

Mexico: Noise Generated By Aircraft

March 12, 2018

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On February 12, 2018 the Mexican Secretariat of Communications and Transportation (“SCT”) published the draft of Mexican Environmental Standard PROY-NOM-036-SCT3-2017 in the Official Daily Gazette, which sets forth the maximum allowable limits of noise generated by aircraft.

Within the next 60 calendar days, any interested party may provide comments to the National Consultation Committee of Air Transportation Standardization. During that period, the studies for the preparation of the draft of reference will be available to the public for consultation.

This draft is an update of the Mexican Official Standard NOM-036-SCT3-2000 published in 2001 in the Gazette mentioned above. The content of the draft in question is based on Mexican legislation,¹ but also on the “*Convention on International Civil Aviation*” executed in Chicago, Illinois in 1944 (of which Mexico is a signatory), and, in particular, “*Annex 16, Volume 1, Environmental Protection-Aircraft Noise*.”

The draft of reference sets forth: (i) the maximum allowable limits of noise generated by aircraft of subsonic reaction, propeller-propelled, supersonic and helicopters, (ii) measurement method, and, (iii) requirements to comply with those limits. It applies to all concessionaires, permit holders of national or foreign air operators that operate or intend to operate within the Mexican Republic and the air space under jurisdiction of Mexico. It also applies to any Responsible Entity of Design of the Type of aircraft that intends to obtain its Homologation Certificate of Noise of its aircraft.

It does not apply to aircraft that carry out over-flight operations within the air space under jurisdiction of Mexico unless it is specified in its operational flight plan of a civil aerodrome within the Mexican Republic. Moreover, neither applies to aircraft belonging to or in possession of foreign permit holders or air operators intending to enter or exit Mexican national territory for purposes of maintenance in ferry flights (without passengers, cargo or mail).

¹ Article 133 of the Mexican Federal Constitution. Article 4 and 76 of the Civil Aviation Law. Articles 147 and 149 of the Regulations to the Civil Aviation Law.