



# Explanatory Note to ED Decision 2025/005/R

issued in accordance with Article 4(2) of MB Decision No 01-2022

## Repeal of CS-34 'Certification Specifications for Aircraft Engine Emissions and Fuel Venting', CS-36 'Certification Specifications for Aircraft Noise' and CS-CO<sub>2</sub> 'Certification Specifications, Acceptable Means of Compliance and Guidance Material for Aeroplane CO<sub>2</sub> Emissions'

### EXECUTIVE SUMMARY

This Decision repeals CS-34, CS-36 and CS-CO<sub>2</sub> based on the assessment of the contents of current CS-34, CS-36 and CS-CO<sub>2</sub> and the applicable environmental protection requirements for the certification and declaration of design compliance.

The objective is to prevent the future use of and reference to CS-34, CS-36 and CS-CO<sub>2</sub> and any potential confusion with the applicable environmental protection requirements referred to in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139.

### ED DECISIONS TO BE REPEALED

- [ED Decision 2003/003/RM 'CS-34 — Initial Issue'](#)
- [ED Decision 2003/004/RM 'CS-36 — Initial Issue'](#)
- [ED Decision 2019/016/R 'CS-CO<sub>2</sub> — Issue 1'](#)

### AFFECTED STAKEHOLDERS

Design organisation approval (DOA) holders

### WORKING METHODS

Development	Impact assessment(s)	Consultation
By EASA	n/a	n/a

### RELATED DOCUMENTS / INFORMATION

n/a

**PLANNING MILESTONES:** n/a



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## 1. About this Decision

This Decision is issued in accordance with Regulation (EU) 2018/1139<sup>1</sup> (the Basic Regulation) and the Rulemaking Procedure<sup>2</sup>.

It has been developed by EASA following the assessment of the contents of current CS-34<sup>3</sup>, CS-36<sup>4</sup> and CS-CO<sub>2</sub><sup>5</sup> and the applicable environmental protection requirements for the certification and declaration of design compliance.

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<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<http://data.europa.eu/eli/reg/2018/1139/oj>).

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 ([EASA MB Decision No 01-2022 on the Rulemaking Procedure, repealing MB Decision 18-2015 \(by written procedure\) | EASA](#)).

<sup>3</sup> [CS-34 Aircraft Engine Emissions and Fuel Venting](#)

<sup>4</sup> [CS-36 Aircraft Noise](#)

<sup>5</sup> [CS-CO2 Certification Specifications, Acceptable Means of Compliance and Guidance Material for Aeroplane CO2 Emissions \(CS-CO2\)](#)



## 2. Legal basis and assessment

### 2.1. Applicable environmental protection requirements

The essential requirements for environmental protection referred to in the first subparagraph of Article 9(2) of the Basic Regulation are the Standards and Recommended Practices (SARPs) contained in the chapters of, and appendices to, Volumes I, II and III of Annex 16 to the Convention on International Civil Aviation (ICAO Annex 16) for aircraft and engines for which that subparagraph applies.

The applicable environmental protection requirements in point 21.B.85(a) of Annex I (Part 21) and in point 21L.B.45 of Annex Ib (Part 21 Light) to Commission Regulation (EU) No 748/2012<sup>6</sup> for certification, and in point 21L.B.61 of Annex Ib (Part 21 Light) to that Regulation for declaration of design compliance refer to the above-mentioned essential requirements.

In accordance with Article 128(1) of the Basic Regulation, the European Commission is empowered to adopt delegated acts to amend the references to the provisions of the Chicago Convention referred to in the first subparagraph of Article 9(2), to update them in the light of subsequent amendments to those provisions which entered into force on 4 July 2018 and which became applicable in all Member States, in so far as such adaptations do not broaden the scope of the Basic Regulation.

*Note:* The chapters of ICAO Annex 16 include the applicability of the SARPs, the noise and emissions limits that shall not be exceeded, and some reference criteria. The appendices to Volumes I, II and III of ICAO Annex 16 provide the standardised methods for the evaluation of noise and emissions levels that are compared to the noise and emissions limits.

### 2.2. Why were CS-34, CS-36 and CS-CO<sub>2</sub> originally issued?

CS-34, CS-36 and CS-CO<sub>2</sub> were originally issued to include acceptable means to demonstrate compliance with the applicable environmental protection requirements as acceptable means of compliance (AMC) that referred to the appendices to Volumes I, II and III of ICAO Annex 16, which were excluded from the essential requirements in Article 6 of Regulations (EC) Nos 1592/2002<sup>7</sup> and 216/2008<sup>8</sup>. They also included guidance material (GM) to refer to the guidance in the Attachments to ICAO Annex 16 and to ICAO Doc 9501. These CSs contained neither certification specifications nor the applicable environmental protection requirements.

In accordance with the first subparagraph of Article 9(2) of the Basic Regulation, the appendices to Volumes I, II and III of ICAO Annex 16 are now considered an integral part of the essential

<sup>6</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (recast) (OJ L 224, 21.8.2012, p. 1) (<http://data.europa.eu/eli/reg/2012/748/oj>).

<sup>7</sup> Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 240, 7.9.2002, p. 1) (<http://data.europa.eu/eli/reg/2002/1592/oj>). Regulation no longer in force; date of end of validity: 07/04/2012.

<sup>8</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1) (<http://data.europa.eu/eli/reg/2008/216/oj>). Regulation no longer in force; date of end of validity: 10/09/2018.

requirements. Therefore, it is no longer necessary to make reference to these appendices in the AMC to CS-34, CS-36 and CS-CO<sub>2</sub>.

CS-34, CS-36 and CS-CO<sub>2</sub>, as last amended (i.e. CS-34 Amendment 4, CS-36 Amendment 6, and CS-CO<sub>2</sub> Issue 2), only refer to the requirements in Annex I (Part 21) to Commission Regulation (EU) No 748/2012 for the issuance of a type certificate or a restricted type certificate.

### **2.3. Procedures for the environmental protection certification of products**

Commission Regulation (EU) No 748/2012 lays down implementing rules for the airworthiness and environmental certification or declaration of compliance of aircraft and related products, parts and appliances, as well as for the capability requirements of design and production organisations.

As mentioned in Section 2.1, that Regulation provides for the applicable environmental protection requirements, which are the SARPs contained in Volume I, II and III of ICAO Annex 16 for aircraft and engines for which the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139 applies.

Commission Regulation (EU) No 748/2012 does not refer to environmental protection certification specifications that should be used as a basis for the environmental protection certification of a product.

### **2.4. Relevant records of compliance with the applicable environmental protection requirements**

The relevant records of compliance with the applicable environmental protection requirements are the applicable chapters of ICAO Annex 16 Volumes I, II and III, and the applicable amendment level of those volumes.

Current references to CS-34, CS-36 and CS-CO<sub>2</sub> in type-certificate data sheets (TCDSs) and type-certificate data sheets for noise (TCDSNs) do not constitute records of compliance with the applicable environmental protection requirements.



### 3. Repeal of CS-34, CS-36 and CS-CO<sub>2</sub>

Considering the assessment presented in Chapter 2, this Decision repeals CS-34, CS-36 and CS-CO<sub>2</sub> to prevent the future use of and reference to CS-34, CS-36 and CS-CO<sub>2</sub> and any potential confusion with the applicable environmental protection requirements referred to in the first subparagraph of Article 9(2) of the Basic Regulation.

This repeal has no impact whatsoever on existing compliance records in TCDSs and TCDSNs since these data sheets accurately record compliance with the applicable environmental protection requirements of ICAO Annex 16. The revision of existing data sheets that refer to CS-34, CS-36 and CS-CO<sub>2</sub> is not considered necessary.

