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;

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.

(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.

2. This Directive shall apply to aeroplanes with a maximum take-off mass of 34 000 kg or more 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.

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.

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

(b) these aeroplanes were on the register of the developing nations shown in the Annex in the reference year and continue to be operated by natural or legal persons established in those countries.

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 airline 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 airline has ordered the equipment by 1 April 1994;

(d) the airline 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 airline accepted the earlist delivery date.

Article 7

Subject to the approval of the competent authority of a Member State, airlines may not be required under Article 2 (1) to delete from the registers aeroplanes which do not meet the standards of Chapter 3 of Annex 16 at an annual rate equivalent to more than 10 % of their total civil subsonic jet fleet.

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.

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.

Done at Brussels, 2 March 1992.

For the Council

The President

João PINHEIRO

ANNEX

LIST OF AIRCRAFT EXEMPTED IN ACCORDANCE WITH ARTICLE 3

ALGERIA

Aeroplane		Operator
Type	Registration	
B-727-2D6	7T-VEH	AIR ALGERIE
B-727-2D6	7T-VEI	AIR ALGERIE
B-727-2D6	7T-VEM	AIR ALGERIE
B-727-2D6	7T-VEP	AIR ALGERIE
B-737-2D6	7T-VEE	AIR ALGERIE
B-737-2D6	7T-VEG	AIR ALGERIE
B-737-2D6	7T-VEJ	AIR ALGERIE
B-737-2D6	7T-VEK	AIR ALGERIE
B-737-2D6	7T-VEL	AIR ALGERIE
B-737-2D6	7T-VEN	AIR ALGERIE
B-737-2D6	7T-VED	AIR ALGERIE
B-737-2D6	7T-VEQ	AIR ALGERIE

BURKINA FASO

Aeroplane		Operator
Type	Registration	
B-707-336C	XT-ABX	NAGANGANNI

CHILE

Aeroplane		Operator
Type	Registration	
B-707-331C	CC-CUE	FAST AIR CARRIER SF

DOMINICAN REPUBLIC

Aeroplane		Operator
Type	Registration	
B-707-399C	HI-422CT	DOMINICANA DE AVIACIÓN

EGYPT

Aeroplane		Operator
Type	Registration	
B-707-328C	SU-DAA	ZAS AIRLINE
B-707-336C	SU-DAC	ZAS AIRLINE
B-737-266	SU-BBX	EGYPT AIR
B-737-266	SU-AYL	EGYPT AIR
B-737-266	SU-AYK	EGYPT AIR
B-737-266	SU-AYI	EGYPT AIR
B-737-266	SU-BBW	EGYPT AIR
B-737-266	SU-AYO	EGYPT AIR

GHANA

Aeroplane		Operator
Type	Registration	
F-28-2000	9G-ABZ	GHANA AIRWAYS CORPORATION

KENYA

Aeroplane		Operator
Type	Registration	
DC-8-63	5Y-ZEB	AFRICAN SAFARI AIRWAYS Ltd

LIBYA

Aeroplane		Operator
Type	Registration	
B 727-2L5	5A-DIC	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DIB	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DIA	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DID	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DIE	LYBYAN ARAB AIRLINES

MAURITANIA

Aeroplane		Operator
Type	Registration	
F 28-4000	5T-CLF	AIR MAURITANIE
F 28-4000	5T-CLG	AIR MAURITANIE

MOROCCO

Aeroplane		Operator
Type	Registration	
B 727-2B6	CN-RMO	ROYAL AIR MAROC
B 727-2B6	CN-CCF	ROYAL AIR MAROC
B 727-2B6	CN-CCG	ROYAL AIR MAROC
B 727-2B6	CN-CCH	ROYAL AIR MAROC
B 727-2B6	CN-CCW	ROYAL AIR MAROC
B 737-2B6	CN-RMI	ROYAL AIR MAROC
B 737-2B6	CN-RMJ	ROYAL AIR MAROC
B 737-2B6	CN-RMK	ROYAL AIR MAROC
B 707-351C	CN-RMB	ROYAL AIR MAROC
B 707-351C	CN-RMC	ROYAL AIR MAROC

NIGERIA

Aeroplane		Operator
Type	Registration	
B 707-351C	5N-ASY	EAS CARGO AIRLINES
B 707-338C	5N-ARQ	DAS AIR CARGO
B 707-3F9C	5N-ABK	NIGERIA AIRWAYS Ltd

RWANDA

Aeroplane		Operator
Type	Registration	
B 707-328C	9XR-JA	AIR RWANDA

SUDAN

Aeroplane		Operator
Type	Registration	
B 707-338C	ST-ALP	TRANS ARABIAN AIR TRANSPORT

PARAGUAY

Aeroplane		Operator
Type	Registration	
DC-8-63	ZP-CCH	LÍNEAS AÉREAS PARAGUAYAS (AIR PARAGUAY)

URUGUAY

Aeroplane		Operator
Type	Registration	
B-707-387B	CX-BNU	PRIMERAS LÍNEAS URUGUAYAS DE NAVEGACIÓN AÉREA (PLUNA)

SWAZILAND

Aeroplane		Operator
Type	Registration	
DC-8F-54	3D-ADV	AFRICAN INTERNATIONAL AIRWAYS (PTY) Ltd

TUNISIA

Aeroplane		Operator
Type	Registration	
B-727-2H3	TS-JHT	TUNIS AIR

ZAIRE

Aeroplane		Operator
Type	Registration	
B-707-329C	90-CBS	SCIBE AIRLIFT

ZIMBABWE

Aeroplane		Operator
Type	Registration	
B-707-330B	Z-WKU	AIR ZIMBABWE
B-707-330B	Z-WKV	AFRICAN AIRLINES INTERNATIONAL