



European Aviation Safety Agency

EXPLANATORY NOTE

EXECUTIVE SUMMARY

Article 6 of Regulation (EC) No 216/2008 defines the essential requirements for environmental protection by referring to ICAO Annex 16 Volume I and II^{1,2}. Part-21 of the Commission Regulation (EU) No 748/2012 refers to Chapters of the ICAO Annex 16 Volume II.

The latest amendment to ICAO Annex 16, Volume II contains a NO_x production cut-off requirement stating that the engines produced on or after the 1 January 2013 have to comply with the NO_x stringency level approved at CAEP/6³. However, ICAO Annex 16, Volume II introduces also the possibility of having exemptions to this requirement allowing for time adjustments to decrease negative economic impacts. The exemption process is described in ICAO Doc 9501, Volume II⁴.

The text related to the exemption process from ICAO Doc 9501, Volume II needed some adaptation in order to fulfil the needs of the Agency's regulation system. Moreover, it was necessary to make some key points binding. For this reason the Agency decided to introduce the exemption process at two different levels:

- the Commission Regulation amending the Basic Regulation for high level criteria;
- the AMC & GM to Part-21 for detailed process.

The purpose of this Decision is to amend Decision 2012/020/R in order to include the production cut-off exemption process into the AMC & GM to Part-21.

¹ Annex 16 to the Chicago Convention on International Civil Aviation - Environmental Protection, Volume I – Aircraft Noise, Sixth Edition July 2011.

² Annex 16 to the Chicago Convention on International Civil Aviation - Environmental Protection, Volume II – Aircraft Engine Emissions, Third Edition July 2008, Amendment 7.

³ CAEP/6 Standard was recommended at the 6th meeting of ICAO Committee on Aviation and Environmental Protection.

⁴ ICAO Doc 9501 – Environmental Technical Manual, Volume II – Procedures for the Emissions Certification of Aircraft Engines, First Edition 2010.

'Implementation of CAEP/8'
(AMC & GM Part-21 — Amendment 1 to Issue 2)

1. BACKGROUND

1. Regulation (EC) No 216/2008 (Basic Regulation) defines the essential requirements for environmental protection by referring to ICAO Annex 16. Article 6(2) states that when ICAO Annex 16 has been amended, adaptation of non-essential elements may be carried out in accordance with the regulatory procedure with scrutiny referred to in Article 65(5) of the same Regulation.
2. Amendment 7 to ICAO Annex 16, Volume II contains a NO_x production cut-off requirement stating that the engines produced on or after the 1 January 2013 have to comply with the NO_x stringency level approved at CAEP/6. The CAEP/6 NO_x production cut-off requirement provides certainty that non-compliant engines will no longer be produced after that date. However, Annex 16, Volume II introduces also the possibility of having exemptions to this requirement allowing for time adjustments to decrease negative economic impacts. The exemption process is described in ICAO Doc 9501, Volume II.
3. The text related to the exemption process from ICAO Doc 9501, Volume II needed some adaptation in order to fulfil the needs of the Agency's regulation system. Moreover, it was necessary to make some key points binding (e.g. the timeframe in which exemptions can be granted and the limitation of the number of exemptions) in order to ensure that the purpose of the production cut-off requirement is maintained. This was done in the proposed Opinion 06/2011 sent to the Commission on 02/12/2011.

2. GENERAL

4. ED Decision 2013/001/R amends ED Decision 2012/020/R of 30 October 2012 (AMC and GM to Part-21 Issue 2). This new amendment of AMC and GM to Part-21 incorporates the output from the following EASA rulemaking task:

Rulemaking Task No	TITLE	NPA No
BR.008	Implementation of CAEP/8 amendments	2011-08

5. The above-mentioned Notice of Proposed Amendment (NPA) 2011-08⁵ has been subjected to consultation on 16 May 2011 and is available on the Agency's website. The Agency has addressed and responded to the comments received on the NPA. The

⁵ See Rulemaking Archives at <http://easa.europa.eu/rulemaking/r-archives.php#npa>.

responses were incorporated into a Comment-Response Document (CRD) 2011-08 published on 17 October 2011⁶ and available on the Agency's website.

3. CRD REACTIONS

6. In response to the CRD 2011-08, the Agency received one substantive reaction regarding the AMC & GM to Part-21 amendment which is reproduced below together with the Agency's response. The other comments were suggesting texts for clarification that were taken into account in the case they capture the intent of the rule adequately.

Reaction to	Reaction by	Reaction	Response
AMC No 2 to 21A.163(c) - Completion of the EASA Form 1	Luftfahrt-Bundesamt	<p>AMC No 2 to 21A.163(c) - Completion of the EASA Form 1 requires explicitly the statement "[NEW] OR [SPARE] ENGINE EXEMPTED FROM [NOx] EMISSIONS PRODUCTION CUT-OFF REQUIREMENTS".</p> <p><u>Comment</u> - There is no similar requirement for engines produced under Subpart F. Please update the current AMC No 2 to 21A.130(b) accordingly.</p>	<p>Accepted</p> <p>The following change is proposed:</p> <p>AMC No 2 to 21A.130(b) Statement of Conformity for Products (other than complete aircraft), parts and/or appliances – The Authorised Release Certificate (EASA Form 1)</p> <p>A. INTRODUCTION ...</p> <p>5. COMPLETION OF THE CERTIFICATE BY THE ORIGINATOR ...</p> <p>Block 12 – Remarks Examples of conditions which would necessitate statements in block 12 are: ... • In case of an engine, when the Competent Authority has granted an emissions production cut-off exemption the following statement must be entered in block 12: ["NEW" OR "SPARE"] ENGINE EXEMPTED FROM NOx EMISSIONS PRODUCTION CUT-OFF REQUIREMENT'. Block 13b – Authorised Signature ...</p>

⁶ See Rulemaking Archives at <http://www.easa.europa.eu/rulemaking/r-archives.php>.