

COURTESY TRANSLATION

**ORDER OF MARCH 2, 2010
restricting operations of the aerodrome of Nice-Côte
d'Azur (Alpes-Maritimes)**

NOR: DEVA1004739A

**DEPARTMENT OF ECOLOGY, ENERGY, SUSTAINABLE DEVELOPMENT AND THE
THE SEA, IN CHARGE OF GREEN TECHNOLOGIES AND NEGOCIATION ON
CLIMATE**

The minister of state, minister of ecology, energy, sustainable development and the sea, in charge of green technologies and negotiation on climate,

Considering the Convention on International Civil Aviation of December 7, 1944, all the protocols that have changed, including the Protocol of September 30, 1977 on the authentic quadrilingual text of the Convention;

Considering the regulation (EC) No 3922/91 of the council of December 16, 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation, as last amended by Regulation (EC) No 859/2008 of the Committee of August 20, 2008 regarding the technical rules and administrative procedures applicable to commercial transportation by aircraft, in particular Annex III;

Considering the regulation (EC) N° 1008/2008 of the council of September 24, 2008 establishing common rules for the operation of air services in the community and in particular Article 19, paragraph 1;

Considering the civil aviation code, especially article L.227-4 et R.221-3;

Considering the environment code, especially article L.571-13;

Considering the decree of July 17, 1992 on general procedures for air traffic for the use aerodromes by aircraft;

Considering the recommandation of the Advisory Committee on the Environment of the aerodrome of Nice-Côte d'Azur (Alpes-Maritimes) dated December 1, 2009 ;

Considering the recommandation of the Authority to control airport noise dated on the January 29, 2010,

Order:

Article 1- To reduce noise pollution around the airport of Nice-Côte d'Azur (Alpes-Maritimes), the following operating restrictions are decided on this platform:

I.- For the purposes of this order, we mean by:

- "combined margin of an aircraft equipped with turbojet engines", the sum of the three differences between the certificated noise level and the allowable limit defined in Chapter 3 of Part II of the first volume of Annex 16 of the Convention on the International Civil Aviation of December 7, 1944 for each of the three measuring points specified in that annex;

- "operator", the technical operator of an aircraft;

- "responsible for the flight", the owner, technical operator or commercial operator of aircraft;

- 'engine test', any operation performed on an aircraft stationed, during which its engines running for more than five minutes or at higher power than that used for sequences of starting and taxiing.

II.- Subject to the provisions of Article 4 of this Order, any turbojet aircraft that does not complying with the standards set out in Annex 16 of the abovementioned convention of December 7, 1944, volume I, part II, chapter 3 and chapter 4 can not:

- land between 11:30 pm and 6:15 am, local time of arrival on the parking stand;

- take off between 11:15 pm and 6 am, local time of departure from the parking stand.

III.- Subject to the provisions of Article 4 of this Order, any turbojet aircraft whose noise certification complies with standards set out in chapter 3 of part II of the first volume of annex 16 of the convention on International Civil Aviation of December 7, 1944 with a less than 10 EPNdB cumulative margin can not:

- land between 11:30 pm and 6:15 am, local time of arrival on the parking stand;

- take off between 11:15 pm and 6 am, local time of departure from the parking stand.

IV.- Subject to the provisions of Article 4 of this Order, from the October 30, 2011, any turbojet aircraft whose noise certification complies with standards set out in chapter 3 of part II of the first volume of annex 16 of the convention on International Civil Aviation of December 7, 1944 with a less than 13 EPNdB cumulative margin can not:

- land between 11:30 pm and 6:15 am, local time of arrival on the parking stand;

- take off between 11:15 pm and 6 am, local time of departure from the parking stand.

V.- The following use restrictions apply to aircraft using the parking Kilo:

- on arrival: Stop engine at the entrance of the parking stand at the line "STOP ENGINE AND APU" and mandatory towing to the parking stand;

- the use of the auxiliary power unit (APU) is prohibited throughout the duration of parking in the parking Kilo;

- on departure: Mandatory towing to the engine start position on which the use of APU is limited to 30 minutes.

VI.- Outside parking Kilo, the APU use by aircraft in parking stand is limited to:

- 30 minutes after the arrival of the aircraft at the parking stand;

- 30 minutes before the departure of the aircraft from the parking stand

VII.- Apart from the necessary checks before takeoff for aircraft equipped with piston engines, no engine test can be performed between 9 pm and 6 am local time. Exemptions may be granted by the prefect of Alpes-Maritimes between 9 pm and 11 pm local time, on the one hand, and between 5 am and 6 am local time, on the other hand, for reasons of flight safety, after request from the responsible of the flight.

Article 2- Subject to the provisions of article 4 of this Order :

I.- Aircraft flying under instrument flight rules must respect the specific procedures developed in particular to reduce noise and brought to the attention of users through aeronautical information;

II.- Crews must observe the driving machine operating manuals to minimize the noise impact of landing and takeoff. These instructions must comply with the ICAO PANS-OPS, Volume 1

III.- Aircraft flying under visual flight rules must meet specific guidelines designed to limit noise and brought to the attention of users through aeronautical information.

Article 3- All operators conducting commercial flights departing from or arriving at the aerodrome of Nice-Côte d'Azur must publish in their operations manuals, classification and cumulative margin of their aircraft.

Article 4 I.- The provisions of Article 1 and 2 of this Order do not obstruct the landing and taking off, on an exceptional basis, of the following aircraft:

- aircraft conducting medical or humanitarian nature;
- aircraft in emergency situations that rely on considerations of flight safety.
- aircraft referred to in Article L.110-2 of the Code of Civil Aviation.
- aircraft operating government flights.

II.- The captain can not derogate from the provisions of sections 1 and 2 of this Order unless he considers it absolutely necessary for reasons of flight safety.

III.- Exceptions to the rules defined by Article 1 of this order may be granted in exceptional circumstances by the minister for civil aviation.

Article 5- A review of the movements made under Article 4 of this Order is made by the civil aviation services at each meeting of the Consultative Committee on the Environment of the airport of Nice-Côte d'Azur and made public at least once a year.

Article 6- The decree of June 7, 2004 on restricting use of the airport of Nice-Côte d'Azur (Alpes-Maritimes) is abrogated.

Article 7- This order comes into force on October 31, 2010.

Article 8- The Director General of Civil Aviation and the prefect of Alpes-Maritimes are responsible, each in their respect, for the implementation of this decree, which will be published in the 'journal officiel' of the French Republic.

Paris, March 2, 2010.

For the Minister and by delegation
The Director General
of Civil Aviation

P.Gandil