European Union Aviation Safety Agency

Explanatory Note to Decision 2019/006/R

CS-26 – Issue 2

RELATED NPA/CRD 2013-20 — OPINION NO 02/2016 — RMT.0069 (26.002)
RELATED NPA/CRD 2015-15 — OPINION NO 04/2016 — RMT.0071 (26.004)
RELATED NPA/CRD 2014-26 — OPINION NO 08/2016 — RMT.0560

EMERGENCY LANDING – DYNAMIC CONDITIONS (16 G SEATS)
THERMAL OR ACCOUSTIC INSULATION MATERIALS
FIRE EXTINGUISHERS IN CABIN AND CREW COMPARTMENTS (HALON REPLACEMENT)

EXECUTIVE SUMMARY

Commission Implementing Regulation (EU) 2019/133 was issued on 28 January 2019. It introduces additional airworthiness requirements for operations applicable to certain large aircraft that are newly produced on the basis of a design which has already been certified by EASA. Some of those requirements are also applicable to certain large aeroplanes that are already in service. The new requirements that are introduced into Part-26 are intended to address the issues of the:

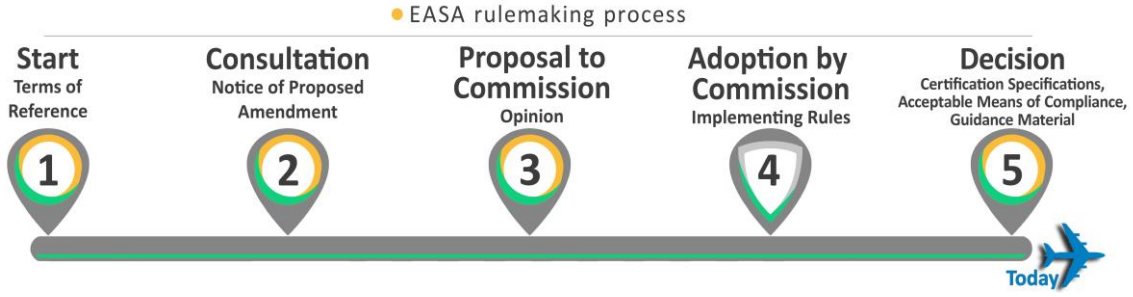
— crashworthiness of passenger and cabin crew seats (16-g seats);

— flame propagation and flame penetration resistance characteristics of thermal or acoustic insulation materials; and

— replacement of halon in lavatory waste receptacles and handheld (portable) fire extinguishers for use in cabins and crew compartments.

This Decision amends CS-26 by providing means to comply with the new requirements.

Action area:	Safety, Environment		
Affected rules:	Part-26, CS-26		
Affected stakeholders:	CAT operators, Air operators, POA holders, AOC holders (large aircraft), AMOs (Part-145)		
Driver:	Safety, environment	**Rulemaking group:**	Yes (RMT.0560 and RMT.0069) No (RMT.0071)
Impact assessment:	Full (RMT.0069 and 0560) Light (RMT.0071)	**Rulemaking Procedure:**	Standard



17.09.2010	10.10.2013	20.05.2016	DD.MM.20XX	27.2.2019
18.09.2014	01.10.2015	19.05.2016		
18.09.2014	18.11.2014	29.07.2016		

Table of contents

1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2019/006/R in line with Regulation (EU) 2018/1139[1] and the Rulemaking Procedure[2].

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS)[3] under rulemaking task RMT.0069[4] (26.002), RMT.0071[5] (26.004) and RMT.0560[6]. The scope and timescales of the tasks were defined in the related Terms of Reference.

The draft text of this Decision has been developed by EASA, based on the input of Rulemaking Group (RMG) RMT.0561 for the subject of halon replacement. All interested parties were consulted through respectively Notices of Proposed Amendment (NPAs) 2013-20, 2015-15, and 2014-26[7].

They received respectively 34, 7, and 15 comments from interested parties, including industry, national aviation authorities, and social partners.

EASA reviewed the comments received during the consultations, with the support of review group (RG) RMT.0561 for the subject of halon replacement. The comments that were received and the EASA responses to them were presented in comment-response documents (CRDs) respectively 2013-20[8], 2015-15[9] and 2014-26[10]. Based on the comments received, EASA published respectively Opinions No 02/2016[11] on 20 May 2016, Opinion No 04/2016[12] on 23 May 2016, and Opinion No 08/2016[13] on 2 August 2016, which were addressed to the European Commission. The related Commission Implementing Regulation (EU) 2019/133[14] was adopted on 28 January 2019 [OJ L 25, 29.1.2019, p. 14-18].

The final text of this Decision, with the certification specifications (CSs) and guidance material (GM), has been developed by EASA, and in the case of halon replacement, it was based on the input of RG RMT.0560.

The major milestones of this rulemaking activity are presented on the title page.

---

1 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 (OJ L 212, 22.8.2018, p. 1) (https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1536149403076&uri=CELEX:32018R1139)

2 EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure).

3 https://www.easa.europa.eu/document-library/general-publications?publication_type%5B%5D=2467

4 https://www.easa.europa.eu/sites/default/files/dfu/EASA-ToR-26.002-01-17092010.pdf

5 https://www.easa.europa.eu/sites/default/files/dfu/ToR%20RMT.0071%20%2826.004%29%20Issue%202.pdf

6 https://www.easa.europa.eu/sites/default/files/dfu/ToR%20RMT.0560%20issue%202.pdf

7 In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 6(3) and 7 of the Rulemaking Procedure.

8 https://www.easa.europa.eu/sites/default/files/dfu/CRD%20to%20NPA%202013-20.pdf

9 https://www.easa.europa.eu/sites/default/files/dfu/CRD%202015-15.pdf

10 https://www.easa.europa.eu/sites/default/files/dfu/CRD%202014-26.pdf

11 https://www.easa.europa.eu/document-library/opinions/opinion-022016

12 https://www.easa.europa.eu/document-library/opinions/opinion-042016

13 https://www.easa.europa.eu/document-library/opinions/opinion-082016

14 Commission Implementing Regulation (EU) 2019/133 of 28 January 2019 amending Regulation (EU) 2015/640 as regards the introduction of new additional airworthiness specifications

2. In summary — why and what

2.1. Why we need to change the CS

Commission Implementing Regulation (EU) 2019/133 was issued on 28 January 2019. It introduces additional airworthiness requirements for operations that are applicable to certain large aircraft, newly produced on the basis of a design which has already been certified by EASA. Some of those requirements are also applicable to certain large aeroplanes that are already in service. The requirements that have been introduced are intended to address the:

— crashworthiness of passenger and cabin crew seats (16-g seats);

— flame propagation and flame penetration resistance characteristics of thermal or acoustic insulation materials;

— replacement of halon in lavatory waste receptacles and handheld (portable) fire extinguishers for use in cabins and crew compartments.

The amendments to the Regulation are intended to increase the safety of aeroplane occupants (regarding 16-g seats and thermal or acoustic insulation materials) and to provide alignment with ICAO Annex 6 (the replacement of halon).

This Decision amends CS-26 by providing means for showing compliance with the new requirements that have been introduced.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The specific objective of this proposal is, therefore, to complement the new requirements in Part-26, which were introduced to:

— improve the protection of aeroplane occupants in case of an emergency landing, an in-flight fire or a post-crash fire;

— comply with ICAO standards and mitigate the negative environmental impact of halon on the atmosphere.

2.3. How we want to achieve it — overview of the amendments

This Decision introduces new provisions into CS-26, in particular:

— a new CS 26.60, a new GM1 26.60 and an amended GM1 26.1, providing means for showing compliance with the requirement to have passenger and cabin crew seats with improved crashworthiness characteristics;

— a new CS 26.156 and a new GM1 26.156(a), providing means and guidance for showing compliance with the requirement to have thermal or acoustic materials with improved flame propagation and flame penetration resistance characteristics;

— a new CS 26.170, a new GM1 26.170(b) and a new CS 26.400, providing means and guidance for showing compliance with the requirement to replace halon in the lavatory waste receptacles and portable fire extinguishers of large aircraft cabin and crew compartments.

3. References

3.1. Related regulations

— 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)

— Commission Implementing Regulation (EU) 2019/133 of 28 January 2019 amending Regulation (EU) 2015/640 as regards the introduction of new additional airworthiness specifications (OJ L 25, 29.1.2019, p. 14–18)

3.2. Affected decisions

— ED Decision 2015/013/R of 8 May 2015 adopting Certification Specifications for additional airworthiness specifications for operations 'CS-26 — Issue 1'

3.3. Other reference documents

— ICAO Annex 6 – Part I – International Commercial Air Transport – Aeroplanes Eleventh Edition, July 2018

— ICAO Annex 6 – Part II – International General Aviation – Aeroplanes Tenth Edition, July 2018

— ICAO Annex 6 – Part III – International Operations – Helicopters – Ninth Edition, July 2018

4. Appendix

None.