



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 February 2008

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**ENV 121
AVIATION 54**

NOTE

from :	General Secretariat
to :	Delegations
Subject :	Noise from military aircraft (AWACS)

Delegations will find annexed a note from the Netherlands delegation on the above subject, which will be dealt with under "other business" at the meeting of the Council (Environment) on 3 March 2008.

Noise nuisance by AWACS surveillance aircraft

1. The Netherlands wishes to raise the issue of noise nuisance caused by military aircraft, specifically NATO AWACS surveillance aircraft, with Environment Council colleagues.
2. The European Union has taken various measures to protect its citizens from the harmful effects of noise nuisance.
3. These European measures also cover aviation. Directive 2006/93/EC, on the regulation of the operation of aeroplanes covered in Annex 16 to the Convention on International Civil Aviation, imposes noise limits on civil supersonic jet aircraft. The Directive does not apply to military aircraft. Directive 2002/49/EC, on the assessment and management of environmental noise, also excludes noise caused by military activities in military areas. Therefore, EU legislation does not currently protect EU citizens against noise caused by military aircraft.
4. In the Netherlands a very undesirable situation has arisen due to the high noise levels of the seventeen AWACS surveillance planes that are stationed at the NATO Geilenkirchen airbase in Germany, very close to the Dutch border. People living nearby, including residents of the Dutch municipality of Onderbanken, experience severe noise nuisance from low-flying aircraft (levels as high as 100 dB(A) have been measured). The problem is being caused by the extremely noisy, old type of engines with which AWACS planes (a derivative of Boeing 707 civil aeroplanes) are fitted. Had the aircraft in question been civil Boeing 707s, there would have been a clear breach of European standards.
5. Obviously, we should first attempt to resolve the problem with NATO. A solution is available: civil aviation technology has now developed alternative, quieter (and cleaner) engines. Although NATO is not required to observe any binding noise reduction measures, in 1990 it endorsed a recommendation that, where practicable, civil aviation noise reduction technology should be applied to military aircraft such as the AWACS surveillance aircraft. To date, NATO has not taken the decision to replace the engines.

6. The NATO Ministers of Defence met in Vilnius on 7 and 8 February 2008. The Netherlands brought up the problem of noise nuisance in the vicinity of the AWACS air base in Geilenkirchen and, specifically, the issue of the AWACS engines, and called for initiatives to find a permanent solution to the noise problem. At present NATO is renewing the business case for re-engining of the AWACS aircraft, against the background that these aircraft remain operational until at least the year 2035. This business case takes into account financial and logistic factors, with respect to lifetime costing and returns on investment. The Netherlands will persist with a decision made by NATO member countries to replace the old and noisy engines. This is only likely to be successful if we can present a sufficiently clear picture of the serious environmental and health problems that noise nuisance may cause. The Netherlands therefore wishes to draw this issue to the attention of members of the Environment Council, most of whom are also representatives of NATO member countries, and would call on them to debate the problem at country level in the interests of advancing our case.
7. Furthermore, the Netherlands would also ask whether the European Union itself might be able to do more to resolve this issue.
8. Until now it has almost been taken for granted that the EU does not address this kind of question. The Netherlands does, of course, recognise the special position and status of military materiel; its deployment and operation often require different standards to those governing comparable civil materiel. However, AWACS surveillance aircraft carry out operational and training flights in peacetime and secure European airspace and NATO operations. Re-engining of the AWACS aircraft with less noisy engines will not have adverse consequences for the operational performance of the aircraft
9. The Netherlands would like to know whether it is possible that EC environmental legislation can also be applied to the noisy NATO AWACS surveillance aircraft, at present based at the Geilenkirchen Air Base. The Netherlands would like to invite the European Commission to state its opinion on this matter. For example, Articles 80 and 175 of the EC Treaty provide a legal basis which does not specifically exclude the military. Can the Commission state what possibilities it envisages for making equivalent European “civil standards” that apply to these AWACS surveillance aircrafts. Does the Commission see the proposed revision of Directive 2002/49/EC on the assessment and management of environmental noise as an opportunity to introduce this change?