



Brussels, **XXX**
[...] (2016) **XXX** draft

ANNEX TO EASA OPINION 02/2016

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

of **XXX**

amending Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations — Annex I (Part-26)

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amending Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations — Annex I (Part-26)

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) Such requirements, covering the entire life cycle of aeronautical products, may include additional requirements for a given type of operations to be implemented after the initial issuance of an airworthiness approval in the interest of safety.
- (3) Seat design standards improvements were introduced in the design requirements for large aeroplanes in 1988. This is reflected in the Certification Specifications for large aeroplanes (CS-25), in paragraphs CS 25.785, 25.561 and 25.562, but the said improvements were only applicable to newly type certified large aeroplanes.
- (4) There are still new aeroplane types produced, the initial design of which was approved before the applicability of the new seat design standards, thus not complying with these new standards.
- (5) The US Federal Aviation Administration (FAA) has mandated the new seat design standards for all transport aeroplanes operated by US carriers and manufactured after 27 October 2009.
- (6) Considering the remaining risk to newly produced aeroplanes which are not yet compliant with CS 25.562 in the EU, the Agency prepared draft implementing rules and submitted them as Opinion 02/2016 to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (7) 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,

¹ *OJ L 143, 30.4.2004, p. 76.*

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EU) No 2015/640

1. In Article 2 the following point (c) is added
 - (c) ‘low-occupancy aeroplane’ shall mean an aeroplane that has a maximum operational passenger seating configuration of:
 - up to and including 19, or
 - up to and including one third of the maximum passenger seating capacity of the type certified aeroplane, as indicated in the aeroplane type certificate data sheet (TCDS), provided that:
 - the total number of passenger seats approved for occupancy during taxiing, take-off or landing does not exceed 100 per deck, and
 - the maximum operational passenger seating configuration during taxiing, take-off or landing in any individual zone between pairs of emergency exits (or any dead-end zone) does also not exceed one third of the sum of the passenger seat allowances for the emergency exit pairs bounding that zone (using the passenger seat allowance for each emergency exit pairs as defined by the applicable certification basis of the aeroplane). For the purpose of determining compliance with this zonal limitation, in the case of an aeroplane that has deactivated emergency exits, it shall be assumed that all emergency exits are functional.
2. Annex I (Part-26) to Regulation (EU) 2015/640 is amended in accordance with the Annex to this Regulation.

Article 2

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