



Rachel Daeschler
Deputy Strategy & Safety Management Director
and Head of Safety Intelligence & Performance
Department

2016(D)52908
MHI/RBE/SM.1
Cologne,

07. JUNI 2016

Dutch Safety Board (DSB)
Mr Kas Beumkes
Senior Investigator
P.O. Box 95404
2509 CK Den Haag
THE NETHERLANDS

Subject: Safety recommendations related to the event to AERO VODOCHODY - L39 registered ES-YLS, on 15/09/2012, at Valkenswaard - Netherlands

Dear Mr Beumkes,

Following the Safety Recommendations mentioned above addressed to the European Aviation Safety Agency, please find thereafter the Agency's response.

Yours sincerely,

Rachel Daeschler

Copy: Certification - Cert. Policy & Safety Information
Certification Director
Flight Standards Director
Strategy & Safety Management Director

Sluksnummer OvV	16000569
Dossiercode	
Registratiedatum	- 9 JUNI 2016
In behandeling bij	Weegen
Naam	Afdoening

ONDERZOEKSRaad VOOR VEILIGHEID





Subject: AERO VODOCHODY - L39 registered ES-YLS, on 15/09/2012, at Valkenswaard - Netherlands

Reply to Safety Recommendation NETH-2016-001 received on 24/03/2016

Safety Recommendation:	Limit the possibility to exempt aircraft from the common rules of Regulation (EC) No 216/2008 to those category of aircraft as mentioned in the preamble of the Regulation under (5).
Response:	<p>The legislator has defined the criteria for the exclusion from Regulation (EC) No 216/2008 in Annex II to this Regulation. The preamble text, namely recital (5), does not contain any decision criteria. The purpose of the recitals is to explain in general terms the reason and/or the background information that support the substantive articles of the regulation.</p> <p>The Aero Vodochody L-39C has been in the service of the military forces and no civil certification has been performed. Therefore it falls under the scope of Annex II(d) to Regulation (EC) No 216/2008. As a consequence, the aircraft does not fall in the scope of Regulation (EC) No 216/2008 and national Member States regulations apply.</p>
Status:	Closed – Partial Agreement

2016(D)52908

