

**MINISTRIES OF THE ENVIRONMENT, SPATIAL PLANNING AND  
REGIONAL DEVELOPMENT, AND OF PUBLIC WORKS,  
TRANSPORT AND COMMUNICATIONS**

**Ordinance no. 831/2007  
of 1 August**

The General Regulation on Noise, approved by Decree Law no. 9/2007, of 17 January, by means of Article 20(2) therein, provides the possibility of permitting, by means of joint ordinance of the members of the Government responsible for transport and the environment, the take-off and landing of civilian aircraft between 12 a.m. and 6 a.m. at airports and aerodromes that possess a noise monitoring and simulation system that allows the  $L_{den}$  and  $L_n$  in the surrounding area to be modelled and the maximum number of take-off and landing operations between 12 a.m. and 6 a.m. to be set, so that the limit values established in Article 11 of said regulation are complied with.

Whereas Francisco Sá Carneiro Airport has a noise monitoring and simulation system that meets the requirements set forth in the General Regulation on Noise.

Furthermore, the results of the simulation of noise relative to the aircraft movements established herein during the period from 12 a.m. to 6 a.m. indicate compliance with the applicable limit values.

Considering, in addition, that express mail and freight transport services are essential to the industrial and economic development of the region and its respective economic agents, since they guarantee the distribution of products and delivery of materials and components just in time, for which transport during the night-time period is absolutely vital.

Moreover, considering that the competitiveness of Francisco Sá Carneiro Airport in attracting and providing these freight transport and express mail services depends on the performance of said operations between 12 a.m. and 6 a.m.

The underlying grounds for approving air movements at Francisco Sá Carneiro Airport between 12 a.m. and 6 a.m., with the restrictions stated herein, are deemed to have been met.

Thus:

Under the provisions of Article 20, paragraph nos. 2 and 3 of the General Regulation on Noise, approved by Decree Law no. 9/2006, of 17 January, the Government, through the Ministers of the Environment, Spatial Planning and Regional Development and of Public Works, Transport and Communications, orders the following:

**Article 1  
Object and Scope**

1. The take-off and landing of civilian aircraft at Francisco Sá Carneiro Airport between 12 a.m. and 6 a.m. is hereby permitted, with the restrictions stated herein.

2. Movements performed by military aircraft and by aircraft used to transport heads of state or members of government on official trips are excluded from the scope of this Ordinance.

## **Article 2**

### **Operating Restrictions**

1. In the period between 12 a.m. and 6 a.m. the following operating restrictions are applicable at Francisco Sá Carneiro Airport:
  - a) Air movements unrelated to commercial aviation or aerial work are not permitted;
  - b) The maximum number of air movements permitted during this period is 11 daily movements, 70 weekly movements and 2100 annual movements.
2. Authorisation for air movements between 12 a.m. and 6 a.m. is likewise limited by aircraft noise emission classification, as follows:
  - a) Aircraft classified at level 16 cannot be scheduled for the period between 12 a.m. and 6 a.m.
  - b) Aircraft classified at levels 4 and 8 cannot be scheduled for the period between 2 a.m. and 5 a.m.
  - c) Aircraft with 0, 0.5, 1 and 2 classifications are not subject to restrictions, notwithstanding the following paragraph.
3. For the purposes of paragraph number 2:
  - a) Aircraft are classified according to the noise emission levels established by the International Civil Aviation Organisation (ICAO):
    - Level 0 - less than 87 EPNdB
    - Level 0.5 - 87 to 89.9 EPNdB
    - Level 1 - 90 to 92.9 EPNdB
    - Level 2 - 93 to 95.9 EPNdB
    - Level 4 - 96 to 98.9 EPNdB
    - Level 8 - 99 to 101.9 EPNdB
    - Level 16 - greater than 101.9 EPNdB
  - b) The noise classification of an aircraft on landing or take-off is given by the values indicated in the manufacturer's noise certificate, based on the points of reference specified in the applicable technical standards for landing approaches, for flyover on take-off and lateral flyover, at full power.
4. Aircraft classified under the criteria described in paragraph number 3 of this Article that are permitted to land during said period are prohibited from effecting reverse thrust immediately on landing.
5. To ensure compliance with the provisions of paragraph number 2 of this Article, the flight 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 said slot.
6. After every landing, the slots allocation management entity may obtain confirmation from the airport management authority of compliance with the noise level specified on the aircraft noise certificate.

## **Article 3**

### **Procedures leading to operating restrictions**

1. When aircraft are operated according to instrument flight rules or visual flight rules, procedures relating to approach, take-off and landing must be strictly complied with.
2. The technical standards regarding approach, take off and landing referred to in the previous paragraph are published in AIP-Portugal (Aeronautical Information Publication).
3. Flight crew members shall abide by instructions contained in the flight operations manual regarding noise abatement during approach, landing and take off procedures.
4. The instructions referred to in the previous paragraph must comply with the standards and procedures established in ICAO PAN OPS, Volume I.

#### **Article 4** **Aircraft performance**

1. The aircraft authorized to land and take-off at Francisco Sá Carneiro Airport, must comply with technical characteristics complying with ICAO requirements, established in accordance with Annex 16 to the Convention on International Civil Aviation, Volume 1, Chapter 3, third edition (July 1993).
2. For the purpose of enforcing the provisions of paragraph number 2 of Article 2, carriers and other flight operators should prove to the airport managing entity that they are authorized by Portuguese Civil Aviation Authority (INAC) to operate the aircraft registered in the respective air operator's certificate, below the noise levels indicated in the airworthiness certificate or the aircraft noise certificate, as applicable.

#### **Article 5** **Force Majeur**

The operating restrictions contained herein are not applicable in cases of force *majeur*, namely:

- a) Aircraft on missions of a humanitarian, medical emergency or evacuation nature.
- b) Aircraft that are in emergency situations, due to weather conditions, technical failure or in-flight security.
- c) Air movements in relation to which an unforeseen timetable change has occurred caused by an abnormal disturbance in air traffic control.
- d) Air movements carried out prior to 1 a.m. that concern flights scheduled for a period prior to 12 a.m. and are delayed for reasons not attributable to the airport management entity or the flight operator.
- e) Air movements to and from the Azores Autonomous Region and Madeira Autonomous Region, due to weather reasons.
- f) Landings carried out in the period between 5 a.m. and 6 a.m. for weather reasons, provided that the scheduled landing time was later than 6 a.m.

#### **Article 6** **Supervision**

1. The managing entity of Francisco Sá Carneiro Airport shall provide, by 31 March, the following data on the previous year to the Portuguese Civil Aviation Authority (INAC) and the Environment and Spatial Planning General Inspectorate (IGAOT):
  - a) The noise monitoring report and noise maps, which indicate compliance with the limit values established in the General Regulation on Noise;
  - b) Data on the number of air movements in the period between 12 a.m. and 6 a.m., indicating cases of *force majeure*;
  - c) Aircraft classification data.

#### **Article 7 Revision**

The number of authorised movements and/or other operating restrictions established in this Ordinance can be revised based on compliance with the limit values set forth in the General Regulation on Noise, shown by monitoring results.

#### **Article 8 Entry into force**

This Ordinance shall enter into force on 16 July 2007.

On 17 July 2007,

The Minister of the Environment, Spatial Planning and Regional Development,  
*Francisco Carlos da Graça Nunes Correia*. -- The Minister of Public Works, Transport  
and Communications, *Mário Lino Soares Correia*.

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