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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on the establishment of rules and procedures with regard to the
introduction of noise-related operating restrictions at Union airports within a Balanced
Approach and repealing Directive 2002/30/EC of the European Parliament and of the
Council**

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and 1 December 2011
to the Council
(document COM(2011) 828 final – 2011/398 COD):

Date of the opinion of the European Economic and Social 28 March 2012
Committee:

Date of the position of the European Parliament, first reading: 12 December 2012

Date of transmission of the amended proposal: N/A

Date of adoption of the position of the Council: 24 March 2014

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The objective of the proposal is to ensure a consistent application in the EU of the ICAO set of principles and guidance known as the "Balanced Approach" on noise management. It replaces and repeals Directive 2002/30/EC, the current basic act establishing the rules and procedures with regard to the introduction of noise-related operating restrictions at the EU airports.

The new rules will harmonize the various steps of the decision-making process, from evidence gathering on the basis of internationally recognized data and methods, over timely and substantial consultation of all stakeholders; to providing sufficiently long notification times for impacted operators. Ultimately, a strong process will drive towards finding the most cost-effective solutions to mitigate the noise impact.

Another element of the proposal is the definition of "marginally compliant aircraft", which are the noisiest aircraft in the fleet. The gradual phasing-out of such aircraft can be a quite cost-effective measure to mitigate noise: their phasing-out relieves the citizens living in the surroundings of airports, whilst it still allows some breathing space for further air traffic growth.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council reflects the political agreement reached between the European Parliament and the Council on 27 January 2014. The Commission supports this agreement. The Commission has made one statement as a contribution to the agreement.

The main amendments of the Council concern the increased visibility of the importance of health, the introduction of a specific mediation process to conduct consultations, the delayed phased out of 'marginally compliant aircraft', the more specific provision of noise information, the deletion of a delegation to amend the definitions of aircraft and marginally compliant aircraft, and implementation issues, including a grandfather clause, a transition measure and the delay of the entry into force. On the Commission right of scrutiny, the Council position obliges the Competent Authority to examine the Commission notification and to inform the Commission on its intentions.

In all, the position of the Council delivers a robust process for noise assessments. The amendments clarify even more the noise assessment and decision-making process and are nearly all in line with the original Commission proposal. The amendments can all be accepted.

4. DECLARATIONS BY THE COMMISSION

The Commission has made one statement to facilitate the agreement between Council and Parliament which can be found in the annex.

5. CONCLUSION

The Commission supports the results of the inter-institutional negotiations and can therefore accept the Council's position at first reading.

STATEMENT

Statement by the Commission on the revision of Directive 2002/49/EC

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

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