



Brussels, 5.3.2025  
SWD(2025) 59 final

**COMMISSION STAFF WORKING DOCUMENT**  
*Accompanying the document*

**Commission Decision**

**on the process for the introduction of operating restrictions at Schiphol Airport in  
accordance with Regulation (EU) 598/2014 of the European Parliament and of the  
Council**

{C(2025) 1355 final}

The purpose of this Staff Working Document is to provide Commission’s services findings during the review of the process for the introduction of operating restrictions at Schiphol Airport in accordance with Article 8(3) of Regulation (EU) 598/2014 of the European Parliament and of the Council (the “Regulation”).

The Commission’s Decision [*reference to be added*] notifies to the Netherlands the Commission’s findings on the elements of the balanced approach process which did not follow the process set out in the Regulation insofar as the Netherlands excluded general and business aviation from the operating measures and insofar as it only partly considered the foreseeable effects of measures reducing aircraft noise at source and operational noise abatement procedures.

## **I. PROCEDURE**

By letter of 4 September 2024<sup>1</sup>, the Netherlands notified, pursuant to Article 8(1) of Regulation (EU) No 598/2014<sup>2</sup> (the “Regulation”), the Commission of its intention to introduce noise-related operating restrictions at Schiphol Airport (the “Notification”). The Notification explained the balanced approach process carried out by the Dutch authorities leading to the conclusion that operating restrictions are necessary to address noise concerns at Schiphol Airport. It included, among other noise mitigating measures, a measure envisaging an annual movement cap at Schiphol Airport within a range of 475,000 and 485,000 movements. The Notification and Annexes are publicly available.

By letter of 27 September 2024 the Commission services requested further specification on the notified annual movement cap range and other clarifications from the Dutch authorities to allow them to review the process for the introduction of the operating restrictions at Schiphol Airport and assess the compatibility of the measures envisaged with Articles 5 and 6 of the Regulation. By letter of 6 December 2024, the Dutch authorities provided additional elements to complement the Notification indicating the precise annual movement cap, which is set at 478,000 and submitting further information on the baseline scenario, contribution of proposed measures to the noise abatement objective and the underlying assumptions. The Notification was deemed complete as of the date of the receipt of the additional information from the Dutch authorities.

## **II. BACKGROUND AND POLICY CONTEXT**

The Commission supports Member State actions to reduce the number of people exposed to harmful noise levels in line with the objectives and priorities laid down in the European Green Deal<sup>3</sup> and the Zero Pollution Action Plan<sup>4</sup>.

Union law allows for the introduction of measures aiming to reduce noise pollution for the benefit of people’s health and quality of life. Such measures must be implemented in accordance with applicable Union law and, in particular, the rules regulating the freedom to provide services in the air transport sector.

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<sup>1</sup> Registered under Ares(2024)6274926, Ares(2024)6274959, and Ares(2024)6275032.

<sup>2</sup> OJ L 173, 12.6.2014, p. 65.

<sup>3</sup> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2019) 640 final).

<sup>4</sup> Communication from the Commission to the European Parliament, the Council and the Committee of the Regions on a Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM/2021/400 final).

Directive 2002/49/EC of the European Parliament and of the Council<sup>5</sup> (the “Noise Directive”) is the basis for identifying a noise problem around airports and defining a noise abatement objective, as well as proposing measures to achieve the objective, including operating restrictions.

The Regulation lays down the rules and procedures to be followed by a Member State before introducing noise-related operating restrictions at Union airports including the requirement that they are implemented as a last resort.

In June 2022, the government of the Netherlands publicly announced its intention to set an annual cap of 440,000 movements at Schiphol Airport to address the noise problems around the airport. Following the announcements, the Commission services informed the Dutch authorities that, pursuant to the Regulation, the balanced approach process is a mandatory step before the introduction and implementation of operating restrictions and that noise-operating restrictions must be treated as measures of last resort. The government of the Netherlands subsequently carried out a balanced approach study and several public consultations. This further work also included a broader set of measures for consideration.

Initially, the noise policy for Schiphol Airport was to be achieved in three phases.

The *first phase* would consist in the reduction of annual movements from 500,000 to 460,000 as of March 2024, by ending the anticipatory non-enforcement of the Schiphol Airport Traffic Decree (“Luchthavenverkeersbesluit”) from 2008 (the “2008 LVB”) and starting an experimental phase with elements from the 2008 LVB plus elements from the 2015 New Standards and Enforcement System for Schiphol (NieuwNormen- en Handhavingstelsel voor Schiphol, “NNHS”). The decision to implement this phase was the subject of national court proceedings. The Dutch Supreme Court, in its judgement of 12 July 2024, stated that no reduction of movements could be implemented without first carrying out the balanced approach procedure as laid down in the Regulation.

The *second phase* would consist of a balanced approach study leading to a set of measures, including operating restrictions, to be introduced as of November 2024, by issuing a new airport traffic decree containing a movement cap for a maximum period of 5 years.

The *third phase* would consist of setting a new “norms-based” system. In the long-term, the new system would allow movements to increase again in line with improving environmental performance of aircraft.

In order to implement the second phase, the Netherlands notified the Commission of its intention to introduce noise-related operating restrictions at Schiphol Airport on 1 September 2023<sup>6</sup>.

On 26 September 2023, Schiphol Airport’s environmental permit was issued, which allows for a maximum number of movements up to 500,000 yearly unless the Netherlands sets a lower number in an airport traffic decree.

By letters of 27 September and 12 October 2023, the Commission services requested additional information from the Dutch authorities on the noise abatement objective, on the proportionality of the selected measures and the justification for dismissing certain alternative measures merely because they could not be implemented by 1 November 2024.

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<sup>5</sup> Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise.

<sup>6</sup> Registered under Ares(2023)5961655.

By letters of 20 October 2023 and 6 February 2024, the Dutch authorities provided additional elements and explanations. Moreover, further reflections by the Dutch authorities on the proportionality of the proposed measures led them to consider a broader range of measures, some of which had been initially discarded, and a revised timing for the achievement of the noise abatement objective.

On 24 May 2024, the Dutch authorities launched a second four-week public consultation on an amended package of measures, following which a new notification was submitted.

### **III. THE NOTIFICATION**

#### **The noise situation and identification of the noise problem**

To determine the noise situation and the baseline against which the achievement of the noise abatement objective is measured, the Dutch authorities took as a starting point the Usage Forecast for Schiphol for 2023 and projected what it would be in November 2024, assuming that 500,000 yearly commercial flight movements would operate to or from Schiphol Airport, out of which 32,000 are at night. They then determined the noise situation using a methodology which is in accordance with the ECAC Doc29 calculation model.

The calculations show the following noise situation under the baseline scenario:

- the number of houses within the 58 dB(A) Lden contour would be 7,081;
- the number of highly annoyed people within the 48 dB(A) Lden contour would be 113,862;
- the number of houses within the 48 dB(A) Lnight contour would be 5,685;
- and the number of severely sleep disturbed people within the 40 dB(A) Lnight contour would be 24,365.

In setting the baseline scenario, the Dutch government decided that certain measures, which reduce noise, would be included in the baseline scenario and thus are not considered to contribute to achieving the noise abatement objective. These are the measures that the aviation sector had already announced or are assumed to take effect regardless of any requirements imposed by the Dutch authorities. The measures included: autonomous fleet renewal based on an assumption by the Dutch authorities regarding airlines' "business as usual" fleet renewal, and operational procedures, such as increased use of CDA procedures, increased use of reduced flap operations, a 95% adherence to NADP-2 take-off procedures and measures included in the "Minder Hinder Schiphol" Program which were scheduled to be implemented before November 2024, identified in Annex B of the To70 report which was included in the public consultation of March 2023.

#### **Noise abatement objective**

Pursuant to Article 5(2)(a) of the Regulation, Member States shall define a noise abatement objective.

The noise abatement objective is laid down in the Noise Action Plan 2024-2029 for Schiphol Airport and consists of the following sub-objectives:

- a) reducing by 20% the number of houses within the 58 dB(A) Lden contour;
- b) reducing by 20% the number of highly annoyed people within the 48 dB(A) Lden contour;
- c) reducing by 15% the number of houses within the 48 dB(A) Lnight contour; and

d) reducing by 15% the number of severely sleep disturbed people within the 40 dB(A)  $L_{night}$ .

The Notification specified that the noise abatement sub-objectives a) and b) were to be achieved in two phases:

- 15 % as first step, by 1 November 2025, and
- the remaining 5 % in a subsequent phase, which was not defined in terms of timeframe.

The sub-objectives c) and d) are to be achieved by 1 November 2025.

Further, the Notification specified that the noise abatement objective should be measured on top of autonomous developments.

After achieving the noise objective as set out in the Noise Action Plan 2024-2029, the Dutch authorities intend to implement the “norms based” system.

### **Identification of measures**

Pursuant to Article 5(2)(b) of the Regulation, Member States shall identify measures available to reduce the noise impact.

To achieve the noise objective by November 2025, the Dutch authorities have concluded that the following measures are necessary:

- Use of quieter aircraft during the night by KLM Royal Dutch Airlines;
- Additional fleet renewal based on airlines’ schedules, above autonomous fleet renewal;
- Incentivising the use of quieter aircraft through airport charges setting;
- Excluding aircraft with a margin of -13EPNdB or above from Schiphol Airport during the night;
- Limiting aircraft movements to 27,000 annually during the night period; and
- Limiting total annual aircraft movements to 478,000.

To determine the precise annual movement cap following the notified range between 475,000 and 485,000 movements, the Dutch authorities determined first the impact on noise of the measures excluding the annual movement cap. Then they calculated the combined measures’ impacts together with a cap of 480,000 and together with a cap of 475,000.

The calculations showed that together with a cap of 480,000 movements the measures would lead to a reduction of:

- 17.3% in the number of people severely affected within the 48 dB(A)  $L_{den}$  contour;
- 14.6% in the number of houses within the 58 dB(A)  $L_{den}$  contour; a reduction of
- 37.1% in the number of people experiencing sleep disturbance within the 40 dB(A)  $L_{night}$  contour;
- 41.6% in the number of houses within the 48 dB(A)  $L_{night}$  contour.

Thus, while the measures would exceed the noise abatement objective for three sub-objectives, they would fall short of the noise objective for one of the sub-objectives, namely the number of houses within the 58 dB(A) Lden contour.

The calculations showed that together with a cap of 475,000 movements the measures would lead to a reduction of:

- 18.2% in the number of people severely affected within the 48 dB(A) Lden contour
- 15.5% in the number of houses within the 58 dB(A) Lden contour;
- 37.1% in the number of people experiencing sleep disturbance within the 40 dB(A) Lnight contour;
- 41.6% in the number of houses within the 48 dB(A) Lnight contour.

Based on the calculations, the Dutch authorities concluded that the annual cap would have to be set at 478,000 movements to achieve all sub-objectives of the noise objective.

### **Alternative measures**

The Notification lists measures from all categories set out in Article 5(3) of the Regulation. The Notification provides explanations as to which measures were included in the combination of measures and which were excluded.

The Netherlands considers that any new land-use planning measures and noise abatement operational procedures are ineffective to achieve the noise objective by the envisaged deadline of November 2025 and that the current ones would be sufficient.

Regarding land-use planning measures, the Netherlands explains that zoning laws in place, if effectively enforced, will prevent new housing to be built very close to Schiphol Airport. The Netherlands further explains that to the extent any new constructions take place, these will not affect the noise problem.

Regarding noise abatement operational procedures the Netherlands submits that some of them are included in the baseline, some are already in use and the new ones cannot be implemented by 1 November 2025.

### **Cost-effectiveness**

Pursuant to Article 5(2)(c) and Article 5(3) of the Regulation, the likely cost-effectiveness of the identified noise mitigation measures shall be evaluated with the view to determining the most cost-effective measure or a combination of measures.

The Notification comprised a detailed assessment of the measures' costs for different stakeholder groups and compared three scenarios: i) the combination of measures assuming the current annual movement cap of 500,000, ii) the combination of measures with an annual movement cap of 485.000 movements, iii) the combination of measures with an annual movement cap of 475.000 movements.

The Dutch authorities include an annual movement cap of 478,000 in the notification as the most cost-effective option which achieves the full noise objective in all sub-categories.

### **Measures' impact on development prospects of the airport, safety and implementation**

Pursuant to Article 5(2)(d) the notified measures shall take into account public interest in the field of air transport as regards the development prospects of the airport at which the

measures are to apply and are not to affect safety. Pursuant to Article 5(2)(g) the Member State are to ensure that the measures are implemented.

The Netherlands had carried out a study in the initial stages of the balanced approach process, which concluded that a reduction to 400,000-440,000 movements per year would not harm Schiphol Airport's and the Netherlands' connectivity. A core network of strategic destinations would remain intact allowing Schiphol Airport to continue operating as a hub.

With regard to safety, the measures have been assessed by LVNL, which submitted a report with its positive opinion on the feasibility and safety of the measures.

With regard to implementation, the Human Environment and Transport Inspectorate responsible for enforcing the established noise limits issued a positive opinion on the measures included in the Notification. The movement cap and noise limits will be included in a new Schiphol Airport Traffic Decree. Limitations on airport capacity and type of aircraft used will also be reflected in the airport capacity declaration.

The use of quieter aircraft at night and additional fleet renewal are to be enforced by a legally binding covenant between the Netherlands and KLM Royal Dutch Airlines.

### **Public consultation**

Pursuant to Article 5(2)(e) of the Regulation the stakeholders shall be consulted in a transparent way on the intended actions. Pursuant to Article 6(d) of the Regulation, a process of consultation with interested parties shall be organised in a timely and substantive manner. Interested parties shall have at least three months prior to the adoption of the new operating restrictions to submit comments.

The Netherlands carried out a first stakeholder consultation between 15 March and 15 June 2023. The Netherlands invited stakeholders to present possible alternative measures that could serve to address the noise problem and contribute to the achievement of the noise abatement objective and addressed them in the first notification by either taking them on board (e.g. use of quieter aircraft during the night) or explaining why they were dismissed.

The Netherlands carried out another four-week public consultation including more measures that stakeholders had initially proposed. The consultation ran from 24 May to 27 June 2024.

### **Timing of the Notification**

Pursuant to Article (5)(2)(f) and Article 8(1) of the Regulation, the Commission and interested parties are to be notified with six months' notice, ending at least two months prior to the determination of the slot coordination parameters as defined in Article 2 (m) of the Slot Regulation for the airport concerned for the relevant scheduling period.

The Netherlands notified the Commission on 4 September 2024 and provided complementary information on 6 December 2024. On 4 September 2024, other Member States, as well as the United States of America, were notified.

## **IV. REVIEW OF THE PROCESS OF THE INTRODUCTION OF NOISE RELATED OPERATING RESTRICTIONS BY COMMISSION SERVICES**

Pursuant to Article 5, paragraph 3 of the Regulation, Member States shall ensure that operating restrictions are not introduced as a first resort, but only after consideration of the other measures of the balanced approach, namely reduction of aircraft noise at source, land-use planning and management and noise abatement operational procedures.

Although the Dutch authorities considered the possibility of measures from all categories contributing to the noise objective, the Notification only includes measures in the categories of measures reducing noise at source and operating restrictions, as only those were considered as available in the short implementation frame of November 2025. Other measures (from the categories of operational measures and land-use planning and management) were considered to be ineffective in achieving the noise objective within relatively short time period. In this context, the Commission services note several important elements that should be considered by the Dutch authorities in the scenario beyond the first phase of the achievement of noise abatement objective.

### **Aircraft noise at source**

Pursuant to Article 5(3)(a) of the Regulation, Member States are to ensure that when noise related action is taken, the foreseeable effect of a reduction of aircraft noise at source is considered as an available measure. Furthermore, pursuant to Article 5(3)(d) of the Regulation, Member States are to ensure that operating restrictions are not introduced as a first resort, but only after consideration of the other measures of the balanced approach.

The commitment to use quieter aircraft at night by KLM Royal Dutch Airlines, setting airport charges to incentivise the use of quieter aircraft in general, and taking into account commitments to additional fleet renewal (on top of autonomous fleet renewal) fall into this category.

The Netherlands intends to enter into a covenant with the KLM Royal Dutch Airlines to enforce the measure. In addition, the Notification states that the achievement of the noise abatement objective will be monitored and in case of any shortcomings, new measures will be considered.

Certain industry stakeholders contest the noise reduction impact attributed to certain measures by the Dutch authorities, notably the incentive to use quieter aircraft through airport charges setting. The industry stakeholders argued that the impact of the measure was heavily underestimated and presented alternative impact calculations. The Dutch authorities consulted three independent experts on the reliability of the calculations, which concluded that it is not possible at this stage to definitively show which approach is correct due to unpredictable variables influencing airline behaviour. The authorities opted for the most conservative impact calculation.

The stakeholders also argue that the assumptions on fleet renewal underestimate the impact on noise reduction as autonomous fleet renewal after 1 November 2024 (the baseline scenario) should count towards achieving the noise objective.

The Commission services note that the Dutch authorities did not provide reasoning with regard to the methodology and assumptions behind the split of fleet renewal into the autonomous fleet renewal part of the baseline and additional fleet renewal that is considered as a measure contributing to achieving the noise objective. The Commission services note that the reasoning and methodology behind the split is necessary to enable the Netherlands to determine cost-effectiveness and foreseeable effect of a reduction of aircraft at source. This point is further referenced in the section on operating restrictions and whether they have been selected as a last resort to achieve the noise objective.

### **Land use planning measures**

The Netherlands notes that during the public consultation in the context of the balance approach process, measures in this category were proposed such as restarting the Environmental Fund and intensifying home insulation and noise-adaptive building. However,



they were discarded as, according to the Dutch authorities, they do not contribute to the set noise objective. The Environmental Fund does not reduce noise produced, and for the noise measurements under the Regulation, noise perceived inside the house is not relevant, as it is measured on points of the outside facade.

The Netherlands also explains there are zoning laws in place which will prevent new housing to be built very close to Schiphol Airport. At the same time, the Netherlands notes that it is facing a housing crisis, and 250,000 new homes should be built by 2031 according to the National Building Plan. However, to the extent that any new constructions would increase the number of houses in the respective noise contours, these will not be considered to affect the noise objective.

Appropriate land use planning and management can be among the most cost-effective mechanisms to limit or reduce exposure of the population to harmful noise. It should be a full part of noise management policy going beyond the first phase of the achievement of the noise abatement objective. In addition, it is essential that the existing planning restrictions are fully enforced and monitored.

### **Operational measures**

As part of the balance approach process, an operational measure in the form of a reduction of secondary runway use between 13.00 and 15.00 hours was originally contemplated. However, following further discussions with the authority responsible for air traffic control in the Netherlands, “Luchtverkeersleiding Nederland” (LVNL), industry, and the slot coordinator, the measure was discarded as operationally unfeasible. Residents also responded negatively to the measure in the consultation as it is considered ineffective.

Another operational measure contemplated was the use of take-off and landing procedures, that can mitigate noise was indicated as a viable contributor to the noise objective during the stakeholder consultation.

Noise abatement operational procedures include Continuous Descent Operations (CDOs), Continuous Climb Operations (CCOs), Noise Abatement Departure Procedures (NADPs) and Performance Based Navigation operations in terminal areas around airports. Using an appropriate NADP on the initial departure tailored to the area surrounding the individual runway, improved vertical flight efficiency by climbing or descending without interruption and thus employing minimum engine thrust, can reduce noise levels in the vicinity of airports.

The percentage of CDO and CCO flights for Schiphol Airport is lower than the overall share for the top 30 European airports. The average time in level flight (flying without descending or climbing) below Flight Level 75 is considered to be the most appropriate indicator to measure effectiveness of the operational procedures in terms of noise reduction. The results of this indicator for Schiphol Airport show that improvements are still possible. In addition, aircraft operating at Schiphol Airport are flying in level flight at very low altitude [1500 - 2500 feet] most of the time and this is not the case in other comparable airports.

The Netherlands argue that between 1 January 2023 and 28 July 2024, more than 95% of flights already followed the NADP-2 procedure. Regarding operations that do not yet use this procedure, the Netherlands claim that it is not legally enforceable, and some pilots apply a different procedure as required by the airline they fly for.

At other airports however, (e.g. Zurich, Barcelona) noise reduction procedures are mandatory, and fines are issued if they are not followed. In addition, NADP-2 procedures are less efficient than NADP-1 procedures to reduce noise in the proximity of runways.

Therefore, the current use of NADP -2 procedure are not considered as an additional measure contributing to the noise abatement objective.

Performance-based navigation (PBN) operations allow aircraft to fly very precise lateral flight paths and improved climb and descent profiles. PBN procedures can introduce arriving and departing flight paths that are safely placed avoiding densely populated areas so aircraft fly over the same place on the ground with the resultant concentration of engine and airframe noise. LVNL has published several PBN procedures including procedures with the Radius to Fix (RF) feature that allows aircraft to navigate more accurately between the residential areas enabling to reduce the spread in flown tracks in between built-up areas. Currently some aircraft types and operators are flying these procedures but there are still many aircraft not capable to fly these procedures. Local initiatives towards airspace users operating in Amsterdam/Schiphol to incentivise or mandate the required onboard equipment to increase the use of advanced PBN procedures, such as Radius-to-Fix (RF), would contribute to reduce noise.

An arrival route structure optimised for noise abatement should be such that an aircraft descent profile would remain uninterrupted from top of descent to the point where it intercepts final approach. PBN-based ATC separation standards and procedures can be incorporated to reduce the need for arriving aircraft to remain at the same altitude at low altitudes for extended periods of time. During periods of low and medium traffic (e.g. nights, non-peak hours during low season), the use of PBN procedures will allow for low power, low drag, continuous descent, reducing the impact of aircraft engine or airframe noise.

The assessment of noise indicators between Schiphol Airport and other comparable airports shows that LVNL has not exhausted the benefits of the noise abatement operational procedures in terms of publication of optimal use by airlines and controllers. The Commission services note the effort made in several individual initiatives to reduce noise in particular areas/runways but there is still room for improvement that can be achieved by an overall terminal airspace re-design and optimal use of the operational procedures that will take several years to implement.

The overall re-design and optimal use of the airspace structure over Amsterdam should take full advantage of PBN and CDO/CCO capability to concentrate aircraft over non-residential areas and maximise vertical flight efficiency. It has to be stressed that this objective will entail not only the publication of the PBN procedures as currently required by PBN Implementing regulation (EU 2018/1048) but the optimal design and use of those procedures. LVNL should consider incentives, including budget-neutral financial measures, for such use by controllers and pilots and aircraft equipment mandates. The achievement of this objective will take some time as it will require further consultation with local communities, engagement with airlines and a significant effort from LVNL. Giving top priority to noise reduction in the airspace redesign might impact airspace runway peak-capacity in certain hours. However, it could be necessary to keep a high annual capacity level. The Commission services consider that the overall airspace re-design is a structural measure that could be part of noise management policy beyond the November 2025 deadline.

### **Operating restrictions**

The Notification includes three measures that are considered operating restrictions: the banning of aircraft with a cumulative noise margin above -13 EPNdB during the night; a night movement cap of 27,000; and an overall annual movement cap of 478,000.

The objective of the Regulation as set out in Article 1(2) is twofold: *i) to facilitate the achievement of specific noise abatement objectives... while respecting relevant Union rules*

... ii) to enable the use of operating restrictions in accordance with the *Balanced Approach* so as to achieve the sustainable development of the airport and air traffic management network capacity.

It is for Member States to define the noise abatement objective for an airport to the benefit of residents, human health and the wider environment and identify measures to achieve it. However, Member States have the duty to exercise their competence to manage noise at an airport while taking due account of the impact this may have on the functioning of the aviation market.

Operating restrictions have the biggest impact on airlines' freedom to provide air services which is enshrined in Article 15(1) of Regulation 1008/2008, and, hence, on connectivity of citizens.

As firmly settled in the Court's case law, any restriction to free movement of services must pursue a legitimate aim, be proportionate and must be applied in a non-discriminatory manner.<sup>7</sup> It also follows from settled case law that exceptions to the freedom to provide services are to be interpreted strictly.

Operating restrictions should thus be introduced only as a last resort as recognised by Article 5(3)(d) of the Regulation. Further, Article 5(6) of the Regulation provides that measures taken in accordance with the Regulation for a given airport shall not be more restrictive than is necessary in order to achieve the noise abatement objectives set for that airport. Operating restrictions shall be non-discriminatory, in particular on grounds of nationality or identity, and shall not be arbitrary.

Regarding non-discrimination, the Commission services note that the operating restrictions de jure do not appear to discriminate based on nationality or between business models of scheduled services. This is because the notified operating restrictions do not indicate which air carriers will be affected by the reduction in available annual movements, nor they indicate the manner or methodology pursuant to which the slots will be reduced.

However, the Commission is at this stage not in a position to assess, on the basis of the Notification, whether the operating restrictions will not be de facto discriminatory.

The impact on air carriers will become apparent in the allocation of airport slots pursuant to Regulation (EEC) 95/93 (the "Slot Regulation")<sup>8</sup>, when the Dutch slot allocator will not be able to allocate all slot series for which air carriers had obtained grandfather rights. Around 5,000 slots with historic rights will not be allocated. The Commission services note that the principle of non-discrimination in the slot allocation process is enshrined also in the Slot Regulation. The general principles of the Slot Regulation of transparency, non-discrimination, proportionality and effective competition must therefore be upheld by the slot-coordinator when making decisions on slot-allocation and withdrawal.

The Netherlands must ensure that the different treatment of non-scheduled air services (ad hoc operations) are not treated unfairly compared to scheduled air services. The Netherlands should continue monitoring the situation in this respect and should adjust its measures when needed.

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<sup>7</sup> C-288/89, Gouda, paragraph 10; C-398/95, SETTG, paragraph 21; C-171/17, Commission v Hungary, paragraph 89.

<sup>8</sup> Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (OJ L 14, 22.1.1993, p. 1).

## V. CONCLUSIONS

In light of the above, the Commission services note that the process for introduction of noise-related operating restrictions for Schiphol Airport in Netherlands followed several requirements of Regulation (EU) No 598/2014. The Netherlands established the noise problem and defined the noise abatement objective, assessed potential measures from all categories to achieve the noise objective, assessed whether the measures would impact the development of Schiphol Airport and whether safety would be affected, conducted the required stakeholders' consultations and responded in its Notification to the evidence and proposals coming from the consultations, conducted a cost-efficiency analysis and notified the relevant parties in a timely manner.

Any identified elements of non-compliance with the process are subject to the Commission decision [*reference to be added*].

Certain valuable structural noise abatement measures produce their effects gradually over time and were discarded in this specific case given the Dutch government's commitment to prioritise measures achieving their full effect by 1 November 2025. Such measures should be considered in future decision-making.

At the same time, the Commission services take note of the diverging position of stakeholders and conclusions from independent experts on the uncertainty of certain findings of the Notification and invites the Dutch authorities to put in place a mechanism to monitor the actual noise reduction impact of the measures and adjust the measures as necessary in line with Article 6(3) of the Regulation when the noise abatement objective is achieved to ensure that the operating restrictions are not more restrictive than necessary.

Any positive or negative deviation from the forecast should be taken into account for the achievement for a potential future measures to achieve the remaining 5% noise abatement.

Lastly, due to a certain margin of unpredictability of how the measures will impact air carrier behaviour, a monitoring procedure should be established by the Dutch authorities allowing to assess the actual noise reduction impacts and adjust measures accordingly, as well as ensure that relevant information is made available to residents living in the vicinity of the airport in line with Article 6(3) of the Regulation.