



Brussels, **XXX**
[...](2019) **XXX** draft

ANNEX TO EASA OPINION No 04/2019

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**amending Commission Regulation (EU) 2015/640 of 23 April 2015 as regards the
introduction of new additional airworthiness specifications**

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Commission Regulation (EU) 2015/640 of 23 April 2015 as regards the introduction of new additional airworthiness specifications

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 17(1)(h) thereof,

Whereas:

- (1) Commission Regulation (EU) 2015/640 ⁽²⁾ sets out additional airworthiness requirements for aircraft, the designs of which have already been certified. Those additional airworthiness requirements are needed to support continuing airworthiness and safety improvements. This is because when certification specifications ('CS') issued by the European Union Aviation Safety Agency (the 'Agency'), pursuant to Article 76(3) of Regulation (EU) 2018/1139, are updated by the Agency in order to ensure that the CS remains fit for purpose, an aircraft, the design of which has already been certified, is not required to comply with the updated version of the CS when it is produced or while in service.
- (2) In order to maintain a high level of aviation safety and environmental requirements in Europe, it might therefore be necessary to mandate the compliance of aircraft with additional airworthiness requirements which were not mandated by the Agency at the time of certification of the design, because they were not included in the relevant CS at that time. This amendment to Regulation (EU) 2015/640 concerns two evolutions of the CS.
- (3) The Agency has introduced into the Certification Specifications for Large Aeroplanes (CS 25) new design standards for the installation of systems supporting flight crews in their decision-making during approach and landing. Those standards are aimed at mitigating the risk of runway excursions during landing, but they apply only to large aeroplanes for which approval of the design has been applied for after the introduction of those standards on [insert the date of applicability of the EASA Decision amending CS-25]. Considering that certain large aeroplanes might not comply with those standards, additional airworthiness requirements should be introduced. Having due regard to the nature and risk of operations with large aeroplanes while maintaining a high uniform level of civil aviation safety in the Union, it is considered proportionate and cost efficient to introduce those additional

¹ OJ L 212, 22.8.2018, p. 1.

² Commission Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012 (OJ L 106, 24.4.2015, p. 18).

airworthiness requirements to large aeroplanes newly produced on the basis of a design which has already been certified by the Agency.

- (4) In September 2007, the Agency introduced new design standards eliminating Class D cargo and baggage compartments from the certification specifications for large aeroplanes (CS-25 Amendment 3). Those standards were aimed at mitigating the risk of injuries or fatalities in the event of an in-flight fire in the cargo or baggage compartment, but they only apply to large aeroplanes of which the certification of the design was applied for after September 2007. Considering that certain large aeroplanes might not comply with those standards, additional airworthiness requirements should be therefore introduced. Having due regard to the nature and risk of operations with large aeroplanes while maintaining a high uniform level of civil aviation safety in the Union, it is considered proportionate and cost-efficient to introduce those additional airworthiness requirements to all in service large aeroplanes produced on the basis of a design which has already been certified by the Agency.
- (5) Commission Regulation (EU) 2015/640 should therefore be amended accordingly.
- (6) The Agency has prepared draft implementing rules and submitted them with Opinion No **xx/2019** ⁽³⁾ in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the committee established in compliance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Commission Regulation (EU) 2015/640

Commission Regulation (EU) 2015/640 is amended as follows:

Annex I (Part-26) is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. However, point 26.157 of Annex I shall apply from [three years after the entry into force of this amending Regulation].

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

³ <https://www.easa.europa.eu/document-library/opinions>

Done at Brussels,

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