



Explanatory Note to Decision 2020/023/R

CS-26 Issue 3, AMC-20 Amendment 20, AMC and GM to Part-M Issue 2, Amendment 4

AGEING AIRCRAFT STRUCTURES, REDUCTION OF RUNWAY EXCURSIONS, CONVERSION OF CLASS D COMPARTMENTS
RELATED NPA/CRD 2013-07 — OPINION No 12/2016 — RMT.0225
RELATED NPA/CRD 2018-12 — OPINION No 04/2019 — RMT.0570
RELATED NPA/CRD 2019-02 — OPINION No 04/2019 — RMT.0070

EXECUTIVE SUMMARY

Commission Implementing Regulation (EU) 2020/1159 was adopted on 5 August 2020.

This Regulation amends Commission Regulation (EU) 2015/640 ‘Additional airworthiness specifications for operations’ (Part-26) with respect to the following three topics that EASA proposed through Opinion No 12/2016 ‘Ageing aircraft structures’ (RMT.0225) and Opinion No 04/2019 ‘Reduction of runway excursions’ (RMT.0570) and ‘Class D compartments’ (RMT.0070):

- Ageing aircraft structures;
- Reduction of runway excursion;
- Conversion of class D compartments.

Additionally, Regulation (EU) 2020/1159 amends point M.A.302 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 to create a link between that Regulation and the requirements introduced into Part-26. The objective of this Decision is to support the application of the amendments introduced into Part-26 and Part-M. In order to achieve this objective, this Decision amends CS-26, AMC-20 and the acceptable means of compliance (AMC) and guidance material (GM) to Part-M.

Action area: Runway safety, Aircraft environment
Related rules: CS-26, AMC-20, AMC & GM to Part-M
Affected stakeholders: CAT operators (large aeroplanes); holders of, and applicants for, TC/RTC/STC (large aeroplanes); design or repair approval holders; maintenance organisations; production organisations; national aviation authorities
Driver: Safety **Rulemaking group:** only for RMT.0225
Impact assessment: Yes **Rulemaking Procedure:** Standard

● EASA rulemaking process



RMT.0225: 8.5.2007	23.4.2013	10.10.2016	5.8.2020	17.12.2020
RMT.0570: 19.4.2016	15.10.2018	7.10.2019	5.8.2020	17.12.2020
RMT.0070: 17.09.2010	22.11.2013 (NPA 2013-23) 1.3.2019 (NPA 2019-02)	7.10.2019	5.8.2020	17.12.2020



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1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2020/023/R in line with Regulation (EU) 2018/1139¹ ('Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) [2020-2024](#) under rulemaking tasks (RMTs).0570, RMT.0070 (old 26.003) and RMT.0225 (old MDM.028). The scope and timescales of the tasks were defined in the related Terms of Reference³.

The draft text of this Decision has been developed by EASA. All the interested parties were consulted through notices of proposed amendments (NPAs), and comments were received from all the interested parties, including industry, national aviation authorities (NAAs) and social partners.

The following Table 1 provides an overview of the comments received on the related public consultations and the related EASA responses leading to this Decision:

Consulted proposal	Related RMT	# of comments received	# of commentators	Related CRD reference
NPA 2013-07	0225	674	48	2013-07 Issue 2
CRD 2013-07	0225	47	6	
NPA 2018-12 ⁴	0570	99	25	2018-12 ⁵
NPA 2019-02 ⁶	0070	17	10	2019-02 ⁷

Table 1

In consideration of the comments received, EASA developed and submitted its proposals to the European Commission for the amendment of Part-26 and Part-M, which were published in the

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=1535612134845&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 RMT.0570: <https://www.easa.europa.eu/document-library/terms-of-reference/tor-rmt0570>
RMT.0070: <https://www.easa.europa.eu/document-library/terms-of-reference/tor-26003-issue-1>
RMT.0225: <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-mdm028>

⁴ In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 6(3) and 7 of the Rulemaking Procedure.

⁵ <https://www.easa.europa.eu/document-library/comment-response-documents>

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

⁷ <http://easa.europa.eu/document-library/comment-response-documents>



Opinions in the following Table 2, leading to the adoption of Commission Implementing Regulation (EU) 2020/1159⁸.

Opinion Reference	Title	Related RMTs	Issue date
12/2016 ⁹	Ageing aircraft structures	0225	10.10.2016
04/2019 ¹⁰	Reduction of runway excursions and Class-D compartments	0070, 0570	07.10.2019

Table 2

In parallel, EASA has developed, taking into consideration the comments received during the public consultations referred to in Table 1 above, the final text of this Decision, with the certification specifications (CSs), AMC and GM supporting the application of the amendments introduced by Commission Implementing Regulation (EU) 2020/1159.

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

⁸ Commission Implementing Regulation (EU) 2020/1159 of 5 August 2020 amending Regulations (EU) No 1321/2014 and (EU) No 2015/640 as regards the introduction of new additional airworthiness requirements (OJ L 257, 6.8.2020, p. 14) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1159&qid=1605769128099>).

⁹ <https://www.easa.europa.eu/document-library/opinions/opinion-122016>

¹⁰ <https://www.easa.europa.eu/document-library/opinions/opinion-042019>



2. In summary — why and what

2.1. Why we need to amend CS-26, AMC-20 and the AMC & GM to Part-M

Commission Implementing Regulation (EU) 2020/1159 was adopted on 5 August 2020.

This Regulation amends Commission Regulation (EU) 2015/640¹¹ ‘Additional airworthiness specifications for operations’ (Part-26) with respect to the following three topics that EASA proposed through Opinions Nos 12/2016 ‘Ageing aircraft structures’ (RMT.0225), 04/2019 ‘Reduction of runway excursions’ (RMT.0570) and ‘Class D compartments’ (RMT.0070):

- Ageing aircraft structures;
- Reduction of runway excursions;
- Conversion of class D compartments.

Additionally, Regulation (EU) 2020/1159 amends point M.A. 302 of Annex I (Part-M) to Commission Regulation (EU) No 1321/2014 to create a link between that Regulation and the requirements introduced into Part-26. The objective of this Decision is to support the application of the amendments introduced into Part-26 and Part-M.

CS-26, AMC-20 and the AMC & GM to Part-M need to be amended in order to provide guidance and the 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 Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The objective of this Decision is to support the application of the amendments introduced into Part-26 and Part-M.

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

This Decision introduces new provisions into CS-26, AMC-20 and the AMC & GM to Part-M, in particular:

RMT.0070

- a new CS 26.157, providing means for showing compliance with the requirement for large aeroplanes to have their Class D cargo or baggage compartments converted into Class C or Class E compartments;

RMT.0570

- a new CS 26.205, and new GM1 26.205, providing means for showing compliance with the requirement for large aeroplanes, manufactured after a certain date and operated in CAT, to be equipped with a runway overrun awareness and alerting system (ROAAS);

¹¹ 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R0640&qid=1606307017202>).

RMT.0225

- new GM1 26.300(b) and 26.330(b), providing clarifications regarding the applicability of the new points 26.300(b) and 26.330(b) of Part-26. In particular, this GM provides a non-exhaustive list of possible circumstances demonstrating that an aeroplane model is no longer operated;
- a new CS 26.300(c), 26.330(c) and (d), providing means to demonstrate that an existing change or repair is not, and will not, be incorporated into any aeroplane in operation on and after 26 February 2022;
- new GM1 26.300(c) and 26.330(c), providing guidance in order to clarify how to comply with the new points 26.300(c) and 26.330(c) of Part-26. In particular, this GM provides examples on how to demonstrate that an existing change or repair will not be incorporated into any aeroplane;
- a new CS 26.301, providing means for showing compliance with the new point 26.301 of Part-26. In particular, this CS lists the essential elements that should be included in the compliance plan;
- a new CS 26.302, providing means for showing compliance with the new point 26.302 of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with CS 25.571 Amendment 19, or subsequent, or JAR 25.571 Change 7, or subsequent, or 14 CFR §25.571 Amendment 45, or equivalent;
- a new CS.303(a) and (c), providing means for showing compliance with the new points 26.303(a) and 26.303(c) of Part-26. In particular, they clarify that the demonstration of compliance could be achieved by complying with CS 25.571 Amendment 19, or a subsequent amendment, or through an alternative approach described in this CS;
- new GM1 26.303(a), providing clarifications related to the conditions under which an (R)TC holder can derogate from compliance with the new point 26.303(a)(ii) of Part-26. In particular, this GM provides a non-exhaustive list of examples of how to demonstrate that an aeroplane model will no longer be operated after the scheduled point of submittal for the service information of the maintenance action from the binding schedule;
- a new CS 26.304(a), providing means for showing compliance with the new point 26.304 of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with CS 25.571 Amendment 19, or a subsequent amendment, or through alternative approaches described in this CS;
- a new CS 26.305(a) and (c), providing means for showing compliance with the new points 26.305(a) and 26.305(c) of Part-26. In particular, this CS lists the elements to be considered in the process ensuring the validity of the continuing structural integrity programme;
- a new CS 26.306(a) and (d), providing means for showing compliance with the new points 26.306(a) and (d) of Part-26. In particular, it clarifies how to identify and list the fatigue-critical baseline structure;
- a new CS 26.307(a)(i),(ii) and (b), providing means for showing compliance with the new points 26.307(a)(i),(ii) and 26.307(b) of Part-26. In particular, it clarifies how to identify and list the fatigue-critical modified structure;



- a new CS 26.307(a)(iii) and (c), providing means for showing compliance with the new points 26.307(a)(iii) and 26.307(c) of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with CS 25.571 Amendment 19, or a subsequent amendment, or JAR 25.571 Change 7, or subsequent, or 14 CFR §25.571 Amendment 45, or equivalent, or later amendments;
- a new CS 26.308, providing means for showing compliance with the new point 26.308 of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with AMC 20-20A Paragraph 7 and Appendix 3;
- a new CS 26.309, providing means for showing compliance with the new point 26.309 of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with AMC 20-20A Paragraph 7 and Appendix 3;
- a new CS 26.331, providing means for showing compliance with the new point 26.331 of Part-26. In particular, this CS lists the essential elements that should be included in the compliance plan;
- a new CS 26.332, providing means for showing compliance with the new point 26.332 of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with AMC 20-20A Appendix 3 paragraph 4;
- new GM1 26.332(a)(iii) providing clarifications regarding the identification of published repairs affected by the new point 26.332(a)(iii);
- new GM1 26.332(c)(ii) and 26.334, providing clarifications regarding the interpretation of the new points 26.332(c)(ii) and 26.334 of Part-26. In particular, this GM discusses specific circumstances under which a design approval holder (DAH) may assume that their support is not required by any operator requested to comply with the new point 26.370 of Part-26;
- a new CS 26.333 and 26.334, providing means for showing compliance with the new points 26.333 and 26.334 of Part-26. In particular, it clarifies that the demonstration of compliance could be achieved by complying with CS 25.571 Amendment 19, or a subsequent amendment, or JAR 25.571 Change 7, or subsequent, or 14 CFR §25.571 Amendment 45, or equivalent, or later amendments;
- a new CS 26.370, providing means for showing compliance with the new point 26.370 of Part-26. It clarifies the elements that an operator should incorporate into their aircraft maintenance programme, in particular:
 - a damage-tolerance-based inspection programme,
 - a corrosion prevention and control programme (CPCP),
 - applicable limitations (e.g. the limit of validity (LOV)),
 - means to address the adverse effects that repairs and modifications may have on the fatigue-critical structure;
- new GM1 26.370, providing clarifications to those operators that intend to develop and implement a process to ensure that approved damage tolerance inspections (DTIs) for all repairs and modifications affecting the fatigue-critical structure (FCS) of an aeroplane have been

incorporated into the aircraft maintenance programme (AMP) throughout the operational life of that aeroplane;

- an amendment to Appendix I to AMC M.A.302 providing the needed link between AMC M.A.302 and the new point 26.370 of Part-26; and
- an amendment to AMC 20-20 (AMC 20-20A) to ensure that this material is aligned with the new ageing aircraft requirements introduced into Part-26. Additionally, this AMC has been extensively reworded taking into account the latest available material and, where deemed appropriate, restructured to improve readability.

Others

- new GM1 26.400(b) providing guidance on the showing of compliance with CS 26.400(b). EASA included GM1 26.400(b) in NPA 2014-26, with the intent of providing the same guidance as in GM1 26.170(b). EASA initially decided not to repeat GM1 26.400(b) in the final version of CS-26 Issue 2 published with EDD 2019/006/R¹², in order to avoid the risk of possible misalignments in future amendments. Nevertheless, CS 26.400 still referred to GM1 26.400(b).
- EASA decided to take the opportunity of this amendment to CS-26 to publish GM1 26.400(b) for consistency and to eliminate any potential ambiguity.

¹² <https://www.easa.europa.eu/document-library/agency-decisions/ed-decision-2019006r>



3. References

3.1. Related regulations

- Commission Implementing Regulation (EU) 2020/1159 of 5 August 2020 amending Regulations (EU) No 1321/2014 and (EU) No 2015/640 as regards the introduction of new additional airworthiness requirements
- 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) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

3.2. Related decisions

- ED Decision 2015/013/R of 8 May 2015 adopting Certification Specifications for additional airworthiness specifications for operations 'CS-26 — Issue 1'
- Decision No. 2003/012/RM of the Executive Director of the European Aviation Safety Agency of 5 November 2003 on general acceptable means of compliance for airworthiness of products, parts and appliances ('AMC-20')
- ED Decision 2015/029/R of 17 December 2015 issuing acceptable means of compliance and guidance material to Part-M, Part-145, Part-66, and Part-147 of Regulation (EU) No 1321/2014 and repealing Decision 2003/19/RM of the Executive Director of the Agency of 28 November 2003 'AMC and GM to the Annexes to Regulation (EU) No 1321/2014 — Issue 2'

3.3. Other reference documents

N/A



4. Related documents

- CRD 2013-07 'Ageing aircraft structure'
- CRD 2018-12 'Reduction of runway excursions'
- CRD 2019-02 'Class D compartments'

