

Case C-120/10

European Air Transport SA

v

**Collège d'environnement de la Région de Bruxelles-Capitale
and
Région de Bruxelles-Capitale**

(Reference for a preliminary
ruling from the Conseil d'État (Belgium))

(Air transport — Directive 2002/30/EC — Noise-related operating restrictions at
Community airports — Noise level limits that must be observed when overflying
built-up areas near an airport)

Opinion of Advocate General Cruz Villalón delivered on 17 February 2011 . . . I - 7867
Judgment of the Court (First Chamber), 8 September 2011 I - 7890

Summary of the Judgment

*Transport — Air transport — Directive 2002/30 — Noise-related operating restrictions at
European Union airports — Definition of operating restrictions
(European Parliament and Council Directive 2002/30, Art. 2(e))*

On a proper construction of Article 2(e) of Directive 2002/30 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports, an ‘operating restriction’ means a prohibition, absolute or temporary, that prevents the access of a civil subsonic jet aeroplane to a European Union airport. Consequently, national environmental legislation imposing limits on maximum noise levels, as measured on the ground, to be complied with by aircraft overflying areas located near the airport, does

not itself constitute an operating restriction within the meaning of that provision, unless, in view of the relevant economic, technical and legal contexts, it can have the same effect as prohibitions of access to the airport in question.

(see para. 34, operative part)