



New rules on EU airport noise restrictions

SUMMARY *Air traffic demand is expected to continue growing. However, noise – particularly around airports – may have significant impact on citizens' health.*

In parallel to proposed measures for increasing airport capacity, the European Commission has tabled a proposal for a Regulation aimed at revising the rules on restricting operations at an EU airport because of noise.

The proposal would facilitate the elimination of the noisiest aircraft. It would improve and harmonise the noise assessment process as well as the procedure to be followed when competent authorities balance air transport needs with noise-protection requirements and decide on setting noise-related operating restrictions at an airport.

The Commission has also proposed it should have the right to scrutinise this process before such a restriction is implemented. And if the proposed Regulation were not respected, the Commission would also have the power to suspend a decision taken by the competent authorities to limit operations at an airport.

This latter proposal has triggered strong objections. For many, such a right of scrutiny for the Commission is not in line with the EU principle of subsidiarity. The Commission is also seen by some as putting economic considerations above all others.

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Background

Air traffic in increase

Air traffic in Europe is expected to grow, continuing its long-term trend. EUROCONTROL¹ [forecasts](#) the number of flights in Europe to increase between 1.4 and 2.2 times from 2010 to 2030. Despite major challenges, notably the current economic context and a lack of airport capacity, EUROCONTROL's most recent [medium-term](#) forecast predicts a 16% increase in Europe from 2011 to 2018.

However, an increase in air traffic also means a potential increase in related environmental nuisances, and particularly noise. The Commission adopted its '[better airports package](#)' in December 2011, aimed at improving both quality and capacity of airports. Alongside a revision of the rules on noise-related operating restrictions at European airports ([2011/0398\(COD\)](#)), the Commission also proposed draft Regulations to amend the rules for slot allocation ([2011/0391\(COD\)](#)) and ground-handling ([2011/0397\(COD\)](#)).

Noise impacts on health

Noise pollution is a major problem in Europe. Noise can cause both short and long-term [health](#) problems, such as annoyance, sleep disturbances or hearing impairment. It may also lead to poorer physical and mental condition, reduced work and learning performance, or cardiovascular effects.



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It is [estimated](#) that, every year, all traffic-noise-related effects lead to a loss of the equivalent of over one million 'healthy life years' for the western European population. According to the [World Health Organisation](#), which also provides [guidelines](#), noise remains an underestimated threat to the quality of life and health of citizens. Its effects still require better monitoring and characterisation through [research](#).

EU policy on airport noise

The EU aims to reduce the nuisances of noise to citizens through general rules on [environmental noise](#) management, as well as by addressing specific sectors of activity, such as [air transport](#).

General framework on noise pollution

The Environmental Noise Directive ([2002/49/EC](#)) sets a [general framework](#) for the assessment and management of noise. It defines harmonised indicators (L_n , L_{den}^2) and population-exposure assessment methods, and requires regular [mapping](#) of noise (notably around large airports) as well as provision of information to the public. Member States are also required to take action to avoid, prevent or reduce exposure to environmental noise. The Directive does not set limit values and the measures to be taken in noise action plans remain at the full discretion of competent authorities. Data gathered under this Directive are also collected in the Noise Observation and Information Service for

Europe ('[NOISE](#)'), and mapped for public [view](#).

The effectiveness of the Environmental Noise Directive is presently under review. After reporting on its [implementation](#) ([COM\(2011\) 321](#)), the Commission launched a public [consultation](#) in June 2012 on this Directive and on the overall EU noise policy.

Specific air-traffic noise management

EU legislation specifically targeted at noise reduction in air traffic is essentially based on the **application of standards**³ developed within the International Civil Aviation Organisation ([ICAO](#)) and on the setting of common EU measures to implement the internationally recognised '**balanced approach**' principle (see below under "The international context").

Noise level measurements

- In acoustics, the **commonly used unit** for sound exposure level (SEL, also often abbreviated L) is the **decibel (dB)**. It derives from the bel, a unit named after Alexander Graham Bell, inventor of the telephone.
- The decibel **system is based on human hearing possibilities**. The dB value is an indicator of the relative power (pressure) of a sound by reference to the lowest sound audible to human ears. The normal range of human hearing varies between 0 and 120-140 dB (painful levels).
- The dB **scale is logarithmic**. Thus, an **increase of 10 dB** corresponds to a **sound intensity multiplied by 10**; an increase of one dB indicates that sound pressure has increased by about 1.26 times; a doubling of sound power corresponds to an increase of 3 dB.
- **Some average sound levels:** background noise at home: 40 dB; washing machine: 50 dB; normal conversation 60 dB; car noise: 80-85 dB; disco or loud concert: 110-115 dB; jet engine: up to 130-150 dB.

While land-use management and airport operational procedures remain under the remit of Member States, a common approach has been established under [Directive 2002/30/EC](#) regarding airport authorities' power to set local **operating restrictions** to limit noise pollution. This Directive promotes an 'airport-by-airport' approach to noise management while aiming to safeguard internal market requirements through introducing a similar approach for

all airports with broadly comparable noise problems.

Applicable to airports with more than 50 000 movements per year (plus four city airports), the Directive is based on the

'balanced approach' and provides general measures when introducing any new absolute or temporary prohibition of access⁴ by a civil aircraft to an EU airport (notably as regards noise impact assessment, together with consultation, information, and rights of appeal for stakeholders).

This Directive also foresees specific rules aimed at a gradual withdrawal of the noisiest aircraft⁵, by allowing competent authorities to restrict access to an EU airport to an aircraft whose compliance with the international noise standards is only 'marginal'. A 'marginally compliant aircraft' is currently defined as only meeting the ICAO international noise standards by a margin of not more than 5 dB.

The international context

The International Civil Aviation Organisation is a United Nations agency responsible for global cooperation on safety, security, efficiency and environmental protection in civil aviation. EU Member States are ICAO members in their own right, whereas the EU has only observer [status](#), allowing it be invited to attend specific ICAO meetings.

ICAO notably develops international policy, standards and guidance for aircraft noise reduction, and receives active support from the EU (including through research in new technologies and the [Clean Sky](#) project).

Action to reduce noise pollution from airport traffic is based on the '[balanced approach](#)', which works on four priorities in order to achieve maximum environmental benefit in the most cost-effective manner:

- **reduction at source** of aeroplane noise (e.g. less noisy engines);
- **land-use** planning and management measures (e.g. zoning around airports);
- **noise abatement operational procedures** (e.g. preferential runways, optimised take-off, approach or landing routes and procedures); and
- **local operating restrictions** (e.g. prohibiting some or all flights at night).

What is proposed?

The [Commission](#) has concluded that current provisions on noise assessment, and on the introduction of operating restrictions, lack clarity. This confirms its earlier observations made in its report ([COM\(2008\)66](#)) on the implementation of Directive 2002/30/EC. Restrictions are not introduced in a comparable way among Member States and different airports. The specific measures to restrict the operations of 'marginally compliant aircraft' have also lost efficiency over time. The number of 'marginally compliant' aircraft has become small because of normal renewal of fleets, associated with technological developments, making the current definition of 'marginally compliant' obsolete.

The Commission therefore [proposes](#):

- to repeal the Directive and adopt new measures within a Regulation;
- to set general rules on aircraft noise management by Member States (designation of competent authorities, 'balanced approach' obligation);
- to allow airports to phase out the noisiest aircraft operating, by reviewing and updating the definition of 'marginally compliant aircraft' (i.e. when international standards would only be met by a margin of less than 10 dB⁶), although leaving possible exemptions for marginally compliant aircraft registered in developing nations or used for exceptional operations;
- to set more precise rules on the noise assessment process and on the introduction of operating restrictions, with clearer procedures on information and consultation. This would improve the way in which operating restrictions are put in place and ensure that they are cost-effective and decided transparently.

In this latter regard, **Article 10** of the proposed Regulation would give **the Commission a right of scrutiny** on any decision aimed at restricting operations in

an airport, prior to its implementation, including the possibility to suspend such a decision where the Commission finds that the decision does not respect the requirements of the proposed Regulation.

Ex-ante scrutiny of airport operating restrictions by the Commission

Commission position

According to the [Commission](#), the high number of noise-related restrictions on traffic in EU airports⁷, compared to the US or Japan, may indicate that operating restrictions are too often taken as a first-resort measure. There is also evidence that a number of local noise-restriction measures have been taken without correct application of the 'balanced approach'.

However, the existing Directive does not allow suspension of an operating restriction even if its impact has not been well assessed or if its cost-effectiveness is contested. Existing means – infringement procedures or legal challenges – do not prevent damage to air traffic caused by such measures.

Considering that operating restrictions have significant adverse effect and costs on European air traffic, the Commission considers the possibility to suspend a local decision ex-ante very important.

In [presenting](#) its proposal to gain the right of scrutiny of operating restrictions, the Commission insisted that this would not be about setting noise targets but about the procedures that led to decisions. Such a right of review for the Commission would not substitute for a Member State decision. The aim would be to ensure that restrictions on noise have been justified in a transparent way and that they are evidence-driven and proportional, in accordance with the internationally agreed 'balanced approach'.

European Parliament

According to [Euractiv](#), the rapporteur MEP Jörg Leichtfried (S&D, Austria), when interviewed in April 2012, considered that the motivation behind the proposal was to

have fewer restrictions than there are now. After a [hearing](#)⁸ on the 'airport package' in the Transport Committee in May 2012, the rapporteur also expressed the view that the proposal was "too far-reaching" ([EP news](#)).

The rapporteur initially envisaged the possibility of either deletion or a substantial rewording of Article 10 ([PE489.661](#)). The Committee reviewed the provisions concerning the right of scrutiny to ensure compliance with the principle of subsidiarity and to better respect the competences of local authorities. Confirmed in plenary on [12 December 2012](#), the EP's amendments would limit the Commission's possibilities of action. And whilst it may evaluate, within fixed time limits, the process leading to the introduction of an operating restriction, if it finds the process does not respect the Regulation, it may only notify the competent authorities, not suspend the measure.

Member States and Council

The [French Senate](#), the [Dutch First Chamber](#), and the [German Bundesrat](#), followed later by the [Austrian Bundesrat](#), all viewed the proposal for Article 10 as not compliant with the subsidiarity principle.

The Commission's right of scrutiny remained the [main outstanding issue](#) in advance of the June 2012 Transport Council, notably in regard to its link with the political commitment made by EU Member States in the [Protocol amending the EU-US Air Transport Agreement](#) signed in June 2010.

On 7 June, the [Council agreed](#) on a general approach on the draft Regulation. The Commission's proposal to be able to suspend a noise-related operating restriction was rejected. However, to reduce the risk of international disputes should non-EU aircraft be concerned, the Commission would have the right to review the decision-making process that led to an operating restriction. If this had not complied with the rules, the Commission could notify the competent authorities who would have to take its observations into account.

Stakeholders' views

The [Committee of the Regions](#) sees ex-ante scrutiny by the Commission as "neither necessary nor proportionate".

The Association of European Airlines ([AEA](#)) and the International Air Transport Association ([IATA](#)) [jointly](#) support the possibility for the Commission to scrutinise a decision on operating restrictions before its implementation. The AEA also [considers](#) that the right of scrutiny is in line with the 2010 commitment in the EU-US 'open skies' agreement. At the EP hearing in May 2012, Airports Council International ([ACI](#), an association of airports) also strongly backed this possibility, highlighting the inadequacy of the normal infringements procedure and the difficulty "in real life" to reverse an operating restriction once in place.

The [President](#) of the Airport Regions Conference ([ARC](#)), an association of regional and local authorities hosting major European airports, supports the possibility of the Commission cancelling a decision if all stakeholders and the local population have not been properly consulted, but not if the Commission would have a say on the substance of the decision.

Although aircraft [noise remains a key environmental concern](#), representatives of concerned citizens (community groups) usually focus on a particular airport and they only seldom express a position at EU level. They usually see operating restrictions as a fundamental tool to reduce noise nuisances, [publicising](#) such decisions and promoting also the related [economic benefit](#). A representative of the [European Union Against Aircraft Nuisances](#), attending the EP hearing, viewed the Commission's proposal as prioritising economic considerations over protecting local populations, and advocated a night-flight ban at all EU airports.

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Endnotes

- ¹ EUROCONTROL, the European Organisation for the Safety of Air Navigation, is an [intergovernmental organisation](#) founded in 1960, with 39 member states plus the EU. It coordinates safe and efficient air traffic management across the European region.
- ² The 'night equivalent level' (symbol Ln) or the 'day-evening-night equivalent level' (Lden) are average sound metrics established to quantify noise levels over certain parts of the day or for a given duration. Some penalties (e.g. 5 or 10 dB) may be added for sounds occurring at evening or night-time to account for higher sensitivity to noise associated with these periods.
- ³ See [Directive 2006/93/EC](#) of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the [Convention on International Civil Aviation](#), second edition (1988).
- ⁴ In case [C-120/10](#), the Court gave an interpretation of the meaning of an 'operating restriction' under Directive 2002/30/EC.
- ⁵ This Directive also repeals Regulation (EC) No 925/1999, the 'Hushkit Regulation'. Hushkits are devices fitted to the engines of older designs of aircraft in order to reduce their noise levels. The 'Hushkit Regulation' of 1999 was a response to the inability, at that time, to reach an agreement on measures to control aircraft noise within the ICAO. The 'Hushkit' Regulation aimed at prohibiting the registration in Europe of aircraft fitted with noise-muffling systems, but maintained the status quo for such aircraft already operating in Europe (i.e. no withdrawal).
- ⁶ According to the Commission impact assessment report ([SEC\(2011\) 1455](#) - section 107), a "minus 10 dB" margin would impact on an estimated 2-8% of movements in EU airports. A "minus 8 dB" would margin only concern 0-2% of the flights, while a "minus 12 dB" margin would impact 6-10% of them.
- ⁷ About 70% of the 69 airports currently governed by Directive 2002/30/EC restrict operations through curfews, one third of them being a full night-time ban on traffic.
- ⁸ The video of the hearing is available on EPTV. The start time for the debate on the airport noise restriction proposals is 17:35.