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To
the EU Commissioner for Transport,
the members of the Transport Committee
of the European Parliament,
the Federal Minister for Transport and Infrastructure
the Office of the Permanent Representative of the
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Frankfurt, 2th June 2016

Proposal for a regulation of the European Parliament and Council for establishing common rules for civil aviation and for creating an agency of the European Union responsible for aviation safety and for repealing Regulation (EC) No. 216/2008 of the European Parliament and Council

Here: Statement of the Working Group of German Aviation Noise Commissions (ADF - Arbeitsgemeinschaft Deutscher Fluglärmkommissionen)

To whom it may concern,

The Working Group of German Aviation Noise Commissions (ADF - Arbeitsgemeinschaft Deutscher Fluglärmkommissionen) is a national association of all aviation noise commissions and represents the interests of people living close to German airports. The aviation noise commissions, which are mandatory for every German commercial airport, are made up of representatives from the municipalities and districts around the airports and from the aviation industry. Their political function alone means that those involved are concerned both with the prosperity of the locations and with ensuring that air traffic operations are as quiet as possible. This means that the positions established by the aviation noise commissions already balance various interests.

In relation to the specific point of noise abatement that is relevant to us, we would like to make the following statement with respect to the proposal that you have published for the aforementioned regulation:

According to the draft regulation, its aim is to boost the competitiveness of aviation within the EU by adapting the legal framework for aviation safety at the European level in such a way that a high and uniform level of both aviation safety and environmental protection is guaranteed. To achieve this, the intention is to define common regulations for aviation safety and to adopt appropriate measures.

The authority responsible for aviation safety, the European Aviation Safety Agency (EASA), was hitherto responsible for the certification of aircraft (for example) on the basis of the EU Regulation 216/2008. **The intention of the draft regulation is now to transfer other areas of aviation safety to the EASA, among other reasons because the EU Commission assumes that national aviation authorities do not have sufficient financial and human resources to**



perform their supervisory tasks. In its decision on the draft regulation of 26.2.2016 (BR-Drs. 9/16), the Bundesrat expressly rejected this subordination as a mistake, and in light of this opposes the member states having their authority restricted. **The aviation noise commissions in Germany expressly endorse the opinion of the Bundesrat that the existing standard of aviation administration in Germany is a high one.**

Chapter II (Articles 5-8) on aviation management is being newly introduced with the draft resolution. In the opinion of the EASA, continually improving aviation safety requires a common framework for planning and implementing measures to improve aviation safety. According to Article 6 of the draft regulation, in order to achieve this, the EASA should develop a **European aviation safety plan** (to be updated annually) and a European safety aviation programme. Again according to Article 6, in this European aviation safety plan an "**acceptable level** of the safety performance" should be determined at Union level, **with the member states being obligated to aim for this in line with the draft regulation, but without any binding safety targets for the Union or for the member states being defined in this draft regulation. This means that the wording of the safety standards and the question as to what can be regarded as an acceptable level of safety performance will be transferred wholesale to the EASA.** Based on the documents drawn up in accordance with Article 6, according to Article 7 of the draft regulation, every member state must set out a national aviation safety programme in line with the requirements stipulated in Annex 19 of the Chicago Convention.

According to the draft regulation, it is unclear in how much detail or how narrowly the EASA will formulate these new obligations for the member states. In the opinion of the Working Group of German Aviation Noise Commissions, this wholesale transfer of responsibility for defining safety standards to the EASA, along with the resulting - possibly narrow - framework conditions, will result in the **risk that the leeway currently enjoyed by the national aviation safety organisations to replace existing conservative aviation procedures with progressive, less noisy procedures will be reduced or possibly even eliminated altogether.** For example, exemptions granted by the ICAO that have hitherto been approved at national level for noise abatement reasons because all concerned local parties have deemed them necessary - and that also comply with safety requirements - could be made more difficult or removed altogether as a result.

Against the background of, in some cases, very rigid ICAO regulations that are based on conventional standards and that are adapted only slowly to technological advances such as satellite navigation, for noise abatement reasons it must in our opinion also be possible in the future to establish innovative and new arrival and departure procedures developed in collaboration between airport operators, aviation safety organisations and airlines, if necessary divergent to those of the ICAO.

Hitherto there have been no noise abatement regulations that go further at the European level, such as limit values, a noise reduction ruling or similar, which justify a uniform interpretation by a European authority. With respect to such standards, the EU refers instead to the responsibility of the member states having the best knowledge of the conflicting situations at the individual locations. For this reason however, it must also remain possible for the member states to ensure via their own authorities that the necessary noise abatement can be achieved, provided that safety remains uncompromised. Procedures tailored to local needs must not be hindered by inflexible EU-wide regulations. With this in mind, transferring competence to a European authority is neither necessary nor sensible.

In the opinion of the Working Group of German Aviation Noise Commissions, in terms of noise abatement local factors and needs should therefore continue to be assessed



locally in the future also, with the necessary safety requirements being maintained and the ability to act and make decisions remaining at the national level accordingly.

If Europe-wide regulation is nevertheless pursued, in our view there will be a need for an exemption in line with the principle aims of simultaneously maintaining a high uniform level of both aviation safety and environmental protection, as formulated in Article 1 of the draft regulation. Accordingly, the draft regulation should provide for an exemption to ensure that the member states may deviate from individual requirements for noise abatement reasons, provided that safety and capacity requirements are not compromised. The flexibility provisions under Article 60 of the draft regulation are not sufficient for an exemption of this type, because this relates only to urgent, unforeseeable circumstances and is only intended to apply to measures that do not extend beyond one scheduling period.

Even as the volume of air traffic increases, a key role in limiting noise pollution is played by the manufacturers and operators of aircraft in terms of their designing and using the quietest aircraft possible. In this area too, the draft regulation also provides for new rules according to which the **EASA** can also apply, among other things, environmental requirements in the case of aircraft certification.

One point of criticism is that no concrete stipulations are made for noise emission levels that must be adhered to in Annex 3 of the regulation that is included for this purpose. We feel that this omission of a quantifier is particularly problematical because numerous stipulations and incentives already exist with regard to other environmentally-relevant aspects such as climate-damaging emissions, most recently from the new limit values introduced by the ICAO. There is no corresponding equivalent when it comes to noise abatement. As far as noise abatement is concerned, there is also no commercial incentive to use the respective quietest aircraft. For years, noise abatement has been pushed into the background by climate-related goals. However, the health consequences for those affected and the disadvantages in terms of quality of life in the vicinity of airports as a result of aircraft noise have been proven in many studies that are also in the hands of the EU Commission. Consequently, sufficient protection for the population against aircraft noise must also and above all be reflected in EU law. At least the same level of importance as is attached to climate protection must also be attached to protecting people who live near airports from noise.

In our view, suitable clarification in the wording should therefore ensure that as far as noise emissions are concerned, the strictest possible requirements must be applied and sufficient importance must also be attached to noise abatement in relation to other emissions.

We request that you take our position into account in the ongoing legislative process. We would be happy to answer any questions that you may have.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Th. Jühe', is written over a faint, larger version of the same signature.

Thomas Jühe
Chairman

Working Group of German Aviation Noise Commissions (ADF)