

AIRE's position on the Call for evidence on the Balanced Approach Regulation evaluation

Airlines International Representation in Europe (AIRE) acknowledges the Commission's Call for Evidence on the revision of the Balanced Approach Regulation (BAR). AIRE supports the objective of reducing aircraft noise while safeguarding Europe's air connectivity. The Balanced Approach established under Regulation (EU) No 598/2014 and Directive 2002/49/EC, in line with International Civil Aviation Organization (ICAO) principles, provides a clear and proportionate framework for achieving this balance.

We recognise the importance of managing airport noise in a manner that protects communities while ensuring the efficient and competitive operation of European aviation. Based on current evidence and operational experience, AIRE believes that the BAR remains fundamentally fit for purpose. However, inconsistencies in its implementation across airports — and, increasingly, deviations from its core principles at national or local level — rather than deficiencies in the Regulation itself, are the primary source of concern for carriers.

In recent years, several national or local initiatives have risked fragmenting the EU's internal aviation market and undermining global connectivity by departing from the procedural safeguards and proportionality principles embedded in the Balanced Approach.

1. Effectiveness

The BAR has largely achieved its goal of improving the noise environment at EU airports while avoiding distortions to competition and inefficiencies in airport capacity. Nevertheless, several practical challenges have been identified:

- **Transparent, reliable, objective, and measurable assessment:** Divergences in how airports define and apply noise-based parameters create uncertainty and operational complexity for airlines, particularly those operating diversified fleets. Without greater standardisation or clearer guidance, aircraft may be treated inconsistently across airports, undermining the measurable and objective nature of noise regulation.
- **Evaluation of noise-related measures in line with the International Civil Aviation Organization Balanced Approach:** While the BAR provides a clear framework, its

application varies. Independent oversight could be strengthened by standardising the publication and consultation processes for operational restrictions.

- **Operating restrictions as a last resort:** Restrictions should only be applied after all other measures—operational procedures, land-use planning, or economic incentives—have been explored. Excessive or premature restrictions, particularly night-time limitations, directly reduce operational resilience and may interfere with network planning.

A recent and prominent example is the proposed movement cap at **Amsterdam Airport Schiphol**, which would reduce annual aircraft movements from 500,000 to 440,000 and prohibit night operations. These restrictions were advanced without completing a full evidence-based assessment under the Balanced Approach and before exhausting all other available measures. Such unilateral capacity reductions risk undermining hub efficiency, fragmenting the European network, displacing rather than reducing noise impacts, and imposing significant economic costs throughout the EU aviation system.

- **Noise-related fines and penalties:** Airlines operating in Europe are increasingly exposed to substantial fines and financial penalties for exceeding noise thresholds or breaching night curfews. In the Netherlands, four airlines were collectively fined **over €1 million** for flying at night without the appropriate authorisations, with easyJet receiving the largest individual fine of €930,000¹.

In Portugal, the **Autoridade Nacional de Aviação Civil (ANAC)** fined airlines approximately **€8.7 million** in 2024 for non-compliance with time slot and night-time restrictions², and a further **€3.5 million** in 2025 for similar violations³. At Amsterdam Schiphol Airport, differential noise charges mean noisier aircraft and night operations can pay **3–6 times higher fees** than quieter flights⁴.

While these penalties aim to reduce noise exposure, the lack of harmonisation in their calculation and enforcement creates additional operational and financial uncertainty

¹ Inspectorate for the Environment and Transport. (2024, July 22). *Fines for misuse of slots by airlines*. Inspectorate for the Environment and Transport. <https://www.ilent.nl/actueel/nieuws/2024/07/22/boetes-voor-verkeerd-gebruik-slots-door-luchtvaartmaatschappijen>

² The Portugal News. (2025, February 8). *Fines for early morning flights soar to €8.7 million*. <https://www.theportugalnews.com/news/2025-02-08/fines-for-early-morning-flights-soar-to-87-million/95420>

³ Lusa. (2026, January 21). *Regulator fines airlines €3.5M for nighttime flights, slot violations*. AMAN Alliance. <https://aman-alliance.org/Home/ContentDetail/99573>

⁴ Schiphol Airport. (2023). *Pricier decibels: Schiphol charges more for noisy aircraft*. Schiphol Airport. <https://www.schiphol.nl/en/schiphol-as-a-neighbour/blog/pricier-decibels-schiphol-charges-more-for-noisy-aircraft/>

for carriers, highlighting the need for transparent and proportionate implementation across the EU.

- **Delays beyond airline control and night-time authorisations:** Delays outside airline control, particularly those caused by air traffic management constraints or broader operational disruptions, present a significant challenge for long-haul services operated with heavier aircraft. Such delays may shift departures beyond established evening or night-time curfews, exposing airlines to substantial financial penalties or the loss of authorised night-slot access despite full operational readiness and regulatory compliance at the scheduled departure time.

AIRE therefore recommends the introduction of proportionate exemption or tolerance mechanisms in clearly defined circumstances where delays are demonstrably outside the airline's control. This would preserve the integrity of noise management objectives while avoiding disproportionate economic consequences and ensuring fair, predictable operating conditions for long-haul network planning.

Night curfews and movement caps also disproportionately affect network carriers that rely on connecting traffic to sustain services to smaller and peripheral regions, ultimately reducing Europe's overall accessibility and cohesion.

2. Efficiency

Noise-related requirements must be proportionate, considering the long-term planning and investment cycles inherent to fleet management. Accelerated or inconsistent implementation across airports can create unnecessary administrative burdens and opportunity costs, particularly for operators managing diversified fleets or undertaking long-term fleet renewal programmes.

Technological advancements in modern aircraft have significantly lowered noise exposure around airports. New-generation narrowbody aircraft, such as the **Boeing 737 MAX** and **Airbus A320neo/A321neo**, now operate well below the noise thresholds applicable to older models. For instance, the A321neo features a take-off noise footprint roughly 50 % smaller than its predecessor, the A321ceo⁵, with comparable reductions observed for the 737 MAX⁶. Field monitoring confirms that maximum noise levels (SEL and L_{max}) are reduced for these

⁵ Airbus. (2024). *Aircraft noise reduction: A320neo family*. Airbus. <https://www.airbus.com/en/innovation/aircraft-operations/aircraft-noise-reduction>

⁶ Boeing Commercial Airplanes. (n.d.). *Boeing 737 MAX environmental performance*. Boeing. <https://www.boeing.com/commercial/737max/environmental-performance>

aircraft⁷. Over the long term, commercial fleets have become approximately 75 % quieter thanks to engine and design improvements⁸.

These technological improvements underline the need for a dynamic, evidence-based approach to noise regulation that rewards quieter fleets, encourages fleet renewal, and ensures that the Balanced Approach Regulation continues to support EU goals on sustainability, competitiveness, and operational resilience.

3. Relevance

Technological advances have significantly reduced aircraft noise, and many new-generation aircraft operate well below existing thresholds. A differential approach recognising quieter fleets would support sustainability objectives, incentivise fleet modernisation, and ensure the BAR remains aligned with EU policy goals, including competitiveness, resilience, and decarbonisation.

Permanent restrictions introduced under previous fleet standards may no longer correspond to actual noise exposure, limiting operational growth even for carriers investing in quieter aircraft. A dynamic and evidence-based approach is therefore necessary to ensure policy relevance.

4. Coherence

Structural tensions exist between the BAR and other EU legislation, such as slot utilisation requirements under Regulation 95/93. Operational disruptions can cascade into night periods, triggering noise limits and risking the loss of slots despite circumstances beyond an airline's control. Introducing tolerance mechanisms or operational buffers could mitigate these unintended effects.

Additionally, differential treatment between commercial and general aviation raises concerns regarding regulatory coherence, transparency, and equal application of noise-related measures. Pricing mechanisms, if applied inconsistently, may act as de facto operating restrictions and should be subject to the same procedural safeguards.

⁷ Patmore, J., & Heath, M. (2023). *Operational noise monitoring of modern aircraft* (pp. 12–14). MAG Infrastructure. <https://assets.live.dxp.maginfrastucture.com/f/73114/x/fc22772da0/patmore-heath-2023.pdf>

⁸ Aviation Benefits Beyond Borders. (2023). *Reducing aircraft noise: Efficiency and community benefits*. <https://aviationbenefits.org/environmental-efficiency/reducing-noise/>

It is particularly important to note that major hubs such as **Amsterdam Airport Schiphol** and **Charles de Gaulle Airport** are of critical operational importance for carriers. Noise or environmental restrictions at these airports must not be used, directly or indirectly, as tools to influence competitiveness between airlines or hubs. Regulatory measures should be applied objectively, transparently, and in full compliance with the Balanced Approach methodology.

The emergence of diverse and uncoordinated national approaches demonstrates the absence of a truly harmonised EU application of the Balanced Approach. This fragmentation creates uncertainty for operators, distorts competition among hubs, and weakens Europe's position in the global aviation network.

5. EU added value

The BAR provides a valuable EU-level framework that ensures the integrity of the internal aviation market while setting common principles for noise management. However, inconsistencies in airport-specific implementation—including variations in noise thresholds, monitoring systems, night regimes, disruption handling, and the introduction of capacity caps—create a fragmented regulatory landscape. This fragmentation undermines transparency, reduces legal predictability, and can inadvertently distort competition between hubs.

Stronger Commission guidance, oversight, and enforcement of clear procedural safeguards would improve transparency and ensure that noise-related measures are applied consistently across the Union, without the need for major legislative changes to the Regulation itself.

➤ Conclusion

AIRE considers the Balanced Approach Regulation fundamentally fit for purpose. The primary issue lies not in the Regulation itself, but in inconsistent or unilateral implementation at certain airports, which risks fragmenting the internal market and undermining Europe's connectivity and competitiveness.

We caution against substantial legislative changes that could inadvertently worsen conditions for airlines. Instead, the focus should be on improving implementation, reinforcing harmonisation, and safeguarding the integrity of the Balanced Approach framework.

AIRE therefore respectfully calls on the European Commission to:

- Reaffirm and enforce strict adherence to ICAO's Balanced Approach methodology and the procedural safeguards of Regulation 598/2014 before any operating restriction is introduced;
- Oppose unilateral capacity or movement limits that are not grounded in transparent and comprehensive cost–benefit analysis;
- Ensure equal and non-discriminatory application of any restrictions ultimately adopted;
- Promote harmonisation and coordination among Member States to preserve connectivity, competitiveness, and regulatory predictability;
- Introduce proportionate tolerance mechanisms to address operational disruptions beyond airline control.

Balanced and proportionate implementation of noise policy is the key to achieving both environmental protection and the continued vitality of Europe's air transport system. Only through consistent, evidence-based, and harmonised application of the Balanced Approach can the EU safeguard community interests while preserving connectivity, competitiveness, and resilience.