

Proposal for a Regulation on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach
COM (2011) 828 final

Position of the European Express Association (EEA)

The EEA would like to make the following comments on the new proposal for Regulation on noise-related operating restrictions at EU airports adopted by the Commission on 1st December 2011:

- 1. The EEA welcomes the Commission's objectives to clarify the existing legal framework and to try to ensure the implementation of a more harmonised and comprehensive approach to aircraft noise management**
- 2. However, the EEA would welcome further alignment with the ICAO Balanced Approach**
- 3. Noise standards set by the Regulation should be fully in line with those set at a global level in ICAO**

The proposal includes a number of positive elements that aim to ensure a more harmonised and comprehensive approach to aircraft noise management at EU airports

The EEA fully supports the principles of the Balanced Approach to aircraft noise management as set out in the ICAO Resolution A37-18. The Balanced Approach has to be implemented on an individual airport basis when a noise problem has been identified. In this respect, the EEA welcomes that one of the Commission's stated objectives in Article 1 (2) (b) is to apply the Balanced Approach in the selection of noise mitigation measures. Indeed, the implementation of the Balanced Approach at airports provides the opportunity to allow for the sustainable development and growth of the aviation sector.

In addition, the EEA supports the clarification of the existing legal framework, the implementation of a more comprehensive approach to the management of noise at European airports and the further harmonisation of the process for the introduction of operating restrictions, while leaving the outcome of the process to the local level. Notably, the obligation for competent authorities to precede the adoption of new measures with a robust assessment, in consultation with stakeholders and giving due consideration to the impact on capacity and the economy, will - if properly applied by competent authorities at local level - contribute to achieving the most cost-effective outcome that will meet both environmental and economic needs.

Finally, the possibility for the Commission to scrutinise operating restrictions prior to their implementation could constitute an additional safeguard to ensure that the Regulation is correctly applied by competent authorities.

The EEA would however welcome further alignment with the ICAO Balanced Approach

► **Need for an equal consideration of the 4 pillars to address noise**

The Balanced Approach is based on the core principle that solutions to noise problems need to be tailored to the specific characteristics of the airport concerned. It requires consideration to be given to the 4 principal elements of the Balanced Approach, namely reduction of noise at source, land-use planning and management, noise abatement operational procedures and operating restrictions. However, the ICAO Resolution stresses that operating restrictions should not be used as a first resort, but only after consideration of the benefits to be gained from the other three elements and in a manner which is consistent with the ICAO Resolution, while taking into account the possible impact of such restrictions at other airports.

► **Avoid a “one-size-fits-all” approach and a disproportionate focus on operating restrictions**

Accordingly, EU legislation should refrain from singling out or privileging the adoption of specific noise mitigation measures, notably operating restrictions, as there is no “one-size-fits-all” solution to noise issues at airports.

In this regard, it is unfortunate that the general thrust of the proposal, starting with its title, seems focused on operating restrictions, with very little reference to the other elements of the Balanced Approach. The justification that the EU has no competence with regard to the other elements of the Balanced Approach is understood, but this focus may unfortunately give the wrong signal to competent authorities and the wider public. In the end, what counts for airlines is whether this Regulation - once in force - will indeed promote the consideration of all elements of the Balanced Approach due at local level.

Similarly, in terms of operating restrictions, it is also important to avoid a “one-size-fits-all”, defined at EU level. The EEA is content that the current wording is fairly neutral with regard to the type of operating restrictions that can be introduced and it is very important that this neutrality is maintained. In line with ICAO’s Balanced Approach, the Regulation should **not** go beyond the harmonisation of the process, for example by specifically pointing to certain categories of operating restrictions such as those during the night.

Next-day delivery services are vital to the competitiveness of EU business and express operators are taking significant measures to reduce aircraft noise

EEA members provide next-day delivery services which require shipments to be transported and sorted at night. A recent study by Oxford Economics¹ has shown that the availability of next-day deliveries is vital to the competitiveness of European businesses and that the disruption of overnight express services would have a detrimental impact on Europe’s competitiveness:

¹ The Economic Impact of Express Carriers in Europe, Oxford Economics, November 2011.

- 16% of EU companies' sales revenues are dependent on express deliveries (expected to increase to 21% in 2020).
- 47% of businesses consider that their company would be badly affected by constraints on the availability of express services. 74% believe their ability to compete would be badly affected.
- 43% believe that orders could be lost.
- 43% would have to hold increased inventories to meet customer demand.
- 15% suggested they might have to relocate activities.
- Overall, Oxford Economics estimated that the loss of next-day delivery services would reduce GDP across the EU by some EUR 30 billion a year.

EEA members are continuing to take significant (and often costly) measures to reduce the impact of their operations on communities surrounding the airports where they operate, including fleet renewal and engagement with air traffic management to define operational procedures and approach and departure routes that reduce the number of people impacted.

Fleet modernisation is an on-going process. In the last 5 years alone, express cargo carriers have added almost 100 more modern jet aircraft to their fleets serving European airports, replacing older types which were less noise and emission efficient. Additional new build aircraft are on order for future delivery, an example being a single order for 30 such aircraft, valued at over \$5 billion, recently placed by one EEA member alone. It must be noted however that the low aircraft utilisation rates achieved by express operators, particularly on short/medium haul routes, necessitate significantly longer amortisation periods than is normally the case with passenger aircraft operations.

As a result of the fleet renewal initiatives, most of the aircraft operating for the European networks of EEA members comply (or will soon comply) with the noise standards required by Chapter 4, the strictest ICAO noise standard.

In addition, express operators continue to work closely with airports and air traffic managers to define operational procedures designed to minimise the noise impact from their operations around Europe's airports.

Examples of this include some recent measures taken in CDG in Paris, such as:

- the implementation of continuous descent profiles for quieter landing procedures between 0.00 and 5.00 am;
- the raising of the flight altitude of aircrafts by 300 meters when getting closer to the Parisian region;
- the establishment of a new take-off path at night between 0.00 and 5.00 am to avoid the over flight of highly populated areas of the west of Roissy.

EEA members and the aviation sector in general have made enormous efforts in terms of noise reduction initiatives (and will continue to do so). This is reflected in the Commission's report on the implementation of the Environmental Noise Directive 2002/49 published on 1 June 2011 which shows that the number of people exposed to noise from aviation is much lower than for other modes:

Scope	Number of people exposed to noise above $L_{den} > 55$ dB [million]	Number of people exposed to noise above $L_{night} > 50$ dB [million]
Within agglomerations (163 agglomerations in EU > 250 000 inhabitants)		
All roads	55,8	40,1
All railways	6,3	4,5
All airports	3,3	1,8
Industrial sites	0,8	0,5
Major infrastructures, outside agglomerations		
Major roads	34	25,4
Major railways	5,4	4,5
Major airports	1	0,3

Therefore, it is important to ensure that aviation is not singled out in EU legislation.

Noise standards in the Regulation should be fully in line with ICAO

Civil aircraft are certified in accordance with the standards set by ICAO in volume I of Annex 16 to the Chicago Convention. All jet aircraft used for commercial air transport in Europe have been certified in accordance with Chapter 3 for aircraft types first certified before 2006 or Chapter 4 of Annex 16 for those certified in 2006 and after.

The adoption of uniform global noise standards by ICAO ensures that aircraft certificates issued in one country are recognised in all other countries. Common standards also provide manufacturers and operators with the predictability required when considering the economic life span of aircraft and the lead times required for the design, manufacture and entry into service of new aircraft and engine types.

It is for these reasons ICAO's Assembly urged all States not to introduce measures to phase-out aircraft which are certified in accordance with Chapter 3 or Chapter 4 of Annex 16 to the Chicago Convention.³

The EEA therefore has concerns with regard to the Commission's proposal to authorise the further withdrawal of aircraft which are certified with Chapter 3 but which do not meet the requirements of

³ Assembly Resolution A37-18.

Chapter 4, specifically, the change in definition of "marginally compliant aircraft" from Chapter 3 minus 5 EPNdB to minus 10 EPNdB. It seems difficult to qualify such aircraft as "marginally compliant" with Chapter 3 where their certificated noise levels are actually closer to Chapter 4. Although the direct impact on European operations of EEA members would be limited, this proposal would erode the necessary stability in the regulatory framework.

Furthermore, by seeking to impose different standards than those adopted internationally, the EU would undermine the role of ICAO and further distance itself from the multilateral approach that is critical in a global sector such as aviation. Consequently, it could risk leading to another area of conflict with third countries.

The European Express Association (EEA) is the representative organisation for the express industry in Europe. The industry specialises in time-definite, reliable transportation services for documents, parcels, and freight. It allows European businesses to rely on fast, reliable, door-to-door delivery of supplies, thereby enabling them to attain and maintain global competitiveness. In the EU-27 alone, the express industry directly employs 272,000 people but supports 579,000 jobs in total. It delivers more than 450 million packages each year, constituting almost half of the intra-European air cargo market. It has been forecast that, by 2020, the express industry will directly employ 300,000 people in the EU-27.