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COUNCIL DIRECTIVE 92/14/EEC

of 2 March 1992

on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

(OJ L 76, 23.3.1992, p. 21)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 98/20/EC of 30 March 1998	L 107	4	7.4.1998
►**M2**	Commission Directive 1999/28/EC of 21 April 1999	L 118	53	6.5.1999
►**M3**	Commission Regulation (EC) No 991/2001 of 21 May 2001	L 138	12	22.5.2001

Corrected by:

►**C1** Corrigendum, OJ L 168, 23.6.1992, p. 30 (92/14/EEC)

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COUNCIL DIRECTIVE 92/14/EEC

of 2 March 1992

on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

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 proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas the application of noise emission standards to civil subsonic jet aeroplanes has significant consequences for the provision of air transport services, in particular where such standards limit the useful life of aeroplanes operated by airlines; whereas Council Directive 80/51/EEC [4], fixes limits on emission of such noise;

Whereas Council Directive 89/629/EEC [5] limits the addition to the civil air registers of Member States of aeroplanes that only comply with the standards specified in Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988); whereas that Directive specifies that the limitation on addition is only a first stage;

Whereas the programme of action of the European Communities on the environment [6] shows clearly the importance of the problem of noise and, in particular, the need to take action against noise due to air traffic;

Whereas, owing to the problem of growing congestion at Community airports, it is essential to ensure that the best use is made of existing facilities; whereas this will only be possible if environmentally acceptable aeroplanes are used;

Whereas the work undertaken by the Community in cooperation with other international bodies indicates that measures to limit the operation of aeroplanes which do not comply with the standards of Chapter 3 of Annex 16 must follow any non-addition rule in order for this to be of environmental benefit;

Whereas common rules for this purpose should be introduced on a reasonable time-scale to ensure a harmonized approach throughout the Community, supplementing existing rules; whereas this is particularly important in view of the recent trend towards progressive liberalization of European air traffic;

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

Whereas it is appropriate to restrict the operation of civil subsonic jet aeroplanes on Member States' registers to those which comply with the standards of Chapter 3 of Annex 16; whereas a timetable for the gradual withdrawal from Member States' registers of those aeroplanes which do not meet Chapter 3 standards would represent a facility both for airlines and for manufacturers;

Whereas special consideration should be given to the problems of developing nations;

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(1) OJ No C 111, 26. 4. 1991, p. 5.
(2) OJ No C 13, 20. 1. 1992.
(3) OJ No C 339, 31. 12. 1991, p. 89.
(4) OJ No L 18, 24. 1. 1990, p. 26. Directive amended by Directive 83/206/EEC (OJ No L 117, 4. 5. 1983, p. 15).
(5) OJ No L 363, 13. 12. 1989, p. 27.
(6) OJ No C 328, 7. 12. 1987, p. 1.

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Whereas in cases of technical or economic difficulty, it would be reasonable to grant limited exemptions,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The objective of this Directive is to restrict the operation of civil subsonic jet aeroplanes as specified in Article 2.

2. This Directive shall apply to aeroplanes with a ►C1 maximum take-off mass of 34 000 kg or more or with a ◄ certified maximum internal accommodation for the aeroplane type in question consisting of more than nineteen passenger seats, excluding any seats for crew only.

▼M1

3. For the purposes of this Directive:

'air carrier' means an air transport undertaking with a valid operating licence;

'operating licence' means an authorisation granted to an undertaking permitting it to carry out carriage by air of passengers, mail and/or cargo for remuneration and/or hire;

'Community air carrier' means an air carrier with a valid operating licence granted by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers [1];

'total civil subsonic jet fleet' means the total aircraft fleet of civil subsonic jet aeroplanes at the disposal of the air carrier, through ownership or any form of lease agreement of not less than one year.

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Article 2

1. Member States shall ensure that, as from 1 April 1995, civil subsonic jet aeroplanes fitted with engines having a by-pass ratio of less than two cannot operate at airports situated in their territory unless granted noise certification either:

(a) to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988); or

(b) to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16 to the aforesaid Convention, provided that they were first issued an individual certificate of airworthiness less than 25 years previously.

2. Member States shall ensure that, as from 1 April 2002, all civil subsonic jet aeroplanes operating from airports situated in their territory comply with the provisions of paragraph 1 (a).

3. The territory referred to in paragraphs 1 and 2 shall not include the overseas departments referred to in Article 227 (2) of the Treaty.

▼M1

4. Before the date referred to in paragraph 2, the operation of civil subsonic jet aeroplanes which do not comply with the provision of paragraph 1(a) may be restricted or excluded at the airports of Berlin Tegel and Berlin Tempelhof.

[1] OJ L 240, 24.8.1992, p. 1.

▼B

Article 3

Aeroplanes listed in the Annex shall be exempt from the provisions of Article 2 (1) (a) and (b) in so far as:

(a) such subsonic civil jet aeroplanes, granted noise certification to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988), operated into Community airports in a 12-month reference period between 1986 and 1990 selected in conjunction with the States concerned; and

▼M1

(b) these aeroplanes were on the register of the developing nation shown for that aeroplane in the Annex in the reference year and continue to be used either directly or under any form of lease agreement by natural or legal persons established in that nation.

The exemption referred to in the preceding subparagraph shall not apply where the aeroplane is leased to a natural or legal person established in a country other than the one mentioned for that aeroplane in the Annex.

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Article 4

Member States may grant exemptions to the 25-year term specified in Article 2 (1) (b), for not more than three years in total, for aeroplanes in respect of which an ►M1 air carrier ◄ demonstrates that the pursuit of its operations would otherwise be adversely affected to an unreasonable extent.

Article 5

1. Member States shall exempt from Article 2 (1) aeroplanes which do not meet the standards of Chapter 3 of Annex 16 but which can be altered to meet those standards, provided that:

(a) suitable conversion equipment exists and is actually available for the aeroplane type in question;

(b) aeroplanes fitted with such equipment meet the standards of Chapter 3 of Annex 16, as determined in accordance with the technical standards and procedures accepted by the Member States until such time as common standards and procedures are established at Community level;

(c) the ►M1 air carrier ◄ has ordered the equipment by 1 April 1994;

(d) the ►M1 air carrier ◄ has accepted the earliest delivery date for such alterations.

2. Member States may grant exemptions from Article 2 for aeroplanes of historical interest.

Article 6

Member States may grant, on the basis of the principle of one exemption for each aeroplane ordered, exemptions from the provisions of Article 2 (1) for aeroplanes where an order has been placed before 1 April 1994 for a replacement aeroplane that meets the standards of Chapter 3 of Annex 16, provided that the ►M1 air carrier ◄ accepted the earlist delivery date.

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Article 7

1. Member States may limit deletion from their registers of all mention of aeroplanes which do not comply with the standards of Chapter 3 of Annex 16 to an equivalent annual rate of up to 10 % of the total civil subsonic jet fleet of a Community air carrier.

2. Member States shall not apply the provisions of Article 2(1) in respect of aeroplanes retained on the register of a Member State in accordance with paragraph 1.

▼M1

3. Where a Member State has applied an equivalent exemption to that described in paragraphs 1 and 2 to aeroplanes on the register of a third country and operating into that Member State before this Directive enters into force, the exemption may continue to be recognised subject to compliance by the air carrier with the conditions.

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Article 8

In individual cases, Member States may permit the temporary use at airports situated in their territory of aeroplanes which cannot be operated on the basis of the other provisions of this Directive. This exemption should be limited to:

(a) aeroplanes whose operations are of such an exceptional nature that it would be unreasonable to withhold a temporary exemption;

(b) aeroplanes on non-revenue flights for the purposes of alterations, repair or maintenance.

Article 9

1. Any Member State granting exemptions under Article 4 to 7 shall inform the competent authorities of the other Member States and the Commission of the fact and of the grounds for its decision.

2. Any Member State shall recognize the exemptions granted by another Member State in respect of aeroplanes on the registers of the latter.

▼M1

Article 9a

Amendments to the Annex which may prove necessary in order to ensure full conformity with the criteria set out in Article 3 shall be effected according to the procedure defined in Article 9b(2).

Article 9b

1. The Commission shall be assisted by the committee provided for in Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation [1], which shall act in accordance with the procedure outlined in paragraph 2.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If the Council has not acted within three months of the date of the referral to it, the Commission shall adopt the measures proposed.

[1] OJ L 373, 31.12.1991, p. 4. Regulation as amended by Regulation (EC) No 2176/96 (OJ L 291, 14.11.1996, p. 15).

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Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1992.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 11

This Directive is addressed to the Member States.

▼M1

ANNEX

LIST OF AEROPLANES EXEMPTED IN ACCORDANCE WITH ARTICLE 3

Note: Exemptions for aeroplanes in this Annex are granted within the general framework of the United Nations policies and decisions (e.g. sanctions, embargo, etc.).

ALGERIA

Serial Number	*Type*	*Registration*	*Operator*
▼M3			
▼M1			
21053	B727-2D6	7T-VEI	Air Algérie
21210	B727-2D6	7T-VEM	Air Algérie
21284	B727-2D6	7T-VEP	Air Algérie
20884	B737-2D6	7T-VEG	Air Algérie
21063	B737-2D6	7T-VEJ	Air Algérie
21064	B737-2D6	7T-VEK	Air Algérie
21065	B737-2D6	7T-VEL	Air Algérie
21211	B737-2D6	7T-VEN	Air Algérie
20650	B737-2D6	7T-VED	Air Algérie
21285	B737-2D6	7T-VEQ	Air Algérie
▼M3			
21212	B737-2D6	7T-VEO	Air Algérie
21286	B737-2D6	7T-VER	Air Algérie

▼M1

CONGO, DEMOCRATIC REPUBLIC OF

Serial Number	*Type*	*Registration*	*Operator*
20200	B707-329C	9Q-CBW	Scibe Airlift

DOMINICAN REPUBLIC

Serial Number	*Type*	*Registration*	*Operator*
19767	B707-399C	HI-442CT	Dominicana de Aviación

EGYPT

Serial Number	*Type*	*Registration*	*Operator*
▼M2			
▼M1			
19916	B707-328C	SU-PBB	Air Memphis
21194	B737-266	SU-AYK	Egypt Air
▼M3			

▼M1

IRAQ

Serial Number	*Type*	*Registration*	*Operator*
20889	B707-370C	YI-AGE	Iraqi Airways
20892	B737-270C	YI-AGH	Iraqi Airways
20893	B737-270C	YI-AGI	Iraqi Airways

▼M1

LEBANON

Serial Number	*Type*	*Registration*	*Operator*
20259	B707-3B4C	OD-AFD	MEA

▼M2

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▼M1

19589	B707-323C	OD-AHC	MEA
19515	B707-323C	OD-AHD	MEA
20170	B707-323B	OD-AHF	MEA
19516	B707-323C	OD-AHE	MEA
19104	B707-327C	OD-AGX	TMA
19105	B707-327C	OD-AGY	TMA
18939	B707-323C	OD-AGD	TMA
19214	B707-331C	OD-AGS	TMA
19269	B707-321C	OD-AGO	TMA
19274	B707-321C	OD-AGP	TMA

LIBERIA

Serial Number	*Type*	*Registration*	*Operator*
45683	DC8F-55	EL-AJO	Liberia World Airlines

▼M2

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▼M1

LIBYA

Serial Number	*Type*	*Registration*	*Operator*
20245	B727-224	5A-DAI	Libyan Arab Airlines
21051	B727-2L5	5A-DIB	Libyan Arab Airlines
21052	B727-2L5	5A-DIC	Libyan Arab Airlines
21229	B727-2L5	5A-DID	Libyan Arab Airlines
21230	B727-2L5	5A-DIE	Libyan Arab Airlines

MAURITANIA

Serial Number	*Type*	*Registration*	*Operator*
11093	F28-4000	5T-CLG	Air Mauritanie

MOROCCO

Serial Number	*Type*	*Registration*	*Operator*

▼M2

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▼M1

NIGERIA

Serial Number	*Type*	*Registration*	*Operator*
18809	B707-338C	5N-ARQ	DAS Air Cargo

▼M2

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▼M1

PAKISTAN

Serial Number	*Type*	*Registration*	*Operator*
20488	B707-340C	AP-AXG	PIA

▼M1

SAUDI ARABIA

Serial Number	*Type*	*Registration*	*Operator*
20574	B737-268C	HZ-AGA	Saudia
20575	B737-268C	HZ-AGB	Saudia
20576	B737-268	HZ-AGC	Saudia
20577	B737-268	HZ-AGD	Saudia
20578	B737-268	HZ-AGE	Saudia
20882	B737-268	HZ-AGF	Saudia
20883	B737-268	HZ-AGG	Saudia

▼M3

21275	B737-268	HZ-AGH	Saudia
21276	B737-268	HZ-AGI	Saudia
21277	B737-268	HZ-AGJ	Saudia
21280	B737-268	HZ-AGK	Saudia
212281	B737-268	HZ-AGL	Saudia
212283	B737-268	HZ-AGN	Saudia
21360	B737-268	HZ-AGO	Saudia

▼M1

SWAZILAND

Serial Number	*Type*	*Registration*	*Operator*
45802	DC8F-54	3D-AFR	African International Airways
46012	DC8F-54	3D-ADV	African International Airways

▼M3

SYRIA

Serial number	*Type*	*Registration*	*Operator*
21203	B727-294	YK-AGA	Syrianair
21204	B727-294	YK-AGB	Syrianair
21205	B727-294	YK-AGC	Syrianair

▼M1

TUNISIA

Serial Number	*Type*	*Registration*	*Operator*

▼M3

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▼M1

21179	B727-2H3	TS-JHR	Tunis Air
21235	B727-2H3	TS-JHT	Tunis Air

▼M3

UGANDA

Serial number	*Type*	*Registration*	*Operator*
19821	B707-379C	5X-GLA	Air Alexander

▼**M3**

YEMEN

Serial number	*Type*	*Registration*	*Operator*
21296	B737-2N8	70-ACU	Yemen Airways

▼**M1**

ZIMBABWE

Serial Number	*Type*	*Registration*	*Operator*

▼**M2**

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