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Supreme Court *Griggs v. Allegheny County* “ Extends the rule enunciated in *Causby* see below to local airport proprietors via the 14th Amendment. Airport was responsible for acquiring sufficient land adjacent to the airport to reduce the impact of aviation noise and, if it failed to do so, was liable for resulting damages from aircraft noise. *Lakewood, Township of A* municipal ordinance regulating noise from airplanes hovering and cruising at low levels for sport parachuting is a reasonable exercise of the police power. Since there is no federal regulatory scheme for noise from aircraft in a limited inter-state airspace there is no preemption by the federal government. The ordinance proscribes other noises as well, so it is not discriminatory; it need not reach all transient noises. *City of Burbank v. Lockheed Air Terminal U. Supreme Court* This is the seminal decision on the issue whether local government can regulate aircraft noise. The court held that the general police powers of state and local authorities do not extend to aircraft noise because of federal preemption authority invested in the Federal Aviation Administration and Environmental Protection Agency. However, the court left open what limits, if any, should be applied to the exercise of the proprietary rights of municipalities and counties that own and operate airports see footnote This question was later addressed in *National Aviation v. City of Hayward* *National Aviation v. City of New York* Court of Appeal In the city sought a new fixed-base operator for its heliport along the East River, issuing a request for proposal that contained seven restrictions on operations. Plaintiff, which had been the fixed-base operator for 20 years, challenged the validity of the restrictions. *Centennial Express Airlines Colorado, Centennial Airport*, a general aviation airport built in , had never permitted scheduled passenger flights. Nevertheless, *Centennial Express Airlines* preemptorily began passenger service on December 20, The next day the airport filed suit for an injunction prohibiting *Centennial Express* from conducting passenger flights out of the airport. The trial court granted the injunction, and the Supreme Court upheld the injunction. At issue in the case was whether, under FAA regulations, the airport could prohibit an entire class of aircraft. The court concluded that the airport had introduced ample evidence to justify the ban on stage-2 jets and thus vacated the FAA order.

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Particularly for fundamental rights, Article 63 of the Treaty on European Union provided: In formulating general principles, European Union judges draw on a variety of sources, including: General principles are found and applied to avoid the denial of justice, fill gaps in European Union law and to strengthen the coherence of European Union law. When the case was referred to the European Court of Justice the ruling of the German Constitutional Court, the European Community could not "prejudice the fundamental human rights enshrined in the general principles of Community law and protected by the Court". The protection of such rights, whilst inspired by the constitutional traditions common to the member states, must be ensured within the framework of the structure and objectives of the Community. Therefore, the European Court of Justice cannot uphold measures which are incompatible with fundamental rights recognised and protected in the constitutions of member states. The European Court of Justice also found that "international treaties for the protection of human rights on which the member states have collaborated or of which they are signatories, can supply guidelines which should be followed within the framework of Community law. It was not envisaged for European Union measures, that is legislative and administrative actions by European Union institutions, to be subject to human rights. At the time the only concern was that member states should be prevented from violating human rights, hence the establishment of the European Convention on Human Rights in and the establishment of the European Court of Human Rights. As a general principle in European Union law it means that the law must be certain, in that it is clear and precise, and its legal implications foreseeable, especially when applied to financial obligations. The adoption of laws which will have legal effect in the European Union must have a proper legal basis. Legislation in member states which implements European Union law must be worded so that it is clearly understandable by those who are subject to the law. The general principle also requires that sufficient information must be made public to enable parties to know what the law is and comply with it. Opel had brought the action on the basis that the Regulation in question violated the principle of legal certainty, because it legally came into effect before it had been notified and the regulation published. It holds that a lawful power must not be exercised for any other purpose than that for which it was conferred. According to the misuse of power test a decision by a European Union institution is only a misuse of power if "it appears, on the basis of objective, relevant and consistent evidence, to have been adopted with the exclusive or main purpose of achieving end other than those stated. In its ruling the European Court of Justice held that by virtue of the general principle of proportionality the lawfulness of the Directive depended on whether it was appropriate and necessary to achieve the objectives legitimately pursued by the law in question. When there was a choice between several appropriate measures the least onerous must be adopted, and any disadvantage caused must not be disproportionate to the aims pursued. The general principle of proportionality therefore requires that a measure is both appropriate and necessary, and as such the European Court of Justice to review both the legality of a measure, but also to some extent the merit of legislative and administrative measures. Therefore, the general principle of European Union law of proportionality is often considered as the most far-reaching ground of judicial review and of particular importance in public law cases. However, because the proportionality concept potentially concerns the merits of a measure, European judges may defer to the choice of the authority which has adopted the measure, [21] or make what are frequently political decisions. In Fedesa the European Court of Justice explained that "it must be stated that in matters concerning the common agricultural policy the Community legislature has the discretionary power which corresponds to the political responsibilities given to it by Consequently, the legality of a measure adopted in that sphere can be affected only if the measure is manifestly inappropriate having regard to the objective which the competent institution is seeking to pursue

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