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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Buenos Aires, September 19th, 2014
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<th>Key Impacts</th>
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## Key impacts caused by airport

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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. Umwelsensenat_ (ECHR, 2013)

• Preventive measures ⇒ to reduce or minimize significant damage to environment
Environmental Impacts

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)**
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, NOx)*
  *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
Thank you!