



# Explanatory Note to Decision 2015/013/R

## Additional airworthiness specifications for operations — CS-26

RELATED NPA/CRD 2012-13 — OPINION No 08/2013 — RMT.0110 (21.039(k)) — 8.5.2015

### EXECUTIVE SUMMARY

In the Joint Aviation Authorities (JAA) system, Joint Aviation Requirements (JAR)-26 was introduced to make certain important newly introduced airworthiness requirements applicable to aircraft in service.

The transfer of the existing JAR-26 requirements into the EU legal framework was necessary in order to maintain the level of safety that was achieved by JAR-26. For that purpose, Commission Regulation (EU) 2015/640 was issued on 23 April 2015. Annex I (Part-26) to the said Regulation contains the high-level safety objective, applicability and compliance period for each of the proposed measures. This Regulation is now complemented by Certification Specifications, CS-26, providing the standard means to comply with the high-level requirements of Part-26.

Applicability		Process map	
Affected regulations and decisions:	CS-26	Terms of Reference:	9.8.2010
Affected stakeholders:	Operators of large aeroplanes	Concept Paper:	No
Driver/origin:	Legal obligation	Rulemaking group:	No
Reference:	Certification Specifications for Large Aeroplanes (CS-25)	RIA type:	Light
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	13.9.2012
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	18.9.2013



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## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this ED Decision in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the Agency's [2013-2016 Rulemaking Programme](#) under RMT.0110 (21.039(k)). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency. All interested parties were consulted through NPA 2012-13<sup>3</sup>. 54 comments were received from interested parties, including industry, national aviation authorities, professional organisations and private companies.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses thereto are presented in Comment-Response Document (CRD) 2012-13<sup>4</sup>.

The final text of this Decision with the Certification Specifications for additional airworthiness specifications for operations (CS-26) has been developed by the Agency.

The process map on the title page summarises the major milestones of this rulemaking activity.

### 1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. The text of CS-26 is annexed to the ED Decision.

<sup>1</sup> 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 (OJ L 79, 19.3.2008, p. 1).

<sup>2</sup> The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

<sup>3</sup> In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

<sup>4</sup> <http://easa.europa.eu/document-library/comment-response-documents/crd-2012-13>



## 2. Explanatory Note

CS-26 provides the standard means to show compliance of products with the requirements of Annex I (Part-26) to Commission Regulation (EU) 2015/640<sup>5</sup> of 23 April 2015 .

### 2.1. Overview of the issues to be addressed

The safety recommendations from accident and incident investigations, technological advancements and research often lead to new or improved design standards for aircraft and are included in the Agency's Certification Specifications for airworthiness of products (CS-25, CS-29, etc.). These standards are only applicable to new aircraft types and to certain significant changes of existing types. However, some of these new developments, if incorporated in the existing fleet of in-service aircraft, can bring considerable safety improvement.

In the JAA system, JAR-26 was introduced to make certain important newly introduced airworthiness requirements applicable to aircraft in service. Up till now, these requirements have been enforced through national law. However, these national laws have become obsolete through the full implementation of the new Air OPS Regulation<sup>6</sup> by 28 October 2014. Therefore, JAR-26 needed to be transposed into the EU regulatory framework.

In transposing JAR-26 into the EU regulatory framework, it was decided to split each provision in elements to be included in a new Commission Regulation and other elements to go into a new CS-26. This was done for the following reasons. In the EU system, only EU regulations can impose generally binding rules, so in order to make the former JAR-26 content binding, it had to be included in an EU regulation. This Commission Regulation (EU) 2015/640, including Annex I (Part-26), is now published. At the same time, it is acknowledged that airworthiness standards need to be implemented in a flexible manner. For new designs, the necessary flexibility is included in Part-21 which allows deviations from the standards through special conditions or equivalent level of safety findings. The same approach is not possible if airworthiness requirements are included in an EU Regulation. Therefore, the flexibility had to be achieved by limiting the binding law to high-level objectives, applicability and implementation dates only and leaving the details in a CS. This approach has the advantage of allowing for enough flexibility for the addressee of the requirement to establish the best way to comply with a certain safety requirement. It also allows for a shorter process when an update of the technical requirements is needed, as necessary to keep pace with the evolution of other CS. Finally, the existence of a dedicated CS-26, allows for its inclusion, at the request of an applicant, in the certification basis of new or changed products, which will allow a clear demonstration of compliance with these provisions that can be used by the operators of these types or changed types when demonstrating compliance with Part-26.

The initial versions of Part-26 and CS-26 include only a transposition of the previous JAR-26 provisions, and apply to operators of large aeroplanes operated in commercial air transportation, being thus consistent with the applicability of JAR-26. Further provisions will follow under separate rulemaking

<sup>5</sup> 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).

<sup>6</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical 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).



tasks which, depending on the technical content, may also be applicable to other categories of aircraft and/or operations and also to design approval holders or production organisations. Each time a new airworthiness requirement needs to be imposed, an amendment to Part-26 and CS-26 will be proposed through an NPA.

## 2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2.1. The specific objective of this Decision is to complete the transfer of the existing JAR-26 requirements into the EU legal framework by providing the standard means to show compliance of products with the requirements of Annex I (Part-26) to Commission Regulation (EU) 2015/640.

## 2.3. Overview of the CS-26

CS-26 provides the detailed technical specifications copied from JAR-26 Amendment 3, Section 1 Subpart B as standard means to comply with the high-level requirements of Part-26. CS-26 also includes a set of Guidance Material for showing compliance with CS-26, as copied from JAR-26 Amendment 3 Section 2 (AMC/IEM).

Each JAR-26 paragraph was transferred into new paragraphs bearing the same number, respectively in Part-26, CS-26 and GMs for consistency and ease of the transition from the old to the new system of rules. A cross-reference table including also the relevant JAR/CS-25 and OPS provisions is added in a new GM1 26.1.



### **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).

Annex III (Part-ORO) to Commission Regulation (EU) No 965/2012

#### **3.2. Reference documents**

Certification Specifications for Large Aeroplanes (CS-25)

