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Committee on the Environment, Public Health and Food Safety

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AMENDMENTS 51 - 130

Draft opinion

Andres Perello Rodriguez

(PE489.710v02-00)

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

Proposal for a regulation

(COM(2011)0828 – C7-0456/2011 – 2011/0398(COD))

AM_Com_LegOpinion

Amendment 51

Marina Yannakoudakis

Proposal for a regulation

Title 1

Text proposed by the Commission

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

Amendment

Proposal for a

DIRECTIVE 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

Or. en

Amendment 52

Marina Yannakoudakis

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) A key objective of the common
transport policy is sustainable
development. This requires an integrated
approach aimed at ensuring **both** the
effective functioning of Union transport
systems **and** protection of the environment.

Amendment

(1) A key objective of the common
transport policy is sustainable
development. This requires an integrated
approach aimed at ensuring the effective
functioning of Union transport systems
alongside the protection of the
environment **and citizens' health**.

Or. en

Amendment 53

Andrea Zanoni

Proposal for a regulation
Recital 2

Text proposed by the Commission

(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.

Amendment

(2) Sustainable development of air transport necessitates the introduction of measures aimed at reducing the noise nuisance from aircraft at ***and around*** airports with particular noise problems, ***in the light of current and future cumulative impact and risk scenarios***. 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***.

Or. it

Amendment 54
Marina Yannakoudakis

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Resolution A33/7 of the International Civil Aviation Organisation (ICAO) introduces the concept of a 'Balanced Approach' to noise management and establishes a coherent method to address aircraft noise. The ***ICAO*** 'Balanced Approach' should remain the foundation of noise regulation for aviation, as a global industry. The Balanced Approach recognises the value of, and does not prejudice, relevant legal obligations, existing agreements, current laws and established policies. Incorporating the international rules of the Balanced Approach in this Regulation should substantially lessen the risks of international disputes in case third country carriers may be affected by noise-related operating restrictions.

Amendment

(4) Resolution A33/7 of the International Civil Aviation Organisation (ICAO) introduces the concept of a 'Balanced Approach' to noise management and establishes a coherent method to address aircraft noise. The 'Balanced Approach' ***focuses on four principal elements: reduction of noise at source; land-use planning and management; noise abatement operational procedures; and operating restrictions on aircraft. These principles*** should remain the foundation of noise regulation for aviation, as a global industry. The Balanced Approach recognises the value of, and does not prejudice, relevant legal obligations, existing agreements, current laws and established policies. Incorporating the international rules of the Balanced

Approach in this Regulation should substantially lessen the risks of international disputes in case third country carriers may be affected by noise-related operating restrictions.

Or. en

Amendment 55
Marina Yannakoudakis

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The introduction of operating restrictions by Member States at Union airports on a case-by-case basis, *whilst limiting capacity, can contribute to improving the noise climate around airports. However, there is a possibility of introducing distortions of competition or hampering the overall efficiency of the Union aviation network through the inefficient use of existing capacity. Since the objectives cannot be sufficiently achieved by the Member States and can therefore be more effectively achieved by the Union by means of harmonised rules on the introduction of operating restrictions as part of the noise management process, the Union may adopt measures in accordance with the principles of subsidiarity as set out in Article 5 of the Treaty on the Functioning of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives. Such harmonised method does not impose noise quality objectives, which continue to derive from Directive 2002/49/EC or other European, national or local rules, and does not prejudge the concrete selection*

Amendment

(6) The introduction of operating restrictions by Member States at Union airports *should be carried out* on a case-by-case basis. *A one-size-fits all approach is not appropriate as no two airports are the same. It is important to set local objectives which stakeholders have played a key role in selecting.*

of measures.

Or. en

Amendment 56
Andrea Zanoni

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 does 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.***

Or. it

Amendment 57
Satu Hassi

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 noise¹, do not achieve the noise abatement objectives.

¹ *OJ L 189, 18.7.2002, p. 12*

Or. en

Amendment 58
Marina Yannakoudakis

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) 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. ***However the competent authority or independent appeal body of the Member State, as referred to in this directive, has the power to suspend measures deemed to produce unwanted or irreversible consequences. It is recognised that the suspension should be for a limited period.***

Or. en

Amendment 59
Christa Klač, Karl-Heinz Florenz

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. This*** 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 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.

Or. de

Amendment 60

Sabine Wils, Kartika Tamara Liotard

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) Noise assessments should ***be based on objective and measurable criteria common to all the Member States. They should be*** accessible to ***all*** stakeholders. Competent authorities should put in place the necessary monitoring and enforcement tools. ***Noise assessments should involve consultations of local residents and be carried out or supervised by outside agencies independent of the airport operator.***

Amendment 61
Christa Klaß, Karl-Heinz Florenz

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) It is recognised that Member States have decided on noise-related operating restrictions in accordance with national legislation based on nationally acknowledged noise methods, which may not (yet) be fully consistent with the method as described in the authoritative European Civil Aviation Conference Report Doc 29 on 'Standard Method of Computing Noise Contours around Civil Airports' nor use the internationally recognised aircraft noise performance information. However, the efficiency and effectiveness of an operating restriction, together with the efficiency and effectiveness of the relevant action plan of which the restriction is a part, should be assessed in accordance with methods ***prescribed in*** ECAC Doc 29 and the ICAO Balanced Approach. ***Accordingly, Member States should adapt their assessments of operating restrictions in national legislation towards full compliance with ECAC Doc 29.***

Amendment

(11) It is recognised that Member States have decided on noise-related operating restrictions in accordance with national legislation based on nationally acknowledged noise methods, which may not (yet) be fully consistent with the method as described in the authoritative European Civil Aviation Conference Report Doc 29 on 'Standard Method of Computing Noise Contours around Civil Airports' nor use the internationally recognised aircraft noise performance information. However, the efficiency and effectiveness of an operating restriction, together with the efficiency and effectiveness of the relevant action plan of which the restriction is a part, should be assessed in accordance with methods ***based on*** ECAC Doc 29 and the ICAO Balanced Approach. ***This assessment is currently being carried out in the context of the revision of Directive 2002/49/EC.***

Amendment 62
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) This legislative act 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.

Or. de

Amendment 63

Marina Yannakoudakis

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 and local rules, and to assess their interdependence with ***economic, social and*** other environmental objectives, at the level of individual airports;

Or. en

Amendment 64

Christa Klaß, Karl-Heinz Florenz

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

Amendment

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

of the airport and air traffic management network capacity from a gate-to-gate perspective.

Approach so as to achieve the sustainable development of the airport and air traffic management network capacity from a gate-to-gate perspective.

Or. de

Amendment 65

Sabine Wils, Kartika Tamara Liotard

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 ***effective*** noise mitigation measures, ***so as to achieve, in the light of*** the Balanced Approach, ***improved neighbourhood noise protection consistent with*** the sustainable development of the airport and air traffic management network capacity.

Or. de

Justification

In addition to achieving the noise mitigation objectives, improved neighbourhood noise protection is essential.

Amendment 66

Andrea Zanoni

Proposal for a regulation

Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) guarantee the transparency of the consultations and the processes involving stakeholders, including through the use of innovative on-line information systems which make it possible to disseminate

environmental data and information and for members of the public to express criticisms, with a view to achieving the maximum possible degree of transparency, in keeping with Article 6 of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the environmental impact of certain public and private projects¹.

¹ OJ L 26, 28.1.2012, p. 1.

Or. it

Amendment 67

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) ‘air traffic centre’ means the airport and its impact area;

Or. de

Justification

The assessment of aircraft noise must not be confined to the airport itself. Protests organised by pressure groups in conurbations, for example, focus on the noisiest sections of the take-off and landing routes. Restricting the scope of the regulation to the airport and perhaps its noise protection areas alone is an outdated approach which would be rejected by the local residents affected.

Amendment 68

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 2 – paragraph 1 – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) ‘impact area’ means the area around the airport within which local noise emission limit values are exceeded; the impact area includes the take-off and landing routes;

Or. de

Justification

The assessment of aircraft noise must not be confined to the airport itself. Protests organised by pressure groups in conurbations, for example, focus on the noisiest sections of the take-off and landing routes. Restricting the scope of the regulation to the airport and perhaps its noise protection areas alone is an outdated approach which would be rejected by the local residents affected.

Amendment 69
Satu Hassi

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(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.

(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 ***to safeguard the health of the citizens living in the nearby areas.***

Or. en

Amendment 70
Christa Klaß, Karl-Heinz Florenz

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘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

(3) ‘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 on an airport by airport basis ***in a way which takes account of both the health and the economic aspects.***

Or. de

Amendment 71

Marina Yannakoudakis

Proposal for a regulation

Article 2 – paragraph 1 – 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, 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;

Amendment

(4) ‘Marginally compliant aircraft’ means civil aircraft that meet the Chapter 3 certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation (Chicago Convention) by a cumulative margin of less than ***8EPNdB*** (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;

Amendment 72

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) 'Noise-related action' means any measure that impacts the noise climate around airports, for which the principles of the **ICAO** Balanced Approach apply, including other non-operational actions that can affect the number of people exposed to aircraft noise;

Amendment

(6) 'Noise-related action' means any measure that impacts the noise climate around airports, for which the principles of the Balanced Approach ***based on the banning of excessive noise*** apply, including other non-operational actions that can affect the number of people exposed to aircraft noise;

Or. de

Justification

The aim of the regulation is to introduce noise-related operational restrictions in a manner consistent with the Balanced Approach. It is doubtful whether this ICAO approach, which is based on cost-effectiveness, can be regarded as balanced in the context of noise protection based on the fundamental right to physical integrity. For that reason, the principle of proportionality is being proposed.

Amendment 73

Marina Yannakoudakis

Proposal for a regulation

Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6 a) 'Interested parties' refers to any persons that are affected by or benefit from any proceeding or action being proposed regarding noise reduction measures, including operating restrictions, or having a legitimate interest

in the introduction of such measures.

Or. en

Amendment 74

Christa Klaß, Karl-Heinz Florenz

Proposal for a regulation

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) ‘Interest groups’ means natural or legal persons who are affected by or would benefit from the introduction or non-introduction of noise reduction measures, including operating restrictions, or who have a legitimate interest in the introduction of such measure;

Or. de

Amendment 75

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 3 – title

Text proposed by the Commission

Amendment

Competent authorities

Competent authorities, *consultation and right to take legal action*

Or. de

Amendment 76

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Prior to the adoption of operating restrictions, a consultation procedure shall be carried out to hear the parties concerned.

Or. de

Justification

Although the proposal for a regulation takes over from Directive 2002/30/EC the arrangement involving the competent authority responsible for imposing operating restrictions and the independent complaints body, it fails to lay down a right to be consulted and a right to take legal action against a decision to impose operating restrictions. This gives the impression that the administrative review procedure is being replaced lock, stock and barrel by a complaints procedure.

Amendment 77

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall guarantee the right to take legal action against the measures implemented by the competent authority, in accordance with the relevant national laws and procedures.

Or. de

Justification

Although the proposal for a regulation takes over from Directive 2002/30/EC the arrangement involving the competent authority responsible for imposing operating restrictions and the independent complaints body, it fails to lay down a right to be consulted and a right to take legal action against a decision to impose operating restrictions. This gives the impression that the administrative review procedure is being replaced lock, stock and barrel by a complaints procedure.

Amendment 78

Christa Klač, Karl-Heinz Florenz

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) identify measures available to reduce the noise impact;

Amendment

(c) identify measures available to reduce the noise impact, ***including the more effective use of existing time slots through the introduction of larger aircraft, a reduction in the number of uneconomic feeder flights which take up time slots and a greater focus on point-to-point routes in order to reduce the number of feeder flights operated with small aircraft,***

Or. de

Amendment 79

Sabine Wils, Kartika Tamara Liotard

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

deleted

Or. de

Justification

The requirement to evaluate the likely cost-effectiveness of the available measures would represent an unacceptable restriction on the freedom to choose measures and should therefore be deleted.

Amendment 80

Christa Klač, Karl-Heinz Florenz

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) evaluate the likely **effectiveness** of the available measures **in the light of the environmental objective set**;

Or. de

Amendment 81

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) select the measures;

Amendment

(e) select the **most effective noise protection** measures;

Or. de

Amendment 82

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 1 – point g

Text proposed by the Commission

(g) decide on the measures and **provide for sufficient notification**;

Amendment

(g) decide on the measures and **inform the Commission of them**;

Or. de

Justification

In keeping with the subsidiarity principle, the notification requirement has been replaced by a procedure involving the forwarding of information to the Commission. This makes it clear that this is a voluntary arrangement, that national authorities are not being deprived of all responsibility and that decisions taken in the light of regional considerations will not be

called into question.

Amendment 83

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall, when *taking* noise-related action, consider *the following combination of available measures, with a view to determining the most cost-effective combination of measures*:

Amendment

Member States shall, when *deciding on* noise-related action, consider, *inter alia*:

Or. de

Amendment 84

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) land-use planning and management;

Amendment

(b) *regional* land-use planning and management;

Or. de

Amendment 85

Andrea Zanoni

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) land-use planning and management;

Amendment

(b) land-use planning and management, *in particular the need for the measures taken at this stage to be based on the*

objective results of and data from:

Or. it

Amendment 86

Andrea Zanoni

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point b – indent 1 (new)

Text proposed by the Commission

Amendment

- the assessment of potential cumulative impact and risk scenarios in the light of benchmarks and forecasts;

Or. it

Amendment 87

Andrea Zanoni

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point b – indent 2 (new)

Text proposed by the Commission

Amendment

- the implementation of advanced MBCA-type monitoring and control measures which make it possible to determine actual impact levels and take management and/or operational corrective measures promptly.

Or. it

Amendment 88

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) noise abatement operational procedures;

(c) noise abatement operational procedures, ***including changes to landing and take-off routes;***

Or. de

Amendment 89

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) capacity restrictions and a reduction in airport size;

Or. de

Amendment 90

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ***not as a first resort***, operating restrictions.

(d) operating restrictions.

Or. de

Justification

Practice has shown that operating restrictions often have to be the first measures taken to protect neighbouring and other affected areas quickly and effectively against aircraft noise.

Amendment 91
Satu Hassi

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ***not as a first resort***, operating restrictions.

(d) operating restrictions.

Or. en

Amendment 92
Karl-Heinz Florenz, Christa Klab

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ***not as a first resort***, operating restrictions.

(d) ***following careful prior consideration of the measures outlined in letters (a) to (c)***, operating restrictions.

Or. de

Amendment 93
Marina Yannakoudakis

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ***not as a first resort, operating restrictions***.

(d) ***operating restrictions, when there is no viable alternative***.

Or. en

Amendment 94
Christa Klab, Karl-Heinz Florenz

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 not be more restrictive than necessary to achieve the **health-related and** 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.

Or. de

Amendment 95
Theodoros Skylakakis

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 not be more restrictive than necessary to achieve the environmental noise abatement objectives set for that airport **and the development of the region it serves**. Operating restrictions shall be non-discriminatory, in particular on grounds of nationality, identity or activity of aircraft operators.

Or. en

Amendment 96
Sabine Wils, Kartika Tamara Liotard

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 ***must be suitable*** to achieve ***at least*** the environmental noise abatement objectives set for that airport.

Or. de

Amendment 97
Satu Hassi

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 not be more restrictive than necessary to ***meet the terms of the WHO night noise guidelines for Europe and 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.

Or. en

Amendment 98
Christa Klauf, Karl-Heinz Florenz

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The competent authorities shall use the method, indicators and information described in ***Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise¹*** for the assessment of the current and future noise situation.

OJ L 189, 18.7.2002, p. 12.

Or. de

Amendment 99

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

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.***

Amendment

2. ***The assessment of the current and future noise situation shall take account of*** the method, indicators and information laid down in Annex I, ***provided that this is commensurate with the proposed operating restrictions and the characteristics of the airport.***

Or. de

Amendment 100

Christa Klač, Karl-Heinz Florenz

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. When the assessment of the noise

Amendment

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.***

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.

Or. de

Amendment 101
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

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

4. The competent authorities shall ***establish a consultation forum which brings together*** the airport operator, ***the*** aircraft operator, ***representatives of the*** air navigation service provider ***and representatives of local residents. Planning, technical and organisational measures to mitigate noise and reduce emissions shall be discussed in this forum.***

Or. de

Justification

Linguistic improvement and simplification. In addition, the amendment takes account of the frequent criticism that people affected by aircraft noise are consulted only as an afterthought and then by airline industry representatives.

Amendment 102
Christa Klač, Karl-Heinz Florenz

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

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

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 **interest groups**, and provide technical information and advice on noise mitigating measures to the competent authorities. **No decision shall be taken to implement a measure until interest groups have been consulted.**

Or. de

Amendment 103
Marina Yannakoudakis

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

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.

residents, **businesses, public institutions and other stakeholders**, or their **representatives**, and provide technical information and advice on noise mitigating measures to the competent authorities.

Or. en

Amendment 104

Christa Klaß, Karl-Heinz Florenz

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. The competent authorities shall assess the cost-effectiveness of the new measures **in the context of the noise action plans provided for in Directive 2002/49/EC**. A minor technical amendment to an existing measure without substantive implications on capacity or operations is not considered as a new operating restriction.

Or. de

Amendment 105

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

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.**

Amendment

5. The competent authorities shall assess new measures as referred to in paragraph 3 in **the light of the information in Annex II**.

Justification

It is inappropriate that the competent authorities should be required to assess cost-effectiveness as a matter of priority. Specifying that the assessment must be based on Annex II would rule out more flexible approaches.

Amendment 106

Marina Yannakoudakis

Proposal for a regulation

Article 5 – paragraph 6 – point a a (new)

Text proposed by the Commission

Amendment

(a a) representatives of local businesses, regional and local authorities and public and private stakeholders

Or. en

Amendment 107

Theodoros Skylakakis

Proposal for a regulation

Article 5 – paragraph 6 – point a a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 108

Satu Hassi

Proposal for a regulation

Article 5 – paragraph 6 – point a a (new)

Text proposed by the Commission

Amendment

(a a) organisations whose objective is protecting the environment

Or. en

Amendment 109
Andrea Zanoni

Proposal for a regulation
Article 5 – paragraph 7

Text proposed by the Commission

Amendment

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.

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 ***concerning the criteria used in drawing up environmental and public health impact and risk scenarios and the environmental monitoring and control measures which have been and/or are to be taken*** is provided on a regular basis to the local residents living in the surroundings of the airports.

Or. it

Amendment 110
Marina Yannakoudakis

Proposal for a regulation
Article 5 – paragraph 7

Text proposed by the Commission

Amendment

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

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.

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.***

Or. en

Amendment 111
Satu Hassi

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

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

4. Data shall be stored in a central database and made available to competent authorities, aircraft operators, air navigation service providers, airport operators for operational purposes ***and to the public in an easily accessible format.***

Or. en

Amendment 112
Christofer Fjellner

Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Developing nations

1. The competent authorities may exempt marginally compliant aircraft registered in developing nations from noise operating restrictions provided that such aircraft:

(e) are granted a noise certification to the standards specified in Chapter 3, Volume

1 of Annex 16 to the Chicago Convention.

(f) were operated in the Union during the five-year period preceding the entry into force of this Regulation, were on the register of the developing nation concerned and continue to be operated by a natural or legal person established in that nation.

2. Where a Member State grants an exemption provided for in paragraph 1, it shall forthwith inform the competent authorities of the other Member States and the Commission of the exemptions it has granted.

Or. sv

Amendment 113

Karl-Heinz Florenz, Christa Klač

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) aircraft used in humanitarian operations

Or. de

Amendment 114

Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Right of scrutiny

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 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.

Or. de

Justification

This provision is superfluous and would unjustifiably encroach on the powers of the Member States, since decisions on operating restrictions and noise protection must continue to be taken by the Member States alone, as has hitherto been the case, on the basis of the corresponding local circumstances and the impact on the local area. In addition, the proposal is likely to cause procedural delays (see the decision taken by the Chamber for European Affairs of the German Bundesrat, document 799/11 of 7 February 2012).

Amendment 115
Christa Klač, Karl-Heinz Florenz

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. At the request of a Member State ***or interest group*** 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, ***unless the competent authority has imposed the operating restrictions on the basis of the outcome of a mediation procedure or another type of extrajudicial dispute resolution procedure.***

Or. de

Amendment 116
Marina Yannakoudakis

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. At the request of a Member State, 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.

Or. en

Amendment 117
Marina Yannakoudakis

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

Or. en

Amendment 118
Marina Yannakoudakis

Proposal for a regulation
Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) amendments and updates of the noise certification standards provided for in Articles 4 and 8; and of the certification procedure provided for in Article 6(1).

deleted

Or. en

Amendment 119
Christa Klauf, Karl-Heinz Florenz

Proposal for a regulation
Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) amendments to the method and technical report set out in *Annex I*.

(c) amendments to the method and technical report set out in *Article 6(2)*.

Or. de

Amendment 120
Christa Klaß, Karl-Heinz Florenz

Proposal for a regulation
Annex I

Text proposed by the Commission

Amendment

[...]

deleted

Or. de

Amendment 121
Andrea Zanoni

Proposal for a regulation
Annex I – section 3 – point 1 – point 1.1

Text proposed by the Commission

Amendment

1.1 A description of the airport including information about its size, location, surroundings, air traffic volume and mix.

1.1 A description of the airport including information about its size, location, surroundings, air traffic volume and mix ***and potential specific and cumulative impact and risk factors, in terms of noise levels, in the light of local and environmental circumstances.***

Or. it

Amendment 122
Christa Klaß, Karl-Heinz Florenz

Proposal for a regulation
Annex II

Text proposed by the Commission

Amendment

[...]

deleted

Or. de

Amendment 123
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Annex II – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

4a) noise-related changes in the value of properties;

Or. de

Amendment 124
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Annex II – paragraph 1 – point 4 b (new)

Text proposed by the Commission

Amendment

4b) impact on business location criteria in the vicinity of the airport;

Or. de

Amendment 125
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Annex II – paragraph 1 – point 4 c (new)

Text proposed by the Commission

Amendment

4c) impact on working conditions at airports;

Or. de

Amendment 126
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Annex II – paragraph 1 – point 4 d (new)

Text proposed by the Commission

Amendment

4d) impact on road and rail transport;

Or. de

Amendment 127
Sabine Wils, Kartika Tamara Liotard

Proposal for a regulation
Annex II – paragraph 1 – point 4 e (new)

Text proposed by the Commission

Amendment

4e) impact on external costs;

Or. de

Amendment 128
Sabine Wils

Proposal for a regulation
Annex II – paragraph 2

Text proposed by the Commission

Amendment

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.

- 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.

Or. de

Justification

The introductory phrase should be deleted. Points 1), 2) and 3) are as important as the points mentioned above, however, and have to be considered.

Amendment 129

Theodoros Skylakakis

Proposal for a regulation

Annex II – paragraph 2 – point 3

Text proposed by the Commission

3) Direct, indirect and catalytic employment effects.

Amendment

3) Direct, indirect and catalytic employment effects, ***especially in the sectors affected by air traffic.***

Or. en

Amendment 130

Sabine Wils

Proposal for a regulation

Annex II – paragraph 2 – point 3

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

The use of the word ‘catalytic’ confines the assessment to positive employment effects. However, the cost-effectiveness assessment should also take account of the negative effects of an increase in capacity, hence the proposal to delete the word ‘catalytic’.