# DECISIONS

## DECISION (EU) 2023/145 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 January 2023 repealing Council Directive 89/629/EEC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) The European Parliament, the Council and the Commission have confirmed in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([3]) their joint commitment to update and simplify Union legislation.

(2) Council Directive 89/629/EEC ([4]) provided that aeroplanes that exceeded the relevant noise emission standards under that Directive could continue to operate, if they had already been entered in a national register of a Member State. However, it applied a no-addition rule: no new registrations of such aeroplanes were possible after that Directive entered into force.

(3) Directive 2006/93/EC of the European Parliament and of the Council ([5]) introduced a complete phasing-out of all aeroplanes which did not meet the relevant noise emission standards, including those previously covered by Directive 89/629/EEC, regardless of whether they had been registered or not. This led to a situation in which the aeroplanes concerned were no longer allowed to fly in the Union skies and had to be removed from the Member States' national registers.

(4) Consequently, Directive 89/629/EEC is obsolete and should therefore be repealed,

HAVE ADOPTED THIS DECISION:

*Article 1*

Directive 89/629/EEC is repealed.

([1]) Opinion of 26 October 2022 (not yet published in the Official Journal).
([2]) Position of the European Parliament of 13 December 2022 (not yet published in the Official Journal) and decision of the Council of 19 December 2022.
([3]) OJ L 123, 12.5.2016, p. 1.
([4]) Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes (OJ L 363, 13.12.1989, p. 27).
([5]) Directive 2006/93/EC of the European Parliament and of the Council of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988) (OJ L 374, 27.12.2006, p. 1).

*Article 2*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Strasbourg, 18 January 2023.

| *For the European Parliament* | *For the Council* |
| --- | --- |
| *The President* | *The President* |
| R. METSOLA | J. ROSWALL |