



Brussels, **XXX**
[...](2014) **XXX** draft

ANNEX TO EASA OPINION 12/2016

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Commission Regulation (EU) 2015/640 of 23 April 2015 as regards additional requirements on ageing aircraft structures for the current fleet and improvement of the requirements for future aircraft designs, and amending Commission Regulations (EU) No 748/2012 of 03 August 2012 and (EU) No 1321/2014 of 26 November 2014 as regards to the necessary reference to Part-26

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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, and in particular Article 5(5) and Article 7 thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 216/2008, the Commission, assisted by the European Aviation Safety Agency (hereinafter referred to as ‘the Agency’), is required to adopt the necessary implementing rules for common airworthiness requirements throughout the Union.
- (2) Those requirements, covering the entire life cycle of aeronautical products, include additional requirements to be implemented after the initial issuance of an airworthiness approval in the interest of safety, such as requirements for ageing aircraft structures.
- (3) The structural integrity of aircraft is of concern because factors such as fatigue cracking and corrosion are time and usage dependent, and the associated risks can best be addressed by taking into account operational experience and the use of the most modern tools of analysis and testing.
- (4) Currently there are still large aircraft in operation which were designed, modified or repaired without robustly addressing damage tolerance evaluations, widespread fatigue damage and corrosion prevention.
- (5) The additional requirements on ageing aircraft are intended to prevent the catastrophic failure of large ageing aeroplanes due to fatigue, including widespread fatigue damage and corrosion.
- (6) The additional requirements on ageing aircraft will ensure that design approval holders, or applicants for type certificate, supplemental type certificate, design change and repair approvals, will produce the necessary data, procedures, instructions and manuals to prevent ageing structure failures due to corrosion and fatigue and make them available to operators.

¹ *OJ L 143, 30.4.2004, p. 76.*

- (7) Operators will be required to incorporate into their maintenance programme these data whilst addressing the adverse effects of changes and repairs on each airframe and its associated maintenance requirements.
- (8) Similar provisions to address ageing aircraft safety exist within the US rules (under 14 CFR Part-26) for continued airworthiness and safety improvements for transport category aeroplanes since January 2008.
- (9) The measures provided for in this Regulation are based on Opinion No 12/2016 issued by the European Aviation Safety Agency in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 65 of Regulation (EC) No 216/2008.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/640 is amended in accordance with Chapter A of Annex I to this Regulation.

Article 2

Annex I to Regulation (EU) 2015/640 is amended in accordance with Chapter B of Annex I to this Regulation.

Article 3

Regulation (EU) No 748/2012 is amended in accordance with Chapter A of Annex II to this Regulation.

Article 4

Annex I to Regulation (EU) No 748/2012 is amended in accordance with Chapter B of Annex II to this Regulation.

Article 5

Annex I to Regulation (EU) No 1321/2014 is amended in accordance with Annex III to this Regulation.

Article 6

Entry into force

This Regulation shall enter into force 20 days after its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[\[...\]](#)