



Response to Additional Consultation for the Balanced Approach at Schiphol Airport

I. Introduction

Emirates Airline (EK) appreciates the opportunity to respond to the additional Balanced Approach consultation conducted by the Netherlands Ministry of Infrastructure and Water Management. In the 2023-24 financial year, Emirates operated a comprehensive global network encompassing 151 destinations across 79 countries on six continents with a fleet of 260 wide-body aircraft, independent of the global airline alliances. The Emirates aircraft fleet is composed mainly of Airbus A380 and Boeing 777 aircraft, with just one narrowbody aircraft, an Airbus A319, which is primarily used for passenger charter flights.

Emirates has been a prominent contributor to Dutch air connectivity since 2010, when it inaugurated daily service to Amsterdam Schiphol (AMS). Over the years, Emirates has gradually increased its capacity to align with the growing demand. To date, Emirates has facilitated travel for almost 6 million passengers on flights to and from Amsterdam. Currently, the airline operates 21 weekly frequencies to the city.

In addition to the belly cargo space available in the wide-body passenger aircraft, Emirates SkyCargo operates scheduled freighter services to Maastricht (MST) and AMS. The widebody capacity provided by Emirates, encompassing both passenger and freight transportation, plays a vital role in serving the AMS-Dubai (DXB) market. Furthermore, the seamless connections beyond DXB offered by Emirates contribute to Amsterdam's overall network quality, providing convenience and shorter travel times for passengers.

The consistent deployment of wide-body aircraft by Emirates also leads to an increase in the average number of passengers per flight, resulting in a more economically efficient and environmentally effective use of limited slots. Notably, in the 2023-24 financial year, Emirates carried over 500,000 passengers on the DXB-AMS route, achieving a high seat factor.

Emirates remains committed to operating year-round services with 21 weekly flights using B777-300ER and A380-800 aircraft to and from Amsterdam Schiphol Airport (AMS). This commitment enables Emirates to offer extensive network connectivity, foster competition, and provide affordable air travel for passengers originating in the Netherlands and travelling worldwide. Moreover, it facilitates the inflow of visitors from various parts of the world to the Netherlands for business, tourism, and other purposes. Emirates' passenger services, combined with its cargo freighter operations, significantly contribute to the Dutch economy.

Emirates is committed to minimising the environmental impact of our operations across all our businesses and activities. Our Environmental Sustainability Framework focuses on reducing emissions, consuming responsibly, and preserving wildlife and habitats, and we support the International Air Transport Association's collective industry commitment to reach net zero carbon emissions by 2050.



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II. Emirates' feedback on the new package of noise reduction measures and the proposed approach for their implementation

A. New package of noise reduction measures phased over 2024-2026 as presented in the consultation document:

Phase 1 - 2024

- Quieter aircraft at night (between 23:00 - 07:00)

Phase 2 - 2025

- Airport charges for noisy aircraft become more expensive (new)
- Excluding the noisiest aircraft at night (new)
- Less use of runways near densely populated areas
- More aircraft replaced with new ones (new)
- Fewer flights at night - maximum of 27,000 flights per year
- Lower total number of flights - maximum between 460,000 and 470,000 flights per year

Phase 3 - 2026

- Partial night-time closure or other night-time measures (new)

B. Emirates' feedback on individual noise reduction measures (within the above package):

i. Phase1- 2024

a. *Quieter aircraft at night (between 23:00 - 07:00)*

Emirates does not have any operations to/from AMS during the 23:00 – 07:00 period (Local Time). The earliest scheduled arrival and latest scheduled departure is at 0750LT and 2200LT, respectively. Therefore, Emirates is not impacted by this measure.

ii. Phase 2 - 2025

a. *Airport charges for noisy aircraft become more expensive (new)*

We strongly oppose including this measure in the proposed package. As per the analysis, it is not cost-effective and has minimal noise reduction potential. Additionally, it targets only 893 S1 movements out of 397,000 annual movements in 2022.

Given its limited scope and questionable effectiveness, this measure does not comply with EU REG 598/2014, which states that noise-related actions should consider the most cost-effective combination of measures.

Article 5.3 emphasises the need for a thorough approach to addressing aviation noise. It requires Member States to consider various measures to ensure that noise reduction efforts are effective and economically efficient.



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This promotes responsible use of resources and supports the sustainable development of aviation infrastructure.

Finally, Schiphol Airport already differentiates charges based on aircraft noise production, with seven categories of aircraft. We believe that further differentiation to encourage quieter aircraft will not significantly impact airline fleet choices.

For these reasons, we believe this measure should be disregarded.

b. Excluding the noisiest aircraft at night (new)

Banning aircraft with a cumulative margin lower than 13 EPNdB during nighttime impacts both Chapter 3 and Chapter 4 aircraft. However, under EU REG 598/2014, Chapter 4 aircraft are not categorised as marginally compliant and cannot be banned.

Although this measure has been implemented in other airports, the Ministry must prioritise compliance with EU REG 598/2014. The Balanced Approach principle states that “measures available for managing noise will vary depending on the unique circumstances of the airport.” Therefore, effective noise reduction measures should be tailored to Schiphol Airport’s specific circumstances. Implementing a Chapter 4 ban at another airport does not automatically make it suitable for Schiphol.

Article 8.4 of EU REG 598/2014 requires a tailored approach that balances environmental concerns with operational realities. It mandates that any restrictions on marginally compliant aircraft must consider the age and composition of the total fleet and cannot exceed a 25% annual reduction rate for each operator. This requirement logically extends to Chapter 4 aircraft, ensuring airlines have adequate time to adjust their fleets and prevent excessive disruptions.

Fleet replacement is a gradual process, and airlines need significant lead time to adapt. An immediate ban on these aircraft by November 2025 would cause significant disruption and economic hardship.

According to ICAO Resolution A35-5, phasing out Chapter 3 aircraft is permissible only if done following a Balanced Approach to noise management. If the ban was implemented without this approach, it lacks the necessary legal foundation and disregards economic considerations central to the Balanced Approach, making it legally indefensible.

Banning Chapter 4 aircraft at night is inconsistent with EU REG 598/2014, which forbids the withdrawal of marginally compliant aircraft that meet Chapter 4 noise standards. Chapter 4 aircraft are fully compliant with noise standards and should not face operating restrictions without a justified and procedural basis.

EU REG 598/2014 outlines specific procedures for withdrawing marginally compliant aircraft, including criteria and phased withdrawal rates. These



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safeguards ensure that any operating restrictions are fair and systematic. Imposing a ban on Chapter 3 and Chapter 4 aircraft at night without following these procedures is arbitrary, lacks due process, and is susceptible to legal challenge.

c. *Less use of runways near densely populated areas*

We strongly oppose the ministry's updated restriction on the use of secondary runways between 13:00 and 15:00 hours.

First, there was no prior technical cooperation with LVNL. Reducing the use of secondary runways must be carefully coordinated with LVNL and requires collaboration between airport operators, aircraft operators, and air navigation service providers. The Ministry decided to restrict runway use during peak times without any consultation, raising serious concerns about its legality and effectiveness in achieving noise reduction objectives.

Second, this measure will lead to greater use of primary runways without increasing their capacity, resulting in delays and other operational inefficiencies, including flight cancellations. This will have an irreversible negative effect on network connectivity, increase taxi and journey times, raise operating expenses for airlines, and worsen air quality due to higher emissions.

The associated cost-effectiveness analysis underestimated the cost impacts on airlines by excluding the costs of delays. According to Euro Control, the average cost of a 1-minute flight delay is €100. Additionally, the analysis failed to assess the impacts on climate (CO₂ and non-CO₂) and local air quality (NO_x and PM₁₀), considering them non-existent. Most importantly, it did not consider the cost impact of delays on EU network connectivity.

LVNL's measures testing in Annex V of the first consultation document stated that this measure is feasible only if certain conditions are met and implications are accepted:

- *“Conditions*
 - a. *For safe feasibility: adjustment of the traffic supply to the available handling capacity per hour;*
 - b. *Adjustment of the capacity declaration to balance the available hourly handling capacity and the traffic supply;*
- *Implications:*
 - c. *Disruptions and associated delays last longer;*
 - d. *Increase in the use of a fourth runway in the event of disruptions;*
 - e. *Extra CO₂ emissions as a result of longer flight paths and more flights.”*

However, the measure was introduced without the required adjustments, making it impractical and disproportionate.



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In conclusion, the Ministry's updated restriction on secondary runway usage during peak hours disregards the principles of the Balanced Approach and the recommendations of LVNL. The lack of consultation with LVNL, the selection of a peak time with limited slot availability, the underestimated cost-effectiveness analysis, and the negative impact on network connectivity all indicate that this measure is poorly conceived and non-compliant with the Balanced Approach principles.

d. More aircraft replaced with new ones (new)

The proposed additional fleet renewal requirement is contradictory, incomplete, and lacks the necessary cost-effectiveness analysis. It is unclear if the Ministry considers additional fleet renewal a formal noise abatement measure. The Ministry states that additional fleet renewal is part of the new package of measures, but the Decisio document contradicts this by stating that fleet renewals are not measures to reduce noise at Schiphol and, therefore, no additional costs apply. Without a completed cost-effectiveness analysis, we cannot adequately comment.

The Ministry has not met the EU REG 598/2014 standard for cost-effectiveness, which requires a thorough evaluation of the likely cost-effectiveness of noise mitigation measures. The Additional Consultation notes that the impact of additional fleet renewal has only been estimated, not individually calculated. Decisio's analysis also states that additional costs or cost-effectiveness for fleet renewal were not calculated because investment decisions were made years ago.

Airlines have invested billions in quieter aircraft to reduce noise exposure. It is unclear if fleet renewal is an official measure under the Additional Consultation, and if so, why such investments are not part of the cost-effectiveness analysis.

Regardless of this confusion, the Ministry has not met the EU REG 598/2014 requirements, and a thorough evaluation is needed. For these reasons, this measure should be disregarded.

- e. Fewer flights at night - maximum of 27,000 flights per year; and*
f. Lower total number of flights - maximum between 460,000 and 470,000 flights per year

The new caps on nighttime and annual movements violate EU Reg 598/2014 Article 5.3(d), which requires Member States to consider other measures before applying operating restrictions. Despite this, the Ministry is still considering movement reduction as the only solution to reduce noise, ignoring alternatives like land use planning and noise abatement procedures. This is evident from the Ministry's response to the European Commission's request for a more gradual approach to noise abatement, which proposes new capacity restrictions without justification.



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The annual cap on night movements at 27,000, combined with a reduction of annual movements to 460,000 – 470,000, will have severe consequences for all airline types (passenger, cargo, and leisure). It will not only remove historic slots from airlines but also affect bilateral air services agreements. The Ministry has not shown how the 27,000 cap was determined or its cost-effectiveness.

We are concerned that the Ministry has not provided credible data to explain how the reduction of annual movements was determined. The proposed 460,000 – 470,000 movements from 2025 seem to match the capacity in the withdrawn Experimental Decree, which faced legal challenges. This suggests the Ministry is trying to reinstate the Experimental Decree indirectly.

Article 5.6 of EU Regulation 598/2014 requires measures to be no more restrictive than necessary to achieve environmental noise abatement objectives. The proposed night cap at 27,000 exceeds the night noise objective by 7.2% for houses within the 48 dB(A) L_{night} contour and 3.6% for severely sleep-disturbed people within the 40 dB(A) L_{night} contour.

Since the night noise objective would be achieved and exceeded by the end of Phase 2, further measures in Phase 3 from 2026 are unjustified.

This not only violates EU REG 598/2014 but also shows the Ministry's arbitrary selection of thresholds without scientific or noise-oriented justification. For these reasons, this measure should be disregarded.

C. Emirates' feedback on the gradual introduction of the measures in three phases and the corresponding pace

Emirates supports a phased approach; however, setting unrealistic short deadlines for each phase without justification undermines the benefits of this approach. The Ministry proposes a brief time horizon for Phase 1 and Phase 2 – from November 2024 to November 2026 – which does not allow for a gradual introduction of measures. This approach overlooks several noise mitigation measures under the Balanced Approach and hampers the government's ability to address noise concerns cost-effectively.

The Ministry has chosen arbitrary short deadlines for implementing measures, excluding many noise mitigation options in favour of immediate operational restrictions such as aircraft bans and caps on night and annual movements. Measures deemed unfeasible by November 2024, despite their potential effectiveness over a longer period, have been disregarded. This undermines the phased approach and indicates the Ministry prioritises capacity reduction over a balanced approach to noise reduction.



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The feasibility of implementing these measures by November 2025 contradicts the European Commission's preference for a gradual approach. The timeline proposed for noise reduction lacks phased implementation and a long-term perspective, focusing instead on dividing the implementation dates. By extending the deadlines for Phases 1 and 2, the Ministry could allow for the implementation of more effective long-term noise reduction measures under pillars 2 and 3, thereby avoiding unnecessary operational restrictions. This approach would lead to a more comprehensive and potentially less disruptive implementation process, aligning with the definition of a gradual approach.

Under the Ministry's proposal, most measures must be in place by November 1, 2025, less than 1.5 years after this additional consultation. The shortened period between the end of the consultation (June 21, 2024) and the intended implementation dates (November 2024 and November 2025) does not meet the gradual approach requirement; instead, it accelerates implementation.

The short time limit overlooks noise abatement procedures that could reduce emissions and improve the cost-effectiveness of the proposed measures, as acknowledged in the consultation. Several effective measures slated for potential implementation by 2027 have been dismissed prematurely. Furthermore, the time limit does not allow for autonomous developments to be adequately considered.

EU REG 598/2014 mandates that operating restrictions should be the last resort. Therefore, a phased approach with realistic timelines and clear milestones for each phase would be considered best practice.

Please note that we have not commented on Phase 3, as it outlines the intended follow-up process, and we understand that a separate consultation will occur for that phase at a later stage.

D. Additional comments

i. Failure to Identify the Noise Problem

The Ministry has not substantiated the existence of a noise problem as required by EU REG 598/2014. Instead of correctly assessing the current noise situation, the Ministry imposed a precondition of 440,000 aircraft movements annually and predetermined measures to achieve this. The Ministry has not defined 'negative external effects' or 'severe nuisance,' indicating an intent to impose restrictions without a clear noise problem. Despite claims of increased noise annoyance, there is no consistent evidence to support this, especially considering modern aircraft are significantly quieter than older models. The Ministry's approach contradicts the EU regulation, which requires identifying a noise problem before introducing noise abatement measures.



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- ii. *Prejudged Outcome*
The Ministry has imposed an arbitrary deadline of November 2024 for implementing measures, excluding consideration of effective noise mitigation strategies if they could not be achieved by this date. This approach undermines the integrity of the process, as effective measures proposed for 2027 have been ignored. By excluding previous measures and imposing new deadlines, the Ministry pre-determined the outcome, focusing on operational restrictions rather than cost-effective alternatives.
- iii. *Unexplained Reduction Percentages*
The Ministry has changed the noise reduction percentage requirements multiple times without explanation. This inconsistency creates uncertainty and erodes public trust. Emirates urges the Ministry to increase transparency and provide sound justification for the new thresholds.
- iv. *Lack of Transparency and Timeline Requirements*
The Additional Consultation fails to meet the transparency and timing standards of EU REG 598/2014. The 28-day consultation period is notably short, preventing stakeholders from conducting comprehensive analyses and providing well-informed feedback.
- v. *Inadequate Justification for Measures*
The Ministry has not justified the timeline for implementing certain measures, focusing on arbitrary deadlines rather than feasibility or stakeholder requirements. This lack of rationale undermines the credibility of the proposed measures.
- vi. *Missing Balanced Approach Measures*
The Ministry has ignored measures from Pillar 2 and Pillar 3 of the Balanced Approach, which have proven effective at other major airports. This demonstrates an unwillingness to reduce noise through the Balanced Approach. Emirates urges the Ministry to adhere to the Balanced Approach Regulation, ensuring transparent, objective, and evidence-based measures to address noise concerns effectively.



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III. Conclusion

The current new set of mitigation measures has raised additional concerns for Emirates. We believe these measures do not address the European Commission's concerns about their proportionality to the targeted deadline of November 2024. Furthermore, the proposed gradual implementation plan does not truly follow a gradual approach where noise reduction goals are achieved over several years.

Emirates remains committed to reducing aircraft noise at Schiphol airport. However, any efforts in this regard must adhere to the Balanced Approach Regulation. This means that noise issues must be assessed fairly, noise reduction goals must be set objectively, and measures to address noise must be chosen transparently. Importantly, decisions should not be driven by a predetermined goal of reducing annual operations to a specific level.

With recent changes in political leadership, Emirates sees an opportunity to establish a more collaborative approach. We propose initiating a comprehensive consultation process right from the start of such initiatives. This process should involve all stakeholders, including policymakers, airport management, local communities, and industry representatives. This inclusive approach will help find a solution that considers the interests and concerns of all parties involved.

We strongly urge that all measures are considered to address the noise abatement objectives without taking recourse to reducing air transport movements/slots, thereby, maintaining the air connectivity between AMS and the rest of the world.

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