



EUROPEAN  
COMMISSION

Brussels, **XXX**  
[...](2022) **XXX** draft

**Annex to EASA Opinion No 01/2022**

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

**of **XXX****

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

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

of **XXX**

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

THE EUROPEAN COMMISSION,

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 <sup>(1)</sup>, and in particular Article 17(1)(h) thereof,

Whereas:

- (1) Pursuant to Article 76(3) of Regulation (EU) 2018/1139, the European Union Aviation Safety Agency (the ‘Agency’) issues certification specifications (‘CSs’) and regularly updates them in order to ensure that CSs remain fit for purpose. However, an aircraft the design of which has already been certified is not required to comply with the updated version of the applicable CSs when it is produced or while in service. Therefore, in order to support continuing airworthiness and safety improvements, compliance of such aircraft with additional airworthiness requirements that were not included in the initial CSs at the time of certification of the design should be introduced. Commission Regulation (EU) 2015/640 <sup>(2)</sup> sets out such additional airworthiness requirements.
- (2) The Agency has introduced into the Certification Specifications for Large Aeroplanes (CS-25) a new specification that requires the establishment of a means to minimise the risk that a tyre is below its minimum serviceable inflation pressure during operation. However, this new specification applies only to large aeroplanes for which approval of the design has been applied for after 22 June 2021 when the Agency Decision on CS-25 Amendment 26 became applicable. Considering that certain large aeroplanes might not comply with those specifications, 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 airworthiness requirements for all in-service large aeroplanes that were produced on the basis of a design which has already been certified by the Agency.
- (3) The Agency has introduced into the Certification Specifications for Small Rotorcraft (CS-27) and Large Rotorcraft (CS-29) respectively new specifications for rotorcraft intended for use in offshore operations that are required to be certified for ditching or that emergency flotation systems are required to be installed thereon. Having due regard

---

<sup>1</sup> OJ L 212, 22.8.2018, p. 1.

<sup>2</sup> 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).

to the nature and risk of rotorcraft offshore operations and the need to maintain a high uniform level of civil aviation safety in the Union, it is considered proportionate and cost-efficient to render some of these specifications applicable to existing rotorcraft operated in the Union and to those that will be produced after the entry into force of this Regulation on the basis of a design which has already been certified by the Agency.

- (4) Commission Implementing Regulation (EU) 2020/1159 <sup>(3)</sup> introduced in point 26.157 *Conversion of Class D compartments* of Annex I (Part-26) to Regulation (EU) 2015/640 additional airworthiness requirements for the conversion of Class D cargo or baggage compartments of large aeroplanes. All in-service large aeroplanes certified by the Agency and used in commercial air transport on or after 26 August 2023 shall comply with point 26.157. However, further analysis has shown that because of their profile of operations (that is, primarily business operations), certain large, low-occupancy aeroplanes are less subject to the risk of an in-flight fire starting in their Class D cargo or baggage compartment and developing into an uncontrollable fire. In order to avoid imposing non-proportionate and non-cost-efficient burdens on their operators, these aeroplane types should therefore be exempted from compliance with point 26.157.
- (5) 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) No 2015/640 is amended as follows:

- (1) in Article 2, the following paragraphs (d), (e) and (f) are inserted:

‘(d) “small helicopter” means a helicopter that has the Certification Specifications for Small Rotorcraft (“CS-27”) or equivalent in its certification basis;

(e) “small Category A helicopter” means a small helicopter that also has the additional CS-29 specifications as referenced in CS-27 Appendix C or equivalent in its certification basis;

(f) “Category A with respect to helicopters” means a multi-engined helicopter as defined by Regulation (EU) No 965/2012;’;

- (2) in Article 2, the following paragraph (h) is inserted:

‘(h) “hostile sea environment” means the geographical area as defined by Regulation (EU) No 965/2012;’.

#### *Article 2*

Annex I (Part-26) to Regulation (EU) No 2015/640 is amended in accordance with the Annex to this Regulation.

---

<sup>3</sup> Commission Implementing Regulation (EU) 2020/1159 of 5 August 2020 amending Regulations (EU) No 1321/2014 and (EU) No 2015/640 as regards the introduction of new additional airworthiness requirements (OJ L 257, 6.8.2020, p. 14).

### Article 3

#### 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. It shall apply from *[OP please insert date: 1 month after the date of entry into force]*, except:
  - points 2 and 14 of Annex I (Part-26), which shall apply from 26 August 2023;
  - points 4, 5, 6, 7 and 9 of Annex I (Part-26), which shall apply from *[OP please insert date: 1 year after the date of entry into force]*;
  - points 8 and 12 of Annex I (Part-26), which shall apply from *[OP please insert date: 2 years after the date of entry into force]*;
  - point 13 of Annex I (Part-26), which shall apply from *[OP please insert date: 4 years after the date of entry into force]*.

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

Done at Brussels,

*For the Commission*

*The President*

*Ursula VON DER LEYEN*