

EU DIRECTIVE 2002/30

ESTABLISHMENT OF RULES AND PROCEDURES WITH REGARD TO THE
INTRODUCTION OF NOISE RELATED OPERATING RESTRICTIONS AT
COMMUNITY AIRPORTS

1. On 26th March, 2002, the European Parliament passed Directive 2002/30 - Establishment of rules and procedures with regard to the introduction of noise related operating restrictions at Community Airports - which came into effect on 28th March. The Directive has been developed rapidly in order to supplant the 'Hushkits Regulation', which is now revoked.
2. The objective of the Directive is to lay down rules for the Community to facilitate the introduction of operating restrictions in a consistent manner at airport level so as to help prevent a worsening of the noise climate and to limit or reduce the number of people significantly affected by aircraft noise. It requires all member states to ensure that there are competent authorities (yet to be determined by the Government) to take on the responsibility of implementing the Directive in a balanced way by considering the available measures to address the noise problem at an airport. Measures include seeking a reduction in aircraft noise at source, land use planning and management, noise abatement operational procedures and other possible noise management measures, such as economic incentives and operating restrictions.
3. As regards the noise problems and the measures available to solve these problems the proposed Directive distinguishes three categories of airports:
 - Airports that have less than 50,000 movements per year. These smaller airports, which are generally not dealing with international air traffic, fall outside the scope of the Directive. If noise problems are identified at those airports it is left to the Member States to introduce the appropriate measures.
 - Airports that are open for civil air transport operations and that have more than 50,000 movements per year. This category of airports includes airports with and airports without specific noise problems. For those with specific problems the common framework provides for rules on the introduction of restrictions of a partial nature on the operation of certain civil subsonic jet aeroplanes and operating restrictions aimed at the withdrawal of marginally compliant aeroplanes.
 - City airports refer to a limited number of airports in the centre of large conurbations with a high base level of non-aviation related noise, which makes these airports particularly sensitive to incremental noise nuisance from aircraft. A definition is set out in the Directive. An airport may only be defined as a "city airport" if there is an alternative airport also serving that city.
4. Of greatest interest to the airport consultative committees is that the Directive provides rules for operating restrictions to manage the withdrawal of marginally compliant aircraft (aircraft that meet Chapter 3 certification limits by a cumulative margin of not more than 5EPNdB i.e. the noisier Chapter 3 aircraft).

Subject to the assessment requirements (the factors that need to be taken into account are set out in the Directive) airports with a noise problem would be allowed to gradually remove the noisier Chapter 3 aircraft from operation. Other noise mitigation options also remain available if the withdrawal of marginally compliant aircraft is not sufficient to meet the objectives of the Directive.

5. Where operating restrictions are imposed, the Directive sets out the process for managing the phase out of marginally compliant aircraft. It states that:

after 6 months of completing an assessment and decision that operating restrictions can be imposed that no new services shall be allowed with marginally compliant aircraft at that airport; and

not less than one year later, each operator may be required to remove marginally compliant aircraft from their fleet at an annual rate of not more than 20% of that operators fleet at that airport. The rate of removal shall take into account the age of the aircraft and the composition of the total fleet.

6. It is important to note however that the Directive stipulates that when considering operating restrictions, competent authorities will need to take into account the likely costs and benefits of the various measures available as well as airport specific characteristics. The Directive also states that any measures or a combination of measures should not be more restrictive than necessary in order to achieve the environmental objective established and should be non-discriminatory on grounds of nationality or identity of the air carrier.
7. The DTLR has indicated that in general it envisages airport operators to operate the terms of the Directive, although the Secretary of State will continue to have lead responsibility for noise regulation at the three BAA London airports. Member states have 18 months (to 23rd September 2003) to implement the provisions of the Directive and the DTLR will be considering in due course, in consultation with relevant parties, how best to implement the detailed requirements of the Directive.
8. Delegates may recall that it responded to the DTLR's consultation paper on the Control of Noise from Civil Aircraft back in July 2000. Many of the proposals contained in that consultation paper were concerned with powers relating to noise policy issues which will be dealt with in the Air Transport White Paper expected to be published later this year. The EU Directive does however contain provisions which the White Paper will need to take into account.
9. Delegates will no doubt wish to welcome the measures set out in the EU Directive 2002/30 and will no doubt wish to urge the DTLR to take forward the implementation of the Directive at the earliest possible time.

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