

BL 5-42

Regulations on general requirements on noise emission in connection with operation of subsonic jet aeroplanes

Edition 3, 15 February 1999

In pursuance of Sections 82 and 82 a of the Danish Air Navigation Act, cf. Consolidation Act No. 373 of 4 June 1997, the Civil Aviation Administration - Denmark hereby stipulates as follows on the authority of the Ministry of Transport, cf. Order No. 810 of 19 November 1998 on delegation of authorities to the Civil Aviation Administration - Denmark and on publication of the Regulations issued by the Administration, and after negotiation with the Government of the Faroe Islands:*

1. Reference documents

1.1 ICAO Annex 16, Volume I, second edition, to the Convention on International Civil Aviation, signed on 7 December 1944 in Chicago.

1.2 The Council of the European Communities' Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft as amended by Directive 83/206/EEC of 21 April 1983.

Note: The Directives contain i.a. regulations on operation of jet aeroplanes that are not noise-certificated.

1.3 The Council of the European Communities' Directive 89/629/EEC of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes.

1.4 The Council of the European Communities' Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume I of Annex 16 to the Convention on International Civil Aviation, second edition (1988), as amended by Directive 98/20/EC of 30 March 1998.

Note 1: The Directives mentioned in paras. 1.3 and 1.4 contain regulations on the operation of jet aeroplanes that are noise-certificated to the standards specified in Chapter 2 of ICAO Annex 16.

Note 2: The Directives can be bought from the Civil Aviation Administration - Denmark, Aeronautical Information Service, Ellebjergvej 50, DK-2450 Copenhagen SV.

Note 3: Annex 16 can be bought from Civil Aviation Administration - Denmark, Aeronautical Information Service, Ellebjergvej 50, DK-2450 Copenhagen SV.

2. Definitions

For the purpose of this BL:

Air carrier:

Means an air transport undertaking with a valid operating licence.

* The BL contains regulations implementing the Council's Directive 89/629/EEC of 4 December 1989 and Directive 92/14/EEC of 2 March 1992 as amended by Directive 98/20/EC of 30 March 1998.

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.

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.

3. Applicability

3.1 This BL lays down

- a. regulations on general requirements on noise emission in connection with operation in Danish territory of certain types of subsonic jet aeroplanes that are not entered on the Register of Danish Aircraft; and
- b. regulations on general requirements on noise emission in connection with operation in the territories of the EEC Member States of certain types of subsonic jet aeroplanes that are entered on the Register of Danish Aircraft.

3.2 The regulations in this BL shall not apply to Greenland.

4. General

The owner and/or user of the aeroplane shall be responsible for the observance of the regulations laid down in Part 5.

5. Affected aircraft and requirements

5.1 Subsonic jet aeroplanes registered in Denmark may not be operated in the territories of the EEC Member States unless

- a. they are noise-certificated to the standards specified in Chapter 2 of Annex 16, and are based on a prototype for which application for certificate of airworthiness was accepted before 6 October 1977, or are based on derived versions thereof; or
- b. they are noise-certificated to the standards specified in Chapter 3 of Annex 16, and are based on a prototype for which application for certificate of airworthiness was accepted on or after 6 October 1977, or are based on derived versions thereof.

5.2 Subsonic jet aeroplanes that are registered in other States may not be operated in Danish territory unless granted a noise certificate to the standards at least equal to those specified in Chapter 2 or Chapter 3 of ICAO Annex 16, Volume I, Part II.

5.3 Subsonic jet aeroplanes with a maximum take-off mass of more than 34,000 kg or with a capacity of more than 19 seats which as per 1 November 1990 were not in an EEC Member State and which were registered in Denmark after 1 November 1990 may not be operated in the territories of the EEC Member States unless granted noise certification to the standards specified in Chapter 3 of Annex 16, Volume I, Part II.

5.4 Subsonic jet aeroplanes with a maximum take-off mass of 34,000 kg or more or which are approved to transport of more than 19 passengers and fitted with engines having a by-pass ratio of less than 2 may not be operated in Danish territory as from 1 April 1995 unless granted noise certification either

- a. to the standards specified in Chapter 3 of Annex 16; or

b. to the standards specified in Chapter 2 of Annex 16, provided that they were first issued an individual certificate of airworthiness less than 25 years previously.

5.4.1 Para. 5.4 shall not apply to the aeroplanes listed in the Annex to this BL if

a. such subsonic civil jet aeroplanes granted noise certification to the standards specified in Chapter 2 of Annex 16, have operated into Community airports in a 12-month reference period between 1986 to 1990 selected in conjunction with the States concerned; and

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 operated either directly or under any form of lease agreement by natural or legal persons established in that nation.

5.4.1.1 The exception referred to in para. 5.4.1 shall not apply where the aeroplane in question is leased to a natural or legal person established in a country other than the one under mentioned for that aeroplane in the Annex.

5.5 As from 1 April 2002, subsonic jet aeroplanes with a maximum take-off mass of 34,000 kg or more or approved to transport more than 19 passengers may not be operated in Danish territory unless granted noise certification to the standards of Chapter 3 of Annex 16.

5.6 The territories of the EEC Member States do not include the overseas French departments referred to in Article 227(2) of the EEC Treaty.

6. Exemption

6.1 The Civil Aviation Administration - Denmark may grant exemptions from para. 5.3 for:

a. Aeroplanes of historic interest.

b. Aeroplanes leased to an air carrier of an EEC Member State before 1 November 1989 under hire purchase or leasing contracts still in effect, and which in this context have been registered in a non-Member State.

c. Aeroplanes leased to an operator of a non-Member State which for that reason have been temporarily removed from a Member State's register.

d. Aeroplane replacing an aeroplane which has been accidentally destroyed and which the air carrier is unable to replace by a comparable aeroplane available on the market with noise certification as laid down in para. 5.3, provided that the registration of the replacement aeroplane is carried out within the year following the destruction in question.

e. Aeroplanes powered by engines with a by-pass ratio of 2 or more.

6.2 The Civil Aviation Administration - Denmark may grant exemptions from para. 5.4 for:

a. Aeroplanes in respect of which an air carrier demonstrates that the pursuit of its operations would otherwise be adversely affected to an unreasonable extent.

b. Aeroplanes which can be converted with suitable available equipment to meet the standards of Chapter 3 of Annex 16, provided the air carrier has ordered the equipment by 1 April 1994 and has accepted the earliest delivery date for such alterations.

c. Aeroplanes of historic interest.

d. 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 air carrier has accepted the earliest delivery date.

- e. Cases where the regulations in para. 5.4 will imply that an EU air carrier is required to delete aeroplanes from the Register of Danish Aircraft at an annual rate equivalent to more than 10% of its total subsonic jet fleet.

In the cases mentioned under a., exemptions may only be granted to the 25-years term specified in para. 5.4 b. and not for more than 3 years in total.

6.3 The Civil Aviation Administration - Denmark may grant exemption from para. 5.5 in respect of aeroplanes of historic interest.

6.4 The Civil Aviation Administration - Denmark may in exceptional cases grant temporary exemption for aeroplanes that do not comply with paras. 5.1, 5.2, 5.4 or 5.5 to be operated in Danish territory. However, for aeroplanes not complying with the requirements in paras. 5.4 or 5.5 such exemption may only be granted for

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

6.5 Subsonic jet aeroplanes registered in other EEC Member States may, however,

be operated in Danish territory if the State in question has granted exemption pursuant to regulations equal to those laid down in paras. 6.1, 6.2 or 6.3.

7. Punishment

7.1 Violation of Chapter 5 is punishable under Subsection 9 of Section 149 of the Danish Air Navigation Act with fine if the violation can be set against the person in question as intentional or grossly negligent. Penalty may be imposed on the owner or user of an undertaking, even though the violation cannot be set against him as intentional or negligent. No alternative sentence is laid down for the penalty.

7.2 For violation committed by a limited company, a co-operative or the like, penalty may be imposed on the company/co-operative as such under Subsection 14 of Section 149 of the Danish Air Navigation Act.

8. Implementation

8.1 This BL comes into force on 1 March 1999.

8.2 At the same time BL 5-42, 2 edition of 1 July 1992 is repealed.

The Civil Aviation Administration - Denmark, 15 February 1999

Ole Asmussen

/Sven E. Andresen

List of aeroplanes exempted in accordance with para. 5.4.1 of BL 5-42

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.).

ALGERIE

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20955	B727-2D6	7T-VEH	Air Algérie
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

DEMOCRATIC REPUBLIC OF CONGO

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20200	B707-329C	9Q-CBW	Scibe Airlift

DOMINICAN REPUBLIC

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
19767	B707-399C	HI-442CT	Dominicana de Aviación

EGYPT

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
19843	B707-336C	SU-PBA	Air Memphis
19916	B707-328C	SU-PBB	Air Memphis
21194	B737-266	SU-AYK	Egypt Air
21195	B737-266	SU-AYL	Egypt Air
21227	B737-266	SU-AYO	Egypt Air

IRAQ

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20889	B707-370C	YI-AGE	Iraqi Airways
20892	B737-270C	YI-AGH	Iraqi Airways
20893	B737-270C	YI-AGI	Iraqi Airways

LIBANON

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20259	B707-3B4C	OD-AFD	MEA
20260	B707-3B4C	OD-AFE	MEA
19967	B707-347C	OD-AGV	MEA
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

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
45683	DC8F-55	EL-AJO	Liberia World Airlines
45686	DC8F-55	EL-AJQ	Liberia World Airlines

LIBYA

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
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

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
11093	F28-4000	5T-CLG	Air Mauritanie

MOROCCO

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20471	B727-2B6	CN-CCG	Royal Air Maroc
21214	B737-2B6	CN-RMI	Royal Air Maroc
21215	B737-2B6	CN-RMJ	Royal Air Maroc
21216	B737-2B6	CN-RMK	Royal Air Maroc

NIGERIA

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
18809	B707-338C	5N-ARQ	DAS Air Cargo
19664	B707-355C	5N-VRG	Air Tours

PAKISTAN

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20488	B707-340C	AP-AXG	PIA

SAUDI ARABIA

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
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

SWAZILAND

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
45802	DC8F-54	3D-AFR	African International Airways
46012	DC8F-54	3D-ADV	African International Airways

TUNISIA

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20545	B727-2H3	TS-JHN	Tunis Air
20948	B727-2H3	TS-JHQ	Tunis Air
21179	B727-2H3	TS-JHR	Tunis Air
21235	B727-2H3	TS-JHT	Tunis Air

UGANDA

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
19821	B707-379C	5X-JEF	Dairo Air Services

ZIMBABWE

<i>Aeroplane</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
18930	B707-330B	Z-WKU	Air Zimbabwe
45821	DC8F-55	Z-WMJ	Affretair