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Working Documents

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DOCUMENT 1-294/82

REPORT

drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection

on the proposal from the Commission of the European Communities to the Council (Doc. 1-623/81 - COM(81) 512 final) for a directive amending Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft

Rapporteur: Mrs V. SQUARCIALUPI

By letter of 15 October 1981 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive amending Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft.

On 3 November 1981 the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Transport for its opinion.

On 26 November 1981 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Squarcialupi rapporteur.

It considered the Commission's proposal and the draft report at its meetings of 31 March and 17 May 1982.

At its meeting of 17 May 1982 the committee unanimously decided to advise Parliament to approve the Commission's proposal without amendment.

The committee then unanimously approved the motion for a resolution as a whole.

The following took part in the vote: Mr Johnson, acting chairman; Mr Collins, chairman; Mrs Squarcialupi, rapporteur; Mr Del Duca, Miss Hooper, Mrs Krouwel-Vlam, Mrs Lentz-Cornette, Mrs Maij-Weggen (deputizing for Mr McCartin), Mr Mertens (deputizing for Mr Alber), Mr Protopapadakis (deputizing for Mr Ghergo), Mrs Pruvot (deputizing for Mr Berkhouwer), Mr Remilly, Mrs Schleicher, Mrs Scrivener, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Spaak and Mr Vandemeulebroucke.

The opinion of the Committee on Transport is attached.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive amending Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft

The European Parliament,

- having regard to the proposal for a directive submitted by the Commission to the Council (COM(81) 512 final)¹,
 - having been consulted by the Council (Doc. 1-632/81),
 - whereas the European Community's action programme on the environment² stresses the importance of the problem of noise pollution, and, in particular, the need to take measures against the noise generated by air traffic,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Transport (Doc. 1-294/82),
 - having regard to the result of the vote on the Commission proposal,
1. Welcomes the amendment of Council Directive 80/51/EEC to ensure conformity with the amendments of a technical nature adopted by the International Civil Aviation Organization (ICAO) which necessitate adjustments to Articles 1, 2, 3 and 5 of Council Directive 80/51/EEC of 20 December 1979;

¹OJ C 276, 28.10.81

²OJ C 112, 20.11.73

2. Considers these amendments necessary in order to pursue action to reduce the noise generated by subsonic jets and, at the same time, prevent distortions of competition detrimental to Community aircraft;
3. Calls upon those Member States which have not yet done so to comply with Directive 80/51/EEC without delay;
4. Considers, however, that the amendment of the directive should not prejudice maintenance work carried out on Community territory on aircraft coming from third countries, above all from developing countries;
5. Believes that the Commission should examine the possibility of including, in each directive, rules governing not only noise at source but also the noise to which persons operating the aircraft and in the surrounding environment are exposed;
6. Requests the Commission to introduce as soon as possible a framework directive to combat noise pollution at the workplace which would protect workers from the often irreversible consequences of exposure to noise;
7. Instructs its President to forward to the Commission and the Council the corresponding resolution as Parliament's opinion.

EXPLANATORY STATEMENT

1. Noise is now a feature of the daily lives of all European citizens, who feel its effects in social terms at the level of personal and human relationships and also in health terms, given the physical and mental stress which may be caused by prolonged exposure to extreme noise. The harm which may be suffered by individuals varies from the inability to concentrate on their work as a result of noise to permanently damaged hearing. However, the effects of noise are felt on almost all the organs of the human body, including the cardio-circulatory system, the respiratory system, the digestive system, sight, genitals and the reproductive process.

Not only persons who live and work in an environment polluted by noise, but anyone subjected to prolonged exposure and/or excessive levels of noise, are exposed to these dangers. In short, there is no doubt that noise pollution has become a social phenomenon and as such required above all preventive measures, given that the progressive loss of hearing is irreversible. All Community initiatives directed at sources of noise of any kind, must therefore be welcomed.

2. Community measures are based on the European Community's action programme on the environment¹ which stresses the importance of the problem of noise pollution and, in particular, the need to act against noise caused by air traffic.

3. Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft has constituted a practical application of Community principles.

¹OJ C 112, 20.11.1973

It incorporates into Community law and makes compulsory in the Member States the provisions on noise set out in Annex 16 of the recommendation by the ICAC (International Civil Aviation Organization) and the ban by 31 December 1986 on the operation of subsonic jet aircraft registered in the Member States which fail to comply with certain technical provisions designed to eliminate noise. This directive calls upon the Member States to apply the same rules to aircraft registered in third countries.

4. The countries which have not yet brought their provisions into line with the Community Directive are Italy, Luxembourg and Greece. In the case of the latter two countries, the adoption procedure is underway. States whose national laws conform in a partial or not fully satisfactory manner to the Community Directive are Denmark, France, Germany, The Netherlands and Ireland.

5. The amendment to the proposed Council Directive under consideration, which amends Council Directive 80/51/EEC of 20 December 1979 and concerns the limitation of noise emissions from subsonic aircraft, incorporates a further ICAO recommendation and extends the ban on landing on Community airports after 31 December 1987 to the aircraft of third countries.

6. The provisions of the ICAO recommendation, which are aimed at limiting noise at source and hence noise heard on the ground, are based on the conclusions of ICAO ad hoc working parties which included experts appointed by governments and the industries affected by this sector, and on the results obtained in other specialized international organizations. The methods used for the measurement of the noise of the aircraft have been fixed and adopted in cooperation with the ISO (International Standardization Organization). The technical features of the measurement equipment have been defined by the IEC (International Electronics Committee). In fixing the ICAO rules and noise limits, account has been

taken, as the Commission points out, of what is 'technically feasible and economically reasonable'.

7. Article 37 of the ICAO recommendation calls upon the Member States to incorporate the rules adopted pursuant to the 1944 Chicago Convention in their national laws. However, Article 38 provides that if a State does not intend fully to incorporate this recommendation, it should make known the difference between its national legislation and the ICAO recommendation. In the absence of a directive, this derogation may have two consequences:

- distortion of competition resulting from the divergent application of rules within the Community;
- creation of an obstacle to the improvement of the environment following the partial application for such rules. For this reason, the Commission considers it urgent to adopt the ICAO rules in the form of a directive.

8. Certain Member States, including Italy, do not support the inflexible nature of the amendment to the directive, as they fear negative reactions from certain third countries such as the oil producing countries. The ICAO recommendation (A.23.10) does not make it compulsory for Member States to prohibit the landing of aircraft from third countries on grounds of noise at national airports where the problem of noise is not critical. The recommendation merely affords the possibility of such action, but not before 31 December 1987. The proposed directive prohibits from 31 December 1987, the utilization in all Community airports of aircraft without noise-certification and registered in third countries, given the absence of Community methods to assess the noise environment at airports. Six different methods apparently exist for the evaluation of exposure to noise (noise level), the results of which are not truly comparable, given the differences between the data, noise units and empirical and mathematical laws applied in each case.

9. The European Parliament's Committee on Transport, which has been asked for its opinion, shares the Commission's opinion that the proposed amendments will lead to an improvement of the international rules currently in force for the noise certification of conventional helicopters and subsonic aircraft, without prejudice to the basic provisions and principles embodied in directive 80/51/EEC. The Committee on Transport, in view of the need to prevent distortion of competition harmful to the Community aircraft industry, also considers it extremely important that, from 1 January 1988, aircraft which are not registered in the territory of a Community Member State and do not comply with the current rules on noise, should be prevented from operating within the Community. In addition, this committee has expressed the wish that the above-mentioned considerations should be stressed in the motion for a resolution to be contained in the report of the Committee on the Environment, Public Health and Consumer Protection, which is the committee responsible.

10. The Economic and Social Committee, in its opinion delivered on 2 November 1981, emphasizes that the proposed amendments to the directive, with the exception of one of these amendments, are primarily of a technical nature and approves them in as much as they bring up to date and improve the directive. It nevertheless points out that these amendments do not reflect the flexibility contained in the ICAO recommendation, on the basis of which airports situated in areas in which aircraft without the appropriate noise-certification have a negligible effect on the environment, would be granted exemption.

The Economic and Social Committee also attaches considerable importance to the proposal to prohibit, from 1 January 1988, the landing on Community territory of subsonic jet aircraft without noise-certification, which are not registered in a Member State. Aircraft which are removed from US registers by 1 January 1985 and Member States' registers by 31 December 1986, will no longer be able to land at Community airports.

This proposal by the Commission is designed to:

- a) safeguard the improvements achieved under the original directive as regards noise pollution of the environment;
- b) ensure that the airlines of third countries do not become more competitive than the airlines of the Member States.

The Economic and Social Committee, while welcoming the Commission's undertaking to gradually reduce noise pollution, nevertheless takes the view that maintenance work carried out on Community territory on aircraft from third countries, and above all from the developing countries, should suffer minimum interference.

OPINION OF THE COMMITTEE ON TRANSPORT

Letter from the chairman of the committee to Mr COLLINS, chairman of the Committee on the Environment, Public Health and Consumer Protection

Dear Mr Chairman,

At its meeting of 25 February 1982 the Committee on Transport noted with satisfaction that the Commission had submitted to the Council a proposal for a directive amending Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions by subsonic aircraft.

Since the European Parliament approved the Commission's original proposal on this subject in 1976¹ and since the purpose of this draft directive is simply to propose amendments, either to improve the wording of the original text or to take account of action recently taken within the framework of the International Civil Aviation Organization (ICAO) or the European Civil Aviation Conference (ECAC), the Committee on Transport is able to approve these proposed amendments as they stand.

The Committee on Transport shares the Commission's view that the proposed amendments will improve existing international standards for the noise certification of conventional propeller-driven and subsonic jet aircraft, without, however, affecting the basic provisions or principles of Directive 80/51/EEC.

Furthermore, the Committee on Transport takes the view that, in order to prevent Community aircraft being affected by distortions of competition, it is of the utmost importance that, from 1 January 1988, aircraft not registered in the territory of a Member State of the Community and which do not comply with the relevant noise standards should be prohibited from operating within the Community.

The Committee on Transport would be grateful if this view could be emphasized in the motion for a resolution contained in the report on the draft directive drawn up on behalf of your committee.

Yours sincerely,

(sgd) Horst SEEFELD

The following took part in the vote: Mr Seefeld, chairman; Dame Shelagh Roberts, Mr Carossino and Mr Kaloyannis, vice-chairmen; Mr Cottrell, Mr Gabert, Lord Harmer-Nicholls, Mr Hoffmann, Mr Junot, Mr Key, Mr Klinkenberg, Mr Lagakos, Mr Martin, Mr Moerhouse, Mr Nikolov (deputizing for Mr Albers), Mr O'Donnell and Mr Vandewiele

¹ OS No. C 178, 2.8.1976, p. 61