L.N. 296 of 2005

CIVIL AVIATION ACT

Civil Aviation (Noise Related Operating Restrictions at Airports) Regulations, 2005

IN exercise of the powers conferred by article 3 of the Civil Aviation Act, the Minister for Competitiveness and Communications has made the following regulations:-

1. The title of these regulations is the Civil Aviation (Noise Related Operating Restrictions at Airports) Regulations, 2005. Title.

2. In these regulations, unless the context otherwise requires: Interpretation.

"airport" means a civil airport within the European Community which has more than 50,000 movements of civil subsonic jet aeroplanes per calendar year, where a movement is a take-off or landing, taking into consideration the average amount of the last three calendar years before the application of the provisions of the Directive to the relative airport;

"civil subsonic jet aeroplanes" means aeroplanes with a maximum certificated take-off mass of 34,000 kg or more, or with a certified maximum internal accommodation for the relative aeroplane type consisting of more than 19 passenger seats, excluding any seats for crew only;

"the Directive" means Directive 2002/30/EC of the European Parliament and of the Council of the 26th March, 2002 on the establishment of rules and procedures with regard to the introduction of noise related operating restrictions at Community airports;

"the Director" means the Director of Civil Aviation and, to the extent of the authority given, any person authorised in that behalf by the Director;

"marginally compliant aeroplanes" means 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 the figure expressed in EPNdB obtained by adding the individual margins (namely 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 the said certification limits;

"operating restrictions" means noise related action that limits or reduces the access of civil subsonic jet aeroplanes to an airport; it includes operating restrictions aimed at the withdrawal from operations of marginally compliant aeroplanes at specific airports, as well as operating restrictions of a partial nature affecting the operation of civil subsonic aeroplanes according to the time period;

"interested parties" means 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;

Power to take measures for restricting aircraft operations.

3. The Director shall take any such measures with regard to an airport, such as operating restrictions and economic incentives as well as the withdrawal of marginally compliant aeroplanes, to deal with noise problems at airports within Malta and when doing so he shall take into account the provisions of the Directive.

Marginally compliant aircraft.

4. The Director shall allow marginally compliant civil subsonic jet aeroplanes registered in developing countries to operate in airports located in Malta up to the 25th March, 2012 provided that such aircraft are noise certified in accordance with Volume 1, Part II, Chapter 3 of Annex 26 to the Convention on International Civil Aviation, that they were used at the airport between the 1st January, 1996 and the 31st December, 2001, and that during such period the aircraft were on the register of such developing countries and continue to be operated by a national or legal person established in that country.

Exemptions.

5. The Director may in certain cases exempt airports from these regulations and authorise the individual operation on an *ad hoc* basis of marginally compliant aircraft which would otherwise not be permitted under these regulations. Such authorisation shall, however, be limited to aircraft whose individual operations are of such an exceptional nature that it would be unreasonable to withhold a temporary authorisation, and which are being operated for non-revenue flights for alterations, repair or maintenance.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*
Prezz 4ċ – *Price 4c*