



Terms of Reference

for rulemaking task RMT.0514

Implementation of the latest CAEP amendments to ICAO Annex 16 Volumes I, II, and III

ISSUE 2

Issue/rationale

The European aviation industry needs to minimise its impact on the environment as much as possible while providing safe air transport. In addition, it is key to set European environmental requirements that are consistent with those in the rest of the world to ensure a level playing field for all actors in the aviation market.

Actions in this area will contribute to European policies on climate change, air quality, and noise reduction.

The International Civil Aviation Organisation (ICAO) develops standards and recommended practices for its Member States to implement in national laws, including on environmental protection. For the EU, the noise and emission requirements contained in Annex 16 to the Chicago Convention are directly applicable (Article 9(2) of Regulation (EU) 2018/1139).

The ICAO Committee on Aviation Environmental Protection (CAEP) regularly develops proposals for amendments to Annex 16. The purpose of this rulemaking task (RMT) is to propose amendments to align the EASA Basic Regulation and Part-21, certification specifications, and the related acceptable means of compliance and guidance material with the latest environmental protection requirements adopted by ICAO after every CAEP cycle.

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|-------------------------------|---|------------------------------|----------|
| Action area: | Noise, local air quality and climate change standards | | |
| Affected rules: | Basic Regulation; Part-21; AMC & GM to Part 21; CS-34; CS-36; CS-CO ₂ . | | |
| Affected stakeholders: | DOA and POA holders | | |
| Driver: | Environmental protection | Rulemaking group: | No |
| Impact assessment: | Full (by ICAO CAEP) | Rulemaking Procedure: | Standard |

• EASA rulemaking process milestones



1. Why we need to change the rules — issue/rationale

European environmental standards are defined by reference to ICAO standards. The ICAO Committee on Aviation Environmental Protection (CAEP) regularly develops proposals for amendments to Annex 16. The purpose of RMT is to propose amendments to the EASA Basic Regulation¹, Part-21², certification specifications, and the related acceptable means of compliance and guidance material, to align with the latest environmental protection requirements adopted by ICAO after every CAEP cycle.

2. What we want to achieve — objective

The overall objectives of the EASA system are defined in Article 1 of Regulation (EU) 2018/1139. This project will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 1.

The specific objective of this rulemaking task is to ensure a high uniform level of environmental protection by aligning the European Union rules and the associated AMC & GM with the ICAO Standards and Recommended Practices (SARPs) and guidance, as well as to provide a level playing field for all actors in the aviation market.

3. How we want to achieve it

In order to align with the latest ICAO Annex 16 SARPs, EASA will amend, as appropriate, the Basic Regulation, Part-21, CS-34, CS-36, CS-CO₂, and the related AMC and GM.

When doing so:

- ICAO State Letters;
- the latest editions of the Environmental Technical Manuals; and
- other rulemaking tasks having a link with RMT.0514

will be taken into account.

4. What are the deliverables

- Notice of Proposed Amendments (NPA)s proposing draft amendments to:
 - Basic Regulation
 - Part-21
 - AMC and GM to Part 21
 - CS-34, CS-36, and CS-CO₂

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018, or any future regulation repealing Regulation (EU) 2018/1139

² Annex I to Commission Regulation (EU) No 748/2012 of 3 August 2012, or any future regulation repealing Regulation No 748/2012



- Comment-Response Documents (CRDs) following the respective NPA public consultation periods.
- Opinions proposing amendments to the Basic Regulation and Part-21.
- EASA Executive Director Decisions amending CS-34, CS-36, CS-CO₂, and the respective AMC and GM.

5. How we consult

The standard rulemaking procedure will be used which includes the publication of an NPA. In case it would be appropriate the accelerated procedure³ or the direct publication procedure⁴ may be used.

6. Interface issues

N/A

7. Profile and contribution of the rulemaking group

N/A

8. Reference documents

8.1. Affected regulations

- 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)
- 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 (OJ L 224, 21.8.2012, p.1)

8.2. Affected decisions

- Decision No. 2003/3/RM of the Executive Director of the Agency of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft engine emissions and fuel venting (« CS-34 »)
- Decision No. 2003/4/RM of the Executive Director of the Agency of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft noise (« CS-36 »)
- ED Decision 2019/016/R of 29 July 2019 on Certification Specifications, Acceptable Means of Compliance and Guidance Material for Aeroplane CO₂ Emissions (« CS-CO₂ »)

³ Article 16 of the [EASA Management Board Decision 18-2015](#) (the 'Rulemaking Procedure')

⁴ Article 15 of the [EASA Management Board Decision 18-2015](#) (the 'Rulemaking Procedure')



- Decision No 2012/020/R of 30th October 2012 on acceptable means of compliance and guidance material 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 ('AMC and GM to Part 21; Issue 2')

8.3. Reference documents

- ICAO CAEP Reports
- ICAO State Letters related to amendments to Annex 16 Volumes I, II, and III
- Annex 16 to the Convention on International Civil Aviation
- ICAO Environmental Technical Manual (Doc 9501)

