



## IBAC Bulletin 00-3 (Revision 1)

### Status Report on European Hush-Kit Issues

#### Update 26 April 2000

The following updated Bulletin is issued to assist operators who are interested in current developments regarding using hush-kits in the European environment. It was prepared by the Chairman of IBAC's Environmental Issues Work Group, and will be updated from time to time by the Work Group.

For Chapter 2 aircraft, the European legal reference is European Council Directive 92/14, and applies only to aircraft of 34.000 kgs (75.000 lbs) or more or with a certified maximum internal accommodation of 19 passengers or more, and a by-pass ratio of less than three. Chapter 2 aircraft will be totally banned from European skies as of 1 April 2002.

Meanwhile an increasing number of European airports limit or totally ban Chapter 2 aircraft, whatever the weight or the capacity. Among the strictest are all Austrian airports (with the exception of Vienna), Geneva and Zurich and many Scandinavian airports. Frankfurt airport accepts Annex 16 Chapter 2 certified aircraft for landing between 05.00 and 20.00 local time, and for take-off between 06.00 and 20.00 local, while they accept Annex 16 Chapter 3 for landing from 05.00 to 24.00 and H24 for take-off. Hanover airport (Germany) is accepting Chapter 2 aircraft for take-off and landings between 06.00 and 22.00; Chapter 3 aircraft from 06.00 to 23.00 and, what they call 'Chapter 3B' on H24 basis. Chapter 3B are aircraft which meet the three limiting noise measurements of certified noise without compromise. There are no hush-kitted aircraft compliant with that requirement.

The European Council recently adopted a regulation on the progressive ban of hush-kitted aircraft. It comes into force on May 4, 2000.

Despite months of negotiations between the EU and the US Government, in middle March 2000, the US Government formally asked ICAO to resolve the issue pursuant to Article 84 of the Convention on International Civil Aviation. Last minutes talks between the two parties failed to find an acceptable compromise and negotiations came to a stop at end of March 2000. Depending on the outcome of the Art 84 procedure, the non-operation part of the European regulation might be altered in the future.

The EC Council Regulation on hush-kitted aircraft was adopted on April 29, 1999. It defines a non-addition rule on a European register of any acoustically modified aircraft to meet Chapter 3 noise standards, but applies only to those aircraft, which meet all three conditions:

1. Aircraft with a MTOW of 34.000 kgs (75.000 lbs) or more, or with 19 passengers seats or more.
2. Aircraft with engines with a bypass ratio of less than three.
3. Aircraft which have either been non-noise certificated or certificated according to Chapter 2 or equivalent, and been re-certificated to Chapter 3.

As of 1 April 2002: non-operation rule for any such aircraft registered in a third country, (that is a non-European Union country), excepted for aircraft registered before 4 May 2000 and operated within the European Union between 1 April 1995 and 4 May 2000. (Documentary evidence of the latter is required as a proof: only ONE operation to ONE location in Europe, even under a previous ownership and registration, is sufficient).

Practically, this means that a non-European registered hush-kitted aircraft can still fly to Europe at least until 1 April 2002, and, if registered before May 2000 and operated at least once in Europe between 01 April 1995 and 4 May 2000, even after that date.

Even though the regulation does not cover most business jets in view of the weight limitations (above 34.000 kgs), the business aviation community should be aware that many airports in Europe penalize or restrict the access of Chapter 2 and marginal Chapter 3 (such as hush-kitted 727s). Now that the EU has taken the steps towards a complete ban of these aircraft, it is most likely that many airports will seek to restrict as much as possible these aircraft movements well before 2002.

IBAC recommends that business aircraft operators, before planning a trip to Europe with a Chapter 2 or hush-kitted Chapter 3 aircraft, even if below 34.000 kgs, check with the respective handling agent regarding the local airport rules, which may prohibit partly (at some period of the day or night) or totally access to the noisiest aircraft.

European airports often use locally defined "noise categories" to impose higher landing fees or noise surcharges or to restrict access at some period of day or night. There is up to now no common system ruling aircraft noise classification at European airports. They use a noise classification system, which has nothing to do with ICAO certified noise categories.

As far as the future is concerned, if no significant progress is achieved at ICAO level towards definition of a new noise standards (the so-called Chapter 4) and progressive retirement of the noisiest Chapter 3 aircraft (including hush-kitted) the Europeans will impose regional regulations more stringent than ICAO.

ICAO CAEP is working to make proposals at the next ICAO General Assembly in September 2001 (hence the delayed implementation date of the EU hush-kit regulation, originally planned to become mandatory as of 01 April 1999) for a new noise standard, and the "Noise Scenario Group" of CAEP has identified 26 different possible schemes with various Chapter 3 retirement periods.