

## Designation of the noise protection zone around the Budapest Airport

3 types of documents relevant to the case:

- Judgement of Supreme Court (Curia) referring the case back to the court of first instance;
- Court decisions on the designation of experts;
- Letter by the expert inviting stakeholders to consultation

Designation of experts by the court of first instance: According to designation dated 12 October 2020, Mrs. Pal Bite was designated. This created conflict of interest as she would have had to review the noise assessment she herself had prepared earlier. Several other designations followed but no-one accepted the job. According to the designation in force, Mr. Péter Berzi is supposed to conduct the review but he has asked for an extension of the deadline for the preparation of the review several times. The Association for Civilized Air Transport (KLKE / CATA) adds: At the meeting (February 2022), Mr. Berzi revealed the fact that he would have to comment on the second-instance noise decision, which does not include noise calculations, because it fully relies on the first-instance decision as the basis for the calculation. I.e. he has no document (exact baseline data and calculations, the QSI files) at hand that he could review; ie. the court decisions created a deadlock situation.

CATA commented: the baseline data available show that aircraft taxi at 1200 metres on the airport site, and that Mrs Bite used a baseline equivalence definition in which passenger planes fly at 100,000 metres which is rather nonsense. In addition, in the case of runway 13L, someone (most probably Mrs Bite) cut off the end of the noise cushion in a straight semicircular arc, even though there is an airway there, i.e. that runway end is not closed to use, (which is obviously why there is noise) and on the other hand, the noise generated by the planes taking off from the ground towards Ecser (at Rákoshegy) is not taken into account by the noise cushion, so the noise cushion there is defined in a completely unrealistic shape compared to the extent and shape of a realistic noise cushion.

For more than 16 months, the expert review of the noise assessment and noise protection zone has not been completed.

Documents attached (in chronological order):

- “Curia-decision\_noise-zone-review\_22052019.pdf”: ‘Curia’ (court of review, supreme court) decision dated 22/05/2019: The Curia has annulled the judgment No 21.K.31.073/2016/51 of the Administrative and Labour Court of Budapest of 8 November 2017, and the court of first instance is ordered to conduct a new procedure and issue a new decision.
- „KLKE-declar-noexpertrecomm\_14072020.pdf”: The Association for Civilized Air Transport (KLKE / CATA) declares that they cannot recommend any forensic expert in replacement of the late Károly Pataki for the task and therefore request the Court to take action. Dated 14/07/2020
- “BpCourt\_expert-appointment-Bite\_2020.pdf”: Order of the Metropolitan Court of Budapest No 23.K.700.362/2019/57 to appoint forensic expert Bite Pál Endréné dr. (Mrs. Bite) for the purpose of conducting the expert assessment / review and drawing up the report. Dated 12/10/2020
- „Expert-Bite-toBpCourt-rejection\_2020.pdf”: Letter by Mrs. Bite to the Metropolitan Court of Budapest declining the assignment on the ground of conflict of interest (the noise assessment to be reviewed had been prepared by the Ltd. chaired by Mrs. Bite). Dated 21/10/2020.

- „BpCourt\_expert-appointment-Toth\_2020.pdf”: Order of the Metropolitan Court of Budapest No 23.K.700.362/2019/60 to appoint forensic expert Mr. György Tóth for the purpose of conducting the expert assessment / review and drawing up the report. Dated 06/11/2020
- „BpCourt\_expert-withdrawing-assignment\_2020.pdf”: Order of the Metropolitan Court of Budapest No 23.K.700.362/2019/64 withdrawing the assignment of the aforementioned Mrs. Bite and Mr. Tóth and excluding them from the proceedings. Dated 17/11/2020
- „BpCourt\_expert-appointment-Reis\_2020.pdf”: Order of the Metropolitan Court of Budapest No 23.K.700.362/2019/66.: to appoint forensic expert Dr. Frigyes Reis for the purpose of conducting the expert assessment / review and drawing up the report. Dated 25/11/2020.
- „Expert-Berzi-toBpCourt-deadlineextension\_2021.pdf”: letter of request for the extension of deadline of the preparation of the review by designated expert Mr. Péter Berzi to the Metropolitan Court of Budapest, dated 14/05/2021.
- “Expert-Berzi-invite-to-consult\_2022.pdf”: Invitation to an expert consultation on case 23.K.700.362/2019/69 by designated expert Mr. Péter Berzi to one of the local stakeholders, dated 30/01/2022

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