



STATUTORY INSTRUMENTS.

S.I. No. 492 of 2009

IRISH AVIATION AUTHORITY (NOISE CERTIFICATION AND
LIMITATION) ORDER, 2009

(Prn. A9/1781)

IRISH AVIATION AUTHORITY ((NOISE CERTIFICATION AND
LIMITATION) ORDER, 2009

The Irish Aviation Authority, in exercise of the powers conferred on it by sections 5, 14, 58, 59, 60, 65, 67 and 75 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended by the European Communities (European Aviation Safety Agency) Regulations (No. 469 of 2003) and the European Communities (European Aviation Safety Agency) (Amendment) Regulations 2008 (No. 95 of 2008) hereby orders

1. (1) This order may be cited as the Irish Aviation Authority (Noise Certification and Limitation) Order, 2009.

(2) This order shall come into operation on the 15th day of December 2009.

2. (1) The Air Navigation (Noise Certification and Limitation) Order, 1984 (S.I. No. 13 of 1984) and the Irish Aviation Authority (Noise Certification and Limitation) (Amendment) Order, 1999 (S.I. No. 421 of 1999) are hereby revoked.

(2) Notwithstanding the revocation of the Air Navigation (Noise Certification and Limitation) Orders, 1984 to 1999, any noise certificate issued or validated under those Orders and in force at the commencement of this Order shall remain in force and shall be deemed for all purposes as if it were a noise certificate issued under this Order.

3. In this Order:

“the Act” means the Irish Aviation Authority Act, 1993 (No. 29 of 1993);

“aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“the Annex” means Annex 16, Volume I — fifth edition, 2008, amendment 9 to the Chicago Convention;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th December, 2009.*

“authorised officer of the company” has the meaning assigned to it in section 2 of the Act;

“the Authority” means The Irish Aviation Authority;

“Chicago Convention” has the meaning assigned to it by the Act;

“the EASA Regulation” means Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20 February 2008¹ and amended by Commission Regulation (EC) No 690/2009² of the European Parliament and of the Council of 30 July 2009 and shall include any rules or regulations adopted by the European Commission in accordance with the EASA regulation;

“helicopter” means a heavier than air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“heliport” means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

“noise certificate” means a statutory document or documents issued by the Authority or by a state of registry of an aircraft, if different, which specify and attest to the levels of noise emitted by that aircraft type, as measured in accordance with criteria referenced or specified in the applicable legislation, including the EASA regulation, or this Order or the relevant legislation of the state of registry;

“recertification” means the certification of an aircraft with or without a revision to its certification noise levels, to a standard different to that to which it was originally certificated;

“subsonic aeroplane” means an aeroplane incapable of sustaining level flight at speeds exceeding flight Mach number of 1.

4. This Order is for the purpose of:

- (i) providing for enforcement and offences and for rights of access to and detention of aircraft in relation to noise certificates, and
- (ii) giving effect to Annex 16, Volume I — fifth edition, 2008, amendment 9 to the Chicago Convention in respect of noise certification of aircraft where the EASA Regulation does not apply, and
- (iii) making such directions as may be necessary from time to time in respect of procedures for the limitation of noise made by aircraft in certain locations and in certain circumstances.

¹O.J. No. L 79, 19.3.2008 pp 1-49

²O.J. No. L 199/6, 31.7.2009 p 1

5. (1) This Order shall apply to aircraft as specified in the applicability sections of chapters 2, 3, 4, 5, 6, 8, 10, 11 and 12 of Annex 16 volume I, part II.

(2) Articles 7, 8 and 9 of this Order shall apply to an aircraft to which the EASA Regulation does not apply under article 4 of that Regulation.

6. Within the State, a person shall not land or take-off, or cause to be landed or to be taken off, an aircraft to which this Order applies unless:

(1) there is in force in respect of that aircraft a noise certificate issued by the Authority for an aircraft registered in the State or issued by the state of registry for an aircraft otherwise registered and acceptable to the Authority as having been issued in compliance with the requirements of or requirements substantially equivalent to, Annex 16 as specified in article 4 of this Order, and

(2) any conditions subject to which the noise certificate was issued are complied with.

7. This article shall apply only to certificates issued under this Order.

(1) An aircraft registered in the State shall comply with the environmental protection requirements contained in Amendment 9 of Volume I of Annex 16 to the Chicago Convention as applicable on 20 November 2008.

(2) The Authority may issue (or, in the case of a noise certificate issued by the competent authority of another state, may validate) a noise certificate in respect of any aircraft indicated in paragraph (1) of this article if the Authority is satisfied that the noise made by the aircraft is not greater than the noise levels specified in the applicable Chapter of Annex 16, Volume I, part II for the aircraft.

(3) An applicant for the issue or validation of a noise certificate shall furnish such evidence and shall submit the said aircraft to such tests (which may include tests in flight) as the Authority may require, for the purpose of proving compliance with the requirements of the Schedule to this Order.

(4) Subject to paragraph (5) of this article and to article 9, a noise certificate shall remain in force without limit of time.

(5) A noise certificate issued, or a noise certificate validated, under this article shall cease to have effect if the aircraft is modified in any way which affects its compliance with the noise standards required by this Order.

(6) An applicant requesting noise recertification shall furnish such evidence and shall submit the said aircraft to such tests (which may include tests in flight) as the Authority may require, for the purpose of proving compliance with the requirements of the Schedule to this Order. In such cases the date used by the Authority to determine the recertification basis shall be the date of acceptance of the first application for recertification.

8. This article shall apply only to certificates issued under this Order.

(1) A noise certificate may take the form of a separate noise certificate or a suitable statement in another document approved by the Authority. The certificate or statement, as the case may be, shall include the following information, namely:

- (a) item 1, the name of the state of registry;
- (b) item 2, the title of the noise document;
- (c) item 3, the number of the document;
- (d) item 4, the nationality or common mark and registration marks of the aircraft;
- (e) item 5, the manufacturer and manufacturer's designation of aircraft;
- (f) item 6, the aircraft serial number;
- (g) item 7, the engine manufacturer, engine type and model;
- (h) item 8, the propeller type and model for propeller driven aeroplanes;
- (i) item 9, the maximum take-off mass in kilograms;
- (j) item 10, the maximum landing mass in kilograms, for certificates issued under Chapters 2, 3, 4, 5 and 12 of the Annex;
- (k) item 11, the chapter and section of the Annex, according to which aircraft was certified;
- (l) item 12, additional modifications incorporated for the purpose of compliance with the applicable noise certification standards;
- (m) item 13, the lateral/full-power noise level in the corresponding unit for documents issued under Chapters 2, 3, 4, 5, 8 and 12 of the Annex;
- (n) item 14, the approach noise level in the corresponding unit for documents issued under Chapters 2, 3, 4, 5, 8 and 12 of the Annex;
- (o) item 15, the flyover noise level in the corresponding unit for documents issued under Chapters 2, 3, 4, 5 and 12 of the Annex;
- (p) item 16, the overflight noise level in the corresponding unit for documents issued under Chapters 6, 8 and 10 of the Annex;
- (q) item 17, the take-off noise level in the corresponding unit for documents issued under Chapters 8 and 10 of the Annex;
- (r) item 18, a statement of compliance, including a reference to Annex 16, Volume I;

(s) item 19, the date of issue of the noise certification document; and

(t) item 20, the signature of the authorised officer of the Authority.

(2) The item headings on the noise certification documents shall be uniformly numbered in Arabic numerals, as indicated in paragraph (1) of this article, so that on any noise certification document the number will, under any arrangement, refer to the same item heading, except where the information in items 1 to 6 and items 18 to 20 are given in the certificate of airworthiness, in which case the numbering system of the certificate of airworthiness according to Annex 8 to the Chicago Convention shall prevail.

9. This article shall apply only to certificates issued under this Order.

(1) The Authority may suspend, revoke, or vary a noise certificate, validation, approval, or other document issued under this Order upon evidence that the aircraft has been modified in any way which affects its compliance with the noise standards required by this Order.

(2) The holder or a person having possession or custody of a noise certificate, validation, approval or other document which has been revoked, suspended or varied under this Order shall surrender it to the Authority within a reasonable time after being required by the Authority to do so.

(3) The breach of a condition subject to which a noise certificate, validation, approval or other document has been issued under this Order shall render the document invalid during the continuance of the breach.

10. (1) A noise certificate shall be carried in the aircraft to which it applies, save that if a flight by that aircraft is intended to begin and end at the same aerodrome or heliport within the State without passing over the territory of any other state and without an intermediate landing at another aerodrome or heliport, the noise certificate may be kept at the first-mentioned aerodrome or heliport.

(2) The pilot-in-command of an aircraft, on being required by the Authority to produce or cause to be produced for inspection by an authorised officer of the company the noise certificate in force in respect of the said aircraft, shall produce or cause to be produced the said noise certificate.

(3) A person shall not:

(a) forge or fraudulently alter, or procure to be forged or fraudulently altered, or assist in forging or fraudulently altering a noise certificate;

(b) use a noise certificate required under this Order which has been forged, fraudulently altered, revoked or suspended or has ceased to be in force;

(c) give or lend a noise certificate to another person or, allow or permit it to be used by another person; or

- (d) make, procure to be made or assist in making, a false representation for the purpose of procuring for himself or herself or for another person the issue, validation, renewal or variation of a noise certificate.

11. (1) Whenever it appears to the Authority or an authorised officer of the company that an aircraft is intended or likely to be flown from a place in the State in such circumstances that the flight would be a contravention of article 6 of this Order or of another provision of this Order or a direction made thereunder, the Authority or authorised officer of the company may give to the operator of the aircraft or to the pilot-in-command thereof such instructions, and take such steps for the detention of the aircraft or otherwise, as appears to be necessary in order to prevent the flight.

(2) The operator or pilot-in-command of the aircraft shall, unless there are reasonable grounds not to do, comply with every instruction given pursuant to paragraph (1) of this Article.

(3) For the purposes of paragraph (1) of this Article, the Authority or an authorised officer of the company may enter upon and inspect an aircraft.

12. The Authority or an authorised officer of the company may, for the purpose of ascertaining compliance with the provisions of this Order, have access at all reasonable times to any aerodrome or place within the State for the purpose of inspecting either an aircraft on the said aerodrome or place or a document which under this Order he or she has power to demand or for the purpose of detaining an aircraft under this Order.

13. A person shall not wilfully obstruct or impede an authorised officer of the company acting in the exercise of his/her powers or the performance of his/her duties under this Order.

14. (1) The Authority may give directions in respect of such matters and things as may be specified in this Order for carrying out the purposes of this Order and the Schedule thereto.

(2) Directions under this Order may be given in the form of Notices to Airmen (otherwise known as NOTAMS), Notices to Aircraft Owners and Aircraft Engineers (otherwise known as Aeronautical Notices), Aeronautical Information Circulars published on the website of the Authority, or by notice or letter sent by registered post to the person or organisation affected.

15. The Authority may exempt a class or classes of aircraft by direction from a provision of this Order.

16. Any person who fails to comply with the direction given by the Authority or an instruction given by an authorised officer of the company under a provision of this Order shall be deemed for the purpose of this Order to have contravened that provision.

SCHEDULE

PART I

1. The applicable noise requirements for an aircraft are prescribed according to the provisions of Chapter 1 of Annex 16, Volume I — fifth edition, 2008, amendment 9 to the Chicago Convention and:

(1) for subsonic jet aeroplanes, in Volume I, Part II, Chapters 2, 3 and 4, as applicable;

(2) for propeller-driven aeroplanes, in Volume I, Part II, Chapters 3, 4, 5, 6 and 10, as applicable;

(3) for helicopters, in Volume I, Part II, Chapters 8 and 11, as applicable; and

(4) for supersonic aeroplanes, in Volume I, Part II, Chapter 12, as applicable.

2. In the case of aeroplanes for which Chapter 2 or 12 of Annex 16, Volume I, Part II is applicable, the noise evaluation method shall be that prescribed in Appendix 1 of Annex 16, Volume I.

3. In the case of aeroplanes for which Chapter 3, 4 or 5 of Annex 16, Volume I, Part II is applicable, the noise evaluation method shall be that prescribed in Appendix 2 of Annex 16, Volume I.

4. In the case of aeroplanes for which Chapter 6 of Annex 16, Volume I, Part II is applicable, the noise evaluation method shall be that prescribed in Appendix 3 of Annex 16, Volume I.

5. In the case of helicopters for which Chapter 8 of Annex 16, Volume I, Part II is applicable, the noise evaluation method shall be that prescribed in Appendix 2 of Annex 16, Volume I.

6. In the case of aeroplanes for which Chapter 10 of Annex 16, Volume I, Part II is applicable, the noise evaluation method shall be that prescribed in Appendix 6 of Annex 16, Volume I.

7. In the case of helicopters for which Chapter 11 of Annex 16, Volume I, Part II is applicable, the noise evaluation method shall be that prescribed in Appendix 4 of Annex 16, Volume I.

8. The attachments to Annex 16, Volume I and the ICAO Environmental Technical Manual on the Use of Procedures in the Noise Certification of Aircraft, ICAO Doc 9501 AN/929, Third Edition — 2004 should be used for the application of the Chapters and Appendices of Annex 16, Volume I.

Present when the common seal of the Irish Aviation Authority was
affixed hereunder,
26 November 2009.

ROSHEEN MC GUCKIAN,
Director.

26 November 2009.

EAMONN BRENNAN,
Director.

EXPLANATORY NOTE

(This Note is not part of the Order and does not purport to be a legal interpretation)

This Order revises and replaces the Air Navigation (Noise Certification and Limitation) Orders, 1984 to 1999.

The principal change is to give effect to Annex 16, Volume I — fifth edition, 2008, amendment 9 to the Chicago Convention except for aircraft within the scope of the EASA regulation.

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