



EASA

Decision concerning Federal Aviation Administration (FAA) AD 74-08-09 R3

EASA considerations, leading to a decision concerning FAA AD 74-08-09 R3

On 22 February 2012, FAA issued AD 74-08-09 R3, effective date 28 March 2012, applicable to large aeroplanes that have one or more lavatories equipped with paper or linen waste receptacles. Such lavatories are installed on, but not limited to, aeroplane types that are (or were) manufactured by companies listed in table 1 of that AD, which includes manufacturers from Brazil, Canada, Europe, Israel, Japan and the United States.

Because of this 'general' applicability, FAA AD 74-08-09 R3 cannot be recognised as State of Design AD for the products to which it applies. This means that, even though the Agency may agree with the actions required by that AD, it cannot be adopted under the provisions of [ED Decision 02/2003](#). As a result, FAA AD 74-08-09 R3 does not apply to aeroplanes registered in Europe.

FAA AD 74-08-09 R3 was issued to revise AD 74-08-09 R2 dated 24 June 1996, which was widely adopted by National Airworthiness Authorities at the time and it seems likely that, since AD 74-08-09 R2 was issued, all affected aeroplanes registered in Europe have implemented the requirements of that AD. However, European regulation (EC) [1702/2003](#) specifies in Article 2, paragraph 3 (a) (iii) that "*the applicable airworthiness directives are those of the State of design*". This means that FAA AD 74-08-09 R2 was no longer valid in Europe after 28 September 2003.

However, the (intent of the) safety measures required by FAA AD 74-08-09 R3 are adequately covered through several European certification specifications and operational requirements: large aeroplanes designed after 1974 (irrespective of the State of Design) and certificated or validated in Europe have been shown to comply with [CS25 - certification specification](#) for large aeroplanes, particularly CS 25.791, 25.853 and 25.854, while European operators must comply with EU OPS - COUNCIL REGULATION (EEC) [No 3922/91](#) of 16 December 1991, specifically EU-OPS 1.731, 1.285, 1.335, and Appendix 1 to OPS 1.305.

In conclusion, even though the FAA AD itself is not valid (i.e. not required to comply with) in Europe, the actions in the AD are covered through other measures that must be complied with.

EASA have, at this time, no intention to issue an AD similar in content and requirements to FAA AD 74-08-09 R3, as the relevant requirements are already in place for European large aeroplanes and operators.

In case you need further information, please contact the Safety Information Section, Executive Directorate, EASA; E-mail ADs@easa.europa.eu.

Original Signed
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