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

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

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/EC[(1)], 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 965/2012[(2)].

(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,

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2015/640. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down common additional airworthiness specifications in order to support the continuing airworthiness and safety improvements of:

(a) aircraft registered in a Member State;

(b) aircraft registered in a third country and used by an operator for which a Member State ensures oversight.

Article 2

Definitions

For the purposes of this Regulation,

(a) 'maximum operational passenger seating configuration' shall mean the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual**[**F1;**]**

(b) **[**F1'large aeroplane' means an aeroplane that has the Certification Specifications for large aeroplanes 'CS-25' or equivalent in its certification basis;**]**

(c) **[**F2'large helicopter' means a helicopter that has the Certification Specifications for large rotorcraft 'CS-29' or equivalent in its certification basis;

(d) '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.**]**

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Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2019/133 of 28 January 2019 amending Regulation (EU) 2015/640 as regards the introduction of new additional airworthiness specifications.

F2 Inserted by Commission Implementing Regulation (EU) 2019/133 of 28 January 2019 amending Regulation (EU) 2015/640 as regards the introduction of new additional airworthiness specifications.

Article 3

Additional airworthiness specifications for a given type of operation

Operators for which a Member State ensures oversight shall, when operating the aircraft referred to in Article 1, comply with the provisions of Annex I.

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.

Article 5

Transitional provisions

Aircraft for which operators demonstrated to their competent authority 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.

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.

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

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ANNEX I

PART-26
ADDITIONAL AIRWORTHINESS SPECIFICATIONS FOR OPERATIONS

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SUBPART A — *GENERAL PROVISIONS*

26.10 Competent authority

For the purpose of the Part set out in this Annex, the competent authority to which compliance with the specifications needs to be demonstrated by operators shall be the authority designated by the Member State in which the operator has its principal place of business.

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 competent authority.

26.30 Demonstration of compliance