

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 554 final

Brussels, 6 October 1981

Draft

## COUNCIL DIRECTIVE

on the limitation of noise emissions from helicopters

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(submitted to the Council by the Commission)

COM(81) 554 final

EXPLANATORY MEMORANDUMBACKGROUND

1. This proposal for a Directive falls within the Programmes of Action of the European Communities on the Environment of 22 November 1973 (1) and 17 May 1977 (2). Those programmes highlight the necessity for action to reduce high noise emission sources. It also falls within the first subject of the priority programme for civil aviation approved by the Council in June 1978. More specifically, the Council, in reply to Written Question No. 654/73 put by Members of the European Parliament on the subject of aircraft noise, stated that "the environment programme of the European Communities provides for mounting a campaign against environmental and noise pollution caused by aircraft." In that reply the Council also envisaged Standards for aircraft, making use of work done by international organizations.
2. The Council has already taken action in respect of propeller-driven and subsonic jet aircraft; this proposal is to establish a uniform system of Community rules to limit noise emissions from helicopters, bearing in mind the Council's statement that account would be taken of the work done by international organizations.

STATEMENT OF THE PROBLEM

3. Helicopters have always been a source of significant noise emission which results in annoyance to, and complaint from, the people living in the vicinity of helicopter landing and take-off areas and under their regular routes. Until recently international agreement has not been possible on the methodology for helicopter noise measurement and the limits of noise emission that are technically feasible and economically reasonable. Such agreement has now been obtained.

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(1) OJ No. C 112, 20.12.73, p.1

(2) OJ No. C 139, 13.06.77, p.1

4. The use of helicopters for regular service between centres of population, and for hire or taxi service for specific purposes, is increasing, as the design of helicopters and the communication advantages for these forms of service make them of commercial value.
5. It is therefore clear that it is now appropriate to ensure that the agreed international noise standards for helicopters are applied as soon as possible and in a harmonized way, in all Member States.

#### INTERNATIONAL ACTION ON AIRCRAFT NOISE

6. Annex 16 to the Convention on international civil aviation is concerned with environmental protection. Volume I contains the internationally agreed provisions for Standards and Recommended Practices for Aircraft Noise.
7. Amendment 5 to Annex 16 to the Convention on international civil aviation, as approved by the International Civil Aviation Organization (ICAO) Council, introduces Standards for the noise certification of helicopters. These will become applicable internationally on 26 November 1981. These standards were compiled in the ICAO Committee on Aircraft Noise (CAN). All Community Member States are signatories to the Convention on international civil aviation and 5 Community Member States are Members of CAN. The Convention does not make the introduction of Standards mandatory into the laws of ICAO Member States although differences from the Standards in national regulations must be notified to ICAO.

COMMUNITY ACTION ON AIRCRAFT NOISE

8. Community Directive 80/51/EEC (1) inter alia, has the effect of requiring Member States to ensure that propeller-driven and subsonic jet aircraft registered in their territories comply with requirements which are at least equal to the applicable Standards of Annex 16.

PROPOSAL FOR HELICOPTERS

9. To ensure that the new international Standards for helicopters are incorporated into the national regulations of Member States in the same harmonized way as required by Directive 80/51/EEC for propeller-driven and subsonic jet aircraft, it is proposed that a new Directive on helicopters be adopted.
10. It would be possible to cover the helicopter Standards by an amendment to the existing Directive. However, in the interests of the environment it is the future intention of the Commission to propose at an appropriate date, to add further articles to the helicopter Directive, similar to those in Directive 80/51/EEC, with the objective of removing non-noise certified helicopters from the registers of Member States. The timing of such a proposal will depend on discussion on this matter in ICAO and the European Civil Aviation Conference (ECAC). Because the addition of articles, and the inevitable associated exemptions, to Directive 80/51/EEC (which itself may be further expanded in the areas of propeller-driven and subsonic jet aircraft) would make that Directive extremely complex it is thought advisable for administrative convenience to have a separate Directive for helicopters.

CONSULTATION

11. In view of the importance of the proposal the Commission considers that the European Parliament and Economic and Social Committee should be consulted. They were also consulted on Directive 80/51/EEC.

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(1) OJ No. L 18, 24/1/80, p. 26

RECOMMENDATION

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

PROPOSAL FOR A  
COUNCIL DIRECTIVE

on the limitation of noise emissions from helicopters

## 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 draft directive submitted by the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas the programmes of action of the European Communities on the environment (1) show clearly the importance of the problem of noise and, in particular, the need to take action against noise due to air traffic;

Whereas the priority programme of the Council for the study of air transport questions refers to emissions from aircraft including noise;

Whereas aircraft noise should be reduced, taking into account environmental factors, technical feasibility and economic consequences;

Whereas an appropriate way to reduce this nuisance is to fix a limit to noise emissions at source based on the standards specified in this matter by the International Civil Aviation Organization (ICAO);

Whereas Council Directive 80/51/EEC (2) covers the limitation of noise emissions from civil subsonic jet and propeller driven aeroplanes;

Whereas the International Civil Aviation Organization (ICAO) has adopted noise standards for helicopters which will become applicable on 26 November 1981;

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(1) OJ No. C 112, 20.12.73, p. 1 and OJ No C 139, 13.6.77, p. 1

(2) OJ No. L 18, 24.1.80, p. 26

Whereas these standards should be applied uniformly throughout the Community, subject to certain minor exemptions in individual cases,

Whereas technical provisions must be adapted rapidly to technical progress; whereas it is necessary to this end that there should be a procedure to ensure close cooperation between Member States and the Commission within a Committee on Adaptation to Technical Progress of this Directive;

HAS ADOPTED THIS DIRECTIVE

#### ARTICLE 1

For the purposes of this Directive a helicopter is defined as 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.

#### ARTICLE 2

Each Member State shall ensure that any civil helicopter registered in its territory and included in the classifications defined for noise certification purposes in Chapter 8 of Part II 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 8 of that Annex.



ARTICLE 3

1. The documents attesting noise certification within the meaning of Article 2 may take the form of a separate noise certificate or a suitable statement contained in another document approved by the State of registry and required by that State to be carried in the aircraft, and shall provide at least the following information :
  - a) State of registry and registration mark of the aircraft;
  - b) manufacturer's serial number;
  - c) manufacturer's type and model designation;
  - d) statement of any additional modifications incorporated for the purpose of compliance with the applicable noise certification standards;
  - e) the maximum mass at which compliance with the applicable noise certification standards has been demonstrated;
  - f) for aircraft for which application or certification is submitted on or after 6 October 1977 : the noise level(s) and their 90% confidence limits at the reference point(s) for which compliance with the applicable noise certification standards has been demonstrated.
  
2. Member States shall recognize the validity of the documents referred to in paragraph 1 issued by the certifying authorities of a State of registry which is also a Member State.

ARTICLE 4

In exceptional individual cases Member States may permit the temporary use on their territory of helicopters which cannot be put into service on the basis of Article 2.

ARTICLE 5

Member States shall endeavour to take the appropriate measures to ensure that helicopters which are not registered in a Member State but which use airports in their territory meet requirements at least as stringent as those which the aircraft of the Member States subject to Article 2 must meet.

ARTICLE 6.

Any amendments necessary in order to adjust this Directive to take account of technical progress shall be adopted in accordance with the procedure laid down in Article 8.

ARTICLE 7

1. There is hereby set up a Committee on the Adaptation to Technical Progress of this Directive, hereinafter called <sup>the</sup> "Committee". It shall consist of representatives of the Member States with a representative of the Commission as Chairman.
2. The Committee shall adopt its own rules of procedure.

ARTICLE 8

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by its Chairman, either on his own initiative or at the request of a representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within a time limit set by the Chairman having regard to the urgency of the matter and to the provisions of Volume 1 of Annex 16 of the Convention on International Civil Aviation. Opinions shall be adopted by a majority of 45 votes, the votes of the Member States being weighted as provided in Article 148(2) of the Treaty.  
  
The Chairman shall not vote.

3. a) Where the measures envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them.
- b) Where the measures envisaged are not in accordance with the opinion of the Committee, or where no opinion is delivered, the Commission shall forthwith submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.
- c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### ARTICLE 9

1. Member States shall bring into force the provisions necessary to comply with this Directive not later than 1982 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 10

This Directive is addressed to the Member States.

Done at Brussels.