

<b>EASA</b>	<b>COMMENT RESPONSE DOCUMENT</b>
	<b>Proposed Deviation to JAR/CS 25.815 In-Flight Compliance for Large Aeroplanes with fewer than 20 passengers under commercial operations</b> <b>Issue 1</b>

**Commenter 1 : Dassault Aviation**

**Comment # [1] – General**

We feel that this memo is based on false assumptions.

Several statements in this deviation proposal give the impression that the EASA never approved interiors with aisle encroachment in commercial operation.

The Falcon 7X has been EASA type certificated with such aisle encroached interior. Certification documentation issued for the Falcon 7X TC clearly shows that the interior was inspected by the EASA (panel 8) with full knowledge of the seat motion capabilities. We have several other examples of such FALCON interior accommodations which have been processed as major modifications and EASA approved since 2004 (20 as private transport and 21 as public transport).

**Comment :**

These statements are confusing.

Moreover, no accident or incident occurred that would substantiate any change in compliance with 25.815.

**EASA response:**

Whilst it is true that EASA has approved some max 19 seat cabin designs with features that encroach into the required aisle space, without operational restriction, specific certification documentation was not issued to highlight and record the fact (e.g. Deviation). This occurred due to the lack of indication from previous projects (i.e. pre EASA) that such documentation was required, the subject design features being essentially unchanged. As explained in the consultation text, a new Deviation approach must be introduced to formalise such cases until CS25 can be appropriately changed.

**Comment # [2] – General**

The FAA PS-ANM-25.815-01, to which the EASA deviation refers, states that “***The compliance methods apply to those programs with***

***an application date that is on or after the effective date of the final policy. If the date of application precedes the effective date of the final policy, and the methods of compliance have already been coordinated with and approved by the FAA or its designee, the applicant may choose to either follow the previously acceptable methods of compliance or follow the guidance contained in this policy.***

**Comment :**

It is therefore expected that this deviation will introduce no change for those already TC'd airplanes for which aisle encroachment has never been an issue as long as no certification basis updated is required (such as resulting from a significant cabin interior modification). Reference to RMT.0264 cannot be an argument for retroactivity of this deviation memo, as RMT.0264 conclusions will be incorporated into CS25 through a non-retroactive amendment to CS25.

Moreover, it is expected that the EASA will provide a clear applicability criteria for this deviation.

***EASA response:***

***It is confirmed that EASA has no intention to affect the status of already approved designs. The proposal is that EASA will in the future, where necessary, formalise the acceptance of designs for max 19 seat a/c by issuing Deviations to the requirements of JAR/CS 25.815. These deviations will of course only have effect on the associated future TC, Major Change and STC applications. With changes to the CS25 aisle width requirements (currently still being discussed in the RMT.0264 rulemaking activity) in place, an “elect to comply” alternative and preferred approval route will be available. Again, no retroactive effect is intended.***

***Comment # [3] – Statement of Issue***

The deviation provides a description of the consensus reached in the RMT.0264 working group.

**Comment :**

The third bullet gives the impression that the working group agreed to limit the aisle encroachment allowance to airplane capacities up to 19 in public transport. Actually, this precise point is the subject of a dissenting position. A significant part of the group was in favor of extending the aisle encroachment allowance to airplanes with more than 19 passengers in public transport.

***EASA response:***

***The commenter is correct in pointing out that there is indeed a significant part of the RMT.0264 rulemaking group that is in favour of allowing aisle encroachment during commercial air transport operations in aeroplanes with seating capacities of greater than 19. The wording of the above referenced bullet point is probably a reflection of the incomplete debate on the subject at the time the proposal was drafted. However, it can be confirmed that currently the issue of whether or not to allow the subject encroachment on commercially operated a/c with seating capacities greater than 19 is an area of dissent in the RMT.0264 Rulemaking activity. This dissent will be resolved in accordance with the applicable procedure.***

**Comment # [4] – Proposed Deviation**

The statement that naïve persons should be able to return the cabin to its fully compliant configuration is not logical. If the cabin is not in its TTOL configuration, it is because the occupants have played with the seats and tables. They are therefore no longer naïve regarding the operation of the cabin devices.

**Comment :**

The equivalent FAA policy statement introduces an objective criteria for the acceptability of the "significant delay". It is recommended that this deviation provides an acceptability criteria using the one proposed by RMT.0264.

**EASA response:**

The use of the term naïve was chosen in a relative sense, i.e. that persons having no more experience of the cabin than that gained during the first portion of their first flight on the aircraft in question should be able to easily return the cabin to its intended landing configuration.

As discussed above, allowable aisle encroachment is an area of dissent in the RMT.0264 rulemaking activity, including the aspect of agreed criteria to be used when determining the acceptability of a proposed design with aisle encroachments. Thus there are currently no agreed criteria to be provided.

**Commenter 2 : Airbus Corporate Jet Centre (ACJC)****Comment # [1] – Statement of Issue**

ACJC notes that EASA deviation will serve to cover an interim situation until superseded by the future certification requirement in preparation under the rulemaking task RMT 0264.

In particular, if this deviation is issued to address the aeroplanes up to and including 19 passenger seats used for commercial operations, this cannot serve as a basis to exclude the examination of extending this deviation to aeroplanes of greater capacity as long as they remain with a low occupancy (notion currently not developed but which is the basis of the future amendment proposed by the EIR working group) and comply with alternative performance requirements.

Indeed, it has long been expressed by several representatives of Business Aviation industry including ACJC that obstructions in the aisles of VIP interiors (in flight only) may be easily considered as less penalizing in wide cabins than in narrow ones because the limited cabin width which may render the obstructions more difficult to negotiate in small aeroplanes.

**Comment :**

ACJC position is that this deviation proposal is very reasonable even for commercial transportation (as the past practices reveal), and it should not be limited to the less than 20 passenger seats aeroplanes because the use of an aisle during flight is not for evacuation but for rapid access to any zone. Therefore ACJC position is that there is no reason to continuously mandate the width requirements of 25.815 during flight, but an alternative performance-based criterion to assess the acceptability or not of the presence of obstructions in the aisles should be proposed.

**EASA response:**

As explained elsewhere, the Rulemaking Group (RMT.0264) has been unable to reach agreement on the issue of allowing aisle encroachment on commercially operated a/c with seating capacities greater than 19. A dissenting position is currently registered and this will be resolved via the applicable procedure. This consultation will in no way affect the outcome.

**Comment # [2] – Proposed Deviation**

ACJC has commented FAA Policy Statement PS-ANM-25 815-01 at time of public consultation (mid 2012), and the following general questions arise from a general compatibility check.

**Comment :**

- 1) The EASA position appears to be globally in line with the final version of FAA Policy Statement PS-ANM-25 815-01 that took into account comments from several companies.

⇒ Question:

Does the EASA agree on the clarification brought by the FAA in the Comment Response Document issued for FAA Policy Statement PS-ANM-25 815-01.

In particular, do the additional clarifications for interpretation apply to interpret the deviation requirements of EASA?

Please consider the below example as an illustration:

On the subject of easy accomplishment of setting the cabin on TT&L configuration by naïve persons. When EASA states:

*“There is a cabin configuration that is fully compliant to CS25.815 that can be easily accomplished by naïve persons, considering*

*appropriate associated placarding and operational briefing and procedures.”*

Can the EASA confirm that this only apply to the placards and markings as FAA clarified below during comment response period?

- Extract of ACJC comment on FAA Policy Statement PS-ANM-25 815-01:

*“Naïve” subject testing requirement: The naïve subject testing requirement applied to executive airplanes is against the spirit of SFAR 109 (and the EIR WG activity) where the allowances for increased cabin flexibility are based on the principle that the concerned passengers will become familiar with the aircraft characteristics and TT&L configuration, and will have an enhanced awareness of the cabin features, thus a practical knowledge on how to move items in the cabin.*

- Extract FAA reply to ACJC comment:

*With respect to naïve subject testing, the intent is that persons who are otherwise unfamiliar with the general procedures and instructions will be able to understand what to do from reading the placard. Tests will not be required in all cases. The person making the compliance finding will determine whether substantiation by test is needed in conjunction with the FAA oversight office. However, recognizing the concerns regarding non-standardized application of the criteria, the policy has been amended to discuss the conditions where tests would be needed and expectations for naïve test subjects.*

2) The EASA position on “excessive effort or loss of time” is less detailed than the one clarified by FAA in Policy Statement PS-ANM-25 815-01.

⇒ Question:

Does the EASA agree on the current assessment criterion proposed by the FAA (that below “*three times as long as it takes to traverse the aisle in the unobstructed condition*”, this would not be considered as an excessive loss of time).

**EASA response:**

- 1) If an applicant feels that placards and markings alone are sufficient to provide enough information to passengers, this will be taken into account when making an assessment of the design’s acceptability. Passenger briefing and/or the introduction of new procedures are not seen as necessarily being required.
- 2) EASA does not feel that the “three times as long” criterion is sufficient to cover all cases, e.g. large cabins. Further discussions in the Rulemaking Group will be needed to resolve this.

**Commenter 3 : Embraer****Comment # [1] – Statement of Issue**

Embraer supports the EASA proposal to accept deviations for cabin interiors that allow interior components to be deployed into the minimum required aisle space required by CS 25.815. As stated in the proposal, this has been common practice for years, principally in purpose-built executive airplanes with 19 passengers or less without a private use only limitation.

**Comment :**

Embraer believes that the provisions of this policy can be safely extended to airplanes in commercial service with maximum passenger capacities above 19. Notwithstanding the fact that SFAR 109 and previous deviations have imposed a private use-only limitation to these type airplanes, Embraer believes that executive airplanes, even large ones with higher passenger capacities, have the need to use deployable items that can intrude into the aisle and can safely operate with these features.

[Those executive airplanes with higher passenger capacities are operated] in the same manner as the smaller ones and Embraer is aware of no reason why these larger airplanes with these deployable features would pose any greater safety risk than similar features in the commonly accepted 19-seaters.

**EASA response:**

As explained elsewhere, the Rulemaking Group (RMT.0264) has been unable to reach agreement on the issue of allowing aisle encroachment on commercially operated a/c with seating capacities greater than 19. A dissenting position is currently registered and this will be resolved via the applicable procedure. This consultation will in no way affect the outcome.

**Commenter 4 : Cobham Aviation Services****Comment # [1] – Statement of Issue**

The paper discusses commercial and non-commercial operations, is it referring to Commercial Air Transport or all commercial operations including potentially SPO type operations?

**Comment :**

Is that the deviation will not be acceptable to any aircraft that is operated for any commercial purpose.

I[~~f~~] would be grateful [~~to~~] clarify this issue.

***EASA response:***

**References to commercial operations are to be taken as covering operations for any commercial purpose.**