



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2008-02**

for amending 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

and

for amending Decision No 2003/04/RM of the Executive Director of the Agency of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft noise (CS-36)

in order to transpose Amendment 9 of Volume I and Amendment 6 of Volume II of Annex 16 to the Convention on International Civil Aviation

and

in order to adapt CS-36 to edition of the "Environmental Technical Manual on the Use of Procedures in the Noise Certification of Aircraft" approved at the seventh Meeting of the ICAO Committee on Aviation Environmental Protection (CAEP)

"CAEP/7 Implementation"

Explanatory Note

I. General

1. The purpose of the Notice of Proposed Amendment (NPA) 2008-02, dated 20 March 2008, was to envisage amending Article 6(1) of Regulation (EC) No 216/2008¹ (the Basic Regulation) and Decision No 2003/04/RM of the Executive Director of the Agency of 17 October 2003 on certification specifications providing for acceptable means of compliance for aircraft noise (CS-36) to transpose into Community law Amendment 9 of Annex 16, Volume I and Amendment 6 of Annex 16, Volume II to the Convention on International Civil Aviation.

II. Consultation

2. The Notice of Proposed Amendment (NPA) No 2008-02 was published on the web site (<http://www.easa.europa.eu>) on 20 March 2008.

By the closing date of 1 May 2008, the European Aviation Safety Agency (the Agency) had received 3 comments from 3 National Aviation Authorities.

III. Publication of the CRD

3. All comments received have been acknowledged and incorporated into this Comment Response Document (CRD) with the responses of the Agency.
4. In responding to comments, a standard terminology has been applied to attest the Agency'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 any 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 or proposed amendment is not shared by the Agency
5. The Agency's Opinion will be issued at least two months after the publication of this CRD to allow for any possible reactions of stakeholders regarding possible misunderstanding of the comments received and answers provided.
6. Such reactions should be received by the Agency not later than 26 August 2008 and should be submitted using the Comment Response Tool (CRT) at <http://hub.easa.europa.eu/crt>.

IV. Conclusions

7. The comments received support the incorporation of ICAO amendments into Community law and the related adjustments of Article 6 of the Basic Regulation and CS-36.

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).

8. The Agency has examined a reference to the latest amendments of Annex 16, Volumes I and II in Article 6(1) of the Basic Regulation and came to the conclusion that the text, as it is given, might raise questions whether only the requirements of the latest amendments or the requirements of the complete chapters of Annex 16 are applicable. Therefore, the Agency is envisaging to propose a new text of Article 6(1) of the Basic Regulation in the Agency's opinion that will follow to the CRD.

V. CRD table of comments, responses and resulting text

(General Comments)	-
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comment	1	comment by: <i>Luftfahrt-Bundesamt</i>
	The LBA has no comments and supports the proposed CAEP 7 implementation.	
response	<i>Noted.</i>	

comment	3	comment by: <i>UK CAA</i>
	Please be advised that the UK CAA agrees and supports EASA's proposals.	
response	<i>Noted.</i>	

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comment	2	comment by: <i>DGAC France</i>
	No technical comment, except that the opinion should address regulation 216/2008 instead of 1592/2002.	
response	<i>Noted.</i> At the date NPA No 2008-02 was finalised and published (20 March 2008) Regulation (EC) No 1592/2002 was still in place. Therefore, due to legal reasons reference had to be given to this regulation. The opinion, however, will address Regulation (EC) No 216/2008 instead of 1592/2002.	