



TERMS OF REFERENCE

Task Nr:	21.039(k)
Issue:	1
Date:	9 August 2010
Regulatory reference:	Basic Regulation (EC) No 216/2008 ¹ Article 5(5)(e)(vi), Article 5(6)
Reference documents:	JAR-26 amendment 3 – Subpart B – ‘Commercial Air Transport (Aeroplanes)’ FAR Part 121 ‘Operating requirements: domestic, flag, and supplemental operations’ FAR Part 26 ‘Continued airworthiness and safety improvements for transport category airplanes’ ToR 21.039 – Issue 2 NPA 2009-001 on ‘Operational Suitability Certificate and Safety Directives’, 16/01/2009 ²

- 1. Subject:** Additional airworthiness specifications for operations – Transfer of JAR-26 provisions into the EU framework
- 2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):**
 - a) Regulatory framework for additional airworthiness specifications for operations

In the JAA system, specific additional airworthiness specifications were prescribed under JAR-26 (Additional Airworthiness Requirements for Operations). In particular, Subpart B was dedicated to commercial air transport (Aeroplanes). If rendered mandatory by Member States’ National laws, they were/are applicable to operators of aeroplanes operating under commercial air transportation. Further subparts in JAR-26 were reserved for other categories of aircraft and operations, but were not used.

In the frame of EASA rulemaking task 21.039³, the Agency is defining a new regulatory framework, including definition of Implementing Rules for the elaboration and adoption of additional airworthiness specifications for a given type of aircraft and type of operation. A proposal was made through NPA 2009-01 and its CRD is scheduled to be published by December 2010. The final Opinion is scheduled for April 2011. This rulemaking task will provide the legal tools within the EU framework for imposing additional airworthiness specifications for operations and should be adopted by the European Commission in April 2012.

However, the exact form and details of the legal tool will not affect the technical

¹ 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, 19.03.2008, p. 1). Regulation as last amended by Commission Regulation (EC) 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

² See NPA 2009-01 on Rulemaking Archives page <http://easa.europa.eu/rulemaking/r-archives.php>.

³ Note : Task 21.039 contains additional subtasks from 21.039 (a) to 21.039 (k) in support of the Operational Suitability Data concept. Please refer to the Rulemaking Programme for details.

substance of the measures to be imposed. The Agency has therefore decided to proceed with the preparation and public consultation of these measures in parallel with the finalisation of the legal tool(s) for imposing them.

This rulemaking task 21.039(k) covers the transfer of existing JAR-26 amendment 3 requirements. In addition, the Agency is also developing new additional airworthiness specifications for operation, which are identified in the Agency Rulemaking Programme and Planning. Currently the following tasks are planned: tasks 26.001, 26.002, 26.003, 26.004, 26.005, 26.006, 26.007, 26.008, 26.009, 26.010 and MDM.028. For details, please refer to the relevant ToR.

b) Transfer of JAR-26 'Additional Airworthiness Requirements for Operations'

Subpart B of JAR-26 contains 13 specifications related to cabin, cargo compartment, landing gear aural warning and flight crew compartment. All of the provisions except one on flight crew single incapacitation are applicable to large aeroplanes. During a survey on the implementation of current JAR-26 provisions it appeared that some problems existed with the literal implementation of some of the measures as well as some interpretation problems. There is therefore a need to review the technical substance of these measures using the implementation experience, before they are transferred into the EU framework.

3. Objective:

The objective is to establish the additional airworthiness specifications for operation in the EU framework in order to maintain the level of safety that is achieved today by the implementation of JAR-26. This consists of the transfer of the existing JAR-26 specifications.

4. Specific tasks and interface issues (Deliverables):

- Review the existing JAR-26 specifications and associated data from AGNA/SSCC on its implementation in the EU.
- Based on this review, transfer the JAR-26 provisions into measures that will fit in the newly defined legal framework.
- Determine the applicability (production aircraft, retrofit, date).
- Harmonize as much as possible with FAR Part 121 rules/FAR Part 26 rules.
- Draft the specifications and, based on the available results of the task 21.039, determine the regulatory tool to mandate them.

5. Working Methods (in addition to the applicable Agency procedures):

Agency

6. Time scale, milestones:

- NPA: 2011/Q1.
- Decision: 2012/Q3 (an opinion may be issued as well, depending on the regulatory tool to mandate the specifications).