

European Aviation Safety Agency

DECISION 2012/012/R
OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY
OF 13 JULY 2012

**amending Decision 2003/14/RM of the Executive Director of the Agency
of 14 November 2003**

on

**Certification Specifications for Normal, Utility, Aerobatic,
and Commuter Category Aeroplanes ('CS-23')**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to 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/EC¹ (hereinafter referred to as the 'Basic Regulation'), and in particular Articles 18(c), 38(3)(a) and (e) thereof,

Having regard to Commission Regulation (EC) No 1702/2003 of 24 September 2003 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 organisations², and in particular section 21A.16A of the Annex (Part-21) thereof.

Whereas:

- (1) The Executive Director issued certification specifications including airworthiness code and acceptable means of compliance, for normal, utility, aerobatic and commuter aeroplanes ('CS-23') in the Annex to Executive Director Decision 2003/14/RM of 14 November 2003 (Initial Issue)³.

¹ OJ L 79, 19.03.2008, p. 1. Regulation as last amended by Regulation (EC) No 1108/2009 of 21.10.2009 of the European Parliament and of the Council (OJ L 309, 24.11.2009, p. 51).

² OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Regulation (EC) No 1194/2009 of 30 November 2009 (OJ L 321, 8.12.2009, p. 5).

³ Executive Director Decision 2003/14/RM of 14 November 2003 as last amended by Executive Director Decision 2010/008/R of 28 September 2010 (CS-23 Amendment 2 — corrigendum).

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- (2) The Agency shall, pursuant to Article 18 of the Basic Regulation, issue certification specifications and acceptable means of compliance, as well as guidance material for the application of the Basic Regulation and its implementing rules.
- (3) The Agency is obliged, pursuant to Article 19 of the Basic Regulation, to reflect the state of the art and the best practices in the fields concerned and to update certification specifications and acceptable means of compliance taking into account worldwide aircraft experience in service, and scientific and technical progress.
- (4) The Agency has determined the need to remove mention to Halon from 'Book 1' of all aircraft-related CSs, since halon is an ozone-depleting substance whose aeronautical use is progressively being banned according to Regulation (EU) No 744/2010⁴. Halon will therefore no longer be recommended for new designs, although CS-23 does not prevent its use.
- (5) Furthermore information on the development and use of alternatives to Halon is provided in the AMC material of Book 2, including the 'end dates' contained in EU legislation.
- (6) The Agency, pursuant to Article 52(1)(c) of the Basic Regulation and Articles 5(3), 6 and 7(2) of the Rulemaking Procedure⁵, has widely consulted interested parties on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received⁶.

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to the Executive Director Decision 2003/14/RM of 14 November 2003 containing the certification specifications, including airworthiness code and acceptable means of compliance, applicable to normal, utility, aerobatic and commuter aeroplanes ('CS-23') is replaced by the Annex to this Decision.

Article 2

This Decision shall enter into force on 20 July 2012. It shall be published in the Official Publications of the Agency.

Done at Cologne, on 13 July 2012

P. GOUDOU

⁴ Commission Regulation (EU) No 744/2010 of 18 August 2010 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, with regard to the critical uses of halons (OJ L 218, 19.8.2010, p. 2).

⁵ Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB 01/2012, 13.3.2012.

⁶ See NPA 2011-14 and CRD 2011-14; documents available on the Agency's website, under the Rulemaking Archives page: <http://easa.europa.eu/rulemaking/r-archives.php>.