EUROPEAN
COMMISSION

Brussels, XXX
[…](2026) XXX draft

ANNEX TO EASA OPINION No 08/2026

COMMISSION DELEGATED REGULATION (EU) …/...

of XXX

amending Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 as regards references to the provisions of the Chicago Convention

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

On 27 March 2026 at the fourth meeting of its 237th Session, the Council of the International Civil Aviation Organization (ICAO) adopted Amendments 15, 12 and 3 to Volumes I, II and III respectively of Annex 16 to the Chicago Convention (ICAO Annex 16), which will become applicable on 1 January 2027.

The first subparagraph of Article 9(2) of the Regulation (EU) 2018/1139 lays down the environmental protection requirements with which a product is required to comply. This subparagraph was last amended by Regulation (EU) 2025/870 to refer to the requirements laid down in Amendments 14, 11 and 2 to Volumes I, II and III respectively of ICAO Annex 16.

This draft delegated act updates the references in this subparagraph to the latest levels of amendment to the volumes of ICAO Annex 16 to contribute to a high, uniform level of environmental protection and ensure a level playing field.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft delegated act is based on EASA Opinion No 08/2026 whose contents had been publicly consulted through Notice of Proposed Amendment (NPA) 2026-02 'Implementation of the latest CAEP amendments to ICAO Annex 16 Volumes I, II and III' (RMT.0514) published by EASA on 3 July 2026.

20 comments were received from interested parties, including national aviation authorities, industry and associations. EASA has addressed and responded to the comments received on the NPA in Comment-Response Document (CRD) 2026-02.

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

In accordance with Article 19(3) of Regulation (EU) 2018/1139, the Commission is empowered to adopt delegated acts to amend the references to the provisions of the Chicago Convention referred to in the first subparagraph of Article 9(2) of that Regulation, in order to update them in light of subsequent amendments to those provisions which enter into force after 4 July 2018 and which become applicable in all Member States, in so far as such adaptations do not broaden the scope of that Regulation.

The Commission is empowered to adopt delegated acts, in accordance with Article 128 of Regulation (EU) 2018/1139, to amend the references to the provisions of Chicago Convention referred to in the first subparagraph of Article 9(2) of that Regulation.

COMMISSION DELEGATED REGULATION (EU) …/...

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amending Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 as regards references to the provisions of the Chicago Convention

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ([1]), and in particular Article 19(3) thereof,

Whereas:

(1) Aircraft, other than unmanned aircraft, and their engines, propellers, parts and non-installed equipment should comply with the environmental protection requirements, as provided for in the first subparagraph of Article 9(2) of Regulation (EU) 2018/1139 by referring to specific provisions of the Chicago Convention, which contain those requirements. This subparagraph was last amended by Regulation (EU) 2025/870 to refer to the requirements laid down in Amendments 14, 11 and 2 to Volumes I, II and III respectively of Annex 16 to the Chicago Convention.

(2) On 27 March 2026 at the fourth meeting of its 237th Session, the Council of the International Civil Aviation Organization (ICAO) adopted Amendment 15 to Volume I 'Aircraft Noise' of Annex 16 to the Chicago Convention, Amendment 12 to Volume II 'Aircraft Engine Emissions' of Annex 16 to the Chicago Convention, and Amendment 3 to Volume III 'Aeroplane CO_2 Emissions' of Annex 16 to the Chicago Convention. These amendments introduce new standards, including noise standards for subsonic and supersonic aeroplanes and maximum permitted CO_2 emissions evaluation metric values for subsonic aeroplanes, and will become applicable on 1 January 2027.

(3) The references to the provisions of Annex 16 to the Chicago Convention should therefore be updated to maintain a high uniform level of environmental protection and ensure a level playing field for all stakeholders in the aviation market, and Regulation (EU) 2018/1139 should be amended accordingly.

(4) The measures provided for in this Regulation are based on Opinion No 08/2026 ([2]) issued by the European Union Aviation Safety Agency (EASA) in accordance with Article 76(1) of Regulation (EU) 2018/1139,

([1]) OJ L 212, 22.8.2018, p. 1.
([2]) https://www.easa.europa.eu/en/document-library/opinions/opinion-no-082026

HAS ADOPTED THIS REGULATION:

Article 1

In Article 9(2) of Regulation (EU) 2018/1139, the first subparagraph is replaced by the following:

‘As regards noise and emissions, those aircraft and their engines, propellers, parts and non-installed equipment shall comply with the environmental protection requirements contained in Amendment 15 to Volume I, in Amendment 12 to Volume II, and in Amendment 3 to Volume III, all as applicable on 1 January 2027, of Annex 16 to the Chicago Convention.’

Article 2

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

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

Done at Brussels,

For the Commission
The President
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