



Terms of Reference

for rulemaking task RMT.0687

Regular update of CS-23

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Issue/rationale

The European Aviation Safety Agency (EASA) reorganised CS-23 ‘Certification Specifications for Normal-Category Aeroplanes’, by replacing it with objective requirements and by moving prescriptive and technical details to the related acceptable means of compliance (AMC)/guidance material (GM) to CS-23. This AMC/GM to CS-23 will be annexed to a decision and published as a separate document. While the objective requirements are expected to remain unchanged, the more detailed AMC/GM will require regular amendments in order to take arising safety issues into consideration, keep the pace with constantly evolving technologies, and introduce new methods for showing compliance.

Regular updates are issued when relevant data is available following an update of industry standards or feedback from certification activities or minor issues raised by stakeholders. Therefore, this rulemaking task (RMT) is initiated to provide for the frequent updates to the technically detailed AMC/GM to CS-23. If needed, under this RMT, amendments to the CS-23 objective requirements will also be proposed, to cover non-controversial issues. Depending on the need for consultation, either the standard or a special rulemaking procedure will be used.

Action area:	Regular updates		
Affected rules:	CS-23 and AMC/GM to CS-23		
Affected stakeholders:	Certification authorities, General Aviation (GA), design approval holders (DAHs)		
Driver:	Efficiency/proportionality	Rulemaking group:	No
Impact assessment:	Light	Rulemaking Procedure:	Standard/direct/accelerated



1. Why we need to change the rules — issue/rationale

EASA reorganised CS-23 (Amendment 5) by replacing it with objective requirements that should be supported by related AMC/GM. The objective requirements are expected to remain unchanged, whereas the more detailed AMC/GM will require regular amendments in order to take arising safety issues into consideration, keep the pace with constantly evolving technologies, and introduce new methods for showing compliance.

EASA is facing a growing number of subjects that are candidates for the amendment of AMC/GM to CS-23. Such subjects vary in nature. Some of them may be directly driven by safety issues, while others may be primarily driven by other factors (for instance, the revision of referenced consensus standards used as AMC). Some of them are simple while others are complex items.

In order to increase the efficiency of the rulemaking process, it has been decided to decrease the administrative burden of individual RMTs and to group subjects that are considered non-complex, non-controversial, and mature for a notice of proposed amendment (NPA), subsequently leading to EASA decisions. This concept was reintroduced in the revised EASA Management Board (MB) Decision 18-2015¹ (see Article 3.5. on systematic rulemaking projects).

On a regular basis, EASA will make a review of the availability of such eligible items and propose an amendments to the affected rules.

2. What we want to achieve — objective

The overall objectives of the EASA system are defined in Article 2 of Regulation (EC) No 216/2008². This project will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 1.

The specific objective of this proposal is to regularly update CS-23 in order to reflect the state of the art and best practices. It therefore proposes to amend CS-23 based on the selection of non-complex, non-controversial, or mature subjects primarily stemming from developments in the referenced ASTM International standards. The ultimate goal is to increase safety.

Because of the generic nature of this RMT, this ToR remains open and has no end date. Each individual proposed amendment will, however, provide the specific planning and intended date for the decision to be issued.

3. How we want to achieve it

On a regular basis:

- select subjects meeting the criteria of the above-mentioned objectives;
- whenever enough subjects are available, propose an amendment to the affected rules;

¹ MB Decision N° 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ('Rulemaking Procedure') (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

² 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/EC (OJ L 79, 19.3.2008, p. 1) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1467719701894&uri=CELEX:32008R0216>).



- review comments received on the proposed amendment; and
- publish the conclusions based on the consultation of the proposed amendment, together with a decision amending CS-23 and/or AMC/GM to CS-23.

When the proposed amendment of AMC/GM to CS-23 consists of consensus standards developed with the involvement of industry and competent authorities, the consultation of those standards should be limited to a minimum for efficiency reasons.

4. What are the deliverables

For the current RMT on AMC/GM to CS-23, no NPA is planned. Instead a draft decision will be drafted and consulted with the EASA Advisory Bodies (ABs).

However, as this RMT is an open-ended one, the envisaged deliverables for the subsequent amendments are the following:

- NPAs explaining the subjects and proposing the related amendment of CS-23 and/or AMC/GM to CS-23 when public consultation of the subjects is required;
- comment-response documents (CRDs) to the above-mentioned NPAs; and
- the related decisions amending CS-23 and/or AMC/GM to CS-23.

5. How we consult

Due to the nature of this RMT (non-complex, non-controversial, and mature), the consultation process and time will be limited to a minimum.

When considered necessary, a focused consultation will be conducted that may include the following:

- technical meetings with affected stakeholders;
- technical meetings with the EASA ABs;
- consultation on key issues via surveys or via sharing documents per email with a limited group of stakeholders; and/or
- written EASA ABs consultations used only in the standard process as a tool to support the review of comments on the NPA.

6. Interface issues

N/a

7. Profile and contribution of the rulemaking group

No rulemaking group (RMG) is planned for this RMT.

8. Reference documents

8.1. Affected regulations

N/a



8.2. Affected decisions

Decision No. 2003/014/RM of the Executive Director of the Agency of 14 November 2003 on certification specifications, including airworthiness codes and acceptable means of compliance for normal, utility, aerobatic and commuter category aeroplanes ('CS-23').

8.3. Reference documents

N/a

