Council of the European Union

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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL repealing Council Directive 89/629/EEC - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 December 2022)

I. INTRODUCTION

On 13 December 2022, the Permanent Representatives Committee confirmed that should the European Parliament approve the abovementioned Commission's proposal without amendments, the Council would approve the European Parliament's position.

On 13 December 2022, the rapporteur, Karima DELLI (Greens/EFA, FR), presented a report on behalf of the Committee on Transport and Tourism, aiming at taking over the Commission proposal.

II. VOTE

The Parliament adopted its first-reading position on 13 December 2022 by taking over the Commission proposal. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the Parliament's position.

P9_TA(2022)0430

Civil aviation: repealing Council Directive 89/629/EEC

European Parliament legislative resolution of 13 December 2022 on the proposal for a decision of the European Parliament and of the Council repealing Council Directive 89/629/EEC (COM(2022)0465 – C9- 0310/2022 – 2022/0282(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0465),

– having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0310/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 26 October 2022[1],

– after consulting the Committee of the Regions,

– having regard to the undertaking given by the Council representative by letter of 7 December 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Transport and Tourism (A9-0287/2022),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] Not yet published in the Official Journal.

P9_TC1-COD(2022)0282

Position of the European Parliament adopted at first reading on 13 December 2022 with a view to the adoption of Decision (EU) 2022/… of the European Parliament and of the Council repealing Council Directive 89/629/EEC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[2],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[3],

[2] Opinion of 26 October 2022 (not yet published in the Official Journal).
[3] Position of the European Parliament of 13 December 2022.

Whereas:

(1) The European Parliament, the Council and the Commission have confirmed in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[4] their joint commitment to update and simplify Union legislation.

(2) Council Directive 89/629/EEC[5] provided that aeroplanes that exceeded the relevant noise emission standards under that Directive could continue to operate, if they had already been entered in a national register of a Member State. However, it applied a no-addition rule: no new registrations of such aeroplanes were possible after that Directive entered into force.

(3) Directive 2006/93/EC of the European Parliament and of the Council[6] introduced a complete phasing-out of all aeroplanes which did not meet the relevant noise emission standards, including those previously covered by Directive 89/629/EEC, regardless of whether they had been registered or not. This led to a situation in which the aeroplanes concerned were no longer allowed to fly in the Union skies and had to be removed from the Member States' national registers.

(4) Consequently, Directive 89/629/EEC is obsolete and should therefore be repealed,

HAVE ADOPTED THIS DECISION:

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4 OJ L 123, 12.5.2016, p. 1.

5 Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes (OJ L 363, 13.12.1989, p. 27).

6 Directive 2006/93/EC of the European Parliament and of the Council 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) (OJ L 374, 27.12.2006, p. 1).

Article 1

Directive 89/629/EEC is repealed.

Article 2

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

Done at ...,

For the European Parliament	*For the Council*
The President	*The President*