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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

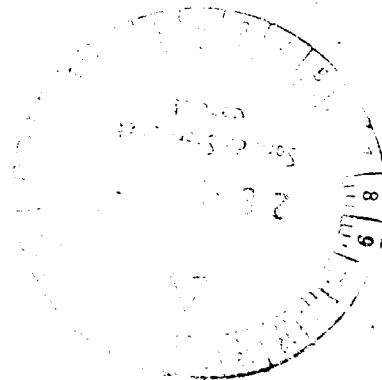
COM(81) 512 final

Brussels, 15th September 1981

PROPOSAL FOR A COUNCIL DIRECTIVE

amending Council Directive 80/51/EEC of 20 December 1979
on the limitation of noise emissions from subsonic aircraft

(submitted to the Council by the Commission)



COM(81) 512 final

EXPLANATORY MEMORANDUMINTRODUCTION

1. Several relatively recent international actions on aircraft noise have resulted in a necessity to amend the Council Directive 80/51/EEC(1) of 20 December 1979. At the same time the opportunity is being taken to correct a small defect in the wording of the Directive, which has been brought to the attention of the Commission.

Amendment to allow for changes to Annex 16

2. The first of these international actions was by the Council of the International Civil Aviation Organization (ICAO) which on 11 May 1981 adopted extensive amendments to Annex 16 to the Convention on international civil aviation. These amendments stem principally from the recommendations of the Sixth Meeting of the ICAO Committee on Aircraft Noise. They are technical in nature and do not affect the principles of the Directive or the references in the Directive to the specified aircraft noise standards. They introduce into those parts of Annex 16 that are referred to in the Directive, improvements in the noise certification requirements for conventional propeller-driven aeroplanes and subsonic jet aeroplanes and introduce units of measurement in System International (SI), in conformity with the provisions of Annex 5 (fourth edition) to the Convention on international civil aviation. The amendments also introduce a reorganization of the Annex so that all provisions related to environmental aspects of aviation are covered in one document. The amendments were approved by the representatives of Member States who were at the concerned ICAO meetings. They are applicable on 26 November 1981 and to give effect to the changes, it is proposed to amend Articles 1, 2, 3 and 5 of the Directive.

(1) O.J. N° L 18, 24/1/80, p. 26

Amendment to prevent non-noise certificated jets from outside the Community using the Territory of Member States

3. The second international action is that the United States of America issued a noise rule on 28 November 1980 which bans the use from 31 Dec. 1984 in the United States of commercial subsonic aircraft which do not meet the United States noise standards. This could result in the sale to countries outside the Community of subsonic jet aircraft that are not noise certificated to Annex 16 Standards and their subsequent continued use (outside the USA) for a considerable period. In addition, the aircraft made redundant in the Community by the Directive 80/51/EEC could also be sold and used in a similar way. Member States are not required by the Directive as at present drafted to prevent these aircraft, and those similar ones already on the registers of the concerned countries, from operating to and from the territories of Member States.
4. The third international action is that the 23rd General Assembly of the ICAO passed a resolution No. A23-10 which requests contracting states not to prohibit before 1 Jan. 1988 the operation of foreign registered subsonic jet aircraft, not conforming to Chapter 2 of Annex 16, into and out of their territories; and then only at those airports which have been identified as having declared noise problems.
5. In the light of paragraphs 3 and 4 above it is proposed, by a suitable addition to Article 5 para 2 and Article 7 of the Directive, to require Member States to prevent non-noise certificated subsonic jet aircraft which are not registered in a Member State operating in their territories from 1 January 1988; with an exemption, if they so wish, to 31 December 1988 to align with the relaxation given to Community subsonic jet aircraft by paragraph 2 article 5 of the Directive.

Elimination of the 20 tonne lower limit in Article 5 of the Directive

6. The fourth international action occurred in the European Civil Aviation Conference (ECAC) which at its 48th Meeting on 17 April 1980 extended the application of its Recommendation ECAC/10-18 of 13 December 1978 on the prohibition of use of non-noise certificated subsonic jet aircraft, to aircraft with a maximum weight of less than 20 tonnes. This Recommendation can be accepted by the Community by an amendment to para 1 of Article 5 of the Directive.

Correction to conform with the objectives of the Directive

7. The attention of the Commission has been drawn to the fact that the "Proposed Directive" approved on 6 December 1979 by the Council used the words "Member States" in articles 1 and 5, whereas the final version of the Directive, issued after a required meeting on 12 December 1979 of the legal and linguistic experts, used the words "Each Member State". This change could be considered as creating a possible technical loop-hole, because taken in conjunction with the remainder of the articles it would permit a Member State to allow an aircraft, which did not meet Annex 16 and which was on its register, to be used between other Member States, whereas the original wording was intended not to allow such an aircraft to be used anywhere in the Community. For example, such an aircraft on the register of a Member State could be leased so that it would be used in the Community as long as it did not land in the State of Registry. To overcome this possibility an amendment has been proposed for Articles 1 and 5.

Consultation

8. Since the European Parliament and Economic and Social Committee were consulted on the original Directive they should be consulted on this proposed amendment.

Recommendation

9. The Commission therefore recommends that the Council adopt the annexed proposed Directive.

PROPOSAL FOR A
COUNCIL DIRECTIVE

Amending Council Directive 80/51/EEC of 20 December 1979 on the limitation
of noise emissions from subsonic aircraft

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,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas changes made by the International Civil Aviation Organization to the document specifying aircraft noise emission standards, and other progressive action in the international area of aircraft noise have made it necessary to make certain amendments to Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft (1)

Whereas it is necessary to clarify the intention of Articles 1 and 5 of Council Directive 80/51/EEC;

Whereas it is necessary to prevent civil subsonic aircraft which are not registered in the territories of Member States and which do not comply with the relevant international standards from operating in those territories after 31 December 1987, subject to a possible temporary exemption where the aircraft concerned are being replaced,

HAS ADOPTED THIS DIRECTIVE

Article 1

The text of article 1 of Directive 80/51/EEC shall be replaced by the following :

"Each Member State shall ensure that any civil aircraft 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, may not be used in the territory of Member States unless

it has granted noise certification on the basis of satisfactory evidence that the aircraft complies with requirements which are at least equal to the applicable standards specified in Part II, Chapter 2, 3, 5 or 6 of that Annex.

Article 2

In paragraph 1(e) of Article 2 of Directive 80/51/EEC the word "weights" shall be replaced by the word "mass".

Article 3

In paragraph 1 of Article 3 of Directive 80/51/EEC, the words "Annex 16 to the Convention on international civil aviation, third edition (July 1978)" shall be replaced by the words :

"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".

Article 4

The text of article 5 of Directive 80/51/EEC shall be replaced by the following :

"1. Without prejudice to article 1, each Member State shall ensure that after 31 December 1986 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 the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 2 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.

2. The competent authorities of the Member States may grant temporary exemptions from paragraph 1 of this article and paragraph 2 of article 7 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 (Aircraft Noise) of Annex 16 to the Convention on international civil aviation as applicable from 26 November 1981, in accordance with Amendment 5."

Article 5

The existing text of article 7 of Directive 80/51/EEC shall be numbered Paragraph 1.

The following paragraph shall be added :

"2. After 31 December 1987 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 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."

Article 6

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 7

This Directive is addressed to the Member States.

Done at Brussels.