

**MINISTRIES OF PUBLIC WORKS,  
TRANSPORT AND COMMUNICATIONS AND OF THE ENVIRONMENT  
AND LAND MANAGEMENT**

**Ordinance no. 259/2005  
of 16 March**

Whereas the number of air movements at Lisbon Airport between 0:00 a.m. and 06:00 a.m. is not permitted to exceed the total of 91 air movements per week;

Whereas the 91 slots allocated in accordance with Ordinance no. 303-A/2004, of 22 March, correspond to applications made by operators a certain amount of time in advance, given that they concern planned and foreseeable movements;

Whereas the situations established in Article 2, paragraph no. 9 of Ordinance no. 303-A/2004, excepting the circumstances established in paragraph no. 9, sub-paragraph (c) of the same article, take the form of cases of *force majeure*, which are unforeseeable and unavoidable by their very nature;

Whereas the restriction established in Article 2, paragraph no. 2 is applicable to these situations, it can be concluded that said requirement is incompatible with the foreseeable nature inherent to the planned 91 air movements per week.

In this context, and taking into consideration that pursuant to Regulation (EC) no. 793/2004, of the European Parliament and Council, dated 21 April, whereby the coordination of slots must compulsorily distribute the airport's entire declared capacity, then the amendment of the wording of Article 2, paragraph no. 9 of Ordinance no. 303-A/2004, of 22 March, is essential.

This Ordinance also revokes the exemption established in Article 6 of Ordinance no. 303-A/2004, of 22 March, concerning the special event of Euro 2004, since said article currently has no legal significance.

Lastly, this Ordinance also makes some sporadic amendments to those provisions of Ordinance no. 303-A/2004, of 22 March, deemed to contain inaccuracies or even writing errors.

Therefore, the Portuguese Government, through the Minister of Public Works, Transport and Communications and the Minister of the Environment and Land Management, under the provisions of Article 4, paragraph nos. 5 and 6 of Decree Law no. 293/2003, of 19 November, orders the following:

Article 1

Article 2 of Ordinance no. 303-A/2004, of 22 March, is amended and as follows:

«Article 2  
[...]

- 2 - .....
- 3 - .....
- 4 - .....
- 5 - .....
- 6 - .....
- 7 - .....

8 - Those aircraft classified according to the criteria established in paragraph no. 6 of this article that are authorised to land during the night are forbidden from reverse thrusting immediately after landing.

9 - The operating restrictions set out in this article shall not apply to the following cases of *force majeure*:

- a) .....
- b) .....
- c) [*Previously sub-paragraph (d).*]
- d) [*Previously sub-paragraph (e).*]
- e) [*Previously sub-paragraph (f).*]
- f) [*Previously sub-paragraph (g).*]
- g) [*Revoked.*]

10 - For the purpose of complying with the provisions of paragraph no. 4 of this article, the operator shall, when applying for a slot, provide the information contained on the manufacturer's noise certificate of the aircraft that it plans to use for the slot.

11 - After every landing, the slots allocation management entity may obtain confirmation from the airport management authority of the noise level specified on the aircraft noise certificate.>>

#### Article 2

Article 4 of Ordinance no. 303-A/2004, of 22 March, is amended and as follows:

#### «Article 4

[...]

- 1 - .....

2- For the purpose of applying the provisions of Article 2, paragraph no. 5, air carriers and other operators shall prove to the airport managing authority that they are authorized by INAC [Portuguese Civil Aviation Authority] to operate the aircraft registered on the respective air operator's certificate, at noise levels below those specified on the aircraft's airworthiness certificate or noise certificate, as applicable.»

#### Article 3

Article 5 of Ordinance no. 303-A/2004, of 22 March, is amended and as follows:

## «Article 5

[...]

1 - The managing entity of Lisbon Airport shall provide INAC with reports at the end of each IATA period indicating the results of the control of the compliance of implemented noise monitoring plans with Lisbon Airport's established environmental objective.

2- Pursuant to Article 11, paragraph no. 2 of Decree Law no. 293/2003, of 19 November, Lisbon Airport's managing entity shall report to INAC any facts or behaviour it has detected that infringe the operating restrictions established in Articles 2 and 3 of this Ordinance and which might constitute an administrative offence as established in said Decree Law.»

## Article 4

### **Revocatory provision**

The following provisions of Ordinance no. 303-A/2004, of 22 March, are revoked:

- a) Article 2, paragraph no. 9, sub-paragraph (c);
- b) Article 6;
- c) Article 7.

## Article 5

### **Entry into force**

This Ordinance shall enter into force the day following its publication.

On behalf of the Minister of Public Works, Transport and Communications, *Jorge Fernando Magalhães da Costa*, Deputy Secretary of State for Public Works, 10 December 2004. - On behalf of the Minister of the Environment and Land Management, *Jorge Manuel Lopes Moreira da Silva*, Deputy Secretary of State for the Minister of the Environment and Land Management, 16 December 2004.



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