



TERMS OF REFERENCE

Task Nr:	26.001
Issue:	1
Date:	10 December 2010
Regulatory reference:	Regulation (EC) No 216/2008 ¹ , Article 5(6) and Article 5(5)(e)(vi) Certification Specifications CS-25 Amendment 9 (Final Decision 2010/005/R dated 05/08/2010 ²)
Reference documents:	NPA 2009-001 on 'Operational Suitability Certificate and Safety Directives', 16/01/2009 ³ TOR 25.040 ⁴ 'Type III exits (access and ease of operation)' NPA 2008-04 ⁵ on 'Type III Emergency exit access and ease of operation' FAA Final Rule Docket No. FAA 26530 (Amendment 25-76 and 121-228) JAR 26 amendment 3 subpart B for Commercial Air Transport (aeroplanes)

1. Subject: Additional airworthiness specifications for operations: Type III Emergency exit access and ease of operation

2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

a) Regulatory framework

In the JAA system, specific additional airworthiness specifications were prescribed under JAR-26 (Additional Airworthiness Requirements for Operations); in particular, Subpart B was dedicated to commercial air transport (Aeroplanes). If rendered mandatory by Member States' national laws, they were/are applicable to operators of aeroplanes operating under commercial air transportation. Further subparts of JAR-26 were reserved for other categories of aircraft and operations, but were not used.

Within the frame of EASA rulemaking task 21.039⁶, the Agency is defining a new regulatory

¹ 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). Regulation as last amended by Commission Regulation (EC) 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

² See Decision 2010/005/R on Agency Decisions page <http://easa.europa.eu/agency-measures/agency-decisions.php>.

³ See NPA 2009-01 on Rulemaking Archives page <http://easa.europa.eu/rulemaking/r-archives.php>.

⁴ See TOR 25.040 on ToR page <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php>.

⁵ See NPA 2008-04 on Rulemaking Archives page <http://easa.europa.eu/rulemaking/r-archives.php>.

⁶ Note: Task 21.039 contains additional subtasks from 21.039(a) to 21.039(k) in support of the Operational Suitability Data concept. Please refer to the Rulemaking Programme for details.

framework, including definition of Implementing Rules for the elaboration and adoption of additional airworthiness specifications for a given type of aircraft and type of operation. A proposal was made under NPA 2009-01. Its CRD as well as the final opinion are scheduled to be published by 2011. The final Opinion is scheduled for April 2011. This rulemaking task will provide the legal tools within the EU framework for imposing additional airworthiness specifications for operations and should be adopted by the European Commission in April 2012.

However, the exact form and details of the legal tool will not affect the technical substance of the measures to be imposed. The Agency has therefore decided to proceed with the preparation and public consultation of these measures in parallel with the finalisation of the legal tool(s) for imposing them.

Rulemaking task 21.039(k) covers the transfer of existing JAR-26 Amendment 3 requirements. In addition, the Agency is also developing new additional airworthiness specifications for operations which are identified in the Agency Rulemaking Programme and Planning. This rulemaking task (26.001) is one of these tasks.

b) Background for additional airworthiness requirement for operations on Type III Emergency exit access and ease of operation

Accidents of large aeroplanes equipped with Type III exits (Manchester, 1985, Los Angeles, 1991) indicated a need to further improve the access to and operation of the Type III exits in order to increase the number of occupants that can evacuate successfully through these exits. As a result of the harmonisation activity between the FAA and the JAA, regulatory changes were proposed to JAR/FAR 25.813 (c) by the Cabin Safety Harmonisation Working Group (CSHWG). The CSHWG proposals were considered by the JAA Cabin Safety Steering Group (CSSG) and reflected in their draft NPA 25D-270A.

This work resulted in Amendment 9 to CS-25, applicable for new Type certifications (as well as for significant change, as per Part 21A.101).

The amendment contains the following features:

- improved unobstructed access and passageway leading to type III/IV exits;
- placards to illustrate the proper method to open the type III/IV exit;
- Automatically Disposable Hatch for aeroplanes with more than 41 passengers (type III exit only).

In addition to the amendment of CS-25 (only applicable to new type certifications and in some cases of significant changes to type design), and as described in the TOR 25-040, consideration should be given to the need for a retroactive requirement. This proposed task aims to assess, based on the results of a Regulatory Impact Assessment, if the safety of large aeroplanes already type certificated (under operation or newly produced) could be improved by application of the new standards.

3. Objective:

The objective is to improve the access to and operation of Type III exits on already Type Certificated large aeroplanes operated in commercial air transport by identifying standard improvements based on the newly published CS 25.813 (Amendment 9 of CS-25).

4. Specific tasks and interface issues (Deliverables):

- Define the different regulatory options to reach the objective defined above;
- Based on the different options, establish the Regulatory Impact Assessment (RIA) and draft the measure that will fit in the newly defined legal framework;
- Determine the applicability (date, aircraft);
- Harmonise as much as possible with FAR 121 rules;
- Draft the specifications and, based on the available results of the task 21.039, determine the regulatory tool to mandate the specifications.

5. Working method (in addition to the applicable Agency procedures):

Group (continuation of the group 25.040)

6. Time scale, milestones:

NPA to be published in 2011/Q3.

Decision/Opinion to be published in 2012/Q3.