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COUNCIL DIRECTIVE
of 20 December 1979
on the limitation of noise emissions from subsonic aircraft
(80/51/EEC)
(OJ L 18, 24.1.1980, p. 26)

Amended by:

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COUNCIL DIRECTIVE
of 20 December 1979
on the limitation of noise emissions from subsonic aircraft
(80/51/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the draft Directive submitted by the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the programme of action of the European Communities on the environment ⁽³⁾ shows clearly the importance of the problem of noise and, in particular, the need to take action against noise due to air traffic;

Whereas the priority programme of the Council for the study of air transport questions refers to emissions from aircraft including noise;

Whereas aircraft noise should be reduced, taking into account environmental factors, technical feasibility and economic consequences;

Whereas an appropriate way to reduce this nuisance would be to fix a limit to noise emissions at source based on the standards specified in this matter by the International Civil Aviation Organization,

HAS ADOPTED THIS DIRECTIVE:

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Article 1

Each Member State shall ensure that any civil subsonic jet or propeller-driven aeroplane registered in its territory and falling within one of the categories set out in Volume I (Aircraft Noise) of Annex 16 to the Convention on international civil aviation, as applicable from 26 November 1981, in accordance with Amendment 5, (hereinafter referred to as Annex 16/5) may not be used in the territory of Member States unless it has granted noise certification on the basis of satisfactory evidence that the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2, 3, 5 or 6 of Volume I of Annex 16/5.

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Article 2

1. The documents attesting noise certification within the meaning of Articles 1, 3, 4 and 5 may take the form of a separate noise certificate or a suitable statement contained in another document approved by the State of registry and required by that State to be carried in the ►M1 aeroplane ◀, and shall provide at least the following information:

- (a) State of registry and registration mark of the ►M1 aeroplane ◀;
- (b) manufacturer's serial number;
- (c) manufacturer's type and model designation;
- (d) statement of any additional modifications incorporated for the purpose of compliance with the applicable noise certification standards;

⁽¹⁾ OJ No C 178, 2. 8. 1976, p. 61.

⁽²⁾ OJ No C 299, 18. 12. 1976, p. 16.

⁽³⁾ OJ No C 112, 20. 11. 1973, p. 1.

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- (e) the maximum ► M1 mass ◀ at which compliance with the applicable noise certification standards has been demonstrated;
 - (f) for aeroplanes for which application or certification is submitted on or after 6 October 1977: the noise level(s) and their 90 % confidence limits at the reference point(s) for which compliance with the applicable noise certification standards has been demonstrated.
2. Member States shall recognize the validity of the documents referred to in paragraph 1 issued by the certifying authorities of a State of registry which is also a Member State.

Article 3▼ M1

1. Each Member State shall ensure that all civil propeller-driven aeroplanes with a maximum certificated take-off mass not exceeding 5 700 kg and all civil subsonic jet aeroplanes if they do not fall within one of the categories set out in Volume I of Annex 16/5, but use aerodromes situated in any Member State, are certificated in accordance with requirements which are at least equal to the applicable standards specified in Part II, Chapter 2 or 6 of Volume I of Annex 16/5 when being newly registered in its territory.

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2. Paragraph 1 shall apply from the following dates:
- propeller-driven aeroplanes: at the latest six months after notification of this Directive,
 - subsonic jet aeroplanes: at the latest one month after notification of this Directive.
3. By way of exception from paragraph 1, Member States may decide to agree to register the propeller-driven aeroplanes referred to in paragraph 1 from another Member State after the date indicated in paragraph 2, if they ensure that such aeroplanes operate only in their territory or in that of consenting States.

Article 4

1. The following shall be exempted from the provisions of Article 3:

- (i) ► M1 aeroplanes ◀ not satisfying the applicable requirements for noise certification when they can be equipped to these standards provided that:
 - (a) suitable conversion equipment exists for the ► M1 aeroplane ◀ type in question;
 - (b) ► M1 aeroplanes ◀ fitted with such equipment are capable of achieving the standards required for noise certification;
 - (c) such equipment is actually available; and
 - (d) the operator has ordered the equipment;
 the appropriate equipment must be fitted within not more than two years from the date of registration;
- (ii) ► M1 aeroplanes ◀ which have been used before 1 July 1979 by operators of a Member State under hire-purchase or leasing contracts concluded, at the latest, by that date, and which for this reason, have been registered in a State other than that in which they are used.

2. Member States may exempt from the provisions of Article 3 ► M1 aeroplanes ◀ which do not satisfy the applicable requirements for noise certification in the case of:

- (a) ► M1 aeroplanes ◀ which replace an equivalent number of ► M1 aeroplanes ◀ which have been accidentally destroyed and which cannot be replaced by a comparable ► M1 aeroplane ◀ with noise certification available on the market, provided that the registration of the replacement ► M1 aeroplane ◀ is carried out within one year following the destruction in question;
- (b) ► M1 aeroplanes ◀ of historic interest;

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- (c) ►**M1** aeroplanes ◀ in respect of which an operator demonstrates that the pursuit of his operations would otherwise be adversely affected to an unreasonable extent, provided always that in such cases they be removed from the register not later than 31 December 1984.

A Member State may, however, require ►**M1** aeroplanes ◀ covered by the exemptions provided for in subparagraphs (b) and (c) of this paragraph to comply with Article 3 if they use airports in that Member State. Member States which require such ►**M1** aeroplanes ◀ to comply with Article 3 shall so inform other Member States and the Commission.

▼M1*Article 5*

1. Without prejudice to Article 1, each Member State shall ensure that as from 1 January 1987 civil subsonic jet aeroplanes registered in its territory may not be used in the territory of Member States unless it has granted noise certification on the basis of satisfactory evidence that these aeroplanes comply with requirements which are at least equal to the standards specified in Part II, Chapter 2, of Volume I of Annex 16/5.

2. The competent authorities of the Member States may grant temporary exemptions from paragraph 1 or from Article 7 (2) if the operator undertakes to replace the aeroplanes concerned, by 31 December 1988 at the latest, by other aeroplanes available on the market which comply with requirements which are at least equal to the noise standards specified in Part II, Chapter 3, of Volume I of Annex 16/5.

▼B*Article 6*

►**M1** 1. ◀ In exceptional individual cases Member States may permit the temporary use on their territory of ►**M1** aeroplanes ◀ which cannot be put into service on the basis of the other provisions of this Directive.

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2. Member States may authorize the use of civil propeller-driven aeroplanes with a maximum certificated take-off mass exceeding 5 700 kg which are specially designed and manufactured in very few units, and used for the transportation of aeronautical industry products of exceptional sizes, and which cannot be put into service on the basis of the other provisions of this Directive, if they ensure that such aeroplanes operate only in their territory or in that of other consenting States.

A Member State shall, before granting an authorization in accordance with this paragraph, inform the Commission thereof.

▼B*Article 7*

►**M1** 1. ◀ Member States shall endeavour to take the appropriate measures to ensure that ►**M1** aeroplanes ◀ which are not registered in a Member State but which use airports in their territory meet requirements at least as stringent as those which the ►**M1** aeroplanes ◀ of the Member States subject to Articles 1 to 6 must meet.

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2. As from 1 January 1988, Member States shall not permit the operation in their territories of civil subsonic jet aeroplanes which are not registered in a Member State and which do not comply with requirements which are at least equal to the noise standards specified in Part II, Chapter 2, of Volume I of Annex 16/5.

3. The competent authorities of the Member States may allow temporary exemptions from paragraph 2 if the operator furnishes proof

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of the economic or technical impossibility of serving their airports by means of aeroplanes which comply with the standards referred to in paragraph 2. Such exemptions must expire by 31 December 1989 at the latest.

4. Paragraphs 2 and 3 of this Article shall not apply to Greenland.

▼B*Article 8*

1. Without prejudice to Article 3 (1), Member States shall bring into force the provisions necessary to comply with this Directive not later than six months after its notification and shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field governed by this Directive are communicated to the Commission.

Article 9

This Directive is addressed to the Member States.