

# **The impact of airport operations on environment: main legal aspects**

## **El impacto de las operaciones aeroportuarias sobre el medio ambiente: principales aspectos jurídicos**



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# Key impacts caused by airport

Key Impacts	Terminal & Ground Operations		Flights	Airport Access		Associated Projects	
	Construction	Operation	Operation	Construction	Operation	Construction	Operation
Air Pollution							
Biodiversity Impact							
Climate Change							
Land Take							
Land scape							

# Key impacts caused by airport



Key Impacts	Terminal & Ground Operations		Flights	Airport Access		Associated Projects	
	Construction	Operation	Operation	Construction	Operation	Construction	Operation
Noise							
Water							
Heritage							
Traffic							
Social Cost							



- Both the main operations and connected activities at every airport inevitably produce environmental impacts, as it happens with all anthropogenic activities.
- Considering that these adverse environmental effects are inevitable, the Law has developed two types of response: punitive and preventive.



- Punitive ⇒ environment significantly impacted by human activities

*Barnes v United States – Department of Transportation*  
(USA, 9th Circuit, 2011)

*Salzburger Flughafen GmbH c. Umweltsenat*  
(ECHR, 2013)

- Preventive measures ⇒ to reduce or minimize significant damage to environment



# Environmental Impacts



activities causing  
transboundary impact

activities causing  
local impact

Airports as “areas of convergence”

(1) International Environmental Conventions

(2) Domestic Environmental Law





- Preventive strategies / measures
- Domestic environmental Law
- International Environmental Law
- Litigation: casuistics and trends



# Preventive strategies / measures



1. EIA
2. ISO 14.000
3. DOC 9184 (OACI) – *Airport Planning Manual*
4. DOC 9829 (OACI) - *Guidance on the Balanced Approach to Aircraft Noise Management*
5. DOC 9889 (OACI) - *Airport Air Quality Guidance Manual*
6. DOC 9884 (OACI) - *Aircraft emission charges related to LAQ*
7. DOC 9911 (OACI) - *Recommended Method for Computing Noise Contours Around Airports*
8. DOC 8168 (OACI) - *Procedures for air navigation service*
9. DOC 9082 – Sec II-5 (OACI) - *Policies on Charges for Airports*

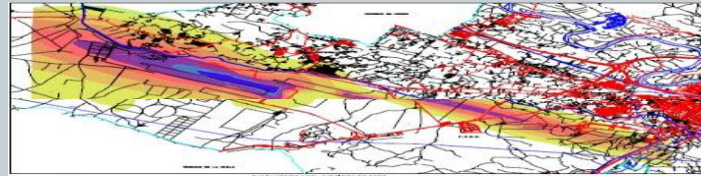


# Domestic Environmental Rules (Argentina)



**1. LGA – 25675/02** (*General Environmental Act*)

**2. EIA** (Annex I, Act 24354/94 - *National Public Investment System*)



**3. NOISE**

**RAAC - Part 91 – Sub-Part I – Noise Standards**  
**Resolution 164/13 - ANAC - Certification**

**4. LAND**

**24.051/92** - *Management of Hazardous Waste*

**25612/02** - *Management of Industrial Waste*

**25.916/04** - *Management of Household Waste*

**24.051/92** – *Management of Pathogenic Waste*

**5. WATER - 25.688/02** – *Water Conservation Act*

# International Environmental Rules



- **NOISE**

Annex 16 – Vol I, *Aircraft Noise*



- **EMISSIONS**

Annex 16 – Vol II, *Aircraft Engine Emissions*  
(CO, HC, NO<sub>x</sub>)

*Climate Change Convention & Kyoto Protocol*  
*Doc 9948 – LAQ*

- **WATER**

1997 UN *Convention on Non-Navigational Uses of Int'l Watercourses*



# International Environmental Rules



- **BIOTA**

*1971 Ramsar Convention on Wetlands*

- **HAZARDOUS WASTES**

*1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*

- **DANGEROUS GOODS**

*Annex 18*

*Agreement on Dangerous Goods in MERCOSUR*

*MERCOSUR \ CMC \ DEC No. 2/94*



# Case Law



## 1. EIA

**CJUE** : *Salzburger Flughafen GmbH c. Umweltsenat, 2013*

**USA**: *Alliance for Legal Action et al. v. FAA et al, 2003*

## 2. NOISE

**ECHR**: *Powell and Rayner v. United Kingdom, 1990*

*Hatton and others v. The United Kingdom, 2003*

*Michael Ashworth and others v. United Kingdom, 2004*

*Flamenbaum and others v. France, 2013*

**CJUE** : *Salzburger Flughafen GmbH c. Umweltsenat, 2013*

**SPAIN**: *Vecinos aeropuerto El Prat, Barcelona c. AENA, 2014*

*Asociación vecinos de Santo Domingo c. AENA, 2008*

**USA**: *Barnes v United States – DOT, 2011*

# Case Law



## **1. BIOTA**

**ARGENTINA: *ASSUPA c/ AA2000 S.A***

## **2. WATER**

**UK: *Princes Ski Club v. Heathrow Airport, 2010***

***Environment Agency v. Heathrow Hydrant Operating  
Company Limited, 2010***



***Thank you!***

