Proposal for a Directive of the European Parliament and of the Council on the establishment of a Community framework for noise classification of civil subsonic aircraft for the purposes of calculating noise charges

(2002/C 103 E/16)

(Text with EEA relevance)

COM(2001) 74 final — 2001/0308(COD)

(Submitted by the Commission on 20 December 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) It is part of Community policy, in conformity with Articles 2 and 6 of the Treaty, to enhance significantly the integration of environmental protection requirements into other sectoral policies, including transport policy.

(2) One of the main objectives of the common transport policy is to promote the sustainable development of transport activities.

(3) The Commission Communication on Air Transport and Environment [1] proposes the use of economic instruments in order to improve the environmental performance of air transport operations.

(4) The Council Directive on airport charges [2] provides for the possibility to modulate airport charges as a function of the environmental impact without establishing criteria for such modulation.

(5) A modulation of noise charges for environmental purposes based on a common classification of aircraft according to their noise impact will enhance environmental effectiveness, transparency of charging systems and predictability for air transport operators.

(6) Such modulation is not designed to generate additional revenue. It should respect the principle of revenue neutrality and be applied in a transparent and non-discriminatory manner.

(7) The certificated noise levels as defined in Annex 16, Volume I to the Convention on International Civil Aviation, third edition, July 1993 are considered to reflect adequately the noise impact for the population living in the vicinity of airports. The noise level at arrival can be adequately characterised by the certificated noise level at the approach measurement point as defined in the said Annex 16, for the noise level at departure there is a good correlation with the average of the certificated noise level at the sideline and flyover measurement point as defined in the said Annex 16.

(8) Noise charges should be proportional to the incremental nuisance for human beings caused by individual aircraft separately at arrival and departure. The relationship between this incremental nuisance and the aircraft noise level can be most adequately reflected by the noise energy level.

(9) In order to ensure maximum transparency between noise charging systems at Community airports, the common framework for noise classification of aircraft should after a suitable transition period be applied by airports which operate commercial flights between Member States provided that they levy noise charges.

(10) It is useful to ensure a better understanding of the concept of noise productivity, in particular for the heavier aircraft, by providing additional information about the noise output per unit transported.

(11) The Directive is in accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, since the objective of enhancing the environmental effectiveness of noise charges cannot be sufficiently achieved by Member States, because various systems of noise classification are used for charging purposes. The objective can therefore, be better achieved by the Community by way of a harmonised framework for the calculation of noise charges. The Directive confines itself to the minimum required in order to achieve this objective and does not go beyond what is necessary for that purpose.

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[1] COM(1999) 640 final, 1.12.1999.

[2] Commission Proposal: OJ C 257, 22.8.1997, p. 2, as amended by COM(1998) 509 final (OJ C 319, 16.10.1998, p. 4).

(12) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1], they should be adopted by use of the regulatory procedure provided for in Article 5 of that decision.

(13) The Commission should carry out by 1 April 2008 an evaluation of the implementation of this Directive,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objectives and scope

The aim of this Directive is to enhance the environmental effectiveness of noise charges levied at airport level by ensuring that common criteria based on the noise performance of aircraft are used when calculating the level of these charges for environmental purposes.

This Directive applies in accordance with the provisions set out in Article 4 to airports or airport systems which operate commercial flights between Member States and which are located in the territory of a Member State, provided that noise charges are applied.

Article 2

Definitions

1. For the purpose of this Directive:

(a) 'noise charge' means a specific noise levy by the airport, related to the certificated noise characteristics of the aircraft, which is designed to recover the costs of alleviation or prevention of noise problems and to encourage the use of less noisy aircraft.

(b) 'modulation' means that within a globally revenue neutral framework there can be differentiation in the level of noise charges applied.

(c) 'La' means the noise level of an aircraft at arrival. It is equal to the value of the certificated noise level expressed in Effective Perceived Noise (EPN) decibels at the approach measurement point and calculated as defined in Annex 16, Volume 1 to the Convention on International Civil Aviation, third edition, July 1993. The related noise energy is equal to the antilogarithm La/10.

(d) 'Ld' means the noise level of an aircraft at departure. It is equal to the arithmetic average (mean) of the certificated noise levels expressed in EPN decibels at the lateral and flyover measurement points as defined in the said Annex 16. The related noise energy is equal to antilogarithm Ld/10.

(e) 'noise productivity of an aircraft' means the noise emissions per unit of payload: passenger or tonne of cargo.

2. In accordance with the procedure laid down in Article 6(2), Article 2(c) and (d) of this Directive may be adapted, in order to apply, for the purpose of this Directive, subsequent amendments to Annex 16, Volume 1 to the Convention on International Civil Aviation, which enter into force after the adoption of this Directive.

Article 3

Common framework for the calculation of noise charges

Member States shall take the necessary measures to ensure that the calculation of noise charges at airports in their territory is based on the following criteria:

1. The noise charge for arrivals and departures should be proportional to the relative noise impact of arrivals and departures for populations around airports. The noise charge for an arrival and a departure at a given airport should be calculated as set out in the Annex to the present Directive.

2. The calculation of the noise energies at arrival and departure shall be based on the noise levels La and Ld.

3. The modulation of noise charges within a given time period should be limited to a ratio of 20 being the maximum variation between the highest and the lowest noise charge. A lower ratio may be applied.

Article 4

Application of the common framework

Member States shall take the necessary measures to ensure that the common framework for the calculation of noise charges is applied:

1. As from 1 April 2003

   (a) in any significant revision of existing systems of noise charges

   (b) for newly introduced systems of noise charges.

2. As from 1 April 2006 to any system of noise charges.

Article 5

Information to the public

In order to ensure that the concept of noise productivity is well understood, Member States or airports authorities may complement the noise characteristics of aircraft La and Ld used for the calculation of noise charges by additional information reflecting the noise productivity of an aircraft, in particular for aircraft with a maximum take-off weight of more than 34 tonnes.

[1] OJ L 184, 17.7.1999, p. 23.

Article 6

Regulatory committee

1. The Commission shall be assisted by the Aviation Safety Regulations Committee set up by Council Regulation (EEC) No 3922/91 of 16 December 1991 [1], composed of representatives of Member States and chaired by the representative of the Commission (hereinafter referred to as 'the committee').

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468 shall be three months.

Article 7

Review and reporting

The Commission shall submit to the European Parliament and the Council a report based on experience on the application of this Directive not later than 1 April 2008.

The report shall be accompanied, as appropriate, by proposals to amend this Directive.

Article 8

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by one year after its entry into force at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 9

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 10

Addressees

This Directive is addressed to the Member States.

[1] OJ L 373, 31.12.1991, p. 4, amended by Regulation (EC) No 2176/96 (OJ L 291, 14.11.1996, p. 15).

ANNEX

Calculation of noise charge

The total noise charge for one arrival and one departure at a given airport is:

$$C = Ca.10^{[(La - Ta)/10]} + Cd.10^{[(Ld - Td)/10]}$$

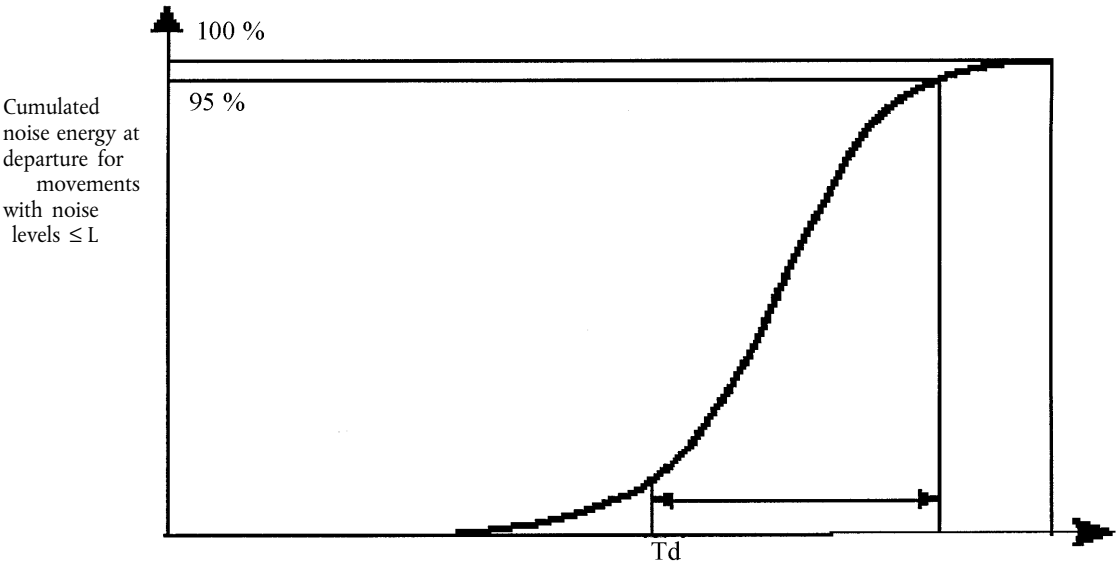
where:

Ca and Cd are the unit noise charges at departures and arrivals for the considered airport. Ca and Cd can be equal to zero. They reflect the relative importance of noise emissions at arrivals and departures for the impacted population;

La is the certificated noise level at approach;

Ld = (Lf + Ll)/2, Lf and Ll are the certificated noise levels at the flyover and lateral measurement points; and

Ta and Td are noise thresholds at departures and at arrivals corresponding to categories of relatively quiet aircraft for the considered airport. These thresholds are fixed around 13 decibels below upper thresholds corresponding to 95 % of the noise energy emitted at the airport as indicated on the graph.



Modulation of noise charges

According to the principle that charges should be based as closely as possible on underlying costs, there should be specific noise charges for financing noise mitigation programmes and other noise charges should be compensated by negative noise charges (rebates) in order to be revenue neutral.

This revenue neutrality should be achieved separately at departure and at arrival. For instance, at departure the noise charge (positive or negative) should be for the aircraft i

$$C\ i = Cd\ .\ [\ E\ d\ i\ -1/N\ .\ \Sigma\ E\ d\ j\ ]$$

where

Cd is the unit charge for departure at the considered airport

E d i is the relative noise energy at departure for the aircraft which is considered; and

N and Σ E d j are the forecast number of departures and the forecast cumulated noise energy at departure during the year, which is considered.

C i can be positive or negative