Hushkitters unimpressed by EU deadline extension

Hushkit manufacturers are not satisfied with the one year extension for airlines to get aircraft Stage 3 modified. Besides it not being enough time for airlines to make fleet plan decisions, modification manufacturers still object to the ruling on the grounds that it is a trade violation, breaks with ICAO and there is no environmental basis for it.

The EU's decision to extend the deadline for registering re-certified aircraft for one year until 8th May 2000 has been received with little enthusiasm by hushkit and Stage 3 modification manufacturers.

Re-certified relates to Stage 2/Chapter 2 aircraft which have been made Stage 3 compliant through the use of hushkits, adjustment of flap settings or re-engining with engines with a bypass ratio less than 3:1.

The basic conditions of the ruling still apply, with just compliance dates re-adjusted. Re-certified aircraft have to be registered on EU registers no later than 8th May 2000. Re-certified aircraft on EU registers can only be operated after 1st April 2002 if they were already registered in the EU before 8th May 2000. These conditions basically mean the number of Stage 2 aircraft made Stage 3 compliant on EU registers cannot increase after 8th May 2000.

This will therefore prevent EU freight carriers, for example, acquiring Stage 2 aircraft and modifying them after the 8th May 2000 deadline. They will be forced to acquire younger aircraft that were originally certified as Stage 3 compliant.

The other half of the ruling prevents modified aircraft registered outside the EU being operated into EU airspace after 1st April 2002 unless they were on the registers of the same country on 8th May 2000 and had been operated into EU airspace from 1st April 1995. Again, this prevents the number of Stage 3 modified aircraft increasing.

These terms and conditions are the same as before, but the deadline for re-certification has been extended by one year. The concession made by the EU was made under pressure from the US. Despite this, most suppliers of Stage 3 modification systems are unimpressed by the EU's decision to put back the date for certification by a year.

The first objections come from the fact that one year is not enough for airlines to make their fleet plans, finance aircraft acquisitions and modify them and make them operational. The proposed ruling has been designed to prevent an increase in the number of Stage 3 modified aircraft operating in EU airspace. The most likely airlines to increase their fleets of re-certified aircraft are freight operators which want to acquire types like the 727. This fleet expansion would have to occur over several years, not in just 12 months.

Although Stage 3 types could theoretically be acquired instead, most airlines that want to operate modified aircraft depend on low capital cost equipment. The EU's proposed ruling would prevent this and force these carriers to operate higher capital cost aircraft; one of the major objections to the ruling. "The one year extension is just a compromise," says Bob Olsen, president at Dugan Air. "This does not give airlines enough time to plan their fleet decisions and makes their lives difficult. The future of the 727 is freight. The main driver in aircraft selection is economics and there are no alternatives to the 727. Eastern bloc and African countries also require older aircraft like the 737-200, 727, 707 and DC-8. This rule will prevent them from increasing their fleets and make life very difficult for them".

Besides freight carriers, start-ups and no-frills airlines offering competition to major carriers are penalised or have fewer choices in fleet acquisitions. An example is Ryanair which for several years has operated low capital cost 737-200s. "This ruling effectively legislates against airlines like Ryanair, which has been Europe's Southwest Airlines. Ryanair has offered fares into cities where they were not available before," points out Jack Arehart, director of hushkit marketing at Nordam. "The ruling would limit the number of low cost hushkitted aircraft available in Europe, and force other would-be start-ups to acquire more expensive capacity, limiting their

Despite the EU giving a year's extension to the time in which EU operators can get Stage 2 aircraft re-certified and registered, hushkit manufacturers object because this is not enough time for airlines to re-adjust their fleet plans and finance acquisitions. The ruling will limit the number of low capital cost aircraft registered in the EU and reduce the ability of would-be start-up and no-frills airlines to have low-cost operations, offer low fares and generate competition against dominant major airlines. Higher capital cost equipment would have to be acquired instead, reducing the competitive advantage of these airlines.

economic viability from the start".

Prior to the EU granting a year's extension, many feel the damage had already been done simply by the ruling being proposed in the first place. "The extension may allow companies already planning to acquire more Stage 2 aircraft a bit more time," says Ron Suihkonen, director of sales at Av Aero. "The harm has already been done though, since airlines have already had to make their fleet plans around the proposed ruling before the extension was announced. Airlines have already phased-out their Stage 2 fleets. For example, the British Airways 737-200s will now never be hushkitted for operation in Europe and instead have been exported to outside the EU. The year's extension is pretty useless because is does not give enough time to airlines to plan their fleets".

The same comments are echoed by Tom McGuire, vice president of marketing at Burbank Aeronautical. "One year is not enough for airlines which are dependent on low capital cost equipment to get their fleets hushkitted. The year's extension makes no difference at all".

Besides objections to the extension not providing enough time for airlines, modification manufacturers' overruling objection is that the ruling does not result in any improvement in the environment, goes against the principles of the International Civil Aviation Organisation and furthermore is a trade violation. "Potentially the ruling could get absorbed into the proposed Chapter 4/Stage 4 ruling that the US and EU have agreed to discuss as a result of this," says Arehart. "The US does not see the extension as the final remedy and will continue to fight it. Because it is viewed as a trade violation Northwest airlines has filed a formal complaint to the World Trade Organisation and has proposed taxing every European aircraft that comes into the US".

Omega Air of Ireland is already in the process of taking the EU to court over its ruling later this year. Omega Air has assembled evidence that the ruling is contrary to ICAO, is contrary to the EU's own rules that a ruling should be proportionate in its effects and that the EU cannot demonstrate any environmental improvement. Omega Air is confident it can get the ruling overturned on the grounds of its evidence. Omega Air is not on its own, since Dugan Air is also making a legal challenge to the ruling, as well as fighting the ruling on a political level.

One view is that the EU anticipated Chapter 3 legislation and the phase-out of Chapter 2 aircraft, which was introduced in 1990, would see the death of Stage 2 aircraft. The ability of modifications to extend the life of these aircraft was more successful than had been expected. An agreement on Chapter 4, which the EU has now agreed to discuss, would then be expected to definitely kill Chapter 2 aircraft. One hushkit manufacturer is confident, however, that kits could still be developed to make older aircraft Chapter 4 compliant.

The issue of Chapter 4 could still be highly contentious. Although Chapter 4 has not been publicly defined, the aircraft that were originally certified as Chapter 3 compliant all have noise emission levels within a relatively narrow band. It is anticipated that Chapter 4 will divide this width of noise emissions.

Aircraft that would not be Chapter 4 compliant are likely to include ones that are marginally Chapter 3 compliant. This group involves new aircraft types that have only been certified and manufactured in the past few years.

While it will probably be technically feasible to hushkit these aircraft, Chapter 4 will still cause political upheaval. It will affect the interests of virtually every major manufacturer and damage the value of young aircraft.

FAA certificates Il-96T

The US Federal Aviation Administration (FAA) has issued FAR-25 approval for the first time to a Russian or former Soviet Union built transport aircraft on 2nd June 1999. The aircraft approved was the Ilyushin Il-96T.

The approval was issued even though a small number of software tests have not been completed. They are scheduled to be carried out on registration. The actual certification document was due to be handed over to the Ilyushin Design Bureau, the Il-96T's designer, in a ceremony to be held in Moscow on July 7th.

Following the issue of FAA approval, Ilyushin's general designer and chief executive officer, Genrikh Novozhilov, called on the US Exim Bank to live up to its promise to finance the 20 Il-96M/T fleet ordered by Aeroflot; Russian International Airlines.

"Russia has met all the conditions negotiated for this funding," Novozhilov said at the recent Paris Airshow. "We have complied with all the FAA's requirements for certification, and Aeroflot has taken delivery of the 10 737-400s which were added to the programme to forestall possible US industry objections to the funding. Now it is time for Exim bank to complete the arrangements to fund the Aeroflot order".

The Il-96T is a freight version of the long-range Il-96M widebody, a new generation aircraft capable of carrying up to 375 passengers over a range of 12,000 km or 6,500nm. It is powered by Pratt & Whitney PW2337 engines and Rockwell Collins avionics. The passenger version is currently under FAA certification trials, although it is expected to take some time before approval is granted.

The FAA regards the approval of the Il-96T as a significant step forward. The seven year programme has built FAA confidence in Russia's airframe industry and component suppliers, and is expected to ease certification of later Russian applicant types.

NOx correction

The CAEP II and IV NOx emission standards of engines were incorrectly represented *(see Knocking NOx on the head, page 39 Aircraft Commerce, March/April 1999)*.

The article stated that ICAO CAEP II standards only applies to engines certified after 1996, thereby allowing engines certified before this date to be manufactured and operate indefinitely.

The correct facts of CAEP II are that all engines manufactured after 1st January 2000, irrespective of certification date, must meet CAEP II standards. For example, a JT8D-200 engine built after 1999 must be retrofitted with combustors that meet CAEP II limits.

Although Rolls-Royce RB211-535E4, -535E4B, -524G and -524H engines did not originally meet CAEP II standards Rolls-Royce has retrofitted them with combustors that produce lower NOx emissions.

The article stated that CAEP IV limits apply to engines certified after 1st January 2000. The correct year is 2004. There are several engine types which are unaffected by this ruling on account of their certification date, but still meet CAEP IV limits with considerable margin.

This includes the Rolls-Royce Trent family of engines, BMW Rolls-Royce BR700 series, CF6, GE90, V.2500 and CFM56-5 series.

All younger engine types produced by the four main manufacturers meet CAEP II limits and so can continued to be manufactured after 1999 without the need for retrofitting with new low emission combustors. AC