

Additional Airworthiness

Commission Regulation (EU) 2015/640 of 23 April 2015 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018

Law last amended 20 November 2021 ([Aviation Safety \(Amendment\)\(No. 3\) Regulations 2021](#))

Last uploaded 23 November 2021

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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 (Retained EU Legislation)

Preamble



Version 1 of 1

Date not available - Present

Subjects
Aviation

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)(e)(vi) 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 to adopt the necessary implementing rules for common airworthiness requirements throughout the Union.

(2)

Those requirements, covering the entire life cycle of aeronautical products, include additional airworthiness specifications for a given type of operation to be implemented after the initial issuance of a type-certificate in the interest of safety.

(3)

The technical requirements of JAR-26 'Additional Airworthiness Requirements for Operations', issued by the Joint Aviation Authorities (JAA) on 13 July 1998, as amended by the Amendment 3 of 1 December 2005, should be laid down in Union law, because the JAA ceased to exist on 30 June 2009 and the scope of Regulation (EC) No 216/2008 was extended on 20 February 2008 to include operations.

(4)

In order to ensure consistency and to clarify obligations related to airworthiness, a reference to this Regulation should be inserted in Commission Regulation (EU) No 965/2012².

(5)

In order to ensure a smooth transition and to avoid disruptions, appropriate transitional measures should be provided for.

(6)

The measures provided for in this Regulation are based on the opinion issued by the Agency in accordance with Articles 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,

HAS ADOPTED THIS REGULATION:

Notes

- 1 OJ L 79, 19.3.2008, p. 1.
- 2 Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down 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).

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art. 1 Scope



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Subjects

Aviation

Article 1 Scope

[1.

This Regulation lays down common additional airworthiness specifications related to the continuing airworthiness and safety improvements of aircraft.

2.

This Regulation applies to:

(a) operators of:

(i) aircraft registered in the United Kingdom;

(ii) aircraft registered in a third country and used by an operator over which the United Kingdom ensures oversight;

(b) holders of a type-certificate, restricted type-certificate, supplemental type- certificate or a change and repair design approval approved by the CAA in accordance with Commission Regulation (EU) No 748/2012 or deemed to have been issued in accordance with Article 3 of that Regulation;

(c) the applicants for a type-certificate or a restricted type-certificate for a turbine- powered large aeroplane, for which the application was submitted before 1 January 2019 and who are issued with the certificate after 26 August 2020 when specified in Annex I (Part-26).

]¹

Notes

1 Substituted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.19 (November 20, 2021)

Enacting Terms > art. 1 Scope

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art. 2 Definitions



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Subjects
Aviation

Article 2 Definitions

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For the purposes of this Regulation,

(a) '*airworthiness limitation section*' (ALS) means a section in the instructions for continued airworthiness, as required by points 21.A.61, 21.A.107 and 21.A.120A of Annex I (Part 21) to Regulation (EU) No 748/2012, that contains airworthiness limitations that set out each mandatory replacement time, inspection interval and related inspection procedure;

(b) '*baseline structure*' refers to the structure that is designed under the type certificate for that aeroplane model (that is, the 'as delivered aeroplane model configuration');

(c) '*corrosion prevention and control programme*' (CPCP) means a document reflecting a systematic approach to prevent and to control corrosion in an aeroplane's primary structure, consisting of basic corrosion tasks, including inspections, areas subject to those tasks, defined corrosion levels and compliance times (implementation thresholds and repeat intervals). A baseline CPCP is established by the type certificate holder, which can be adapted by operators to create a CPCP in their maintenance programme specific to their operations;

(d) '*damage tolerance evaluation*' (DTE) is a process that leads to a determination of maintenance actions necessary to detect or preclude fatigue cracking that could contribute to a catastrophic failure. When applied to repairs and changes, a DTE includes the evaluation of the repair or change and the fatigue critical structure affected by the repair or change;

(e) '*damage tolerance inspection*' (DTI) means a documented inspection requirement or other maintenance action developed by holders of a type-certificate or restricted type-certificate as a result of a damage tolerance evaluation. A DTI includes the areas to be inspected, the inspection method, the inspection procedures (including the sequential inspection steps and acceptance and rejection criteria), the inspection threshold and any repetitive intervals associated with those inspections. DTIs may also specify maintenance actions such as replacement, repair or modification;

(f) '*fatigue-critical baseline structure*' (FCBS) means the baseline structure of an aeroplane that is classified by the type certificate holder as a fatigue-critical structure;

(g) '*fatigue-critical structure*' (FCS) means a structure of an aeroplane that is susceptible to fatigue cracking that could lead to a catastrophic failure of the aeroplane;

(h) '*fatigue-critical modified structure*' (FCMS) means any fatigue critical structure of an aeroplane introduced or affected by a change to its type design and that is not already listed as part of the fatigue-critical baseline structure;

(i) '*limit of validity*' (LOV) means, in the context of the engineering data that supports the structural maintenance programme, a period of time, stated as a number of total accumulated flight cycles or flight hours or both, during which it is demonstrated that widespread fatigue damage will not occur in the aeroplane;

(j) '*maximum operational passenger seating configuration*' means the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual;

(k) *'large aeroplane'* means an aeroplane that has the Certification Specifications for large aeroplanes 'CS-25' or equivalent in its certification basis;

(l) *'large helicopter'* means a helicopter that has the Certification Specifications for large rotorcraft 'CS-29' or equivalent in its certification basis;

(m) *'low-occupancy aeroplane'* means an aeroplane that has a maximum operational passenger seating configuration of:

(1) up to and including 19 seats, or;

(2) 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 both of the following conditions are met:

(a) the total number of passenger seats approved for occupancy during taxiing, take- off or landing does not exceed 100 per deck;

(b) 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 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.

(n) *'repair evaluation guideline'* (REG) means a process established by the type certificate holder that guides operators to establish damage tolerance inspections for repairs that affect fatigue-critical structure to ensure the continued structural integrity of all relevant repairs;

(o) *'widespread fatigue damage'* (WFD) means a simultaneous presence of cracks at multiple locations in the structure of an aeroplane that are of such size and number that the structure will no longer meet the fail-safe strength or residual strength used for certification of that structure.

]¹

Notes

1 Substituted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.20 (November 20, 2021)

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art. 3 Additional airworthiness specifications for a given type of operation



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 3 Additional airworthiness specifications for a given type of operation

Operators for which [the United Kingdom]¹ ensures oversight shall, when operating the aircraft referred to in Article 1, comply with the provisions of Annex I.

Notes

- 1 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 4(3) reg.287 (December 31, 2020: substitution has effect subject to savings and transitional arrangements specified in SI 2019/645 reg.427 and Sch.3)

Enacting Terms > art. 3 Additional airworthiness specifications for a given type of operation

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art. 4 Amendment to Regulation (EU) No 965/2012



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Article 4 Amendment to Regulation (EU) No 965/2012

Annex III to Regulation (EU) No 965/2012 is amended in accordance with Annex II to this Regulation, in order to contain a reference to this Regulation.

Enacting Terms > art. 4 Amendment to Regulation (EU) No 965/2012

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art. 5 Transitional provisions



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Article 5 Transitional provisions

Aircraft for which operators demonstrated to [the Civil Aviation Authority]¹ compliance with JAR-26 ‘Additional Airworthiness Requirements for Operations’ (hereinafter ‘JAR-26 requirements’), issued by the Joint Aviation Authorities on 13 July 1998, as amended by the Amendment 3 of 1 December 2005, before the dates of application referred to in Article 6 shall be deemed to comply with the equivalent specifications set out in Annex I to this Regulation.

Aircraft for which compliance with the JAR-26 requirements equivalent to the specifications set out in points 26.50, 26.105, 26.110, 26.120, 26.150, 26.155, 26.160, 26.200, 26.250 of Annex I to this Regulation has been demonstrated in accordance with the first subparagraph shall subsequently not be modified in a way that would affect its compliance with the JAR-26 requirements concerned.

Notes

- 1 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 4(3) reg.288 (December 31, 2020: substitution has effect subject to savings and transitional arrangements specified in SI 2019/645 reg.427 and Sch.3)

Enacting Terms > art. 5 Transitional provisions

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art. 6 Entry into force and application



Law In Force

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Date not available - Present

Subjects

Aviation

Article 6 Entry into force and application

This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union* .

It shall apply from 14 May 2015.

However, points 26.50, 26.105, 26.110, 26.120, 26.150, 26.155, 26.160, 26.200 and 26.250 of Annex I shall apply from 14 May 2017.

Enacting Terms > art. 6 Entry into force and application

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Signatures



Law In Force

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31 December 2020 - Present

Subjects

Aviation

[...]¹

Done at Brussels, 23 April 2015.

For the Commission

The President

Jean-Claude Juncker

Notes

- 1 Words repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 4(3) reg.289 (December 31, 2020: substitution has effect subject to savings and transitional arrangements specified in SI 2019/645 reg.427 and Sch.3)

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para. 1



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ADDITIONAL AIRWORTHINESS SPECIFICATIONS FOR OPERATIONS

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[...]¹

26.20 Temporary inoperative equipment

A flight shall not be commenced when any of the aircraft's instruments, items of equipment, or functions required by this Part are inoperative or missing unless waived by the operator's Minimum Equipment List as defined in Part-ORO.MLR.105 and approved by the [CAA]² .

26.30 Demonstration of compliance

[

(a) The CAA 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.

]³[

(b) Operators and holders of a type certificate, restricted type certificate, supplemental type certificate or a change and 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 CAA under point (a) of this point or the equivalent certification specifications issued by the CAA under point 21.B.70 of Annex I to Regulation (EU) No 748/2012;

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

]⁴[

(c) Holders of a type certificate, restricted type certificate, supplemental type certificate or a change and repair design approval shall make available to each known operator of the aeroplanes any changes to the "Instructions for Continued Airworthiness" (ICA) required to demonstrate compliance with this Annex. 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).

]⁵

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 4(3) reg.290(3)(a) (December 31, 2020: repeal has effect subject to savings and transitional arrangements specified in SI 2019/645 reg.427 and Sch.3)
- 2 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 4(3) reg.290(3)(b) (December 31, 2020: substitution has effect subject to savings and transitional arrangements specified in SI 2019/645 reg.427 and Sch.3)

Notes

- 3 Words substituted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(3)(a) (November 20, 2021)
 - 4 Words substituted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(3)(b) (November 20, 2021)
 - 5 Words inserted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(3)(c) (November 20, 2021)
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Annex I PART-26 > Annex partA GENERAL PROVISIONS > para. 1

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para. 1



Law In Force With Amendments Pending

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26.50 Seats, berths, safety belts, and harnesses

Operators of large aeroplanes used in commercial air transport, type certified on or after 1 January 1958, shall ensure that each flight or cabin crew member seat and its restraint system are configured in order to provide an optimum level of protection in an emergency landing whilst allowing the occupant's necessary functions and facilitating rapid egress.

26.60 Emergency landing — dynamic conditions

[

Operators of large aeroplanes used in commercial air transport of passengers, type- certified on or after 1 January 1958, and for which the individual certificate of airworthiness is first issued on or after 26 February 2021 shall demonstrate for each seat type design approved for occupancy during taxiing, take-off or landing that the occupant is protected when exposed to loads resulting from emergency landing conditions. The demonstration shall be made by one of the following means:

- (a) successfully completed dynamic tests;
- (b) rational analysis providing equivalent safety, based on dynamic tests of a similar seat type design.

The obligation set out in the first point shall not apply to the following seats:

- (a) flight deck crew seats;
- (b) seats in low-occupancy aeroplanes involved only in on-demand non-scheduled commercial air transport operations;
- (c) seats in an aeroplane model listed in Table A.1 of Appendix 1 and carrying a manufacturer serial number listed in that Table.

]¹

26.100 Location of emergency exits

Except for aeroplanes having an emergency exit configuration installed and approved prior to 1 April 1999, operators of large aeroplanes used in commercial air transport having a maximum operational passenger seating configuration of more than nineteen with one or more emergency exits deactivated shall ensure that the distance(s) between the remaining exits remains (remain) compatible with effective evacuation.

26.105 Emergency exit access

Operators of large aeroplanes used in commercial air transport shall provide means to facilitate the rapid and easy movement of each passenger from their seat to any of the emergency exits in case of an emergency evacuation.

26.110 Emergency exit markings

Operators of large aeroplanes used in commercial air transport shall comply with the following:

- (a) means shall be provided to facilitate the location, access, and operation of emergency exits by cabin occupants under foreseeable conditions in the cabin in case of an emergency evacuation;
- (b) means shall be provided to facilitate the location and operation of emergency exits by personnel on the outside of the aeroplane in case of an emergency evacuation.

26.120 Interior emergency lighting and emergency light operation

Operators of large aeroplanes used in commercial air transport shall provide means to ensure that illuminated exit signage, general cabin and exit area illumination, and low level exit path illumination is available to facilitate the location of exits and movement of passengers to the exits in case of emergency evacuation.

26.150 Compartment interiors

Operators of large aeroplanes used in commercial air transport shall comply with the following:

- (a) all materials and equipment used in compartments occupied by the crew or passengers shall demonstrate flammability characteristics compatible with minimising the effects of in-flight fires and the maintenance of survivable conditions in the cabin for a time commensurate with that needed to evacuate the aircraft;
- (b) smoking prohibition shall be indicated with placards;
- (c) disposal receptacles shall be such that containment of an internal fire is ensured; such receptacles shall be marked to prohibit the disposal of smoking materials.

26.155 Flammability of cargo compartment liners

Operators of large aeroplanes used in commercial air transport, type certified after 1 January 1958, shall ensure that the liners of Class C or Class D cargo compartments are constructed of materials that adequately prevent the effects of a fire in the compartment from endangering the aircraft or its occupants.

26.156 Thermal or acoustic insulation materials

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

- (a) for aeroplanes for which the first individual certificate of airworthiness is 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 aeroplanes for which the first individual certificate of airworthiness is 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 aeroplanes for which the first individual certificate of airworthiness is 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 a time needed to evacuate the aeroplane.

26.160 Lavatory fire protection

Operators of large aeroplanes used in commercial air transport with a maximum operational passenger seating configuration of more than 19 shall comply with the following:

Lavatories shall be equipped with:

- (a) smoke detection means;

(b) means to automatically extinguish a fire occurring in each disposal receptacle.

26.170 Fire extinguishers

Operators of large aeroplanes shall ensure that the following extinguishers do not use halon as an extinguishing agent:

- (a) built-in fire extinguishers for each lavatory waste receptacle for towels, paper or waste in large aeroplanes for which the first individual certificate of airworthiness is issued on or after 18 February 2020;
- (b) portable fire extinguishers in large aeroplanes for which the first individual certificate of airworthiness is issued on or after 18 May 2019.

26.200 Landing gear aural warning

Operators of large aeroplanes used in commercial air transport shall ensure that an appropriate landing gear aural warning device is installed in order to significantly reduce the likelihood of landings with landing gear inadvertently retracted.

[

26.205 Runway overrun awareness and alerting systems

- (a) Operators of large aeroplanes used in commercial air transport shall ensure that every aeroplane for which the first individual certificate of airworthiness was issued on or after 1 January 2026, is equipped with a runway overrun awareness and alerting system.
- (b) This system shall be designed in a manner allowing to reduce the risk of a longitudinal runway excursion during landing by providing an alert, in-flight and on the ground, to the flight crew when the aeroplane is at risk of not being able to stop within the available distance to the end of the runway.

]²

26.250 Flight crew compartment door operating systems — single incapacitation

Operators of large aeroplanes used in commercial air transport shall ensure that flight crew compartment door operating systems, where installed, be provided with alternate opening means in order to facilitate access by cabin crew members into the flight crew compartment in the case of a single flight crew member incapacitation.

[

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

- (a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for 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 an aeroplane model which was issued with a type- certificate before 26 February 2021 and which meets any of the following conditions:
 - (i) it is listed in Table A.1 of Appendix 1 of this Annex;
 - (ii) it is no longer operated 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 if the holder of a type-certificate (TC) or a restricted TC submits to the CAA before 27 May 2022 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 an 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 and after 26 February 2023 points (a)(ii) and (a)(iii) of point 26.307 and point (a)(ii) of point 26.308 shall not apply if before 26 February 2023 the holder of a type-certificate (TC) or a restricted TC submits to the CAA for the approval the list of all changes and repairs.

26.301 Compliance Plan for (R)TC holders

(a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019 shall:

(i) establish a compliance plan for continuing structural integrity that describes the planned demonstration of compliance with the requirements set out in points 26.302 to 26.309;

(ii) submit the compliance plan for continuing structural integrity referred in point (i) to the CAA before 27 May 2022 for approval.

(b) An applicant for a TC or restricted TC referred to in Article 1 paragraph 2(c) shall:

(i) establish a compliance plan for continuing structural integrity that describes the planned demonstration of compliance with the requirements set out in points 26.303 to 26.306;

(ii) submit the compliance plan for continuing structural integrity referred to in point (i) to the CAA before 27 May 2022 or, before the issuance of the certificate, if it occurs later, for approval.

26.302 Fatigue and damage tolerance evaluation

(a) A holder of a type-certificate (TC) or a restricted TC, for a turbine-powered large aeroplane certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more, certified on or after 1 January 1958, for which the application for 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 avoid catastrophic failures due to fatigue throughout the operational life of the aeroplane.

(b) Unless the documentation describing the DTI referred to in point (a) have already been approved by the CAA in accordance with Annex I (Part 21) to Regulation (EU) No 748/2012, the holder of a TC or a restricted TC shall submit that documentation to the CAA before 26 February 2024 for approval.

26.303 Limit of Validity

(a) A holder of a type-certificate (TC) or a restricted TC, for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019, certified with a maximum take-off weight (MTOW) greater than 34 019 kg (75 000 lbs), 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 for operators to implement those maintenance actions and submit the service information for the maintenance actions to the CAA in accordance with a binding schedule agreed with the CAA.

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 type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane shall not be required to develop and submit to the CAA the service information for a maintenance action

applicable to an aeroplane model which will no longer be operated after the scheduled point of submittal for the service information of that maintenance action. For this exception to take effect, the holder of a type-certificate (TC) or a restricted TC shall inform the CAA not later than the date at which the aeroplane model ceases operation.

(b) The holder of the type-certificate (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 CAA for approval, before the deadlines established in points (i) to (iii):

(i) 26 August 2023 for fatigue critical structure with a certification basis that does not include a damage tolerance evaluation;

(ii) 26 February 2027 for aeroplane structure subject to ongoing full-scale fatigue testing at the date of the applicability of this amending Regulation;

(iii) 26 February 2026 for all other aeroplane structures.

(c) An applicant for a TC or restricted TC as referred in Article 1 paragraph 2(c), for a turbine-powered large aeroplane with a maximum take-off weight (MTOW) greater than 34 019 kg (75 000 lbs), shall:

(i) establish a limit of validity (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 for operators to implement those maintenance actions and submit the service information for the maintenance actions to the CAA in accordance with a binding schedule agreed with the CAA.

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

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

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

(ii) before 26 February 2026 for all other aeroplane structures.

26.304 Corrosion prevention and control programme

(a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for 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 CAA in accordance with point 21.A.3B(c)(1) of Annex 1 to Regulation (EU) No 748/2012 or in a maintenance review board report (MRBR) approved by the CAA, the holder of a type-certificate (TC) or a restricted TC shall submit the CPCP to the CAA before 26 February 2024, for approval.

(c) An applicant for a TC or restricted TC as referred to in Article 1 paragraph 2(c), for a turbine-powered large aeroplane shall establish a baseline corrosion prevention and control programme (CPCP) prior to the TC being issued.

26.305 Validity of the continuing structural integrity programme

(a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for 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 type-certificate (TC) or a restricted TC shall submit a description of the process referred to in point(a) to the CAA before 26 February 2024 for approval. The holder of a type-certificate (TC) or a restricted TC shall implement the process within 6 months after its approval by the CAA.

(c) An applicant for a TC or restricted TC as referred to in Article 1paragraph 2(c) for a turbine-powered 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 CAA before 26 February 2024, 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 CAA.

26.306 Fatigue critical baseline structure

(a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for 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 lbs) 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 type-certificate (TC) or a restricted TC shall submit the list of the structures referred to in point (a) to the CAA before 26 August 2022 for approval.

(c) Upon approval of the list referred to in point (a) by the CAA, the holder of a type- certificate (TC) or a restricted TC shall make it available to operators and persons required to comply with points 26.330 and 26.370.

(d) An applicant for a TC or restricted TC as referred to in Article 1paragraph 2(c), for a turbine-powered large aeroplane to be certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) 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. It shall submit the list of these structures to the CAA before 26 August 2022, 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 CAA, the applicant for a TC or restricted TC as referred to Article 1paragraph 2(c) shall make it available to operators and persons required to comply with point 26.370.

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

(a) A holder of a type-certificate (TC) or restricted TC for a turbine-powered 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 lbs) or more, for changes and fatigue-critical modified structure (FCMS) existing on 26 February 2021 shall:

(i) review existing design changes (design modifications) 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 fatigue-critical modified structure (FCMS);

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

(b) The holder of a type-certificate (TC) or a restricted TC shall submit the list of all fatigue-critical modified structure (FCMS) identified in accordance with point (a)(ii) to the CAA before 26 February 2023, for approval.

(c) The holder of a type-certificate (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 CAA before 26 August 2023 for approval.

(d) Upon approval by the CAA of the FCMS list submitted in accordance with point (b), the holder of a type-certificate (TC) or restricted shall make that list available to operators and persons required to comply with points 26.330 and 26.370.

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

(a) A holder of a type-certificate (TC) or restricted TC for a turbine-powered 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 lbs) 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 fatigue-critical baseline structure and the fatigue-critical modified structure identified in accordance with point (a) of point 26.306 and point (a)(ii) of point 26.307;

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

(b) The holder of a type-certificate (TC) or restricted TC shall submit the damage tolerance data, including DTI, resulting from the evaluation performed in accordance with point (a)(ii) to the CAA before 26 May 2023 for approval, unless 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 2023.

26.309 Repair evaluation guidelines

(a) A holder of a type-certificate (TC) or restricted TC for a turbine-powered 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 lbs) or more and for which the TC or restricted TC was issued prior to 11 January 2008, shall develop repair evaluation guidelines (REGs) to establish:

(i) a process for conducting surveys of affected aeroplane that enables the identification and documentation of all existing repairs affecting the fatigue-critical structure identified in accordance with point (a) of point 26.306 and point (a)(ii) of point 26.307;

(ii) a process that enables operators 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 operator of the aeroplane.

(b) The holder of a TC or a restricted TC shall submit the repair evaluation guidelines developed in accordance with point (a) to the CAA before 26 February 2024, for approval.

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

(a) A holder of a STC issued before 26 February 2022 for a major change, or a holder of a major change 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 that have a payload capacity of 3 402 kg (7 500 lbs) or more, shall support operators required to comply with point 26.370(a)(ii) by addressing the adverse effects of those changes and repairs to those changes on the aeroplane structure 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 an aeroplane model first certified prior to 26 February 2022 when that aeroplane model meets any of the following conditions:

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

(ii) it no longer operates after 26 February 2022;

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

(iv) it has a restricted TC and have 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 holders manufacturing operation;

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

(c) Point (a) shall not apply to major changes and repairs to an aeroplane first certified prior to 26 February 2022 when the changes or repairs are not, and will not be, embodied on any aeroplane in operation on or after 26 August 2023.

(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 fatigue-critical baseline structure, together with information supporting the reasons why each change has been included in the list, to the CAA before 26 February 2023 for approval.

26.331 Compliance Plan for STC holders

A holder of a change approval shall:

- (a) establish a compliance plan that addresses the requirements of points 26.332 to 26.334;
- (b) submit the compliance plan referred in point (a) to the CAA before 25 August 2022, for approval.

26.332 Identification of changes affecting fatigue critical structure

(a) A holder of a change approval shall:

- (i) review the changes and shall identify those changes that affect fatigue-critical baseline structure;
- (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) The holder of a change approval that was issued on or after 1 September 2003, shall develop and submit a list of the changes and FCMS identified in accordance with points (a)(i) and (a)(ii) to the CAA before 26 February 2023 for approval, and, upon approval by the CAA, make the list available to persons and operators required to comply with point (b)(ii) of point 26.370.

(c) The holder of a change approval that was issued before 1 September 2003 shall:

- (i) develop and submit a list of the changes identified in accordance with point (a)(i) to the CAA before 26 February 2023, for approval;
- (ii) upon request of an operator required to comply with point 26.370(a)(ii) for a change, identify and list any FCMS associated with the change and submit this data to the CAA within 12 months from the operator's request, for approval;
- (iii) upon approval of any data submitted according to points (c)(i) and (c)(ii), make that data available to persons and operators required to comply with points (b)(ii) of point 26.370.

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

(a) A holder of a change approval that was issued on or after 1 September 2003 shall:

- (i) for changes and published repairs identified in accordance with point (a)(i) of point 26.332 and point (a)(iii) of point 26.332, perform a damage tolerance evaluation;
- (ii) establish and document the associated damage tolerance inspection, unless it has already been done.

(b) The holder of a change approval shall submit the damage tolerance data resulting from the damage tolerance evaluation performed in accordance with point (a)(i) to the CAA before 26 February 2024, 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 holder of a change approval identified in point (a) shall submit the damage tolerance data resulting from the damage tolerance evaluation performed in accordance with point (a) to the CAA, within the following deadlines, whichever occurs later, for approval:

- (i) prior to an aeroplane with that change embodied being operated in accordance with Annex IV (Part-CAT) to Regulation (EU) No 965/2012; or
- (ii) before 26 February 2024.

26.334 Damage tolerance data for STCs and other changes and repairs to those changes approved before 1 September 2003

- (a) Upon request of an operator required to comply with point 26.370(a)(ii), a holder of a change approval that was issued before 1 September 2003 shall:
 - (i) for changes and published repairs identified in accordance with point (a)(i) of point 26.332 and point (a)(iii) of point 26.332, perform a damage tolerance evaluation;
 - (i) establish and document the associated damage tolerance inspection, unless it has already been done.
- (b) The holder of a change approval shall submit the damage tolerance data resulting from the evaluation performed in accordance with point (a)(i) to the CAA:
 - (i) within 24 months from receipt of a request, for requests received prior to 26 February 2024, for approval; or
 - (ii) before 26 February 2026 or within 12 months from receipt of a request, whichever occurs later, for requests received on or after 26 February 2024, for approval.

26.370 Continuing airworthiness tasks and aircraft maintenance programme

- (a) Operators or owners of turbine-powered large aeroplanes certified on or after 1 January 1958 shall ensure the continuing airworthiness of ageing aeroplanes structures by preparing the aircraft maintenance programme provided for in point M.A.302 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014. Subject to the following provisions, this programme shall include:
 - (i) for aeroplanes certified to carry 30 passengers or more, or with a payload capacity greater than 3 402 kg (7 500 lbs), an approved damage-tolerance-based inspection programme;
 - (ii) for 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 lbs), a means for addressing the adverse effects that repairs and modifications may have on fatigue-critical structure and on inspections provided for in point (a)(i);
 - (iii) for aeroplanes certified with a maximum take-off weight (MTOW) greater than 34 019 kg (75 000 lbs) an approved LOV;
 - (iv) a CPCP.
- (b) The following deadlines shall apply to the obligation referred to in point (a):
 - (i) the aircraft maintenance programme shall be revised to address the requirements of points (a)(i), (a)(ii) and (a)(iv) before 26 February 2025 or before operating the aeroplane, whichever occurs later;
 - (ii) the aircraft maintenance programme shall be revised to address the requirements of point (a)(iii) before 26 August 2022 or 6 months after the publication of the LOV, or before operating the aeroplane, whichever occurs later.
- (c) For an aeroplane model first certified before 26 February 2022 that no longer operates after 26 February 2025 points (a)(i), (a)(ii) and (a)(iv) shall not apply.
- (d) For an aeroplane model first certified before 26 February 2022 that no longer operates after 26 August 2022 point (a)(iii) shall not apply.

(e) For an aeroplane model first certified before 26 February 2022 with a restricted TC issued before 26 February 2022 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.

(f) For an aeroplane model with a restricted type certificate issued before 26 February 2022 and the primary purpose of which is firefighting, points (a)(i) and (a)(ii) shall not apply.

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Notes

- 1 Words substituted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(4) (November 20, 2021)
 - 2 Words inserted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(6) (November 20, 2021)
 - 3 Words inserted by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(7) (November 20, 2021)
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26.400 Fire extinguishers

Operators of large helicopters shall ensure that the following extinguishers do not use halon as an extinguishing agent:

- (a) built-in fire extinguishers for each lavatory waste receptacle for towels, paper or waste in large helicopters for which the individual certificate of airworthiness is first issued on or after 18 February 2020;
- (b) portable fire extinguishers in large helicopters for which the individual certificate of airworthiness is first issued on or after 18 May 2019.

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Table A1

<i>TC Holder</i>	<i>Type</i>	<i>Models</i>	<i>Manufacturer serial number</i>	<i>Provisions of Annex I (Part-26) that do NOT apply</i>
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,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	All	26.301 to 26.334
The Boeing Company	MD-90	MD-90-30	All	26.301 to 26.334
FOKKER SERVICES	F27	Mark 100, 200, 300, 400, 500, 600,	All	26.301 to
B.V.		700		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 (GII) 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	24,24 A,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	All	26.301 to 26.334

		Sherpa SD3 Sherpa		
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, A321-251NX	10071, 10257, 10371 and 10391	26.60
AIRBUS	A330 series	A330-243, A330-941	1844, 1861, 1956, 1978, 1982, 1984, 1987, 1989, 1998, 2007, 2008, 2011, and 2012	26.60
ATR-GIE Avions de Transport Regional	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, 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	

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Notes

1 Added by Aviation Safety (Amendment) (No. 3) Regulations 2021/1203 Pt 3(5) reg.21(8) (November 20, 2021)

Annex I PART-26 > List of aeroplane models not subject to certain provisions of Annex I (Part-26) > para. 1

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In Annex III (Part-ORO) to Regulation (EU) No 965/2012, point ORO.AOC.100. subparagraph (c)(1) is replaced by the following:

‘(1) they comply with all the requirements of annex IV to Regulation (EC) No 216/2008, this Annex (Part-ORO), Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation and Annex I (Part 26) to Regulation (EU) 2015/640¹;

Notes

- 1 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).’

Annex II > para. 1

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