



Airlines for America¹

We Connect the World

February 17, 2023

Mr. Henrik Hololei
Director General for Mobility and Transport (DG MOVE)
European Commission
Rue de Mot 24-28
1040 Brussels
Belgium

RE: Dutch Government Proposal to Reduce Movements at Schiphol

Dear Mr. Hololei,

Airlines for America (A4A), on behalf of its members¹, is writing to once again express our concerns and frustrations about the Dutch Government's proposal to permanently reduce the number of yearly aircraft movements at Schiphol Airport (AMS).

We appreciate the cooperation from DG MOVE on this most pressing issue and are keen to continue to work with you to seek a resolution.

As set out in our letter of January 3, 2023, (attached hereto), we believe that these decisions by the Dutch government are in violation of both the U.S. - EU Air Transport Agreement (ATA) and EU regulations.

It is now imperative that the European Commission formally engage in this process to uphold the U.S. - EU Air Transport Agreement and ensure adherence to the provisions of EU Regulation 598/2014.

We urgently call on your support and request that DG MOVE formally investigate the actions of the Dutch government. As ever, we and our members stand ready to assist you through the provision of information.

Sincerely yours,

[Redacted signature]

[Redacted name]

¹ A4A is the principal trade and service organization of the U.S. scheduled airline industry. Members of the association are Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.



Airlines for America^{*}

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January 3, 2022

Mr. Henrik Hololei
Director-General for Mobility and Transport
European Commission
Rue de Mot 24-28
1040 Brussels
Belgium

RE: Dutch Government Proposal to Reduce Movements at Schiphol

Dear Mr. Hololei,

Airlines for America (A4A), on behalf of our members¹, is writing to express our continued concerns and frustrations regarding the Dutch's government's unprecedented decision, based on environmental considerations, to reduce annual aircraft movements at Schiphol from 500,000 to 440,000 starting in 2023. Several of our members – American, Delta and United and one associate member – Air Canada – currently have extensive operations at Schiphol and will see severe impacts if this proposal is implemented.

We outlined initial concerns in our September 7th letter, attached here. Since this point we have continued our engagement with the governments of the Netherlands, the United States and the European Union (EU). As outlined initially, we believe that these decisions by the Dutch government may be in violation of both the U.S. – EU Air Transport Agreement (ATA) and EU Regulations.

We believe the Dutch government's proposal is inconsistent with the balanced approach to noise management outlined in Article 15 (5) of the ATA. A4A and our members attended the Dutch's government informational session on December 8, where we were told the balanced approach process will begin to take place early next year. However, as required by Article 15, stakeholders were not consulted, nor any evidence of different options were provided before the drastic reduction in numbers were announced. This is a direct violation of the steps outlined in the ATA and in Article 6(2)(a), (c), and (d) of EU Regulation 298/2016. Furthermore, it has not been reconciled as to how the Dutch government are able to undertake the balanced approach, when the outcome has already been announced and implementation is slated to begin early next year.

As guardian of EU law with responsibility for enforcement of the EU's international treaty obligations, we respectfully ask that you undertake investigations into potential violations of the ATA and EU Regulations as a matter of urgency, given the reductions are slotted to begin in January 2023.

¹ A4A's members are Alaska Air Group, Inc.; American Airlines Group, Inc.; Atlas Air Worldwide Holdings, Inc.; Delta Air Lines, Inc.; FedEx Corp.; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

We thank you for your kind attention. Please let us know if you have any questions or need further information.

Sincerely,





Airlines for America
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September 7, 2022

Mr. Henrik Hololei
Director-General for Mobility and Transport
European Commission
Rue de Mot 24-28
1040 Brussels
Belgium

RE: Dutch Government Proposal to Reduce Movements at Schiphol

Dear Mr. ^{Henrik}Hololei,

Airlines for America (A4A), on behalf of its members¹, is writing to express concerns about the Dutch Government's unexpected and unprecedented decision, based on environmental considerations, to drastically reduce annual aircraft movements at Schiphol from 500,000 to 440,000 from 2023. This proposal represents a 20% reduction from the Dutch Government's original plan to allow Schiphol airport to grow gradually to 540,000 movements annually. Several of our members – American, Delta and United – and one associate member – Air Canada – have extensive operations at Schiphol and will be severely impacted if this proposal is implemented.

As an initial matter, A4A and its members are fully committed to continue to grow sustainably. We have pledged to achieve net-zero carbon emissions by 2050 and have committed to work with the U.S. government and other stakeholders to make three billion gallons of sustainable aviation fuel (SAF) available for use in 2030. In addition, our members have committed to reduce aircraft noise impacts on communities through the deployment of new, quieter aircraft. In this regard, U.S. passenger airlines took delivery of more than 1,300 new aircraft from 2017-2021 at a cost of approximately \$48 billion, with firm orders for 2,198 new aircraft for delivery in 2022 and beyond. These new aircraft are 75% quieter than first generation jets and 50% quieter than jets that came off the production line 10 years ago.

We support the comments that the International Air Transport Association (IATA) and Airlines for Europe (A4E) have submitted to the Commission. In particular, the loss in connectivity resulting from the proposal's implementation will damage the Dutch and European Union (EU) economies through job losses and a reduction in economic growth and inward investment. In addition, the proposal may be incompatible with EU Internal Market principles and may violate several EU Regulations, including Regulation 598/2014 on noise management at airports. A4A's focus here is to illustrate that the proposal is inconsistent with the balanced approach to noise

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management enshrined in Article 15 of the U.S.-EU Air Transport Agreement (ATA) to which the EU and the Netherlands are parties.

The ICAO Balanced Approach to Aircraft Noise Management, codified in Part V of Annex 16, Volume I to the Chicago Convention and in Regulation 598/2014, requires government authorities to evaluate available options to identify the most suitable measure or combination of measures to mitigate a specific noise problem. Specifically, the approach identifies four potential approaches to address noise around airports: reduction at source, land-use management and planning, noise abatement operational procedures, and operating restrictions. In view of their impact on airlines, passengers and local economies, governments should not introduce operating restrictions as a first resort but only after a full assessment of all available measures to address a demonstrated noise problem at an airport.

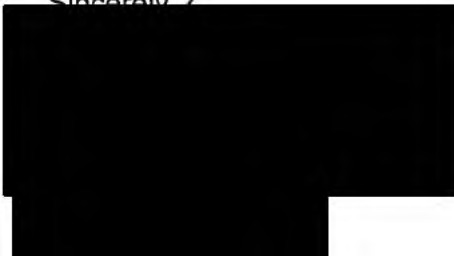
Article 15(5) of the ATA incorporates the balanced approach by requiring government authorities to consult with interested parties and to ensure that operating restrictions adopted are "not more restrictive than necessary in order to achieve the environmental objective established for a specific airport." It also allows one party to request from another party a written report explaining the measures it considered, including the evaluation of the likely costs and benefits of the alternatives canvassed.

There is no evidence that the Dutch government followed the balanced approach when deciding on the operating restriction at issue here. First, the government published its decision without forewarning and certainly without consulting interested stakeholders as required by Article 15(5) of the ATA and Article 6(2)(d) of Regulation 598/2014. Second, before settling on drastic operating restrictions, there is no evidence that the government evaluated the different options available as required by Article 15(5) of the ATA and Article 6(2)(a) and (c) of the Regulation.

As guardian of EU law with responsibility for enforcement of the EU's international treaty obligations, we respectfully request the Commission to engage with the Dutch Government with a view to determining whether the decision to mandate a reduction in flight movements is consistent with the ATA. In the meantime, A4A will ask the U.S. Government to request a written report from the Dutch Government explaining the measures it considered and the result of any cost/benefit analysis it conducted. We will also request that the U.S. Government examine whether the Dutch Government's decision violates other provisions of the ATA including the admonition in Article 3(4) that "neither Party shall unilaterally limit the volume of traffic, frequency or regularity of service, or the aircraft type or types operated by airlines of the other Party."

We thank you for your kind attention. Please let us know if you have any questions or require further information.

Sincerely,

A large black rectangular redaction box covers the signature and name of the sender.

Airlines for America