<EntPE>EUROPEAN PARLIAMENT</EntPE>

|  |  |  |
| --- | --- | --- |
| 1999 | C:\DATA\MAIL\Stars.wmf | 2004 |

Document de séance

<RefStatus>FINAL</RefStatus>

<NoDocSe>A5-0121/2002</NoDocSe>

<Date>{18/04/2002}18 April 2002</Date>

<RefProcLect>\*\*\*III</RefProcLect>

<TitreType>REPORT</TitreType>

<Titre>on the joint text approved by the Conciliation Committee for a European Parliament and Council directive relating to the assessment and management of environmental noise</Titre>

<DocRef>(PE-CONS 3611/2002 – C5‑0098/2002 – 2000/0194(COD))</DocRef>

<Commission>European Parliament delegation to the Conciliation Committee</Commission>

Rapporteur: <Depute>Alexander de Roo</Depute>

|  |
| --- |
| Symbols for procedures |
| \* Consultation procedure *majority of the votes cast*  \*\*I Cooperation procedure (first reading) *majority of the votes cast*  \*\*II Cooperation procedure (second reading) *majority of the votes cast, to approve the common position majority of Parliament’s component Members, to reject or amend the common position*  \*\*\* Assent procedure *majority of Parliament’s component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*  \*\*\*I Codecision procedure (first reading) *majority of the votes cast*  \*\*\*II Codecision procedure (second reading) *majority of the votes cast, to approve the common position majority of Parliament’s component Members, to reject or amend the common position*  \*\*\*III Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*  (The type of procedure depends on the legal basis proposed by the Commission) |

<PgIndex>CONTENTS

Page

PROCEDURAL PAGE 4

DRAFT LEGISLATIVE RESOLUTION 5

EXPLANATORY STATEMENT 6

<PgReglementaire>PROCEDURAL PAGE

At the sitting of {14-12-2000}14 December 2000 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive relating to the assessment and management of environmental noise (COM(2000) 468 – 2000/0194 (COD)).

At the sitting of {13-06-2001}13 June 2001 the President of Parliament announced that the common position had been received and referred to the {ENVI}Committee on the Environment, Public Health and Consumer Policy (6660/2001 – C5‑0245/2001).

At the sitting of {03-10-2001}3 October 2001 Parliament adopted amendments to the common position.

By letter of {16-01-2002}16 January 2002 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on {26-02-2002}26 February 2002.

At the meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At that meeting it reached agreement on a joint text.

At its meeting of {06-02-2002}6 February 2002 the Parliament delegation approved the results of the conciliation unanimously.

The following took part in the vote: James L.C. Provan, Vice-President and chairman of the delegation; Caroline F. Jackson, chairman of the Committee on Environment, Public Health and Consumer Policy; Alexander de Roo, rapporteur; Hans Blokland, Anne Ferreira, Marialiese Flemming (for Ingo Friedrich), Karl-Heinz Florenz (for Jorge Moreira da Silva), Françoise Grossetête, Jules Maaten, Ria G.H.C. Oomen-Ruijten and Karin Scheele.

On {08-04-2002}8 April 2002 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,[[1]](#footnote-1) and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 18 April 2002.

<PgPartieA><SubPage>DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive relating to the assessment and management of environmental noise (PE-CONS 3611/2002 – C5‑0098/2002 – 2000/0194(COD))

<ProcLect>(Codecision procedure: third reading)</ProcLect>

The European Parliament,

<Visa>– having regard to the joint text approved by the Conciliation Committee (PE-CONS 3611/2002 – C5‑0098/2002),

– having regard to its position at first reading[[2]](#footnote-2) on the Commission proposal to Parliament and the Council (COM(2000) 468[[3]](#footnote-3)),

* having regard to its position at second reading[[4]](#footnote-4) on the Council common position[[5]](#footnote-5),
* having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2001) 621 ‑ C5‑0515/2001)[[6]](#footnote-6),

– having regard to Article 251(5) of the EC Treaty,

– having regard to Rule 83 of its Rules of Procedure,

– having regard to the report of its delegation to the Conciliation Committee (A5‑0121/2002),

<Action>1. Approves the joint text;

2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;

3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

4. Instructs its President to forward this legislative resolution to the Council and Commission.

EXPLANATORY STATEMENT

**Background**

1. On 26 July 2000 the Commission submitted a proposal for a Directive relating to the assessment and management of Environmental Noise. The proposed Directive follows the 1996 Green Paper on Future Noise Policy and its main objective is to provide a common basis for combating the harmful effects of exposure to environmental noise across the EU. The following measures will be progressively implemented:

- establishing common noise indicators for measuring the long-term exposure of humans to environmental noise throughout the day (Lden) and sleep disturbances (Lnight),

- obliging the Member States to establish strategic noise maps which serve as a basis for action plans to prevent and reduce noise,

- implementing national action plans to prevent or reduce noise, if necessary, in large agglomerations, on major roads and at major airports,

- informing and consulting the public in particular regarding the national action plans.

1. On 14 December 2000 Parliament adopted 36 amendments at first reading. On 7 June 2001 the Council adopted its common position. On 3 October 2001 Parliament adopted, at second reading, 10 amendments to the Council’s common position which refer, in particular, to transforming the proposal into a Noise Framework Directive, to be followed by appropriate daughter directives covering noise emissions from commercial vehicles, motorcycles, rail vehicles and tracks, and aircraft.

**Conciliation**

1. The Parliament delegation to the Conciliation Committee held its constituent meeting on 24 October 2001 and mandated the chair of the delegation, Mr Provan, the chair of the committee responsible, Mrs Jackson, and the rapporteur, Mr de Roo, to begin informal negotiations with the Council.
2. An initial informal meeting between the Rapporteur and the Belgian Presidency of the Council took place on 8 November 2001 where some progress regarding the less controversial amendments was made. Despite the Council's original intention to proceed and possibly conclude the negotiations under the Belgian Presidency, the Council decided later in November to hand over the dossier to the Spanish Presidency.
3. On 10 January 2001, an initial trialogue meeting was held with the Spanish Presidency and the Commission. At this meeting it was not possible to reach any significant progress since the Council accepted only 1 of the 15 amendments adopted by Parliament in second reading.
4. A further trialogue meeting was held on 22 January 2002 where a compromise package covering all outstanding issues was established. Parliament's delegation discussed this package at its meeting of 6 February 2002 and it was decided to accept it subject to two changes. The delegation insisted, in particular, on a more stringent wording for the future submission of legislative proposals to reduce noise from the major sources.
5. By letter of 20 February 2002, the Spanish Presidency informed the chair of the delegation that the Council was in a position to accept the compromise package including the changes demanded by Parliament's delegation.
6. The agreement reached covers the following main issues:

- Noise Framework Directive

Both the Commission and the Council had originally wanted to limit the directive to harmonising methods of measuring and mapping environmental noise, without any obligation to develop future Community measures to reduce noise.

However, the European Parliament insisted in its first and second reading that proposals for the establishment of EU noise standards for emission sources must be put forward by the Commission as provided for in the Fifth Environmental Action Programme. The amendment adopted aims at transforming the present proposal into a Noise Framework Directive, which shall be followed by daughter directives setting EU noise standards for emissions from the major sources of noise.

Under the agreement reached in conciliation, the new directive contains a binding commitment to follow-up legislation to tackle the major sources of noise pollution across the EU, in particular noise from rail, road and air traffic, industrial equipment and mobile machinery. To this effect, the Commission should establish a report containing a review of existing Community measures relating to environmental noise sources. Based on this report, the Commission will submit, within four years after the entry into force of the directive, appropriate legislative proposals.

This final element was not welcomed by the Commission. It considered that the wording constituted a challenge to its right of initiative and therefore decided to publish a unilateral declaration in the 'C' series of the Official Journal.

- Timetable for the implementation of the Directive

The original Commission proposal provided for specific dates by which the directive had to be implemented. This detailed timetable was completely changed by the Council and, as a result, the implementation of some major provisions would have been postponed by between 12 and 24 months. The European Parliament opposed this delaying strategy and succeeded in bringing forward some of the major deadlines. The agreement reached provides, for example, that the Member States have to inform the Commission of the preparation of the second stage of noise mapping (showing all the agglomerations, all the major roads and major railways in the Member States) by the end of 2008, two years earlier than foreseen by Council's common position.

- Better protection of quiet areas

Annex VI of the new directive outlines the technical specifications for noise mapping including an indication of the ranges of decibels to be used in measuring the level of noise to which people are exposed in agglomerations, major roads, railways and airports. In its second reading, the European Parliament insisted on an introduction of additional lower sets of values in order to extend the areas where current noise emissions have to be measured. The aim of this approach was to cover also quiet areas in order to be in a position to protect those areas from future noise emissions.

In conciliation, the two sides reached a compromise, which provides for a tightening of the range of decibels to be used in measuring the level of noise. This compromise will allow for a better protection of quiet areas.

1. The negotiations were formally concluded as an "A-point" (without discussion) at the Conciliation Committee on "Employment Incentive Measures" of 26 February 2002.

**Conclusions**

1. The Parliament delegation considers the agreement reached satisfactory, since it goes far beyond what seemed possible before second reading. Above all the transformation into a Noise Framework Directive including a clear timetable for the submission of the proposals for the necessary daughter directives regarding the major noise sources constitutes substantial improvement compared with the common position. The delegation wishes to thank the Spanish Presidency of the Council and the Commission for their constructive cooperation. The delegation therefore recommends that Parliament adopt the joint text attached.

1. OJ C 148, 28.5.1999, p. 1. [↑](#footnote-ref-1)
2. OJ C 232 of 17.8.2001, p. 305. [↑](#footnote-ref-2)
3. OJ C 337E of 28.11.2000, p. 251. [↑](#footnote-ref-3)
4. Texts Adopted, 3.10.2001, point 4. [↑](#footnote-ref-4)
5. OJ C 297 of 23.10.2001, p. 49. [↑](#footnote-ref-5)
6. OJ C not published yet. [↑](#footnote-ref-6)