

WRITTEN QUESTION P-3270/09
by Tomáš Zatloukal (PPE-DE)
to the Commission

Subject: Annex to Commission Regulation (EC) 1702/2003: 21A.3B - airworthiness directives

Section 21A.3B of the Annex to Commission Regulation (EC) 1702/2003¹ establishes rules on the issue of airworthiness directives (AD).

The European Aviation Safety Agency (EASA) issued AD Nos 2008-102, 2008-103, 2008-104 and 2008-105 for the L 410 aircraft.

These ADs do not contain the identification of the unsafe condition required under point b). This identification is replaced by:

- the observation that, for the certification of former types of L410 aircraft, the code used rules out the possibility of certification in the EU Member States. This is not correct. 2008-102 is valid for model L410M, certified in accordance with BCAR Sections K, J, and R, 2008-105 for model L 410 UVP-E9, certified in accordance with JAR-25, and 2008-103 and 2008-104 for models L 410 UVP and UVP-E, which are certified in accordance with the Soviet NLGS-2 rules. The EASA did not conduct an analysis of these codes, but merely stated during the process of recognising the Czech type-certificates that these codes were not sufficiently known (cf. Decision No 2004/01/CF of the Executive Director);
- the statement that the L 410's safety record shows that it has experienced more accidents than other types. This is not sufficient in that there is no analysis of the causes of these accidents.

Can the EASA issues ADs without having established and determined an unsafe condition as a result of a technical deficiency in the aircraft design in accordance with subparagraph 1 or 2 of point b), and without having identified this condition in accordance with point d) of this text?

¹ OJ L 243, 27.9.2003, p. 6.