



OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)

Part 36 AIRCRAFT ENVIRONMENTAL STANDARDS

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Revisions

OTAR Issue	Subject
Issue 1	First issue published for information.
Issue 2	Second issue released for gazetting. Editorial changes to Purpose statement and minor editorial change in 36.25.
Issue 3	<p>Inclusion of compliance with ICAO Annex 16 Vol III for CO₂ Emissions, and amendment of Annex 16 Volumes 1 and 2 to Volumes I and II.</p> <p>Paragraphs 36.51(a) and 36.71(a) amended to remove reference to the endorsing of the Type Acceptance Certificate by the Governor. Paragraph 36.53(b) and 36.73(b) deleted for the same reason, Regulation intent of Sub-parts C and D to comply with ICAO Annex 16 Volumes II and III is not affected.</p>
Draft version 3.04	<p>Subpart C Paragraph 36.53(a) Certification of Engine Emissions amended, and new sub paragraph (b) added to reference the OTAR 21 Subpart B or Subpart C acceptance of Engine Emission standards or Exemptions as produced by an Engine Certifying Authority.</p> <p>Subpart C Paragraph 36.73(a) clarification that a Type Acceptance Certificate issued under OTAR Part 21 Subpart B shall, provides sufficient evidence that the CO₂ certification standards in paragraph 36.71 have been met.</p>

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Subpart A – General

36.1 Purpose

- (a) The requirements of this Part cover the certification standards relevant to the granting of Noise certificates, Engine Emissions and CO₂ certification for aircraft registered and operated in the Territory.
- (b) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the Requirements repeat or reproduce many of the provisions of the Air Navigation (Overseas Territories) (Environmental Standards) Order 2004 (as amended). Therefore, failure to comply with these Requirements may:
 - (1) constitute a breach of the Order; and
 - (2) result in proceedings for breaches of the Order; or
 - (3) result in the refusal of an application for renewal of a certificate or licence; or
 - (4) result in action to suspend or revoke a certificate or licence.
- (c) The Order details the legal obligations governing environmental protection. The Order specifies these obligations in rather general terms, therefore there is a provision in Article 135 to the Order which requires the Governor to publish Requirements to augment, amplify and detail more precisely the manner in which these obligations shall be met. The Requirements are the means by which the operator will be able to satisfy the Governor as to their fulfilment of their obligations in respect of the operation of an aircraft or their entitlement to hold a certificate or approval.
- (d) The issue of a certificate, licence or approval indicates only that the holder is considered competent to secure the safe operation of aircraft. The possession of such a document does not relieve the operator of an aircraft, or the pilot-in-command, from the responsibility for compliance with the Order and any other legislation in force. Neither does it relieve them of their responsibility for the safe conduct of any particular flight, as the ultimate responsibility for the safety of flight operations always rests with the operator and the pilot-in-command.
- (e) Other OTAR Parts may impinge upon activities conducted under this Part. In particular, Part 1 contains definitions which apply, unless otherwise stated, to all Parts. A full list of OTAR Parts, a description of the legislative structure and the place of OTARs and OTACs within it can be viewed on the ASSI website www.airsafety.aero.

Subpart B – Noise Certification

36.21 Applicability

- (a) Aircraft registered in the Territory to which the requirements of Volume I of Annex 16 are applicable shall not fly without a noise certificate issued by the Governor.
- (b) Aircraft that are not registered in the Territory to which the requirements of Volume I of Annex 16 are applicable shall not fly without a noise certificate issued by the State of Registry.

36.23 Application and grant of noise certificate

- (a) An applicant for a noise certificate shall furnish the Governor with the following information:
 - (1) the type and designation of the aircraft; and
 - (2) the aircraft serial number and registration mark; and
 - (3) a statement of any modifications incorporated for the purpose of compliance with the applicable noise certification standards; and
 - (4) the MTWA at which compliance with the applicable noise certification standards has been achieved; and
 - (5) references to flight manual supplements or revisions required for compliance with the applicable noise certification standards; and
 - (6) the Noise Certificate or a document attesting to noise certification issued by the NAA for the State that issued the certificate in compliance with the appropriate Standards of ICAO Annex 16 Volume I.
- (b) The Governor shall grant or validate a noise certificate on being satisfied by evidence that the particular aircraft complies with the appropriate Standards of ICAO Annex 16 Volume I.

36.25 Validity of noise certificate

- (a) The validity of a noise certificate issued by the Governor is subject to the aircraft continuing to comply with the noise certification standards against which the noise certificate was issued.
- (b) Major modifications that appreciably affect the noise characteristics of the aircraft may invalidate the noise certificate issued by the Governor unless:
 - (1) on application for the approval of the modification under OTAR Part 21.73, evidence is provided that the appropriate standards in paragraph 36.21 have been met; or

- (2) the Governor is satisfied with approved operational limitations that are contained in the aircraft flight manual that are required to maintain compliance with the appropriate noise certification standards in paragraph 36.21.
- (c) A Noise Certificate is valid until it is suspended, revoked or the aircraft has been removed from the Territory's register.

36.27 Recertification

- (a) If noise recertification is required, an application shall be made to the Governor.
- (b) The Governor may make any reasonable investigation and require specific testing of the aircraft.
- (c) compliance with paragraph 36.23 shall be demonstrated before any new certificate reflecting revised noise certification standards is granted.

36.29 Revocation and Suspension

- (a) The Governor may suspend or revoke the noise certificate if the holder of the certificate is unable to demonstrate compliance with the appropriate noise certification standards.
- (b) The holder of a revoked or suspended noise certificate shall surrender it immediately to the Governor.

Subpart C – Engine Emissions

36.51 Applicability

- (a) Aircraft registered in the Territory to which the requirements of Volume II of Annex 16 are applicable shall not fly unless the aeroplane complies with requirements that are at least equal to the applicable Engine Emission Standards specified in this Annex.
- (b) Aircraft that are not registered in the Territory to which the requirements of Volume II of Annex 16 are applicable shall not fly within the Territory unless the aircraft is certificated to these standards.

36.53 Certification

- (a) Certification of Engine Emissions is performed by the Engine Certifying Authority and accepted by the Aircraft Certifying Authority for issue of an Aircraft Type Certificate or Supplemental Type Certificate. The Aircraft Type Acceptance Certificate issued under OTAR Part 21 Subpart B is sufficient evidence that the certification standards in paragraph 36.51 have been complied with, provided that the requirements under which such certification was granted, are at least equal to the applicable Standards specified in Annex 16 Volume II, or:
- (b) There is an Exemption to the applicable emission standards specified in ICAO Annex 16 Volume II, granted by the Engine Certifying Authority and accepted by the Type Acceptance Certificate issued in accordance with OTAR Part 21 subpart B.

36.55 Non-compliance

- (a) Failure to comply with the standards specified in paragraph 36.51 may invalidate the aircraft's Certificate of Airworthiness.
- (b) Without prejudice to any invalidation described in paragraph 36.55(a), the Governor may suspend or revoke the aircraft's Certificate of Airworthiness in such circumstances.

Subpart D – CO₂ Emissions Based on the Consumption of Fuel

36.71 Applicability

- (a) Aircraft registered in the Territory to which the requirements of Volume III of Annex 16 are applicable shall not fly unless there is satisfactory evidence that the aeroplane has CO₂ emissions certification, that is at least equal to the applicable Standards specified in this Annex.
- (b) Aircraft that are not registered in the Territory to which the requirements of Volume III of Annex 16 are applicable shall not fly within the Territory unless the aircraft is certificated to these standards.
- (c) This Subpart D shall, with the exception of amphibious aeroplanes, aeroplanes initially designed or modified and used for specialized operational requirements, aeroplanes designed with zero reference geometric factor (RGF), and those aeroplanes specifically designed or modified and used for fire-fighting purposes, be applicable to:
 - (1) subsonic jet aeroplanes, including their derived versions, of greater than 5 700 kg maximum take-off mass, for which the application for a type certificate to the state of design was submitted on or after 1 January 2020, except for those aeroplanes of less than or equal to 60 000 kg maximum take-off mass with a maximum passenger seating capacity of 19 seats or less;
 - (2) subsonic jet aeroplanes, including their derived versions, of greater than 5 700 kg and less than or equal to 60 000 kg maximum take-off mass with a maximum passenger seating capacity of 19 seats or less, for which the application for a type certificate to the state of design was submitted on or after 1 January 2023;
 - (3) all propeller-driven aeroplanes, including their derived versions, of greater than 8 618 kg maximum take-off mass, for which the application for a type certificate was submitted to the state of design on or after 1 January 2020;
 - (4) derived versions of non-CO₂-certified subsonic jet aeroplanes of greater than 5 700 kg maximum certificated take-off mass, for which the application for certification of the change in type design was submitted on or after 1 January 2023;
 - (5) derived versions of non-CO₂ certified propeller-driven aeroplanes of greater than 8 618 kg maximum certificated take-off mass, for which the application for certification of the change in type design was submitted on or after 1 January 2023;
 - (6) individual non-CO₂-certified subsonic jet aeroplanes of greater than 5 700 kg maximum certificated take-off mass, for which a certificate of airworthiness was first issued on or after 1 January 2028; and

- (7) individual non-CO2-certified propeller-driven aeroplanes of greater than 8 618 kg maximum certificated take-off mass, for which a certificate of airworthiness was first issued on or after 1 January 2028.

36.73 Certification

- (a) A Type Certificate issued or validated by the Aircraft Certifying Authority and accepted under OTAR 21 Part B, provides sufficient evidence that the certification standards in paragraph 36.71 have been complied with, provided that the requirements under which such certification was granted are at least equal to the applicable Standards specified in this Annex.

36.75 Non-compliance

- (a) Failure to comply with the standards specified in paragraph 36.71 may invalidate the aircraft's Certificate of Airworthiness.
- (b) Without prejudice to any invalidation described in paragraph 36.75(a), the Governor may suspend or revoke the aircraft's Certificate of Airworthiness in such circumstances.