

Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports (Text with EEA relevance) (repealed)

Article 1

Objectives

The objectives of this Directive are

- (a) to lay down rules for the Community to facilitate the introduction of operating restrictions in a consistent manner at airport level so as to limit or reduce the number of people significantly affected by the harmful effects of noise;
- (b) to provide a framework which safeguards internal market requirements;
- (c) to promote development of airport capacity in harmony with the environment;
- (d) to facilitate the achievement of specific noise abatement objectives at the level of individual airports;
- (e) to enable measures to be chosen from those available with the aim of achieving maximum environmental benefit in the most cost-effective manner.

Article 2

Definitions

For the purpose of this Directive:

- (a) ‘Airport’ shall mean a civil airport within the Community which has more than 50 000 movements of civil subsonic jet aeroplanes per calendar year (a movement being a take-off or landing), taking into consideration the average of the last three calendar years before the application of the rules of this Directive to the airport in question;
- (b) ‘City airport’ shall mean an airport in the centre of a large conurbation, of which no runway has a take-off run available of more than 2 000 metres and which provides only point-to-point services between or within European states, where a significant number of people are objectively affected by aircraft noise and where any incremental increase in aircraft movements represents a particularly high annoyance in the light of the extreme noise situation. These airports are listed in Annex I.^[F1] That Annex may be amended in accordance with the procedure laid down in Article 13(3);]
- (c) ‘Civil subsonic jet aeroplanes’ shall mean aeroplanes with a maximum certificated 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 19 passenger seats, excluding any seats for crew only;
- (d) ‘Marginally compliant aircraft’ shall mean civil subsonic jet aeroplanes, that meet the certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation by a cumulative margin of not more than 5EPNdB (Effective Perceived Noise in decibels), whereby the cumulative margin is

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the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation;

- (e) ‘Operating restrictions’ shall mean noise related action that limits or reduces access of civil subsonic jet aeroplanes to an airport. It includes operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating restrictions of a partial nature, affecting the operation of civil subsonic aeroplanes according to time period;
- (f) ‘Interested parties’ shall mean natural or legal persons affected or likely to be affected by, or having a legitimate interest in the introduction of, noise reduction measures, including operating restrictions;
- (g) ‘Balanced approach’ shall mean an approach under which Member States shall consider the available measures to address the noise problem at an airport in their territory, namely the foreseeable effect of a reduction of aircraft noise at source, land-use planning and management, noise abatement operational procedures and operating restrictions.

[^{F2}The Commission may adapt Annex I. These measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).]

Textual Amendments

- F1** Deleted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.
- F2** Inserted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

Article 3

Competent authorities

Member States shall ensure that there are competent authorities responsible for matters falling within the scope of this Directive.

Article 4

General rules on aircraft noise management

1 Member States shall adopt a balanced approach in dealing with noise problems at airports in their territory. They may also consider economic incentives as a noise management measure.

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2 When considering operating restrictions, the competent authorities shall take into account the likely costs and benefits of the various measures available as well as airport-specific characteristics.

3 Measures or a combination of measures taken under this Directive shall not be more restrictive than necessary in order to achieve the environmental objective established for a specific airport. They shall be non-discriminatory on grounds of nationality or identity of air carrier or aircraft manufacturer.

4 Performance-based operating restrictions shall be based on the noise performance of the aircraft as determined by the certification procedure conducted in accordance with Volume 1 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993).

Article 5

Rules on assessment

1 When a decision on operating restrictions is being considered, the information as specified in Annex II shall, as far as appropriate and possible, for the operating restrictions concerned and for the characteristics of the airport, be taken into account.

2 Where airport projects are subject to an environmental impact assessment pursuant to Directive 85/337/EEC, the assessment carried out in accordance with that Directive shall be considered as meeting the requirements of paragraph 1, provided that the assessment has taken into account as far as possible the information as specified in Annex II to this Directive.

Article 6

Rules on the introduction of operating restrictions aimed at the withdrawal of marginally compliant aircraft

1 If the assessment of all available measures, including operating restrictions of a partial nature, carried out in conformity with the requirements of Article 5 demonstrates that the achievement of the objectives of this Directive requires the introduction of restrictions aimed at the withdrawal of marginally compliant aircraft, the following rules shall apply instead of the procedure laid down in Article 9 of Regulation (EEC) No 2408/92 at the airport under consideration:

- a six months after the completion of the assessment and decision on the introduction of an operating restriction, no services over and above those operated in the corresponding period of the previous year shall be allowed with marginally compliant aircraft at that airport;
- b not less than six months thereafter, each operator may be required to reduce the number of movements of his marginally compliant aircraft serving that airport at an annual rate of not more than 20 % of the initial total number of these movements.

2 Subject to the rules on assessment of Article 5, city airports listed in Annex I may introduce measures that are more stringent, in terms of the definition of marginally compliant aircraft provided that these measures do not affect civil subsonic jet aeroplanes that comply, through either original certification or recertification, with the noise standards in Volume 1, Part II, Chapter 4 of Annex 16 to the Convention on International Civil Aviation.

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Article 7

Existing operating restrictions

Article 5 shall not apply to:

- (a) operating restrictions that were already established on the date of entry into force of this Directive;
- (b) minor technical changes to operating restrictions of a partial nature that do not have any significant cost implications for the airline operators at any given Community airport and that have been introduced after the entry into force of this Directive.

Article 8

Exemption for aircraft registered in developing countries

Marginally compliant aircraft registered in developing countries shall, for a period of 10 years after the entry into force of this Directive, be exempted from the provisions of Article 6, provided that:

- (a) such aircraft, granted noise certification to the standards specified in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, were used at the airport concerned in the Community between 1 January 1996 and 31 December 2001 ('the reference period'), and
- (b) these aircraft were, in the reference period, on the register of the developing country concerned and that they continue to be operated by a natural or legal person established in that country.

Article 9

Exemption for aircraft operations of an exceptional nature

In individual cases, Member States may authorise, at airports situated in their territory, individual operations of marginally compliant aircraft which could not take place on the basis of the other provisions of this Directive.

This exemption is limited to:

- (a) aircraft whose individual operations are of such an exceptional nature that it would be unreasonable to withhold a temporary exemption;
- (b) aircraft on non-revenue flights for the purpose of alterations, repair or maintenance.

Article 10

Consultation and transparency

Member States shall ensure that, for the application of Articles 5 and 6, procedures for consultation of interested parties are established in accordance with applicable national law.

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Article 11

Prior notice

1 Member States shall ensure that on the introduction of any new operating restriction, public notice, including an explanation of the reasons for introducing it taking into account the appropriate elements of the balanced approach, is given to all interested parties:

- a six months before the entry into force of the measures referred to in Article 6(1)(a);
- b one year before the entry into force of the measures referred to in Article 6(1)(b) and (2);
- c in the case of measures under Article 6, two months before the scheduling-conference for the relevant scheduling-period.

2 Member States shall forthwith inform the other Member States and the Commission of any new operating restriction within the meaning of this Directive that they have decided to introduce at an airport in their territory.

Article 12

Right of appeal

Member States shall ensure the right to appeal against the measures taken pursuant to Article 6 and Article 7(b) before an appeal body other than the authority that has adopted the contested measure, in accordance with national legislation and procedures.

Article 13

Committee

1 The Commission shall be assisted by the Committee instituted by Article 11 of Regulation (EEC) No 2408/92.

2 The Committee may be consulted by the Commission on any matter concerning the application of this Directive.

[^{F33} Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.]

4 The Committee shall take note of the assessments undertaken by the Member States in accordance with Article 5, and of the measures taken, or intended to be taken, on the basis of these assessments.

Textual Amendments

- F3** Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

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Article 14

Information and revision

Member States shall upon request submit information on the application of this Directive to the Commission.

No later than five years after the entry into force of this Directive the Commission shall report to the European Parliament and to the Council on the application of this Directive.

The report shall be accompanied, where necessary, by proposals for revision of the Directive.

It shall contain an assessment of the effectiveness of this Directive, in particular the need to revise the definition of marginally compliant aircraft as laid down in Article 2(d) in favour of a more stringent requirement.

Article 15

Repeal

Regulation (EC) No 925/1999 shall be repealed as from the date of entry into force of this Directive.

Article 16

Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 28 September 2003 at the latest. They shall forthwith inform the Commission thereof.

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

Article 17

Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 18

Addressees

This Directive is addressed to the Member States.