



EUROPEAN COMMISSION

Brussels, 26.6.2012  
C(2012) 4327 final

*Dear President,*

*The Commission would like to thank the Bundesrat for its reasoned Opinion on the proposed Regulation on noise-related operating restrictions at European airports {COM(2011) 828 final}.*

*Noise around airports is a delicate issue, often subject to substantial political pressure at local level. At the same time, airports, together with air traffic control, are a very important part of the transport network for European citizens. In a network, a decision in one airport could have a significant impact on other airports or on the efficiency of the whole European aviation network.*

*The Commission has carefully considered the various technical, economic and environmental aspects and calibrated the Regulation proposal so as to reflect the balance between the local and the network dimension.*

*The proposed Regulation empowers the Commission to assess whether all steps of the decision-making process leading to an operating restriction have been thoroughly observed. The Commission would moreover do so only if there were substantiated indications that the proposed measure could harm safety, substantially disrupt competition or affect the efficiency of the network.*

*In exceptional situations, the Commission needs to be able to intervene before the measure is actually applied. The duration of the suspension is limited in time to six months. The quality control of the process by the Commission does in no way replace the discretionary powers of the Member States. The Member States remain responsible for establishing standards of protection against noise, for managing the noise review process and for deciding on the noise-related operating restrictions.*

*Mr Horst SEEHOFER  
Präsident des Bundesrates  
Leipziger Straße 3 - 4  
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*Finally, I wish to note that this competence of the Commission is an application of an already existing more general competence<sup>1</sup> that this proposal frames in a specific procedure and limits in suspension duration. In this sense the proposal refines the allocation of responsibilities between Member States and Commission and reduces the legal uncertainty for local authorities.*

*I hope that this explanation addresses the concern raised in your reasoned Opinion and I look forward to continuing the political dialogue with the Bundesrat on this important subject.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

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<sup>1</sup> see Article 20 of Regulation (EC) 1008/2008 of the European Parliament and the Council of 24 September 2008 establishing common rules for the operation of air services in the Community (OJ L293 of 31.10.2008)