

## Position Paper

26 July 2010

### AEA POSITION PAPER ON A POSSIBLE REVISION OF DIRECTIVE 2002/30/EC ON NOISE OPERATING RESTRICTIONS AT EU AIRPORTS

#### BACKGROUND

1. The noise Directive was adopted in 2002 to allow Member States to introduce operating restrictions at individual airports in compliance with the 'Balanced Approach' adopted by ICAO at its 33<sup>rd</sup> Assembly.
2. The philosophy of the Balanced Approach was that it should be implemented at the airport level, but only where a noise issue had been identified, to avoid placing unnecessary noise restrictions upon operators thereby creating additional market distortion and hardship.
3. Although AEA airlines have experienced cases of non-respect of the Balanced Approach to noise at individual airports, the key question remains whether a revision of the Directive would provide an EU legislative framework which will successfully lead to the correct application of the Balanced Approach throughout Europe. In our view, sufficient action has not yet been undertaken to ensure that the existing Directive is applied in practice. AEA maintains that this needs to be done before a formal revision is proposed.
4. However, if a revision is to be considered, the AEA would like to insist that such revision should not affect the basic principle of the Balanced Approach, and particularly the following key elements:
  - Airport-by-airport approach;
  - No operational restrictions by anticipation, but only to mitigate identified noise problems;
  - Cost-benefit analysis to determine the best options (all options must be considered as per the Balanced Approach);
  - Land use planning is a prerequisite.
5. With respect to the issue of the availability of data on the number of people exposed to noise within contours, the AEA questions how efficient mitigation action can be taken in light of the lack of data on population exposure to noise.
6. It is a prerequisite of the Balanced Approach to conduct cost/benefit analyses of all the options available, but the MPD study only looks at one aspect of the Balanced Approach – no assessment of the cost/benefit efficiencies of the other options has been made. In particular, land use planning has been ignored. This would appear perverse in the light of the EU Directive implementing the Balanced Approach. In addition, AEA submits that it does not make sense to argue politically with an increasing number of affected people in the vicinity of airports without at least contemplating harmonisation of local rules and the establishment of a common framework for land use planning.

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7. AEA also believes that not enough account has been taken of improvements in noise reduction technology and the development of new aircraft and engines. For example, from 2015 onwards it is expected that, despite growth, existing noise contours could be either maintained or even reduced thanks to the ongoing introduction of new equipment into airline fleets, for both passenger and cargo operations.
8. With respect to reducing aircraft noise even further, the AEA believes that it is premature to consider further stringency options, as restrictions already allowed by the current Directive have not been implemented fully.
9. AEA maintains that as a general principle it is necessary and appropriate to also acknowledge the significant benefits in terms of employment, infrastructure development and financial well-being associated with airports and aircraft operations. Under this perspective, special attention should be given to cargo operations for which night operations are essential to their competitiveness.
10. The AEA submits that a new, more stringent, certification standard may be feasible, but only in the light of the comments in Point 12 below, i.e. this must be agreed at ICAO level and subject to a rigorous analysis, in which Member States would naturally participate.
11. The AEA reiterates that EU Member States are signatories to ICAO CAEP and that this is the appropriate forum for defining aircraft categorisation. The ICAO approach ensures that the three principles of technical feasibility, environmental benefit and economical affordability are respected. AEA believes that it is inappropriate to set limits through any other forum than ICAO CAEP which has access to all manufacturers' data and which is the legal framework to avoid any competitive distortion. ICAO provides a very high standard of consistency and robustness in its aircraft noise certification standards outlined in Annex 16, volume 1. This is continuously under review.
12. AEA underlines that sharper differentiation in operational costs should only be considered after an in-depth analysis of the need for such measures and their potential impacts. Such measures should act as an incentive, should be revenue neutral, and should be set at non-punitive levels in order to prevent them effectively being used as operational restrictions. A cost/benefit analysis should also be carried out.
13. The AEA believes that the directive should be clarified further in order to make clear exactly what is permitted and what is prohibited.
14. With respect to the formulation in Article 5.1 and the requirements imposed in Annex 2, AEA submits that this is an important clause, as Annex 2 sets out the process (as in the Balanced Approach) that must be considered for a cost/benefit analysis, to ensure that inappropriate requirements are not placed upon different sections of the industry.
15. Any increase in the definition of "marginally compliant" must have a basis in international regulation to avoid market distortions. ICAO defines aircraft noise standards and therefore any EU legislation covering noise standards should be in line with ICAO definitions and be subject to a cost/benefit analysis.

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16. As smaller aircraft have only a minimal impact with regard to noise, we believe that the beneficial effects of widening the scope to include smaller aircraft should be assessed and proven.

17. The AEA remarks that no assessment of Article 8 of the Directive (10-year exemptions for developing countries) has been made. The impacts of non-EU aircraft not required to conform to the directive (i.e. the exempted aircraft), have not been fully assessed. AEA has reason to believe that these old aircraft, which are allowed to operate five years longer than aircraft from industrialised countries, now dominate the noise pattern at European airports. In addition, this gives rise to discrimination against airlines from industrialised countries and impacts the competitive environment.

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