

**Comment Response Document (CRD)  
to Notice of Proposed Amendment (NPA) 15/2005**

**for a Commission Regulation amending Regulation (EC) No 1592/2002 of the  
European Parliament and of the Council on common rules in the field of civil  
aviation and establishing a European Aviation Safety Agency,**

**for a Commission Regulation amending Commission Regulation (EC) No 1702/2003  
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**

**to amend the Executive Director Decision ED/2003/4/RM  
on certification specifications providing for acceptable means of compliance for  
aircraft noise (“CS-36”)**

**to implement the changes resulting from Amendments 8 of Volume I and  
amendment 5 of Volume II of Annex 16 of the Convention on international civil  
aviation concluded in Chicago on 7 December 1944.**

## Explanatory Note

### I. General

1. The purpose of the Notice of Proposed Amendment (NPA), dated 14 July 2005 was to propose an amendment to Article 6(1) of Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ("the Basic Regulation"), to adapt Commission Regulation (EC) No 1702/2003 of 24 September 2003 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 to amend the Executive Director Decision 2003/4/RM of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft noise ("CS-36"). These changes were proposed in order to update the European regulations and bring them in line with the latest version of the International Standards and Recommended Practices - Environmental Protection on Aircraft Noise and Aircraft Engine Emissions, Annex 16 to the Convention on International Civil Aviation, which became applicable on the 24<sup>th</sup> of November 2005.

### II. Consultation

2. The draft of the Executive Director Decision amending Article 6(1) of the Basic Regulation and to adapt Commission Regulation (EC) 1702/2003 and CS-36 was published on the web site ([www.easa.eu.int](http://www.easa.eu.int)) on 14 July 2005.  
By the closing date of 14 October 2005, the Agency had received 22 comments from 12 national authorities, professional organisations and private companies.

### III. Publication of the CRD

3. All comments received have been acknowledged and incorporated into a Comment Response Document (CRD). This CRD contains a list of all persons and/or organisations that have provided comments and the answers of the Agency.
4. In responding to comments, a standard terminology has been applied to attest EASA's acceptance of the comment. This terminology is as follows:
  - **Accepted** – The comment is agreed by the Agency and any proposed amendment is wholly transferred to the revised text.
  - **Partially Accepted** – Either the comment is only agreed in part by the Agency, or the comment is agreed by the Agency but proposed amendment is partially transferred to the revised text.
  - **Noted** – The comment is acknowledged by the Agency but no change to the existing text is considered necessary.
  - **Not Accepted** - The comment is not shared by the Agency.

5. All comments received support the incorporation of ICAO Amendments 5 and 8 into Community law and the related adjustment of Article 6 and Part 21. Several commenters however indicated they had expected that the Member States would be given the choice between three different options for noise certification documentation as it was proposed by ICAO. This seems incompatible though with the provisions of the Basic Regulation, which requires common standards across the whole community. It would therefore not be possible to leave to the Member States to decide what option they prefer. Such a choice has to be done at Community level and be implemented to all Community operators without discrimination.
6. Changing to another administrative system can be considered, but as this would be a significant deviation from what was covered in NPA 15/2005, such a change needs to go through a separate rulemaking process. The Agency intends therefore to issue an advanced notice of proposed amendment (A-NPA) requesting opinions on this issue and preferences for one or another option. If the outcome of this consultation shows sufficient support for a change, the Agency will initiate on this basis a rulemaking task to amend the administrative system for issuing noise documents. In order to expedite this and in order to minimize the delay of the implementation of the CAEP/6 amendments, as there is a need to comply with ICAO Standards, the opinion for amending Article 6(1) of Regulation (EC) No 1592/2002 and to adapt Regulation (EC) No 1702/2003 and this CRD are published at the same time to close the on-going rulemaking task.

| Com-<br>ment # | Para                                 | Commentor | Comment/justification  | Response  | Resulting text |
|----------------|--------------------------------------|-----------|--|---|----------------|
| 1.             | Draft Proposal for change to Part 21 | DGAC-F    | <p>Although according paragraph 11.2 of the explanatory note, “this NPA proposes to amend Part 21 such that it is in line with the latest amendment of ICAO Annex 16, Volume I”, we consider that this not exactly the case. As reminded in paragraph 8.5 of the explanatory note, one of the purpose of amendment 8 to Annex 16, Volume I, was to propose new guidelines to facilitate the administration of noise documentation. In order to do so, chapter 2.3 of Annex 16, Volume I, Attachment G proposes three format for noise documentation: - Option one with all information on the noise certificate; - Option two with information concerning identification of the aircraft and statement of compliance on the noise certificate and rest of the information in the AFM - Option three with information concerning identification of the aircraft and statement of compliance on the noise certificate, information on different configurations in AFM and information on configuration operated in a third document. However only option 1 format is proposed in the NPA. The two other options must be proposed to the applicant and the corresponding formats must be included in Part 21. In addition we believe that guidance material should be provided in CS 36 on how option 2 and 3 should be implemented, in particular where and under which format additional information should be included in the AFM and what should be the form of option 3 third document.</p> <p><u>Justification:</u><br/>The proposed format for the Noise Certificate corresponds only to one of the three options accepted by ICAO after lengthy discussions in CAEP. This restriction would create competition distortion detrimental to the European Industry that we consider unacceptable.</p> | <p>Noted.</p> <p>Refer to response to comment from AEA.</p> | unchanged      |

| Com-ment # | Para   | Commentor         | Comment/justification   | Response   | Resulting text |
|------------|--|-------------------|---|--|----------------|
| 2.         | <p>Explanatory Note</p> <p>"to remove the obligation to include noise information in the flight manual "</p> | Dassault Aviation | <p>As it is said in ICAO Annex 16, Attachment G, "the information is provided for the benefit of States that wish to have further guidance on the administration of noise certification documentation". Paragraph 2.1.5.Item 4, is in relation with the "nationality or common mark and registration marks as issued by the State of Registry". In this context, no indication relative to Type Certificate is mentioned but only for individual certification documentation.</p>   | Noted  | unchanged      |
| 3.         | Draft Proposal for change to Part 21   | Dassault Aviation | <p>DASSAULT AVIATION is not agreed to delete any obligation to include noise information in the airplane flight manual.</p> <p><u>Justification:</u><br/>                     To answer to the "wide variety of administrative needs" airframers have to comply with these needs and consequently will have to provide every kind of noise certification documentation: in-fine, it will be not a cost reduction for the industry. For business aircraft, small airports have or will produce some noise restrictions. Operators can use approved data provided by information in AFM as defined in Annex 16 Vol1, to be used as abatment noise procedures. So for these considerations the Option 3 as defined in the Appendix G of the Annex 16, Amendment 8 will be agreed for every operator that could have the material on board to answer for any operational requirements of any airport rules at any given time. DASSAULT AVIATION considers that in regards of the suppression of the obligation to include noise information in the flight manual, there is no cost reduction by this proposal but only some uncompetitor considerations</p> | <p>Not Accepted.</p> <p>The proposed text does not preclude that the noise information is included in the AFM, it just takes away the obligation to do so. However The Agency considers such inclusion unwanted as this would cause redundancy with the Noise certificate.</p> | unchanged      |
| 4.         | General Comment  | FAA               | FAA concurs without comment   | Noted.   | unchanged      |

| Com-ment # | Para   | Commentor         | Comment/justification  | Response  | Resulting text |
|------------|--|-------------------|--|---|----------------|
| 5.         | Explanatory Note<br><br>"This NPA proposes to amend Part21 such that it is in line with the latest amendment of ICAO Annex 16 Volume I". | Dassault Aviation | In ICAO Annex 16 Vol 1 Amendment 8, the Attachment G defines the formats for noise certification documentation by "three alternative standardized options" depending on the administrative system. In the Option 1, it is quoted that "only one certificate per aircraft serial number should be issued and be valid at the same time". By this point we can observe that the Type Certificate is not referred yet. By this proposal there will be a lack about the Type Certificate. The NPA explanation is not in line with "unaltered" ICAO.  | Not Accepted.<br><br>It is not intended to change the type certificate.   | unchanged      |
| 6.         | Draft Proposal for change to Part 21<br><br>21A.204(b)1. (ii) and 21A.204(b)2 (i)  | ASD, Belgium      | Modify proposed text of above mentioned paragraphs as follows: SECTION A REQUIREMENTS FOR APPLICANTS AND ACQUIRED RIGHTS AND OBLIGATIONS .. SUBPART I NOISE CERTIFICATES .. 21A.204 Application .. (b) 1. (ii) The noise information determined in accordance with the applicable noise requirements. This information may be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft. (b) 2. with regard to used aircraft: (i) The noise information determined in accordance with the applicable noise requirements. This information may be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft, and .. ..<br><br><u>Justification:</u><br>The possibility to provide required noise information in the aircraft flight manual must be retained for reasons listed in separate ASD letter ref 341dated 14 October 2005 (see copy attached). | Not Accepted.<br><br>The proposed text does not preclude that the noise information is included in the AFM, it just takes away the obligation to do so. However The Agency considers such inclusion unwanted as this would cause redundancy with the Noise certificate. | unchanged      |
| 7.         | General Comment  | CAA, NL           | No comments  | Noted   | unchanged      |
| 8.         | General Comment  | CAA-UK            | No comments  | Noted   | unchanged      |

| Com-ment # | Para  | Commentor      | Comment/justification  | Response  | Resulting text |
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| 9.         | <p>Explanatory Note</p> <p>All paragraphs</p> | Airbus, France | <p>Parag. II - 5 stipulates that "...this tasks only aims at transposing into EU law and agency rules decisions already made by ICAO and supported by Member States..." In fact, it appears that the way the ICAO amendment has been introduced into EASA draft is quite far from a simple transposition. We observe that, from the Appendix G that was added to the ICAO Annex 16 vol. 1, the noise certificate template only seems to have been retained in Part 21 / Section A / Subpart 1 (Noise Certificate). In addition, the reference to the flight manual has been deleted from this section. The EASA proposal, to say the least, is a truncated transposition. The implications of not retaining the entire text of Appendix G can be considerable: it would generate serious concrete difficulties not only to the operators and to the manufacturers, extending from the time of aircraft sales campaigns to the entire operation, also impacting authorities and airports: no consideration for weight differences and variations ("flexible weight" and multiple weight variant contracts, configuration changes associated with seasonal effects, aircraft individual noise certification documentation management, aircraft sub-fleet re-allocation associated with maintenance constraints, etc). While ignoring the realities inherent to the world of aircraft contracts, configuration evolutions and operations, such impractical approach is prone to cause additional work and costs (including for authorities), inefficiencies, environmental impacts, unfair and inequitable situations, undue penalties and distortion of competition. In summary, implementing the proposed EASA NPA draft would imply removing the operational flexibility that was a need recognized by all stakeholders and that was the very reason for the change to the Annex 16, vol.1. This would seem to be contrary to the spirit and the letter of ICAO amendment 8. It would negate the significant efforts made by all the parties involved during several years of CAEP dedicated activities involving multiple deep discussions leading to the final</p> | <p>Noted.</p> <p>Refer to response to comment from AEA.</p> | unchanged      |

| Com-<br>ment # | Para | Commentor | Comment/justification   | Response | Resulting text |
|----------------|------|-----------|---|----------|----------------|
|                |      |           | <p>consensual ICAO amendment. More generally, it is quite difficult to understand such large deviations from international standards and recommended practices. We view these deviations as going in a direction opposite to the one that lead to past achievements, and to the EASA apparent willingness to adopt from the start a regulatory system consistent with the international one. These deviations are inconsistent with past years of intensive harmonisation efforts between JAA, FAA and ICAO regulations, through an emulative and fruitful international collaborative process that had been praised by all parties involved, and to which the manufacturers contributed extensively. What can be the benefit of unweaving the construction resulting from these efforts? We consider that the amendment 8 in its entirety provided an improved common understanding on the noise certification documentation, addressed adequately the flexibility needs identified, and was consistent with best current practices including the use of the Aircraft Flight Manual. Altogether, it provided a realistic balanced and flexible frame and allowed a more fair and equitable treatment, less prone to generate distortion of competition. In addition, taking better into account the actual operational configurations was consistent with the on-going efforts at international level to enhance the current certification scheme by making it more representative of the noise in operation. Also, it was creating an incentive for using configurations that minimise noise in operation. Conversely, the lack of flexibility would be likely to have counterproductive effects, would penalise operators unduly, and could impact the credibility of the certification scheme. Based on the above Airbus strongly recommends the adoption by EASA of the ICAO amendment 8 in its entirety.</p> <p><u>Justification:</u><br/>To be fully in line with new amendments 8 for Vol 1 and 5 for Vol 2 of ICAO Annex 16.</p> |          |                |

| Com-<br>ment # | Para   | Commentor                 | Comment/justification   | Response   | Resulting text   |
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| 10.            | Draft Proposal for change to Part 21<br><br>Explanatory Note Paragraph 12 (Purpose and Intended Effects) / GM 21B.425(a), paragraph 1.2 (Completion instruction) | Eurocopter<br>Deutschland | <p>- Proposed changes to Part 21 does not consider the article 21A.204(b)2(i) only, but also the 21A.204(b)1(ii). The article 21A.204(b)1(ii) should therefore be added into paragraph 12 of Explanatory Note as follows: '., to amend Commission Regulation (EC) No 1701/20037 Articles 21A.204(b)1(ii) and 21A.204(b)2(i) to remove the obligation to include noise information in the flight manual ..'</p> <p>- In order to reflect the proposed changes to the Noise Certificate in Appendix VI of Part 21, the allocation of block numbers in GM 21B.425(a) paragraph 1.2 should be modified accordingly. For example, the block number 4 in the current text of guidance GM 21B.425(a) is allocated for Engine Designation, but in the proposed changes the block number 4 stands for Nationality and Registration Marks, and so on. ECD proposes that the NPA 15-2005 be expanded to address those modification in GM 21B.425(a).</p> <p><u>Justification:</u><br/>None</p> | <p>Agreed.</p> <p>The exclusion of 21A.204(b)1(ii) in paragraph 12 was an oversight.</p> | <p>In Article 21A.204 (b) (2) (i) the sentence “ This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft” is deleted.</p> <p>The GM 21B.425(a) will be adapted to match with Form 45.</p> |
| 11.            | Draft Proposal for change to Part 21<br><br>GM 21B.425(a), paragraph 1.2 (completion instructions for noise certificate)   | ASD,<br>Belgium           | <p>Replace the completion instructions by text consistent with Annex 16 Volume I, Amendment 8, Attachment G, paragraph 2.1</p> <p><u>Justification:</u><br/>The NPA omitted to make the noise certificate completion instructions consistent with the ICAO and EASA Form 45 format. The numbering and wording of blocks have to be changed. Note: ASD also requests addition of a text to GM 21B.425(a), paragraph 1.2, to reflect the three options contained in Amendment 8 to Annex 16, Vol 1, Appendix G: see separate ASD letter ref 341 dated 14 October 2005 (see copy attached) and separate comment form on same paragraph.</p>  | Partially accepted.  | The GM 21B.425(a) will be adapted to match with Form 45.   |

| Com-<br>ment # | Para   | Commentor         | Comment/justification  | Response            | Resulting text   |
|----------------|--|-------------------|--|---------------------|--|
| 12.            | Draft Proposal for change to Part 21<br><br>GM 21B.425(a), paragraph 1.2 (completion instructions for noise certificate) | Airbus, France    | Replace the completion instructions by text consistent with Annex 16 Volume I, Amendment 8, Attachment G, paragraph 2.1<br><br><u>Justification:</u><br>The NPA omitted to make the noise certificate completion instructions consistent with the ICAO and EASA Form 45 format. The numbering and wording of blocks have to be changed. We also request addition of a text to GM 21B.425(a), paragraph 1.2, clearly showing that the flexibility allowed by the three CAEP options is maintained in Europe: see our separate comment form on the same paragraph.   | Partially accepted. | The GM 21B.425(a) will be adapted to match with Form 45. |
| 13.            | Explanatory Note   | Dassault Aviation | Since several years ICAO/CAEP has worked hard to harmonize noise standards. The final rules have been adopted mainly between ICAO, Annex 16 (Amendment 7), FAA 14CFR, Part 36 (Amendments 24 to 26) and JAA, JAR36 (NPA- 36-003). Today the EASA CS36 have been created by referring to the ICAO Amendment 7. Moreover, the FAA 14CFR, Part 21 and JAA, Part 21 have been harmonized with the Administrative Chapter of the ICAO Annexe 16, Vol 1. DASSAULT AVIATION thanks EASA to amend the Certification Specifications for Aircraft Noise (CS36) and Emissions (CS34) to be compliant with the last Amendments (8 for noise and 5 for emissions) of the international standards Annex 16 adopted by ICAO Council with the State Letter AN 1/61.1-05/31 of 24 March 2005. DASSAULT AVIATION thanks EASA to be attentive to reduce the certification costs for industry by adopting the last modifications voted by the technical Committee of ICAO during its plenary session CAEP/6 and the 35th Assembly. | Noted               | unchanged  |

| Com-<br>ment # | Para               | Commentor       | Comment/justification  | Response  | Resulting text |
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| 14.            | General<br>Comment | AEA,<br>Belgium | <p>The AEA has received a copy of EASA NPA 15-2005 incorporating Amendment 8 to ICAO Annex 16, which deals with the use of procedures in the noise certification of aircraft. We would like to offer the following comments. We note that the EASA proposal only provides for the use of one of the three options set out in Amendment 8. May we draw your attention to the fact that, when adopting this Amendment, none of the ICAO States lodged any national variances? Therefore, we are not in a position to accept that EASA, as an EU Institution, introduces such restrictions when transposing this Amendment into EU legislation, thus unduly reducing the flexibility required by airlines to operate their fleet efficiently. Our main concern relates to the documentation regarding the noise certification of individual aircraft, which should not be confused with aircraft type certification. In fact, we believe EASA assumes that the noise configuration of an individual aircraft never varies, and that its initial noise certificate (which is normally issued before the aircraft's first flight) remains unchanged during its entire lifetime. Such an assumption does not at all reflect actual operational practices. In order to avoid an unhelpful repetition of the debate which took place within ICAO over three years, we urge EASA to transpose ICAO Amendment 8 without any changes, namely incorporating the three options, so as to guarantee the flexibility needed for both national authorities and aircraft operators. In effect, the EASA suggestion further removes the flexibility that other "States" still have and puts European airlines at a competitive disadvantage - especially with US carriers who, it must be remembered, are not even required to carry a Noise Certificate. It is important that EASA does not impose stricter rules on its own industry in what is supposed to be an international level playing field. If you feel that more details would be useful in view of the complexity of this issue, a group of experts from our member airlines could meet with your services at your earliest</p> | <p>Noted.</p> <p>Amendment 8 of Annex 16, Volume 1 provides guidelines to the noise documentation and suggests states to align on one of three options.</p> <p>When adopting Regulation 1702/2003, anticipating amendment 8, the Community opted for the so-called option 1 and enshrined Form 45 in its implementing rules. This was not disputed at the time (see the related CRD).</p> <p>The present NPA aims therefore only at refining the related provisions of Part 21as the final form adopted by ICAO presents few editorial differences with that known at the time of adoption of Form 45. As no negative comments were received from users of the information in the noise documentation, the Agency intends to proceed with the necessary changes to be fully in line with the ICAO Standard.</p> <p>One member state and several industry representatives suggested however changing the administrative system and make available all three options accepted by ICAO. This seems incompatible with the provisions of the Basic Regulation, which requires common standards across the whole Community. It would therefore not be possible to</p> | unchanged      |

| Com-<br>ment # | Para | Commentor | Comment/justification  | Response  | Resulting text   |
|----------------|------|-----------|--|---|------------------|
|                |      |           | <p>convenience to clarify our position. We thank you for taking our views into consideration. We note that the EASA proposal only provides for the use of one of the three options set out in Amendment 8. May we draw your attention to the fact that, when adopting this Amendment, none of the ICAO States lodged any national variances? Therefore, we are not in a position to accept that EASA, as an EU Institution, introduces such restrictions when transposing this Amendment into EU legislation, thus unduly reducing the flexibility required by airlines to operate their fleet efficiently. Our main concern relates to the documentation regarding the noise certification of individual aircraft, which should not be confused with aircraft type certification.</p> <p>In fact, we believe EASA assumes that the noise configuration of an individual aircraft never varies, and that its initial noise certificate (which is normally issued before the aircraft's first flight) remains unchanged during its entire lifetime. Such an assumption does not at all reflect actual operational practices.</p> <p><u>Justification:</u><br/>In order to avoid an unhelpful repetition of the debate which took place within ICAO over three years, we urge EASA to transpose ICAO Amendment 8 without any changes, namely incorporating the three options, so as to guarantee the flexibility needed for both national authorities and aircraft operators. In effect, the EASA suggestion further removes the flexibility that other "States" still have and puts European airlines at a competitive disadvantage - especially with US carriers</p> | <p>leave Member States decide what option they prefer. Such choice has to be done at Community level.</p> <p>Changing to another administrative system can be considered, but as this would be a significant deviation from what was initially covered by in NPA15 -2005, such a change would need to go through a separate rulemaking process. The Agency intends therefore to issue an A-NPA requesting opinions on this issue and preferences for one or another option. If the outcome of this consultation shows sufficient support for a change, the Agency will initiate on this basis a rulemaking task to amend the administrative system for issuing noise documents.</p> <p>Not Accepted.</p> <p>The Agency is well aware that aircraft change over their lifetime. Such changes can be covered by the current system as the noise certificate can be amended accordingly.</p> | <p>unchanged</p> |

| Com-ment # | Para   | Commentor    | Comment/justification   | Response   | Resulting text |
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|            |  |              | who, it must be remembered, are not even required to carry a Noise Certificate. It is important that EASA does not impose stricter rules on its own industry in what is supposed to be an international level playing field.  |  |                |
| 15.        | Draft Proposal for change to CS36<br><br>EASA Form 45  | Ryanair      | The form needs to be revised to take into account those aircraft/operators who operate their aircraft at differing certified Gross weights.<br><br><u>Justification:</u><br>In Ryanair, the Irish Aviation authority has approved a Flight Manual change showing 3 different Maximum Take-off weights. (Interalia, the IAA have approved an engineering modification to show in the cockpit a decal with the current maximum weight). The EASA form 45, fails to allow for differing maximum certified weights.   | Not Accepted.<br><br>The Agency is well aware that aircraft change over their lifetime. Such changes can be covered by the current system as the noise certificate can be amended accordingly. | unchanged      |
| 16.        | Draft Proposal for change to Part 21<br><br>GM 21B.425(a), paragraph 1.2 (completion instructions for noise certificate) | ASD, Belgium | The noise certificate completion instructions should be complemented in order to reflect that either one of the three options allowed in Annex 16 Vol. I, Appendix G, can be used. ASD therefore requests addition of a text along the following lines: 'Blocks 7 through 17 may either: – (Option 1) directly contain the required information, – (Option 2) refer to an approved page of the AFM or AOM; or – (Option 3) refer to an approved set of pages of the AFM or AOM listing the required information for all the configurations operated or forecast to be operated in the fleet of aircraft to which the AFM or AOM relates, complemented by a document stating the configuration under which the individual aircraft is operated. If multiple documents have been issued under option 2 or 3, it should be obvious from the documentation which document is applicable at any given time.'<br><br><u>Justification:</u><br>The proposed change to Part 21 should not deviate from Amendment 8 to ICAO Annex 16 Volume I, Appendix G, and therefore should retain the three options offered by Appendix G of Annex 16, thus keeping the | Noted.<br><br>Refer to response to comment from AEA.   | unchanged      |

| Com-ment # | Para   | Commentor        | Comment/justification  | Response  | Resulting text |
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|            |  |                  | possibility of using the aircraft flight manual for the provision of required noise information. Importance of such adherence to agreed ICAO standards are outlined in separate ASD letter ref 341dated 14 October 2005 (see copy attached).   |   |                |
| 17.        | Draft Proposal for change to Part 21<br><br>GM 21B.425(a), paragraph 1.2 | Airbus, France   | <p>The noise certificate completion instructions should be complemented in order to reflect that either one of the three options allowed in Annex 16 Vol. I Attachment G can be used. We request addition of a text along the following lines: “Blocks 7 through 17 may either: – (Option 1) directly contain the required information, – (Option 2) refer to an approved page of the AFM or AOM; or – (Option 3) refer to an approved set of pages of the AFM or AOM listing the required information for all the configurations operated or forecast to be operated in the fleet of aircraft to which the AFM or AOM relates, complemented by a document stating the configuration under which the individual aircraft is operated. If multiple documents have been issued under option 2 or 3, it should be obvious from the documentation which document is applicable at any given time.”</p> <p><u>Justification:</u><br/>For all reasons developed in our general comment form on the explanatory note, we request a text clearly showing that the flexibility allowed by the three CAEP options is maintained in Europe.</p> | <p>Noted.</p> <p>Refer to response to comment from AEA.</p>   | unchanged      |
| 18.        | Draft Opinions   | Transport Canada | <p>The NPA does not discuss the acceptability or effect of the 90 days maintenance exemption introduced in chapters 2, 3, 4, and 5 of ICAO Annex 16, on aircraft registered in Europe or on EASA form 45 validity. How is EASA planning to manage the 90 days exemption issue ?</p> <p><u>Justification:</u><br/>N/A</p>   | <p>Noted.</p> <p>The 90 day rule is intended to be used in a pragmatic way. When an aircraft is changed to a configuration for which the TC specifies that the aeroplane may not be operated in that configuration for more than 90 days AND the change is the result of a required maintenance action, the</p> | unchanged      |

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|            |   |                   |  | <p>noise certificate does not have to be changed as the aircraft is in compliance with the applicable type design.</p> <p>The practical implementation and inspection of this will be part of detailed procedures developed by competent authorities when implementing Section B, Subpart I of Part 21.</p> <p>No changes are needed since the legal basis is already in the essential requirements.</p> |  |
| 19.        | <p>Draft Proposal for change to Part 21</p> <p>GM 21B.425(a), paragraph 1.2</p> | Dassault Aviation | <p>This paragraph has to be amended because the Blok definitions are not compliant with the Noise Certificate as defined in the NPA 15-2005. The new release of the noise certificate completion instructions should be complemented in order to reflect that either one of the three options allowed in Annex 16 Vol. I, Appendix G, can be used. DASSAULT AVIATION requests addition of a text along the following lines by taking account the noise certificate definition in the NPA 15-2005: 'Items 7 through 17 following may either: – (Option 1) directly contain the required information, – (Option 2) refer to an approved page of the AFM or AOM; or – (Option 3) refer to an approved set of pages of the AFM or AOM listing the required information for all the configurations operated or forecast to be operated in the fleet of aircraft to which the AFM or AOM relates, complemented by a document stating the configuration under which the individual aircraft is operated. If multiple documents have been issued under option 2 or 3, it should be obvious from the documentation which document is applicable at any given time.'</p> | Partially Accepted.  | The GM 21B.425(a) will be adapted to match with Form 45. |

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|------------|---|-------------------|---|--|----------------|
| 20.        | Explanatory Note<br><br>If "implement alternative requirements" were adopted "this would almost certainly lead to higher costs for industry". | Dassault Aviation | To answer to the "wide variety of administrative needs" airframers have to comply with these needs and consequently will have to provide every kind of noise certification documentation. In-fine, it will be not a cost reduction for the industry.<br><br><u>Justification:</u><br>For business aircraft, small airports have or will produce some noise restrictions. Operators can use approved data provided by information in AFM as defined in Annex 16 Vol1, to be used as abatement noise procedures. So for these considerations the Option 3 as defined in the Appendix G of the Annex 16, Amendment 8 will be agreed for every operator that could have the material on board to answer for any operational requirements of any airport rules at any given time. DASSAULT AVIATION considers that in regards of the suppression of the obligation to include noise information in the flight manual, there is no cost reduction by this proposal and also some uncompetitor considerations. | Not accepted.<br><br>The referred text in the explanatory note does not refer to the provision of noise certification documentation. | unchanged      |
| 21.        | Draft Proposal for change to CS36   | LBA               | We fully support the proposed change without any changes<br><br><u>Justification:</u><br>The change provides an adequate update according to the latest change in ICAO documentation  | Noted.   | unchanged      |
| 22.        | Draft Proposal for change to Part 21<br><br>21A . 204 (b) 1. and 21A . 204 (b) 2. and EASA Form 45 (Appendix VI)                              | LBA               | We fully support the proposed change without any changes  | Noted.   | unchanged      |