

European Aviation Safety Agency

DECISION N° 2009/009/R

OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY

OF 30 APRIL 2009

revoking Decision No 2009/004/R of the Executive Director of the Agency of 26 February 2009 amending Decision No 2003/13/RM of the Executive Director of the Agency of 14 November 2003 on Certification Specifications, including Airworthiness Code and Acceptable Means of Compliance, for sailplanes and powered sailplanes

"CS-22"

and

amending Decision No 2003/13/RM of the Executive Director of the Agency of 14 November 2003

on

Certification Specifications, Including Airworthiness Code and Acceptable Means of Compliance for sailplanes and powered sailplanes

"CS-22"

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 the 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 organisations², in particular 21A.16A of the Annex (Part-21) thereof.

Whereas:

- (1) The Executive Director issued certification specifications including airworthiness code and acceptable means of compliance, for sailplanes and powered sailplanes (« CS-22 ») in the Annex to Executive Director Decision No 2003/13/RM of 14 November 2003 (Initial Issue)³.

¹ OJ L 79, 19.03.2008, p. 1.

² OJ L 243, 27.9.2003, p. 6. Regulation as last amended by Regulation (EC) No 1057/2008 of 28 October 2008 (OJ L 283, 28.10.2008, p. 30).

³ Executive Director Decision No 2003/13/RM of 14 November 2003 as amended by Executive Director Decision 2008/008/RM of 24 September 2008 (CS-22 Amendment 1)

- (2) The Agency shall, pursuant to Article 18 of the Basic Regulation, issue certification specifications, including airworthiness code and acceptable means of compliance, as well as guidance material for the application of the Basic Regulation and its implementing rules.
- (3) The Agency is obliged, pursuant to Article 19 of the Basic Regulation to reflect the state of the art and the best practices in the fields concerned and update certification specifications taking into account world wide aircraft experience in service, and scientific and technical progress
- (4) In response to safety recommendations received from accident investigators, the Agency has determined a need to update the airworthiness code and acceptable means of compliance for sailplanes and powered sailplanes to substantiate that a design provides occupants with the ability to make a rapid escape from an inverted (turnover) position following a crash. Although the specific recommendations received relate to light aeroplanes in the CS-VLA category, the Agency has determined that the safety hazard may also exist for CS-22 category aeroplanes and that an enhanced safety standard is therefore warranted.
- (5) The Agency, pursuant to Article 52(1)(c) of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure⁴, has widely consulted interested parties on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received⁵.
- (6) Due to an editorial error, the consolidated version of CS-22 Amendment 2 in the Annex to the Executive Director Decision No 2009/004/R did not include the Amendment 1 update to CS-22 that was introduced by Executive Director Decision No 2008/008/R. Because of this inconsistency Executive Director Decision No 2009/004/R shall be revoked and replaced by this Executive Director decision. On grounds of correcting the inconsistency, and to avoid any legal void, this Executive Director decision shall apply from 5 March 2009, the time of entry into force of Executive Director Decision No 2009/004/.

HAS DECIDED:

Article 1

Executive Director Decision No 2009/004/R of 26 February 2009 containing the certification specifications, including airworthiness code and acceptable means of compliance, for sailplanes and powered sailplanes (« CS-22 ») is hereby revoked.

Article 2

The Annex to the Executive Director Decision No 2003/13/RM of 14 November 2003 containing the certification specifications, including airworthiness code and acceptable means of compliance for sailplanes and powered sailplanes (« CS-22 ») is replaced by the Annex to this Decision.

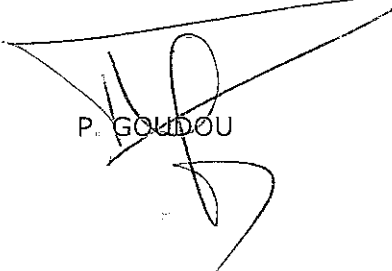
⁴ Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB/08/07, 13.6.2007.

⁵ See NPA 2008-08 and CRD 2008-08 on Rulemaking Archives page
http://www.easa.europa.eu/ws_prod/r/r_archives.php

Article 3

This decision shall enter into force on 30 April 2009. It shall apply from 5 March 2009. It shall be published in the Official Publication of the Agency.

Done in Cologne, on 30 April 2009.



P. GOLDOU