

**ERA POSITION PAPER
RULES AND PROCEDURES WITH REGARD TO THE INTRODUCTION OF NOISE-RELATED
OPERATING RESTRICTIONS AT UNION AIRPORTS WITHIN A BALANCED APPROACH –
2011/0397**

Background

Noise-related operating restrictions at European Union airports are currently regulated through national laws, under the European Directive 2002/30/EC. The European Commission (EC) claims that this framework is no longer fit for purpose, because of the differences within Europe in the process leading to decisions on noise-related operating restrictions. The EC aims at setting common rules for a consistent, evidence-based and robust methodology acceptable to all stakeholders.

Accordingly, the EC has proposed replacement of the Directive with a Regulation (directly applicable in all member States), which is the subject of this ERA Position Paper.

ERA Analysis and Comments

ERA welcomes the EC attempt to clarify and harmonise the process leading to decisions on noise-related operating restrictions and the endeavour for more consistency and evidence-based assessment, with the involvement of all stakeholders, before measures on noise are taken.

Open reference to the ICAO Balanced Approach and the link to the ECAC Doc. 29 on “Standard Method of Computing Noise Contours around Civil Airports” now represent the driving criteria when assessing and adopting restrictions. This approach is sensible as well as the specific attention paid on the cost-effectiveness principles when selecting the different range of measures.

Actual selection of noise-related measures -as well as quality objectives- is not imposed by this proposal for legislation and is covered by Directive 2002/49/EC and by other national or local rules.

New stringency levels:

According to the EC proposal for Regulation, the new definition of marginally compliant aircraft is extended to civil aircraft that meet the Chapter 3 certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation by a cumulative margin of less than 10 Effective Perceived Noise in Decibel (EPNdB).

This means that all aircraft certified in accordance with Chapter 3 could be subject to operating restrictions, although the ICAO Assembly has urged all States not to introduce restrictions to phase-out aircraft certified according to this standard (Resolution A37-18).

Extending the stringency levels beyond the internationally-endorsed principles produced by ICAO could lead to an adverse impact on EU airlines and would cause uncertainty in their investment plans, adding costs and potentially reducing their competitiveness.

Differences in stringency levels could result in international disputes with non-EU countries and could negatively affect European operators, while the ICAO General Assembly has repeatedly urged States

to refrain from unilateral environmental measures and requested the Council to maintain the initiative on policy guidance on noise.

Operating restrictions not as a first option (Art. 4):

ERA supports the new requirement to consider operating restrictions “not as a first resort” when States take noise-related action. Nevertheless, it should be stated more clearly that operating restrictions must be applied only after consideration of the benefits from the other three elements of the balanced approach (noise reduction at source; land-use planning; noise abatement operational procedures). This sequential and progressive path is in line with the ICAO General Assembly resolutions and should be completed by the explicit and further requirement that operating restrictions be limited to those of partial nature, wherever possible, rather than the complete withdrawal of operations at an airport.

General rules on aircraft noise management (Art. 4):

According to this article, States may - within the Balanced Approach - differentiate noise mitigating measures according to aircraft type, runway use and/or timeframe covered. Singling out specific conditions for restrictions is inconsistent with the Balanced Approach which requires solutions to be tailored to the specific circumstances at each airport.

Measures shall not differentiate according to aircraft type as noise performance can vary considerably for a given aircraft type depending on factors such as engines, maximum take-off weight or flap schedule.

Moreover, the new proposal omits to pay specific attention on flight safety, that represents the most important and fundamental driving factor when considering any noise-related actions.

Finally, noise abatement operational measures should not preclude or prohibit anti-terrorist security measures.

Technical Cooperation and Consultation (Art. 5):

ERA supports the creation of a technical forum for cooperation between airport operators, aircraft operators and air navigation service providers for actions to mitigate noise and to reduce emissions. Nevertheless, consultation with local residents should not be explicitly required to take place within this forum, whose scope and remit have a purely technical nature.

A more general dialogue among all stakeholders and interested parties, including local residents, is already dealt with in the consultation process set by the proposal for Regulation.

Noise performance Information (Art. 6):

At the request of the Commission, aircraft operators are obliged to provide free of charge some detailed information on their aircraft operating in European Union airports. Besides any commercial considerations on the disclosure of these data, airlines should not bear the costs associated with meeting the requirements of this proviso. Before requiring further increase in the administrative burden to airlines, a cost-benefit analysis should clarify the reasons and justify the need for the disclosure. Complete freedom by the Commission to request information without a clear justification and a precise purpose is not acceptable and would result in increased costs to airlines.

Moreover, much of the data required is already available through EUROCONTROL's Central Route Charges Office or EASA's Type Certificate Data Sheet for Noise (TCDSN) databases.

Exemption clause (Art. 8):

ERA fully supports the ICAO General Assembly recommendation to consider the special circumstances of operators from developing Countries, in order to avoid undue economic hardship for such operators. Nevertheless due to the global nature of aviation, disparities and unequal treatments among different players, based on their nationality, would entail unfair competition and substantial inconsistency with the principle of non-discrimination that is enunciated in article 4, paragraph 5.

Any exemption from noise operating restrictions based on nationality of carriers and on the place of establishment of the natural or legal person that operates the aircraft cannot be tolerated.

Right to scrutiny and suspension (Art. 10):

Noise is by definition a complex and local issue, affecting communities and populations in the airport noise contours. Solutions to noise problems need to be tailored to the specific characteristics of the airport concerned on a case by case basis.

The right of scrutiny and suspension granted to the Commission on noise-related measures taken by national competent authorities should always be aimed at guaranteeing that competent authorities have followed the methodology and process laid down in the Regulation before a decision is implemented. It will in particular ensure that the interests of all stakeholders have been duly taken into account.

When assessing the compliance with the Regulation of the method and process leading to the noise-measures, the Commission should always consult with experienced stakeholders and experts in the aviation sector.

ERA Recommendations

ERA members recommend that:

- If stringency levels are to be increased, the ICAO General Assembly recommendations and policy guidance need to be considered. Therefore the new definition of marginally compliant aircraft may include those civil aircraft that meet the Chapter 3 certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation by a cumulative margin of less than 8 Effective Perceived Noise in Decibel (EPNdB).
- It should be stated very clearly that operating restrictions can be considered only after a comprehensive assessment has showed that the other three pillars of the balanced approach (noise reduction at source; land-use planning; noise abatement operational procedures) are not a viable and more cost-effective solution to the noise objectives.
- Maintaining of flight safety should be indicated as the main condition for any assessment on noise-related restrictions.
- The technical forum should be a means for cooperation between airport operators, aircraft operators and air navigation service providers only; therefore local residents should not be included.
- Provision of noise performance information may represent an unnecessary burden to airlines; therefore ERA questions the use of such data and asks for clarification on the intended purpose of this requirement, bearing in mind that the Commission can collect these data from EUROCONTROL and EASA without adding more administrative costs to air operators.
- Exemptions from noise restrictions granted to developing countries are a case of discrimination based on nationality and should therefore be removed.
- Noise is a local issue and should be dealt with by national authorities on an airport-by-airport basis. The right to scrutiny and suspension granted to the Commission is unlikely to pass the test of the European Parliament and the Council. Nevertheless if confirmed, this power should always conform to the Chicago Convention and ICAO Resolutions and ensure that the interests of all stakeholders have been duly taken into account.

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