



Terms of Reference

for a rulemaking task

Implementation of the CAEP/10 amendments: Climate change, emissions and noise

RMT.0513 AND RMT.0514 — ISSUE 1 — 13.6.2016

Applicability		Process map	
Affected regulations and decisions:	Regulation (EC) No 216/2008 as amended by 2016/4; Commission Regulation (EU) No 748/2012 as amended by Regulation 2016/5 (Part-21); CS-34; CS-36; CS-CO ₂	Concept Paper:	No
Affected stakeholders:	Design and Production Organisations	Rulemaking group:	No
Driver/origin:	Environmental Protection	RIA type:	Full (by ICAO CAEP)
Reference:	N/a	Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2016/Q3
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	2017/Q2
		Publication date of the Decision:	2018/Q4



1. Issue and reasoning for regulatory change

Following its 10th formal meeting (CAEP/10) from 1 to 12 February 2016, 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), and the creation of a new Volume III (Aeroplane CO₂ emissions). These recommendations are a result of work conducted during the three years preceding the meeting in accordance with the CAEP/10 Work Programme. It is further envisaged that these proposed amendments, after consultation, will be adopted by the ICAO Council in the first quarter of 2017. Thereafter, the adopted text is expected to become applicable as Amendment 12 to the 7th Edition of ICAO Annex 16 Volume I, Amendment 9 to the 3rd Edition of Volume II, and 1st Edition of Volume III.

The amended Volume I of ICAO Annex 16 includes updates to the existing aircraft noise measurement specifications. No new standard on aircraft noise was recommended at CAEP/10.

The amended Volume II of ICAO Annex 16 includes updates to the existing aircraft engine emissions measurement specifications. In addition, a new non-volatile Particulate Matter (nvPM) emissions mass concentration standard has been introduced as Chapter 4 to Part III. This is supplemented by an Appendix 7 which contains the certification procedures including the measurement methodology, system operation and instrument calibration.

The new Volume III of ICAO Annex 16 introduces an aeroplane CO₂ emissions standard for both new and in-production aeroplane types.

In addition to the amendments to ICAO Annex 16, the Environmental Technical Manual (ETM) on the Use of Procedures in the Certification of Aircraft and Engines, Volume I (Aircraft Noise), Volume II (Engine Emissions) and a new Volume III (Aeroplane CO₂ emissions) were approved at CAEP/10. The updated ETM provides clarifications and additional guidance material to facilitate a harmonised implementation of Annex 16.

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 (the Basic Regulation) and Annex I (Part-21) to Commission Regulation (EU) No 748/2012, as well as CS-34, CS-36 and to establish CS-CO₂.

During the development of the draft rules and the RIA, the following activities will be considered:

- update of the rules to ensure a high uniform level of environmental protection which take into account agreements in ICAO;
- review of the structure of the requirements.

4. Deliverables

The deliverables of these tasks will be the following:

- a Notice of Proposed Amendment (NPA) during third quarter of 2016;



- a Comment Response Document(CRD), following the consultation period, in second quarter of 2017;
- 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 second quarter of 2017; and
- an Executive Director Decision to amend CS-34 and CS-36, and establish CS-CO₂, as well as the Acceptable Means of Compliance (AMC) and Guidance Material (GM). To be released when the above Opinion is adopted which is currently foreseen in the fourth quarter of 2018.

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)
- 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)

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 »)
- ED Decision 2003/4/RM of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft noise (« CS-36 »)

6.3. Reference documents

- ICAO CAEP/10 Report of the 10th meeting of the Committee on Aviation Environmental Protection, February 2016.
- Annex 16 to the Convention on International Civil Aviation.
- ICAO Environmental Technical Manual (Doc 9501).

