



**European Aviation Safety Agency
Rulemaking Directorate**

EXPLANATORY NOTE

CS-22 Amendment 1

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1. GENERAL

Executive Director Decision 2008/008/R amends Decision No 2003/13/RM of 14 November 2003 (CS-22 Initial Issue). It represents Amendment 1 to CS-22: Sailplanes and Powered Sailplanes, and incorporates the output from the following EASA rulemaking task:

Rulemaking Task No.	TITLE	NPA No.
22.004	Cockpit Crashworthiness	2007-12

The Notice of Proposed Amendment (NPA) has been subject to consultation in accordance with Article 52 of the Basic Regulation¹ and Article 15 of the Rulemaking Procedure established by the Management Board². For detailed information on the proposed changes and their justification please consult the above NPA which is available on the Agency's website.

The Agency has addressed and responded to the comments received on the NPA. The responses are contained in a comment-response document (CRD) which has been produced for this NPA (CRD 2007-12) and which is also available on the Agency's web-site.

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, 19.03.2008, p. 1).

² Decision MB/08/2007 of the Management Board of the Agency of 13 June 2007 amending and replacing Decision MB/07/2003 concerning the procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material (Rulemaking Procedure).

2. CRD REACTIONS

In response to the CRD 2007-12, the Agency received the following substantive reaction, which is reproduced below together with the Agency's response:

Reaction to	Reaction by	Reaction	Response
<p>the response to comment #14 by Walter Gessky on segment "A. Explanatory Note - V. Regulatory Impact Assessment"</p>	<p>Walter Gessky</p>	<p>Comment 14, page 10</p> <p>It is agreed, that the comment is outside of the scope of the NPA, but since based on accident investigation occupant safety is concerned, EASA should open a rulemaking task with regard to retroactivity of the subject. As a first step, a RIA should be done to evaluate if a rulemaking activity is required to increase safety of new derivatives and on existing models when manufactured after a certain time (five years) (similar to the heat release requirement.</p>	<p>A regulatory tool for imposing retro-active measures that introduce safety enhancements is currently not available, but will be developed through rulemaking task 21.039.</p> <p>Retroactive introduction of the measures will be considered when these tools are in place.</p>