulation EEC N° 95/93 for the airport concerned for the relevant scheduling period, to the Member States, the Commission and the relevant interested parties.
2. Following the assessment carried out in accordance with Article 5, the notification of the decision shall be accompanied by a written report explaining the reasons for introducing the operating restriction, the **noise abatement** objective established for the airport, the measures that were considered to meet that objective, and the evaluation of the likely cost-effectiveness of the various measures considered, including, where relevant, their cross-border impact.
3. Where the operating restriction concerns the withdrawal of marginally compliant aircraft from an airport, no new services shall be allowed with marginally compliant aircraft at that airport six months after the notification, **ending at least two months prior to the determination of the slot coordination parameters as referred to in paragraph 1.** 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.



*organised in accordance with national law.*

### Amendment 31

#### Proposal for a regulation

#### Article 9 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) aircraft on flights operated for humanitarian or diplomatic purposes.***

#### *Justification*

*Competent authorities should have the possibility to exempt flights operated by marginally compliant aircraft for humanitarian purposes from the application of this regulation.*

### Amendment 32

#### Proposal for a regulation

#### Article 10

*Text proposed by the Commission*

*Amendment*

1. At the request of a Member State or on its own initiative, and without prejudice to a pending appeal procedure, the Commission may ***scrutinise the decision on an*** operating restriction, ***prior to its implementation***. Where the Commission finds that the ***decision*** does not ***respect*** the ***requirements*** set out in this Regulation, ***or is otherwise contrary to Union law, it may suspend the decision***.

2. The competent authorities shall provide the Commission with information demonstrating compliance with this Regulation.

***3. The Commission shall decide in accordance with the advisory procedure laid down in Article 13(2), in particular taking into account the criteria in Annex***

1. 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, as referred to in Article 7(1), 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 this Regulation, ***the Commission may notify the relevant competent authorities accordingly. The relevant competent authorities may take the Commission's opinion into account***.

2. The competent authorities shall provide the Commission with information demonstrating compliance with this Regulation.

***II, whether the competent authority concerned may proceed with the introduction of the operating restriction. The Commission shall communicate its decision to the Council and the Member State concerned.***

4. Where the Commission has not ***adopted a decision*** within a period of ***six*** months after it has received ***the information*** referred to in ***paragraph 2***, the competent authority may apply the envisaged decision on an operating restriction.

3. Where the Commission has not ***notified its opinion*** within a period of ***two*** months after it has received ***notice, as*** referred to in ***Article 7(1)***, the competent authority may apply the envisaged decision on an operating restriction.

### **Amendment 33**

#### **Proposal for a regulation Article 11 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) amendments of the definitions of aircraft in Article 2 point (3) and of marginally compliant aircraft in Article 2 point (4);***

***deleted***

*Justification*

*Delegation of powers to the Commission should be limited to technical adaptations and changes. The political decisions should remain in the remit of co-legislators.*

### **Amendment 34**

#### **Proposal for a regulation Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The delegation of power referred to in Article 11 shall be conferred for ***an indeterminate*** period of ***time*** from the date of entry into force of this Regulation.

2. The delegation of power referred to in Article 11 shall be conferred ***on the Commission*** for ***a*** period of ***five years*** from the date of entry into force of this Regulation.

### **Amendment 35**

#### **Proposal for a regulation Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**  
**Committee**

**deleted**

**1. The Commission shall be assisted by the committee instituted by Article 25 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council.**

**This committee is a committee within the meaning of Regulation (EU) No 182/2011.**

**2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

**3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.**

*Justification*

*This provision becomes obsolete as Article 10(3) is deleted.*

**Amendment 36**

**Proposal for a regulation**  
**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 14a**

**Transitional provisions**

**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 this Regulation shall not be subject to this 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.***

*Justification*

*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.*

**Amendment 37**

**Proposal for a regulation  
Annex 1 – section 1 – point 1**

*Text proposed by the Commission*

1. Competent authorities will use noise assessment methods which have been developed in accordance with ***the ECAC Report Doc 29 ‘Report on Standard Method of Computing Noise Contours around Civil Airports’, 3rd Edition.***

*Amendment*

1. Competent authorities will use noise assessment methods which have been developed in accordance with ***Annex II to Directive 2002/49/EC***

*Justification*

*This amendment aims to ensure the consistency of the methodology prescribed by Directive 2002/49 and the future Regulation.*

**Amendment 38**

**Proposal for a regulation  
Annex 1 – section 3 – point 1.2**

*Text proposed by the Commission*

1.2 A description of the ***environmental sustainability*** objectives for the airport and the national context. ***This will include a description of the aircraft noise objectives for the airport.***

*Amendment*

1.2 A description of the ***noise abatement*** objectives for the airport and the national context.

*Justification*

*This annex is about the assessment of the noise situation around airports. Therefore, it should be done against the noise abatement objective for a specific airport. The practicalities deriving from the second sentence are not clear.*

## Amendment 39

### Proposal for a regulation Annex 1 – section 3 – point 1.3

*Text proposed by the Commission*

1.3 Details of noise contours for the current and previous years – including an assessment of the number of people affected by aircraft noise.

*Amendment*

1.3 Details of noise contours for the current and ***at least the previous two*** years – including an assessment of the number of people affected by aircraft noise, ***carried out in accordance with Annex III to Directive 2002/49/EC.***

## Amendment 40

### Proposal for a regulation Annex 1 – section 3 – point 2.1

*Text proposed by the Commission*

2.1 Descriptions of airport developments (if any) already approved and in the pipeline, for example, increased capacity, runway and/or terminal expansion, and the projected future traffic mix and estimated growth.

*Amendment*

2.1 Descriptions of airport developments (if any) already approved and in the pipeline, for example, increased capacity, runway and/or terminal expansion, ***approach and take-off forecasts***, projected future traffic mix and estimated growth ***and a detailed study of the noise impact on the surrounding area caused by expanding the capacity, runways and terminals and by modifying flight paths and approach and take-off routes.***

## Amendment 41

### Proposal for a regulation Annex 1 – section 3 – point 2.4

*Text proposed by the Commission*

Forecast noise contours – including an assessment of the number of people likely to be affected by aircraft noise – distinguish between established residential areas ***and*** newly constructed residential areas.

*Amendment*

Forecast noise contours – including an assessment of the number of people likely to be affected by aircraft noise – distinguish between established residential areas, newly constructed residential areas ***and planned future residential areas that have already been granted authorisation by the competent authorities.***

### *Justification*

*To optimise the evaluation of the impact of noise on residential areas close to airport, plans for future residential areas should also be taken into account. Plans which have been granted building authorisation by the competent authorities therefore need to be specifically mentioned.*

#### **Amendment 42**

##### **Proposal for a regulation Annex 1 – section 3 – point 3.1**

###### *Text proposed by the Commission*

3.1 Outline of the additional measures available and an indication of the main reasons for their selection. ***Description of those measures chosen for further analysis and information on the outcome of the cost-efficiency analysis, in particular the cost of introducing these measures; the number of people expected to benefit and timeframe; and a ranking of the overall effectiveness of particular measures.***

###### *Amendment*

3.1 Outline of the additional measures available and an indication of the main reasons for their selection.

### *Justification*

*This provision should remain in the remit of co-legislators. It is proposed to take it out from delegated acts.*

#### **Amendment 43**

##### **Proposal for a regulation Annex 2**

###### *Text proposed by the Commission*

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:

- 1) The anticipated noise benefit of the envisaged measures, now and in the future;
- 2) ***Safety of aviation operations, including third party risk;***
- 3) ***Capacity of the airport;***

###### *Amendment*

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:

- 1) The anticipated noise benefit, ***including the health benefit***, of the envisaged measures, now and in the future;
- 2) ***Health and safety of local residents living in the surroundings of the airport;***
- 3) ***Safety of aviation operations, including third party risk;***

**4) *Effects on the European aviation network.***

***In addition competent authorities may take due account of following factors:***

***1) Health and safety of local residents living in the surroundings of the airport;***

***2) Environmental sustainability, including interdependencies between noise and emissions;***

***3) Direct, indirect and catalytic employment effects.***

***4) Direct, indirect and catalytic employment and economic effects, including potential effects on regional economies;***

***4a) Impact on working conditions at airports;***

***4b) Capacity of the airport;***

***4c) Effects on the European aviation network;***

***4d) Environmental sustainability, including interdependencies between noise and emissions.***