



## European Aviation Safety Agency

**Frank Manuhutu** • Chief Legal Adviser • Executive Directorate

Cologne, 21. FEB. 2014  
DHOR/oco/E(5) 2014(D)50903

Mr John Langford

Sent by email to:  
ask+request-1172-6a844b5f@asktheeu.org

**Subject: Your request on access to documents**

**Reference:** Your email of 1 February 2014

Dear Mr Langford,

Thank you for your email of 1 February received on 3 February 2014, in which you apply for access to documents in accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31 May 2001, p. 43). More specifically you request access to compliance documents "MC3 (Safety Analysis), MC4, MC5, MC6; MC8 (Including laboratory, flight and ground test reports; interpretations), MC9 (Equipment Qualification)" of the PS-28 Cruiser aircraft.

The scope of Regulation (EC) No 1049/2001 was extended to documents held by the European Aviation Safety Agency by Art. 58 para. 1 of 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 of 19.3.2008. p.1).

I regret to have to inform you that the documents you require fall under the system of exceptions provided for in Regulation (EC) No 1049/2001 and that consequently, we cannot provide them to you.

The exception that applies to the documents you requested is contained in Art. 4(2) (first indent) of Regulation (EC) No 1049/2001. Under this provision access shall be refused to a document where the disclosure would undermine the protection of commercial interest of a natural or a legal person, including intellectual property, unless there is an overriding public interest in disclosure.

The compliance documents you requested contain detailed technical information about the envisaged design of the aircraft type, as well as drawings, values, schemes and working methods, which are the result of high value engineering work developed in several years or technical research. In the light of this consideration, this information is to be considered confidential and sensitive since it relates to Czech Sport Aircraft's respective protected business and technical secrets, and commercial interest. In particular the release of such data would clearly affect Czech Sport Aircraft commercial standing since it would expose its capabilities to competitors.

Tel: +49 221 89990 3055 Fax: +49 221 89990 3555

frank.manuhutu@easa.europa.eu



Postal address: Postfach 10 12 53, D-50452 Cologne, Germany — Visiting address: Ottoplatz 1, D-50679 Cologne, Germany  
Tel.: +49 (0) 221 8999 000 Fax: +49 (0) 221 8999 099 E-mail: info@easa.europa.eu Website: <http://easa.europa.eu>

Although we cannot provide you with the specific documents you request, we would like to inform you about the technical standards, which an applicant for a type design has to meet in order to receive a type certification. The Restricted Type Certificate of the PS-28 Cruiser<sup>1</sup> was issued on the basis of Certification Specifications for Light Sport Aeroplanes (CS-LSA) the requirements of which you can find on our website under <http://easa.europa.eu/agency-measures/certification-specifications.php>. For more information on the topic, please visit these documents.

You are hereby notified that you have a right to request the Agency to reconsider its decision not to disclose the above mentioned documents by making a confirmatory application. In such case, you should send your justified confirmatory application in writing to the Executive Director of the Agency (Postfach 10 12 53, 50452 Cologne, Germany). Please note that you have 15 working days from receipt of this letter in which to make the confirmatory application. Any confirmatory application received beyond this deadline cannot be accepted.

Within 15 working days of receipt of your request the Executive Director will inform you regarding the outcome of this re-examination of your confirmatory application, either by granting you access to the documents, or by confirming the refusal. In the latter case, he will also inform you of any further appeal routes you may take.

Yours sincerely,



F. MANUHUTU

---

<sup>1</sup> As issued by EASA under [http://easa.europa.eu/certification/type-certificates/docs/aircraft/EASA-TCDS-A.546\\_CSA\\_PS--28\\_Cruiser-02-31012014.pdf](http://easa.europa.eu/certification/type-certificates/docs/aircraft/EASA-TCDS-A.546_CSA_PS--28_Cruiser-02-31012014.pdf)