Annex II to EASA Opinion No 05/2024

Draft Annex to draft Commission Implementing Regulation (EU) …/… amending Regulation (EU) 2015/640 as regards the introduction of new additional airworthiness requirements and correcting that Regulation

Annex I (Part-26) to Regulation (EU) 2015/640 is amended as follows:

(1) the table of contents is replaced by the following:

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26.300 Continuing structural integrity programme for ageing aeroplanes structures — general requirements

26.301 Compliance Plan for (R)TC holders

26.302 Fatigue and damage tolerance evaluation

26.303 Limit of validity

26.304 Corrosion prevention and control programme

26.305 Validity of the continuing structural integrity programme

26.306 Fatigue-critical baseline structures

26.307 Damage tolerance data for existing changes to fatigue-critical structures

26.308 Damage tolerance data for existing repairs to fatigue-critical structures

26.309 Repair evaluation guidelines

26.330 Damage tolerance data for existing supplemental type certificates (STCs), other existing major changes and existing repairs affecting those STCs or changes

26.331 Compliance plan for STC holders

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26.334 Damage tolerance data for STCs and other existing major changes and repairs affecting those STCs or changes approved before 1 September 2003

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26.410 Emergency controls operated underwater

26.415 Underwater emergency exits

26.420 Emergency equipment for flight over water

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26.430 Resistance of an emergency flotation system to damage

26.431 Determination of the robustness of emergency flotation system designs

26.435 Automatic deployment of an emergency flotation system

26.440 Fuel system crash resistance

Appendix 1 — List of aeroplane models not subject to certain provisions of Annex I (Part-26)';

(2) point 26.10 is replaced by the following:

‘**26.10 Competent authority**

(a) For the purposes of this Annex, the competent authority to which an aircraft operator needs to demonstrate compliance of its aircraft, the design of which has already been certified, with the requirements of this Annex shall be the competent authority responsible for the oversight of that operator in accordance with Regulation (EU) No 965/2012 ([1]) or the Agency if the responsibility for the oversight of the operator has been allocated to the Agency in accordance with Article 64 or 65 of Regulation (EU) 2018/1139.

(b) For the purposes of this Annex, the competent authority to which a holder of a type certificate (TC), restricted TC, supplemental type certificate (STC), design change approval or repair design approval needs to demonstrate compliance with the requirements of this Annex shall be the Agency.’;

(3) point 26.30 is replaced by the following:

‘**26.30 Demonstration of compliance**

(a) The Agency shall issue, in accordance with Article 76(3) of Regulation (EU) 2018/1139, certification specifications as standard means to demonstrate compliance with this Annex. The certification specifications shall be sufficiently detailed and specific to indicate the conditions under which compliance with the requirements of this Annex may be demonstrated.

(b) Aircraft operators and holders of a TC, restricted TC, STC, design change approval, or repair design approval may demonstrate compliance with the requirements of this Annex by complying with either of the following:

(i) the specifications issued by the Agency under point (a) or the equivalent certification specifications issued by the Agency under point 21.B.70 of Annex I (Part 21) to Regulation (EU) No 748/2012;

(ii) technical standards offering an equivalent level of safety to that of the standards included in those certification specifications.

(c) Holders of a TC, restricted TC, STC, design change approval, or repair design approval shall make available any change to the instructions for continued airworthiness (ICA) developed for the purpose of ensuring compliance with this Annex to all known operators of the affected aircraft and, on request, to any other person required to comply with such instructions, including continuing airworthiness management organisations. For the purposes of this Regulation, the ICA also include damage tolerance inspections (DTIs), repair evaluation guidelines (REGs), a baseline corrosion prevention and control programme (CPCP) and a list of fatigue-critical structures (FCSs) and airworthiness limitation sections (ALSs).’;

([1]) Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

(4) the title of Subpart B is replaced by the following:

'SUBPART B — AEROPLANES';

(5) point 26.100 is replaced by the following:

'**26.100 Location of emergency exits**

Operators of large aeroplanes that are used in commercial air transport and that have a maximum operational passenger seating configuration of more than 19 with one or more emergency exits deactivated shall ensure that the distance(s) between the remaining exits remains (remain) compatible with effective evacuation, except for large aeroplanes that have an emergency exit configuration installed and approved before 1 April 1999.';

(6) point 26.156 is replaced by the following:

'**26.156 Thermal or acoustic insulation materials**

Operators of large aeroplanes that are used in commercial air transport, and that were type certified on or after 1 January 1958, shall ensure that:

(a) for large aeroplanes for which the first individual certificate of airworthiness was issued before 18 February 2021, when new thermal or acoustic insulation materials are installed as replacements on or after 18 February 2021, those new materials have flame propagation resistance characteristics which prevent or reduce the risk of flame propagation in the aeroplane;

(b) for large aeroplanes for which the first individual certificate of airworthiness was issued on or after 18 February 2021, thermal and acoustic insulation materials have flame propagation resistance characteristics which prevent or reduce the risk of flame propagation in the aeroplane;

(c) for large aeroplanes for which the first individual certificate of airworthiness was issued on or after 18 February 2021 and with a passenger capacity of 20 or more, thermal and acoustic insulation materials (including the means of fastening the materials to the fuselage) installed in the lower half of the aeroplane have flame penetration resistance characteristics which prevent or reduce the risk of flame penetration into the aeroplane after an accident and which ensure survivable conditions in the cabin for the time needed to evacuate the aeroplane.';

(7) point 26.157 is replaced by the following:

'**26.157 Conversion of Class D compartments**

Operators of large aeroplanes that are used in commercial air transport, and that were type certified on or after 1 January 1958, except for operators of an aeroplane model listed in Table A.1 of Appendix 1 to this Annex, shall ensure that:

(a) for large aeroplanes, the operation of which involves the transport of passengers, each Class D cargo or baggage compartment, regardless of its volume, complies with the certification specifications applicable to a Class C compartment;

(b) for large aeroplanes, the operation of which involves the transport of cargo only, each Class D cargo compartment, regardless of its volume, complies with the certification specifications applicable to either a Class C or a Class E compartment.';

(8) the following point 26.175 is inserted:

'**26.175 Cargo compartment fire protection**

(a) For large aeroplanes, as well as for small aeroplanes with a maximum take-off weight (MTOW) greater than 5 700 kg (12 500 lb), for which the individual certificate of airworthiness is first issued on or after 1 January 2025, the holders of:

– TC or restricted TC; or

– STC or design change approvals, if the change relates to the aeroplane cargo compartment fire protection capabilities,

shall make available information on the aeroplane design characteristics associated with the cargo compartment fire protection capabilities to all known operators of such aeroplanes.

(b) For small aeroplanes with a MTOW of 5 700 kg (12 500 lb) or less and equipped with at least one cargo compartment separated from the flight deck, and for which the individual certificate of airworthiness is first issued on or after 1 January 2025, the holders of:

– TC or restricted TC; or

– STC or design change approvals, if the change relates to the aeroplane cargo compartment fire protection capabilities,

shall make available information on the aeroplane design characteristics associated with the cargo compartment fire protection capabilities for all cargo compartments that are separated from the flight deck to all known operators of such aeroplanes.

(c) The information made available in accordance with points (a) and (b) shall be sufficiently detailed to permit operators to conduct a valid risk assessment of the transportation of dangerous goods in accordance with point ORO.GEN.200(a)(3) of Annex III (Part-ORO) to Regulation (EU) No 965/2012.

The information shall be contained in appropriate aeroplane documentation made available to operators and easily identifiable by the operators' personnel responsible for conducting the risk assessment.

(d) The design approval holder, who is required to make available the information in accordance with point (a) or point (b), shall also make available changes to this information to all known operators of the aeroplanes affected by the change.';

(9) in point 26.205, point (a) is replaced by the following:

'(a) Operators of large aeroplanes used in commercial air transport shall ensure that every large aeroplane for which the first individual certificate of airworthiness is issued on or after 1 July 2026, is equipped with a runway overrun awareness and alerting system.';

(10) point 26.300 is replaced by the following:

‘**26.300 Continuing structural integrity programme for ageing aeroplanes structures — general requirements**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, shall establish a continuing structural integrity programme for ageing aeroplane structures, which shall comply with the requirements set out in points 26.301 to 26.309.

(b) Point (a) shall not apply to a large aeroplane model which was issued with a TC before 26 February 2021 and which meets any of the following conditions:

(i) it is listed in Table A.1 of Appendix 1 to this Annex;

(ii) it is not operated anymore after 26 February 2021;

(iii) it has not been certified to conduct civil operation with a payload or passengers;

(iv) it has a restricted TC issued before 26 February 2021 in accordance with damage tolerance requirements, provided that it is not operated beyond 75 % of its design service goal and is primarily operated in support of the approval holder’s manufacturing operation;

(v) it is certified with a restricted TC and is designed primarily for firefighting.

The exceptions provided for in points (b)(ii) to (b)(v) shall apply only after the holder of a TC or a restricted TC submitted to the Agency before 27 May 2021 for approval a list identifying the aeroplane type and models, variations or serial numbers together with information supporting the reasons why the aeroplane has been included in the list.

(c) For a large aeroplane model which was issued with a first type certificate before 26 February 2021 and for which an existing change or repair is not and will not be incorporated in any aeroplane in operation on or after 26 February 2022, points (a)(ii) and (a)(iii) of point 26.307 and point 26.308(a)(ii) shall not apply if before 26 February 2022 the holder of a TC or a restricted TC submitted to the Agency for approval the list of all changes and repairs.’;

(11) in point 26.301, the introductory phrase of point (a) is replaced by the following:

‘(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, shall:’;

(12) in point 26.302, point (a) is replaced by the following:

‘(a) A holder of a TC or a restricted TC, for a large aeroplane certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lb) or more, certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, shall carry out a fatigue and damage tolerance

evaluation of the aeroplane structure and develop the DTI that will prevent catastrophic failures due to fatigue throughout the operational life of the aeroplane.';

(13) point 26.303 is replaced by the following:

'26.303 Limit of validity

(a) A holder of a TC or a restricted TC, for a large aeroplane certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, certified with a MTOW greater than 34 019 kg (75 000 lb), shall:

(i) establish a limit of validity (LOV) and include that LOV in an amended ALS;

(ii) identify existing and new maintenance actions upon which the LOV depends, and develop service information necessary to implement those maintenance actions and submit the service information for the maintenance actions to the Agency in accordance with a binding schedule agreed with the Agency.

The aeroplane structural configurations to be evaluated for the purpose of establishing the LOV shall include all model variations and derivatives approved under the TC before 26 February 2021 and all structural changes and replacements to the structural configurations of those aeroplanes that are required by an airworthiness directive issued before 26 February 2021.

By way of derogation from point (a)(ii), a holder of a TC or a restricted TC for a large aeroplane shall not be required to develop and submit to the Agency the service information for a maintenance action applicable to a large aeroplane model that will not be operated anymore after the scheduled point of submission for the service information of that maintenance action. For this exception to take effect, the holder of a TC or a restricted TC shall inform the Agency not later than the date on which the aeroplane model ceases operation.

(b) The holder of the TC or the restricted TC shall submit the LOV established in accordance with point (a) and the amendment to the ALS referred to in that point together with the binding schedule to the Agency, before the deadlines established in points (i) to (iii), for approval:

(i) 26 August 2022 for a fatigue-critical structure with a certification basis that does not include a damage tolerance evaluation;

(ii) 26 February 2026 for an aeroplane structure subject to ongoing full-scale fatigue testing on the date of the applicability of this amending Regulation;

(iii) 26 February 2025 for all other aeroplane structures.

(c) An applicant for a TC or a restricted TC, as referred to in Article 1(2)(c), for a large aeroplane with a MTOW greater than 34 019 kg (75 000 lb), shall:

(i) establish a LOV and include that LOV in the ALS;

(ii) identify existing and new maintenance actions upon which the LOV depends, and develop service information necessary to implement those maintenance

actions and submit the service information for the maintenance actions to the Agency in accordance with a binding schedule agreed with the Agency.

(d) The applicant for a TC or a restricted TC, as referred to in Article 1(2)(c), shall submit the LOV established in accordance with point (c) and the ALS referred to in that point together with the binding schedule to the Agency, for approval.

(e) The following deadlines shall apply to the obligations referred to in point (d):

(i) before the date approved by the Agency in the plan of the applicant for completing tests and analyses of any aeroplane structure requiring new full-scale fatigue testing to support the establishment of the LOV;

(ii) before 26 February 2025 for all other aeroplane structures.';

(14) point 26.304 is replaced by the following:

'**26.304 Corrosion prevention and control programme**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, shall establish a baseline corrosion prevention and control programme (CPCP).

(b) Unless the baseline CPCP referred to in point (a) has already been approved by the Agency in accordance with point 21.A.3B(c)(1) of Annex I (Part 21) to Regulation (EU) No 748/2012 or in a maintenance review board report (MRBR) approved by the Agency, the holder of a TC or a restricted TC shall submit the CPCP to the Agency before 26 February 2023, for approval.

(c) An applicant for a TC or a restricted TC, as referred to in Article 1(2)(c), for a large aeroplane shall establish a baseline CPCP prior to the TC being issued.';

(15) point 26.305 is replaced by the following:

'**26.305 Validity of the continuing structural integrity programme**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, shall establish and implement a process that ensures that the continuing structural integrity programme remains valid throughout the operational life of the aeroplane, taking into account service experience and current operations.

(b) The holder of a TC or a restricted TC shall submit a description of the process referred to in point (a) to the Agency before 26 February 2023 for approval. The holder of a TC or a restricted TC shall implement the process within 6 months after its approval by the Agency.

(c) An applicant for a TC or a restricted TC, as referred to in Article 1(2)(c), for a large aeroplane, shall establish and implement a process that ensures that the continuing structural integrity programme remains valid throughout the operational life of the aeroplane, taking into account service experience and current operations. It shall submit a description of the process to the Agency before 26 February 2023, or

before the issuance of the certificate, whichever occurs later, for approval and shall implement the process within 6 months after its approval by the Agency.';

(16) point 26.306 is replaced by the following:

'**26.306 Fatigue-critical baseline structures**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958, for which the application for a TC was submitted before 1 January 2019, and certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lb) or more, shall identify and list the fatigue-critical baseline structures (FCBS) for all aeroplane model variations and derivatives included in the TC or restricted TC.

(b) The holder of a TC or a restricted TC shall submit the list of the structures referred to in point (a) to the Agency before 26 August 2021, for approval.

(c) Upon approval of the list referred to in point (a) by the Agency, the holder of a TC or a restricted TC shall make it available to the holders of a STC or a major change approval that are required to comply with point 26.330, and to all known operators of such aeroplanes and, on request, to organisations responsible for the management of continuing airworthiness to support the operators that are required to comply with point 26.370.

(d) An applicant for a TC or a restricted TC, as referred to in Article 1(2)(c), for a large aeroplane to be certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lb) or more, shall identify and list the FCBS for all aeroplane model variations and derivatives included in the TC or restricted TC. It shall submit the list of these structures to the Agency before 26 August 2021, or before the issuance of the certificate, whichever occurs later, for approval.

(e) Upon approval of the list referred to in point (d) by the Agency, the applicant for a TC or a restricted TC, as referred to in Article 1(2)(c), shall make it available to all known operators of such aeroplanes and, on request, to organisations responsible for the management of continuing airworthiness to support the operators that are required to comply with point 26.370.';

(17) point 26.307 is replaced by the following:

'**26.307 Damage tolerance data for existing changes to fatigue-critical structures**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958 certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lb) or more, for changes and fatigue-critical modified structures (FCMS) existing on 26 February 2021 shall:

(i) review existing design changes and identify all changes that affect FCBS identified in accordance with point 26.306;

(ii) for each change identified in accordance with point (a)(i), identify any associated FCMS;

(iii) for each change identified in accordance with point (a)(i), perform a damage tolerance evaluation and establish and document the associated DTIs.

(b) The holder of a TC or a restricted TC shall submit the list of all FCMS identified in accordance with point (a)(ii) to the Agency before 26 February 2022, for approval.

(c) The holder of a TC or a restricted TC shall submit the damage tolerance data, including DTI, resulting from the evaluation performed in accordance with point (a)(iii) to the Agency before 26 August 2022, for approval.

(d) Upon approval by the Agency of the FCMS list submitted in accordance with point (b), the holder of a TC or a restricted TC shall make that list available to the holders of a STC or a major change approval that are required to comply with point 26.330 and to all known operators of such aeroplanes and, on request, to organisations responsible for the management of continuing airworthiness to support the operators that are required to comply with point 26.370.';

(18) point 26.308 is replaced by the following:

'**26.308 Damage tolerance data for existing repairs to fatigue-critical structures**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958 certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lb) or more, for published repairs existing on 26 February 2021 shall:

(i) review the repair data and identify each repair specified in the data that affects the FCBS and the FCMS identified in accordance with point 26.306(a) and point 26.307(a)(ii);

(ii) perform a damage tolerance evaluation for each repair identified in accordance with point (a)(i), unless previously performed.

(b) The holder of a TC or a restricted TC shall submit the damage tolerance data, including the DTI, resulting from the evaluation performed in accordance with point (a)(ii) to the Agency before 26 May 2022, for approval, unless it is already approved in accordance with point 21.A.435(b)(2) of Annex I (Part 21) to Regulation (EU) No 748/2012 before 26 August 2022.';

(19) point 26.309 is replaced by the following:

'**26.309 Repair evaluation guidelines**

(a) A holder of a TC or a restricted TC for a large aeroplane certified on or after 1 January 1958 certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lb) or more, and for which the TC or restricted TC was issued before 11 January 2008, shall develop REGs to establish:

(i) a process for conducting surveys of affected aeroplanes that enables the identification and documentation of all existing repairs affecting the fatigue-

critical structures identified in accordance with point 26.306(a) and point 26.307(a)(ii);

(ii) a process that enables operators and organisations responsible for the management of continuing airworthiness to obtain a DTI for repairs identified in accordance with point (a)(i);

(iii) an implementation schedule that provides time frames for conducting aeroplane surveys, obtaining DTIs and incorporating DTIs into the maintenance programme of the aeroplane.

(b) The holder of a TC or a restricted TC shall submit the REGs developed in accordance with point (a) to the Agency before 26 February 2023, for approval.';

(20) point 26.330 is replaced by the following:

'**26.330 Damage tolerance data for existing supplemental type certificates (STCs), other existing major changes and existing repairs affecting those STCs or changes**

(a) A holder of a STC issued before 26 February 2021, or a holder of a major change approval that has been deemed approved in accordance with Article 4 of Regulation (EU) No 748/2012, for large aeroplanes certified on or after 1 January 1958 to carry 30 or more passengers, or with a payload capacity of 3 402 kg (7 500 lb) or more, shall address the adverse effects of those changes and repairs to those changes on the aeroplane structure to support the compliance with point 26.370(a)(ii) and shall comply with the requirements set out in points 26.331 to 26.334.

(b) Point (a) shall not apply to major changes and repairs to a large aeroplane model first certified before 26 February 2021 when that aeroplane model meets any of the following conditions:

(i) it is listed in Table A.1 of Appendix 1 to this Annex;

(ii) it is not operated anymore after 26 February 2021;

(iii) it has not been certified to conduct civil operation with a payload or passengers;

(iv) it has a restricted TC and has been certified in accordance with damage tolerance requirements, provided that it is not operated beyond 75 % of its design service goal and is primarily operated in support of the restricted TC holder's manufacturing operation;

(v) it is issued with a restricted TC and is designed primarily for firefighting.

(c) Point (a) shall not apply to major changes and repairs to a large aeroplane first certified before 26 February 2021 when the changes or repairs are not, and will not be, incorporated in any large aeroplane in operation on or after 26 August 2022.

(d) The exceptions provided for in points (b)(ii) to (b)(v) and (c) shall apply only after the change approval holder submits a list of changes that affect the FCBS, together

with information supporting the reasons why each change has been included in the list, to the Agency before 26 February 2022 for approval.';

(21) point 26.331 is replaced by the following:

'**26.331 Compliance plan for STC holders**

The approval holder referred to in point 26.330(a) shall:

(a) establish a compliance plan that addresses the requirements of points 26.332 to 26.334;

(b) submit the compliance plan referred to in point (a) to the Agency before 25 August 2021, for approval.';

(22) point 26.332 is replaced by the following:

'**26.332 Identification of changes affecting fatigue-critical structures**

(a) The approval holder referred to in point 26.330(a) shall:

(i) review the changes and identify those changes that affect FCBS;

(ii) for each change identified in accordance with point (a)(i), identify any associated FCMS;

(iii) identify the published repairs affecting each change identified in accordance with point (a)(i).

(b) For a change approval that was issued on or after 1 September 2003, the approval holder referred to in point (a) shall develop and submit a list of the changes and FCMS identified in accordance with points (a)(i) and (a)(ii) to the Agency before 26 February 2022 for approval, and, upon approval by the Agency, make the list available to all known operators of such aeroplanes and, on request, to organisations responsible for the management of continuing airworthiness to support the operators that are required to comply with point 26.370(a)(ii).

(c) For a change approval that was issued before 1 September 2003, the approval holder referred to in point (a) shall:

(i) develop and submit a list of the changes identified in accordance with point (a)(i) to the Agency before 26 February 2022, for approval;

(ii) upon request of operators and organisations responsible for the management of continuing airworthiness to support the operators that are required to comply with point 26.370(a)(ii), identify and list any FCMS associated with the change and submit this data to the Agency within 12 months from the request, for approval;

(iii) upon approval of any data submitted according to points (c)(i) and (c)(ii), make that data available to all known operators of such aeroplanes and, on request, to organisations responsible for the management of continuing airworthiness to support the operators that are required to comply with point 26.370(a)(ii).';

(23) point 26.333 is replaced by the following:

‘**26.333 Damage tolerance data for STCs and repairs to those STCs approved on or after 1 September 2003**

(a) For a change approval that was issued on or after 1 September 2003, the approval holder referred to in point 26.330(a) shall:

(i) for changes and published repairs identified in accordance with points (a)(i) and (a)(iii) of point 26.332, respectively, perform a damage tolerance evaluation;

(ii) establish and document the associated DTI, unless this has already been done.

(b) The approval holder referred to in point (a) shall submit the damage tolerance data resulting from the damage tolerance evaluation performed in accordance with point (a)(i) to the Agency before 26 February 2023, for approval, unless it is already approved in accordance with point 21.B.111 of Annex I (Part 21) to Regulation (EU) No 748/2012.

(c) By way of derogation from point (b), for changes that did not have a damage tolerance evaluation requirement in the certification basis, the approval holder referred to in point (a) shall submit the damage tolerance data resulting from the damage tolerance evaluation performed in accordance with point (a) to the Agency, within the following deadlines, whichever occurs later, for approval:

(i) prior to an aeroplane with that change incorporated being operated in accordance with Annex IV (Part-CAT) to Regulation (EU) No 965/2012 ([2]); or

(ii) before 26 February 2023.’;

(24) point 26.334 is replaced by the following:

‘**26.334 Damage tolerance data for STCs and other existing major changes and repairs affecting those STCs or changes approved before 1 September 2003**

(a) Upon request of operators and organisations responsible for the management of continuing airworthiness, to support the compliance with point 26.370(a)(ii), for a change approval that was issued before 1 September 2003, the approval holder referred to in point 26.330(a) shall:

(i) for changes and published repairs identified in accordance with points (a)(i) and (a)(iii) of point 26.332, respectively, perform a damage tolerance evaluation;

(ii) establish and document the associated DTI, unless this has already been done.

([2]) Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

(b) The approval holder referred to in point (a) shall submit the damage tolerance data resulting from the evaluation performed in accordance with point (a)(i) to the Agency:

(i) within 24 months from receipt of a request, for requests received before 26 February 2023, for approval; or

(ii) before 26 February 2025 or within 12 months from receipt of a request, whichever occurs later, for requests received on or after 26 February 2023, for approval.';

(25) point 26.370 is replaced by the following:

'**26.370 Maintenance programme**

(a) Operators of large aeroplanes certified on or after 1 January 1958 shall ensure that the maintenance programmes of those aeroplanes include:

(i) for large aeroplanes certified to carry 30 passengers or more, or with a payload capacity greater than 3 402 kg (7 500 lb), approved DTIs;

(ii) for large aeroplanes operated in accordance with Annex IV (Part-CAT) to Regulation (EU) No 965/2012 and certified to carry 30 passengers or more, or with a payload capacity greater than 3 402 kg (7 500 lb), a means for addressing the adverse effects that repairs and changes may have on fatigue-critical structures and on inspections provided for in point (a)(i);

(iii) for large aeroplanes certified with a MTOW greater than 34 019 kg (75 000 lb), an approved LOV;

(iv) a CPCP.

(b) The following deadlines shall apply to the obligation referred to in point (a):

(i) the maintenance programme of the aeroplanes shall be revised to address the requirements of points (a)(i), (a)(ii) and (a)(iv) before 26 February 2024 or before operating the aeroplane, whichever occurs later;

(ii) the maintenance programme of the aeroplanes shall be revised to address the requirements of point (a)(iii) before 26 August 2021, or 6 months after the publication of the LOV, or before operating the aeroplane, whichever occurs later.

(c) For a large aeroplane model first certified before 26 February 2021 and:

(i) that is not operated anymore after 26 February 2024, points (a)(i), (a)(ii) and (a)(iv) shall not apply;

(ii) that is not operated anymore after 26 August 2021, point (a)(iii) shall not apply;

(iii) with a restricted TC issued before 26 February 2021 in accordance with damage tolerance requirements, provided that it is not operated beyond 75 % of its design service goal and is primarily operated in support of the approval

holder's manufacturing operation, points (a)(i), (a)(ii) and (a)(iv) shall not apply.

(d) For a large aeroplane model with a restricted TC issued before 26 February 2021 and the primary purpose of which is firefighting, points (a)(i) and (a)(ii) shall not apply.';

(26) the following point 26.405 is inserted:

'**26.405 Cargo compartment fire protection**

(a) For both small and large helicopters equipped with at least one cargo compartment separated from the flight deck, and for which the individual certificate of airworthiness is first issued on or after 1 January 2025, the holders of:

— TC or restricted TC; or

— STC or design change approvals, if the change relates to the helicopter cargo compartment fire protection capabilities,

shall make available information on the helicopter design characteristics associated with the cargo compartment fire protection capabilities for all cargo compartments that are separated from the flight deck to all known operators of such helicopters.

(b) The information made available in accordance with point (a) shall be sufficiently detailed to permit operators to conduct a valid risk assessment of the transportation of dangerous goods in accordance with point ORO.GEN.200(a)(3) of Annex III (Part-ORO) to Regulation (EU) No 965/2012.

The information shall be contained in appropriate helicopter documentation made available to operators and be easily identifiable by the operators' personnel responsible for conducting the risk assessment.

(c) The design approval holder, who is required to make available information in accordance with point (a), shall also make available changes to this information to all known operators of the helicopters affected by the change.';

(27) the following point 26.440 is added:

'**26.440 Fuel system crash resistance**

Operators of small helicopters and large helicopters shall ensure that the likelihood of a post-crash fire is minimised as far as practicable in the design of the fuel system when:

(a) the helicopter type certificate was issued on or after 2 October 1994, and:

(1) the helicopter first individual certificate of airworthiness is issued on or after [2 years after the date of entry into force], or

(2) the helicopter first individual certificate of airworthiness is issued before [2 years after the date of entry into force], and:

(i) if any individual certificate of airworthiness is issued by a Member State on or after [the date of entry into force] after an import of the helicopter from a non-Member State, or

(ii) if:

(A) the helicopter has been designed for six or more occupants, and is operated on or after [7 years after the date of entry into force]; or

(B) the helicopter has been designed for five or less occupants, and is operated on or after [15 years after the date of entry into force].

(b) the helicopter type certificate was issued before 2 October 1994, and:

(1) the helicopter first individual certificate of airworthiness is issued on or after [2 years after the date of entry into force] or,

(2) the helicopter first individual certificate of airworthiness is issued before [2 years after the date of entry into force] and if any individual certificate of airworthiness is issued by a Member State on or after [the date of entry into force] after an import of the helicopter from a non-Member State.

(28) Appendix 1 is replaced by the following:

'***Appendix 1***

List of aeroplane models not subject to certain provisions of Annex I (Part-26)

Table A.1

TC holder	**Type**	**Models**	**Manufacturer serial number**	**Provisions of Annex I (Part-26) that do NOT apply**
The Boeing Company	707	All		26.301 to 26.334
The Boeing Company	720	All		26.301 to 26.334
The Boeing Company	DC-10	DC-10-10 DC-10-30 DC-10-30F	All	26.301 to 26.334
The Boeing Company	DC-8	All		26.301 to 26.334
The Boeing Company	DC-9	DC-9-11, DC-9-12, DC-9-13, DC-9-14,	All	26.301 to 26.334

		DC-9-15, DC-9-15F, DC-9-21, DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-32F (C-9A, C-9B), DC-9-33F, DC-9-34, DC-9-34F, DC-9-41, DC-9-51		
The Boeing Company	MD-90	MD-90-30	All	26.301 to 26.334
FOKKER SERVICES B.V.	F27	Mark 100, 200, 300, 400, 500, 600, 700	All	26.301 to 26.334
FOKKER SERVICES B.V.	F28	Mark 1000, 1000C, 2000, 3000, 3000C, 3000R, 3000RC, 4000	All	26.301 to 26.334
GULFSTREAM AEROSPACE CORP.	G-159	G-159 (Gulfstream I)	All	26.301 to 26.334
GULFSTREAM AEROSPACE CORP.	G-II_III_IV_V	G-1159A (GIII) G-1159B (GIIB) G-1159 (GII)	All	26.301 to 26.334
KELOWNA FLIGHTCRAFT LTD.	CONVAIR 340/440	440	All	26.301 to 26.334

LEARJET INC.	Learjet 24/25/31/36/35/55/60	24, 24A, 24B, 24B-A, 24D,24D-A, 24F, 24F-A, 25, 25B, 25C, 25D, 25F	All	26.301 to 26.334
LOCKHEED MARTIN CORPORATION	1329	All		26.301 to 26.334
LOCKHEED MARTIN CORPORATION	188	All		26.301 to 26.334
LOCKHEED MARTIN CORPORATION	382	382, 382B, 382E, 382F, 382G	All	26.301 to 26.334
LOCKHEED MARTIN CORPORATION	L-1011	All		26.301 to 26.334
PT. DIRGANTARA INDONESIA	CN-235	All		26.301 to 26.334
SABRELINER CORPORATION	NA-265	NA-265-65	All	26.301 to 26.334
VIKING AIR LIMITED	SD3	SD3-30 Sherpa SD3 Sherpa	All	26.301 to 26.334
VIKING AIR LIMITED	DHC-7	All		26.301 to 26.334
VIKING AIR LIMITED	CL-215	CL-215-6B11	All	26.301 to 26.334
TUPOLEV PUBLIC STOCK COMPANY	TU-204	204-120CE	All	26.301 to 26.334
AIRBUS	A320 series	A320-251N, A320-271N	10033, 10242, 10281 and 10360	26.60

AIRBUS	A321 series	A321-271NX	10257, 10371 and 10391	26.60.
AIRBUS	A330 series	A330-243, A330-941	1844, 1861, 1956, 1978, 1982, 1984, 1987, 1989, 1998, 2007, 2008 and 2011	26.60
ATR-GIE Avions de Transport Régional	ATR 72 series	ATR72-212A	1565, 1598, 1620, 1629, 1632, 1637, 1640, 1642, 1649, 1657, 1660, 1661	26.60
The Boeing Company	737 series	737-8 and 737-9	43299, 43304, 43305, 43310, 43321, 43322, 43332, 43334, 43344, 43348, 43391, 43579, 43797, 43798, 43799, 43917, 43918, 43919, 43921, 43925, 43927, 43928, 43957, 43973, 43974, 43975, 43976, 44867, 44868, 44873,	26.60’.

			60009, 60010, 60040, 60042, 60056, 60057, 60058, 60059, 60060, 60061, 60063,60064, 60065, 60066, 60068, 60194, 60195, 60389, 60434, 60444, 60455, 61857, 61859, 61862, 61864, 62451, 62452, 62453, 62454, 62533, 63358, 63359, 63360, 64610, 64611, 64612, 62613, 64614, 65899, 66147, 66148, 66150	
GULFSTREAM AEROSPACE LP.	Gulfstream G100 series	All	All	26.157

GULFSTREAM AEROSPACE LP.	Gulfstream G200 series	All	All	26.157
LEARJET INC.	Learjet Model 45	All	All	26.157
LEARJET INC.	Learjet 24/25/31/36/35/55/60	55, 55B, 55C	All	26.157
LEARJET INC.	Learjet Model 60	All	All	26.157
TEXTRON AVIATION	Cessna 500/550/S550/560/560XL	All	All	26.157
TEXTRON AVIATION	Hawker Series	BAe.125 Series Hawker 750 Hawker 800XP	All	26.157
TEXTRON AVIATION	CESSNA 750 (Citation X) series	750	All	26.157