

RESPONSE Balanced Approach Schiphol update May24 consultation – 21Jun24 ***On behalf of undisclosed local and international stakeholders – 1 page summary***

As local and international stakeholders, including professional service providers and individuals which use Schiphol Airport to connect with the rest of Europe and the world for business, we are deeply concerned on the proposed updated package of measures and the whole reasoning behind this “forced capacity reduction” approach initiated by the Dutch State since June 2022.

Clarification answers on this BA consultation by the Ministry of Transport of the Netherlands, which manages this BA procedure, as well as recent publication of many (partial) readable Woo released documents about the reasoning and preparations of the “forced capacity approach” with internal documents and emails since June 2021 reveal a staggering and very local resident biased Ministry of Transport.

As we will argue and proof in the rest of this formal consultation response, The State of The Netherlands is at great risk of acting again in strong contradiction with Dutch Law (Wet Luchtvaart of 2002) as well as the BA directive (2002/30/EC), the ICAO Balanced Approach standards and guidance materials, WTO Free Market rules, International Aviation treaties and common sense. Capacity reduction has become THE only political goal and has to be achieved one way or the other, at all costs, without following proper procedures and while withholding information. This is a very strong and harsh conclusion, this process should be stopped ASAP.

As we would like to submit a constructive consultation response, given the explosive nature of our findings and conclusions summarised above, we suggest to stop this update process, withdraw the current package of measures and design a new one along the following principles of the formal Balanced Approach procedure:

1 “ noise at source” include all historical and “standard” fleet renewal since 2002

2. “land use” include restrictions on new housing developments at/near the border of the 58Lden noise contours etc. and be consistent in using latest “woningbestand” with many new houses realised since 2002 just outside the LIB restriction area’s, which will fall into noise contours with small scenario changes (due to modelling effects) and will further limit capacity for aviation.

3. “operational measures” fly quieter procedures as more CDAs / NPDAP2 % in noise calculations by consultants instead of current “worst case” approach

4. only as a last a final resort, consider if capacity restrictions are required and proportional to reach a transparent and full realistic argument new policy objective:

a) marginally compliant Ch3/Ch4 restrictions (13dB) night or night & evening period

b) night restrictions in volume (27k or something from night package after impact analyses)

c) cap restrictions during actual off-peak periods during afternoon or late evening

d) generic cap restrictions Lden period

Intro: Key elements from “Additional consultation Balanced Approach Schiphol” May24

The Cabinet is working on a new balance between the importance of an international airport, Schiphol, and the importance of a healthy living environment, specifically for local residents. To this end, the Cabinet has set two objectives: the legal protection of local residents must be restored, and there must be demonstrably less nuisance for the surrounding area. ...

On 1 September 2023, the Ministry of Infrastructure and Water Management submitted a package of noise abatement measures to the European Commission, European Member States and other relevant parties for Schiphol Airport. This package aims to achieve the noise abatement objective set by the Ministry. ...

To respond to the European Commission's comments, the Ministry of Infrastructure and Water Management has since developed a modified approach and package of measures.

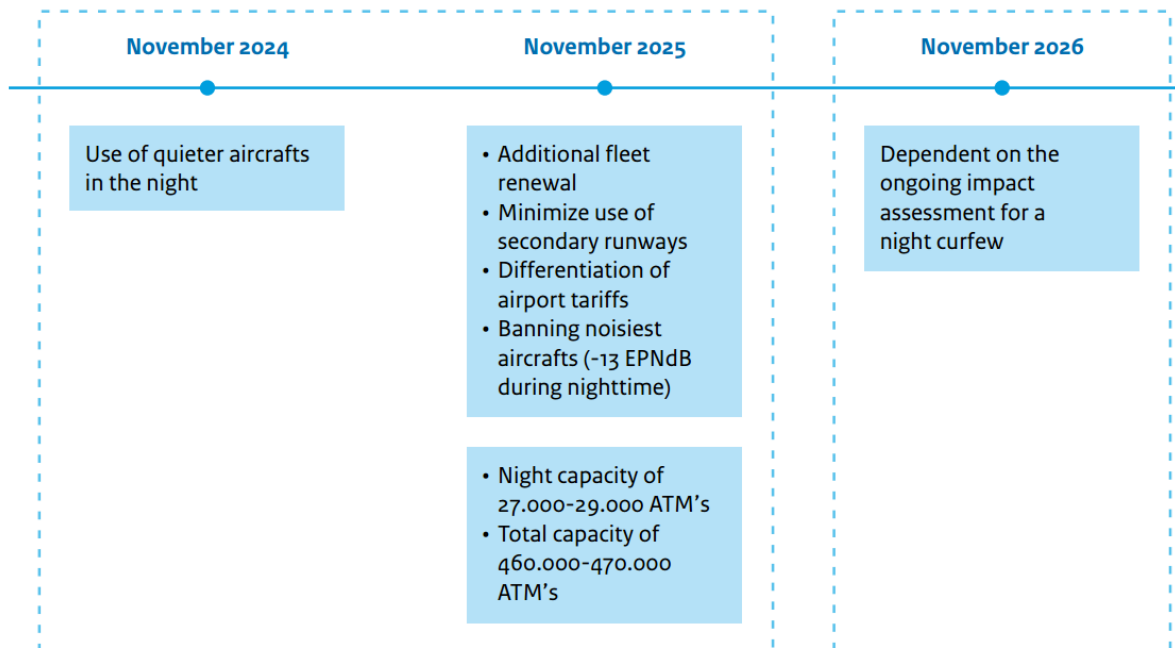
You are specifically asked to respond to the new elements of the proposal:

- (i) the intended gradual approach, the associated phasing of the noise abatement objective over time **[seems logical, no issues]** and
- (ii) the new and adapted measures proposed to achieve the noise abatement objective. **[see rest of our response below]**

You are requested to specifically address phase 1 and phase 2 of the gradual approach.

Package of measures

The noise abatement measures have been calculated in terms of achieving the objective and cost-effectiveness.



1. **Balanced Approach Schiphol: procedure so far**

1.1 **Setting a noise abatement objective**

The Cabinet first set a noise abatement objective for Schiphol Airport in accordance with the balanced approach procedure. This noise abatement objective was established in the Noise Action Plan Schiphol 2018-2023 and will also be anchored in the updated Noise Action Plan Schiphol 2024-2029. The noise abatement objective consists of four sub-objectives. **[Lden: -/- 20%, Lnight -/- 15%; a detailed substantiation why these 20%/15% were chosen is missing from this and previous BA documents; it seems, also based on recent published Woo documents, a clearly calculated % based on political objective of June22 to enforce a capacity reduction of Schiphol to 440k/yr, one way or the other. That is clearly not meeting the principles and guidance of the BA procedure and EU directive and should be adjusted or better argued by the Dutch State and Ministry of Transport in its notification]**

Indicator	Houses	People
Number of houses with a noise exposure of 58 dB(A) L_{den} or higher	minus 20 per cent	
The number of people experiencing severe disruption with a noise exposure of 48 dB(A) L_{den} or higher		minus 20 per cent
The number of houses with a noise exposure of 48 dB(A) L_{night} or higher	minus 15 per cent	
The number of people experiencing severe sleep disturbance with a noise exposure of 40 dB(A) L_{night} or higher		minus 15 per cent

1.2 **Notified original BA Schiphol package (Sept23)**

The 1 September 2023 notification package consists of the following measures:

- Using quieter aircraft at night;
- A reduction in the use of secondary runways;
- Reduction of the capacity at night to 28,700 flights;
- Reduction of the capacity to 452,500 flights in total.

1.3 The European Commission raised major concerns following notification of Sept23 on proportionality of package of measures vs Nov24 deadline, asking for specific measures that contribute towards stated goal shortly after Nov24 (those which were dropped from shortlist) and asked for a more gradual approach, aka reaching the objectives gradually over several years instead of all by Nov24 – **note similar concerns expressed by stakeholders were ignored in previous 2023 BA Schiphol consultation by Ministry of Infrastructure and Water Management without argumentation.**

2. Measures Balanced Approach Schiphol

The balanced approach procedure requires looking at different categories of noise abatement measures to achieve the noise abatement objective. An operating restriction is only considered when noise abatement measures in other categories have been exhausted. four categories are:

- 1. Measures at the source;*
- 2. Land use planning measures;*
- 3. Operational measures;*
- 4. Operating restrictions.*

measures may not be more restrictive than necessary to achieve the noise abatement objective. This considers both the impact of noise and the cost-effectiveness of the measures. Within these four categories, the measures are taken in order of cost-effectiveness.

2.1 Selection Criteria

An important criterion in selecting measures for the September 2023 package of measures was their feasibility to be achieved by November 2024. Therefore, it has been reassessed whether previously dropped measures can contribute to achieving the noise abatement objective and the previously mentioned criterion has been adjusted to November 2025. This led to some additions with respect to the original package.

also at the criteria previously used to compile the shortlist of measures. Both the measures already notified and those now additionally proposed must meet the conditions below:

A Safety: *the measure should not introduce a safety risk.*

B Feasibility: *the measure should be able to be implemented by November 2025.*

C Compliance with legislation: *the measure should not conflict with international, European or national legislation.*

D Reliability of the operation: *the measure should not significantly decrease the reliability of the operation.*

E Displacement of nuisance: *the measure should reduce the nuisance, the nuisance should not just be displaced to other areas around the airport.*

F Quality of the network connectivity: *the measure should not result in an irreversible negative effect on the quality of the network connectivity.*

G Emissions: *the measure should not achieve a reduction in noise at the expense of a significant increase in emissions.*

H Modelling: *it must be possible to determine the effect of the measure using ECAC Doc29 noise modelling as implemented for Schiphol Airport.*

2.2 Shortlist of measures

Measures	
Using quieter aircraft at night	Already in the notification package from September 2023
Stronger differentiation of airport charges	New
Additional fleet renewal	New
A reduction in the use of secondary runways	Already in the notification package from September 2023, but now adjusted
Excluding noisy aircraft	New

1. Measure: Using quieter aircraft at night

Concerns KLM (group) aircraft only, proposed by KLM themselves, **no issues**

2. Measure: Stronger Differentiation of airport charges

Concerns repeated adaption of existing policy by Schiphol Airport, **no issues**

3. Measure: Additional Fleet Renewal – *after clarification Q&As & letter 19/6:*

Concerns a special way of defining what is fleet renewal and taking into account which portion of that fleet renewal as part of the baseline (**and de-facto a hidden substantial additional noise reduction objective over last 22 years -as of 2002 all quieter aircraft benefits allocated 100% to the improvement of situation for local residents**); this is 100% not as the current Wet Luchtvaart (valid since 2002) clearly stipulates with the “Gelijkwaardigheidscriteria” based on the “Golden Standard of the 1997 PKB” that sector could earn room for growth by reduction of noise at source, the 1st pillar of each BA procedure. Estimated extra noise benefit for local residents is at least 20%, so doubling the overall objective? For the updated measure, only additional fleet renewal on top of historical achieved 0.1-0.2 dB per year is taken into account. *“The noise abatement objective of minus 20% is therefore in addition to these autonomous developments.” and “Therefore a margin of uncertainty has been put in place to make sure the realistic fleet renewal is taken into account for the calculations, and the airlines won’t be directly blamed for not realising the planned schedules, as long as it stays within the margin of uncertainty”* This way of thinking, **removing all fleet renewal from Nov2002 - Nov2024 (so 22 years) from the noise benefit calculations and using only 80% of the (limited) additional fleet renewal leads to a calculated much less effective measure of the true impact of noise at source reduction achieved and to follow at Schiphol. Fundamentally wrong approach, measure should be withdrawn as is and recalculated properly.**

4. **Measure: Reducing the use of secondary runways (already in the notification package of September 2023, but now adjusted following implementation tests) - after clarification Q&As**

Concerns a scaled down version (vs Sept23), just 2 out of 3 parallel Rwy “in respite” for 13-15h local time period; **measure description and suggested implementation (feasibility) is still pretty unclear**, seems a paper study by Policy officers only (“*In order to implement the measure to reduce secondary runway use safely, the traffic supply must be brought in line with the available handling capacity per hour. In addition, an overall capacity reduction is part of the package of measures. It is therefore expected that the measure can be easily implemented, and that the reliability of the operation is sufficiently guaranteed*” and “*the measure to reduce secondary runway use, it might be good to repeat that in order to implement the measure to reduce secondary runway use safely, the traffic supply must be brought in line with the available handling capacity per hour. This is a slot relation question and will be part of the slot allocation process.*”), **so de-facto a hidden capacity reduction measure, so should be part of last resort elements of package. Proposed measure seems very understudied and clearly unmatre** as described by the Ministry after clarification Q&As of this consultation, during which **our key concerns were shared regarding not meeting the Ministry’s own shortlist selection criteria D (reliability of the operation) and E (displacement of nuisance) and very likely not meeting the selection criteria A (Safety) and C (Compliance with legislation), as not studied in detail yet.**

Our **arguments for this assessment and our request to drop this proposed measure was already shared during Q&A and is repeated as our formal consultation response.** See our Qs for more details, not repeated here.

5. **Measure: Excluding noisy aircraft (new) - after clarification Q&As**

Concerns **very marginal measure** (limited number of aircraft still fall in this category, less the 650 per year, so **less than 2 a night**). Furthermore, during Q&As we expressed our **concerns on criteria B (feasibility) and especially enforceability of this proposed operational restriction.** We shared our guidance, based on years 1998-2002 actual experience of a 5dB margin operational restriction measure put in place to help resolve issues with noise regime at the time; many airlines applied “**reduced weight certification**” to avoid being impacted, hard to check en to enforce. Some **states even allowed “dual certification” to avoid the restrictions at Schiphol at the time**, this is affecting **criteria C (compliance with legislation).** **cost/benefit ratio of this measure remains very questionable, has this been assessed properly by Ministry of Transport and its consultants, have the right scenario’s been modelled etc.**

6. **Last resort Measures:** 'last resort' capacity reduction measure "outcome" of 460-470k annual volume & 27k 23-07 ATMs to meet the arbitrary noise abatement targets proposed by the State of The Netherlands in this BA procedure (of 20%/15% on 4 key aspects) is overshooting these unbalanced and non-documented political targets, even though nearly all fleet renewal (reduction at source measure) since 2002 is left outside of the procedure. **This should be adjusted in the final package or whole proposal should be withdrawn and started over under new Minister of Transport and coalition, as de-facto this package should be classified as “failed”.**

Open question points / suggestions remaining after BA consultation and Q&As:

1. **Why are again no “land use planning” measures (pillar 2 of BA) considered from the longlist on the shortlist?** The year delay should have made this feasible at least. – *we kindly suggest the Ministry to further clarify this in the notification document which will be prepared after the consultation ends June 21st, 2024, as argumentation why this whole category was skipped again is rather weak and unconcise.*
2. **Why are different "base years" for certain measures and different base years for "woningenbestand" being used by State of The Netherlands and its consultants?**
Have the modelling effects of these differences been evaluated (not more, not less room?)
3. **Concerning “withdrawal of historical airport slots”** as suggested to be necessary in some of the answers provided by the Ministry of Transport in this BA consultation, we would like to call attention to the following:
 - Following the BA procedure of ICAO and the EU directive, this can only be the result of a last resort measure (category 4); firstly, all feasible and proportional measures of categories 1 (noise at source) category 2 (land use planning) and category 3 (operational measures) should have been fully studied and implemented. Clearly, this is again not the case in this proposed updated package, see above
 - An airport operator cannot reduce the number of slots voluntarily, it has to declare what physical, legal and operational limitations make possible, it cannot withhold slots for arbitrary reasons as suggested by some stakeholders in this consultation
 - It has to be realised over and over by all stakeholders that Schiphol Airport is a marketplace at which all EU and international rules, treaties and way of working apply from the Free Market. The Dutch State will have to comply with WTO rules and guidance and cannot impose trade-restrictions for arbitrary (political compromise) reasons as clearly proposed in previous and current BA Schiphol packages. The BA directive (2002/30/EC) has been applied to reverse a full night ban on flights at Italian airports in 2019 for exact the same reason, (i.e., the protection of the free circulation of people and goods and a ban on restricting business activities, unless by proportionate and balanced measures to deal with noise problems at national airports)

4. **General question/remark:** The announcement at “Kabinet komt met aangepast maatregelenpakket om hinder rond Schiphol terug te dringen | Nieuwsbericht | Rijksoverheid.nl” as well as the formal letter of the Minister of Transport Mr. Mark Harbers introduces further restricting measures for the years to come "to fix the balance" and seems very focussed on protecting the residents around Schiphol, while not mentioning the interests of aviation, airlines, handlers, staff, users, companies at all. This in contrast to the Noise Action Plans of EU Directive over last 25 years, so including the few years before opening the Polderbaan. “

A massive reduction of 50% (compared to this 15-20% and hidden additional 20% by not taken noise at source reduction by “standard” fleet-renewal since 2002 into account) was realised in 2002-2004 with massive investment (multiple billion Euro’s) paid for by aviation users. It is totally unrealistic and unfair even to expect such scale of reductions are possible (again), the 20% reduction goal is already unprecedented internationally.

This aspect "it is not enough" is clearly also addressed by the only formal recommendation body, The Maatschappelijke Raad Schiphol, as evidenced by their emotional initial response, see MRS: teleurstelling over maatregelenpakket van kabinet – MRS (maatschappelijkeraadschiphol.nl) and their public response to this consultation dated June 20, 2024.

Can The State of The Netherlands and the Ministry guarantee to all Dutch and international aviation stakeholders and users that a fair balance will be sought in future steps in this process, where the interest of all parties will be equally addressed and properly consulted, in the open with equal opportunities, without the current apparent prejudice versus several very vocal groups of anti-aviation stakeholders, some which are even community members of the MRS and at the same time taking the State to court as part of cases such as RBV? Interim court rulings in a single case, contradicting other higher court rulings as the Minister of Transport states himself in his letter of 24 May 2024 can and should never be THE argument for all of the above. This is a very worrying and undemocratic situation to aviation stakeholders in The Netherlands and abroad.

We kindly suggest the Ministry to further clarify this in the notification document which will be prepared after the consultation ends June 21st, 2024.

We thank all policy officers and management at the Ministry of Transport for time and effort put into this procedure, including the pleasant and timely exchange of Q&As and even verbal conversation to clarify open questions. Even though we clearly have a different opinion on what is fair, balanced and proportional, the professional attitude of these individuals who work under pressure and in high visibility mode should not be underestimated.