



# Terms of Reference

for a rulemaking task

## Implementation of CAEP/9 amendments

### Update of CS-34 and CS-36

RMT.0172 (BR.012), RMT.0083 (34.003) & RMT.0086 (36.007) — ISSUE 1 — 4.12.2013

<b>Applicability</b>		<b>Process map</b>	
Affected regulations and decisions:	Regulation (EC) No 216/2008; Annex I (Part 21) to Commission Regulation (EU) No 748/2012; CS-34; CS-36	Rulemaking lead:	R2
Affected stakeholders:	Design and production organisations	Concept Paper:	No
Driver/origin:	Environmental protection	Rulemaking group:	No
Reference:	n/a	RIA type:	Full (by CAEP)
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2014/Q2
		Duration of NPA consultation:	2 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	2014/Q4
		Publication date of the Decision:	2016/Q1

## 1. Issue and reasoning for regulatory change

Following its 9th formal meeting (CAEP/9) from 4 to 15 February 2013, the ICAO Council's Committee on Aviation Environmental Protection (CAEP) recommended amendments to ICAO Annex 16 Volume I (Aircraft Noise) and Volume II (Engine Emissions). These recommendations are the result of work conducted during the three years preceding the meeting in accordance with the CAEP/9 Work Programme. It is further envisaged that these proposed amendments, after consultation, will be adopted by the ICAO Council in the first quarter of 2014. Thereafter the adopted text will become applicable as Amendment 11 to ICAO Annex 16 Volume I, and as Amendment 8 to Volume II.

Concerning aircraft noise, the newly amended Volume I of ICAO Annex 16 includes a new chapter reflecting an increase in stringency for subsonic jet aeroplanes and propeller-driven aeroplanes, as well as a new noise standard for tilt-rotors.

Concerning engine emissions, the newly amended Volume II of ICAO Annex 16 essentially updates emission measurement specifications. No new standard or increased stringency on engine emissions was recommended at CAEP/9.

In addition to the amendments to ICAO Annex 16, Volume I (Aircraft Noise) and Volume II (Engine Emissions) of the Environmental Technical Manual (ETM) on the Use of Procedures in the Certification of Aircraft and Engines were approved at CAEP/9. The updated Environmental Technical Manual provides clarifications and additional guidance material for the certification of aircraft noise and aircraft engine emissions.

## 2. Objectives

The specific objective of these rulemaking tasks is to ensure a high uniform level of environmental protection by aligning the Agency's rules and 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. Activities

The activities of these specific tasks will consist in drafting a proposal to amend Regulation (EC) No 216/2008<sup>1</sup> (the Basic Regulation) and Annex I (Part 21) to Commission Regulation (EU) No 748/2012<sup>2</sup>, as well as the Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Part 21, CS-34 and CS-36.

## 4. Deliverables

The deliverables of these tasks will be the following:

- an Opinion with a draft Commission Regulation (EU) No .../... amending the Basic Regulation and Annex I (Part 21) to Commission Regulation (EU) No 748/2012, to be released in the fourth quarter of 2014;

<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and 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), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

<sup>2</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 (OJ L 224, 21.8.2012, p. 1).

- three Decisions to amend the Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Part 21, CS-34 and CS-36 respectively, to be released when the above Opinion is adopted, currently foreseen in the first quarter of 2016.

## 5. Profile and contribution of the rulemaking group

Not applicable as the proposed tasks will be performed by the Agency.

## 6. Annex I: Reference documents

### 6.1. Affected regulations

- Regulation (EC) No 216/2008 of the European Parliament and 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), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34)
- 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, and repealing Commission Regulation (EC) No 1702/2003 (OJ L 224, 21.8.2012, p.1), as last amended by Commission Regulation (EU) No 7/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 36)

### 6.2. Affected decisions

- ED Decision 2003/3/RM of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft engine emissions and fuel venting (« CS-34 »), as last amended by ED Decision 2013/002/R of 23 January 2013.
- ED Decision 2003/4/RM of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft noise (« CS-36 »), as last amended by ED Decision 2013/003/R of 23 January 2013.

### 6.3. Reference documents

- ICAO CAEP/9 WP/61, Report of the 9th meeting of the Committee on Aviation Environmental Protection, February 2013
- ICAO State Letter AN 1/17.14 - 13/60, Proposals for the amendment of Annex 16 Volume II concerning Standards and Recommended Practices relating to environmental protection (Aircraft Engine Emissions), 12 July 2013
- ICAO State Letter AN 1/17.14 - 13/61, Proposals for the amendment of Annex 16 Volume I concerning Standards and Recommended Practices relating to environmental protection (Aircraft Noise), 12 July 2013
- Annex 16 to the Convention on International Civil Aviation, Volumes I and II
- ICAO Environmental Technical Manual (Doc 9501), Volumes I and II