

European Aviation Safety Agency

**DECISION N° 2008/014/R
OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY
OF 18 DECEMBER 2008**

on

termination of rulemaking task 25.045 "Access through bulkheads" without amending Decision No 2003/2/RM of the Executive Director of the Agency of 17 October 2003 on Certification Specifications, Including Airworthiness Code and Acceptable Means of Compliance, for Large Aeroplanes (« CS-25 »)

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to the 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 "The Basic Regulation"), and in particular Article 18(c) thereof,

Having regard to Decision 08/2007 of the Management Board concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ("Rulemaking Procedure") adopted on 13 June 2007², and in particular Articles 3, 4, 5, 6, 7 and 8 thereof,

Whereas:

- (1) The Executive Director issued Certification Specifications including airworthiness code and acceptable means of compliance, for large aeroplanes (« CS-25 ») in the Annex to Executive Director Decision No 2003/2/RM of 17 October 2003 (Initial Issue)³.
- (2) The initial issue of CS-25 was based on the Joint Aviation Requirements for large aeroplanes "JAR-25" at amendment 15 of the Joint Aviation Authorities (JAA) whereas all the ongoing rulemaking activities in the JAA system were presented to the Agency for progressing under the Agency's rulemaking programmes.
- (3) The Executive Director, taking into account past JAA rulemaking work in this domain, established a rulemaking task 25.045 "Access through bulkheads" as specified in the Terms of Reference (ToR) 25.045 of 21 February 2006, later incorporated into the

¹ OJ L 79, 19.03.2008, p. 1.

² 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/08/07, 13.6.2007.

³ Executive Director Decision No 2003/2/RM of 17 October 2003 as last amended by Executive Director Decision 2008/006/R of 29 August 2008 (CS-25 Amendment 5).

18/12/2008

Agency's 2008 Rulemaking Programme⁴, with the objective to review the JAA proposal requiring an increased width of the aisle adjacent to monuments in order to improve flow of passengers during emergency evacuations.

- (4) It was concluded that, considering the results of the Regulatory Impact Assessment (RIA) conducted at the start of the 25.045 rulemaking task to assess the safety benefits of the proposed rule as well as its implementation cost and other possible impacts, the Agency should not continue with further rulemaking and should terminate the task without an amendment to CS-25 because only an insignificant safety benefit was to be gained if such a rule was adopted, while the implementing costs would be substantial.
- (5) The Agency, pursuant to Article 52(1)(c) of the Basic Regulation and articles 5(3) and 6 of the Rulemaking Procedure⁵, has widely consulted by means of Notice of Proposed Rulemaking (NPA) 2008-18 interested parties on the above conclusion not to amend CS-25 and has provided thereafter a written response in the Comment Response Document (CRD) 2008-18 to the comments received⁶.
- (6) The feedback from the above consultation showed prevailing support to the conclusion not to amend CS-25 and terminate the task.

HAS DECIDED:

Article 1

The rulemaking task 25.045 "Access through bulkheads" is hereby terminated without an amendment to CS-25.

Article 2

This decision shall enter into force on 18 December 2008. It shall be published in the Official Publication of the Agency.

Done in Cologne, on 18 December 2008.

P. GOUDOU

⁴ Executive Director Decision 2008/005/R of 14 July 2008 on the amendment of the 2008 Rulemaking Programme.

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 08/07, 13.6.2007.

⁶ For NPA 2008-18 and CRD 2008-18 see the Rulemaking Archives page http://www.easa.europa.eu/ws_prod/r/r_archives.php.