

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1254**of 19 July 2022****amending Regulation (EU) 2015/640 as regards the introduction of new additional airworthiness requirements**

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 17(1), point (h), thereof,

Whereas:

- (1) Pursuant to Article 76(3) of Regulation (EU) 2018/1139, the European Union Aviation Safety Agency (the 'Agency') issues certification specifications (CSs) and regularly updates them in order to ensure that CSs remain fit for purpose. However, an aircraft the design of which has already been certified is not required to comply with the updated version of the applicable CSs when it is produced or while in service. In order to support continuing airworthiness and safety improvements, compliance of such aircraft with additional airworthiness requirements that were not included in the initial CSs at the time of certification of the design should be introduced. Commission Regulation (EU) 2015/640 ⁽²⁾ sets out such additional airworthiness requirements.
- (2) With effect from 26 August 2023, Commission Implementing Regulation (EU) 2020/1159 ⁽³⁾ inserted in Annex I (Part-26) to Regulation (EU) 2015/640 a new point 26.157. In accordance with that provision, all in-service large aeroplanes certified by the Agency and used in commercial air transport on or after 26 August 2023 are to comply with additional airworthiness requirements for the conversion of Class D cargo or baggage compartments. However, further analysis has shown that for certain type of operations, including primarily business operations, certain large, low-occupancy aeroplanes present lower risk of an in-flight fire starting in their Class D cargo or baggage compartment and developing into an uncontrollable fire. In order to avoid imposing non-proportionate and non-cost-efficient burdens on their operators, the operators of those aeroplane types should therefore be exempted from the obligation to comply with point 26.157.
- (3) With effect from 22 June 2021, the Agency amended the Certification Specifications for Large Aeroplanes (CS-25) to introduce a new specification that requires the establishment of means to minimise the risk of a tyre being below its minimum serviceable inflation pressure during operation. However, that new specification applies only to large aeroplanes for which application for the approval of the design was made after 22 June 2021. Considering that certain large aeroplanes might not comply with that new specification, additional airworthiness requirements should be introduced. Having due regard to the nature and risk of operations with large aeroplanes while maintaining a high uniform level of civil aviation safety in the Union, it is proportionate and cost-efficient to introduce those additional airworthiness requirements for all large aeroplanes in-service that were produced on the basis of a design already certified by the Agency.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

- (4) The Agency has amended the Certification Specifications for Small Rotorcraft (CS-27) and Large Rotorcraft (CS-29) respectively to introduce new specifications for rotorcraft intended for use in offshore operations. In accordance with the new specifications, the rotorcraft are required to be certified for ditching or are required to have emergency flotation systems installed on them. Having due regard to the nature and risk of helicopter offshore operations and the need to maintain a high uniform level of civil aviation safety in the Union, it is proportionate and cost-efficient to render some of those specifications applicable to existing helicopters operated in the Union and to those that will be produced after the entry into force of this Regulation on the basis of a design which has already been certified by the Agency.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/640 is amended as follows:

- (1) in Article 2 of Regulation (EU) 2015/640, the following points (ca), (cb) and (cc) are inserted:

- ‘(ca) “small helicopter” means a helicopter that has the Certification Specifications for Small Rotorcraft (CS-27) or equivalent in its certification basis;
- (cb) “small category A helicopter” means a small helicopter that has all the characteristics of category A as defined in point (17) of Annex I to Regulation (EU) No 965/2012 and has in its certification basis the additional specifications set out in the Certification Specifications for Large Rotorcraft (CS-29) that are applicable by virtue of the reference in Appendix C to CS-27, or equivalent;
- (cc) “Substantiated sea conditions” means those sea conditions which were selected by the applicant for a type certificate or supplemental type certificate against which the resistance of the rotorcraft to capsize has been demonstrated and subsequently certified for ditching or emergency flotation provisions.’;

- (2) Annex I (Part-26) is amended in accordance with the Annex to this Regulation.

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*.

It shall apply from 9 September 2022, except for:

- (a) points 2 and 6 of the Annex, which shall apply from 26 August 2023;
- (b) point 4 and point 5 of the Annex as regards the addition of points 26.410, 26.415, points 26.420(a) and (b), and point 26.425 of Annex I (Part-26) to Regulation (EU) 2015/640, which shall apply from 9 August 2023;
- (c) point 5 of the Annex as regards the addition of point 26.420(c) and point 26.435(a) of Annex I (Part-26) to Regulation (EU) 2015/640, which shall apply from 9 August 2024;
- (d) point 5 of the Annex as regards the addition of point 26.435(b) of Annex I (Part-26) to Regulation (EU) 2015/640, which shall apply from 9 August 2026.

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

Done at Brussels, 19 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Regulation (EU) 2015/640 (Part-26) is amended as follows:

(1) the table of contents is replaced by the following:

‘CONTENTS

SUBPART A – GENERAL PROVISIONS

- 26.10 Competent authority
- 26.20 Temporary inoperative equipment
- 26.30 Demonstration of compliance

SUBPART B – LARGE AEROPLANES

- 26.50 Seats, berths, safety belts, and harnesses
- 26.60 Emergency landing – dynamic conditions
- 26.100 Location of emergency exits
- 26.105 Emergency exit access
- 26.110 Emergency exit markings
- 26.120 Interior emergency lighting and emergency light operation
- 26.150 Compartment interiors
- 26.155 Flammability of cargo compartment liners
- 26.156 Thermal or acoustic insulation materials
- 26.157 Conversion of Class D compartments
- 26.160 Lavatory fire protection
- 26.170 Fire extinguishers
- 26.200 Landing gear aural warning
- 26.201 Tyre inflation pressure
- 26.205 Runway overrun awareness and alerting systems
- 26.250 Flight crew compartment door operating systems – single incapacitation
- 26.300 Continuing structural integrity programme for ageing aeroplanes structures – general requirements
- 26.301 Compliance Plan for (R)TC holders
- 26.302 Fatigue and damage tolerance evaluation
- 26.303 Limit of Validity
- 26.304 Corrosion prevention and control programme
- 26.305 Validity of the continuing structural integrity programme
- 26.306 Fatigue critical baseline structure
- 26.307 Damage tolerance data for existing changes to fatigue critical structure

- 26.308 Damage tolerance data for existing repairs to fatigue critical structure
- 26.309 Repair evaluation guidelines
- 26.330 Damage tolerance data for existing supplemental type-certificates (STCs), other existing major changes and existing repairs affecting those changes or STCs
- 26.331 Compliance Plan for STC holders
- 26.332 Identification of changes affecting fatigue critical structure
- 26.333 Damage tolerance data for STCs and repairs to those STCs approved on or after 1 September 2003
- 26.334 Damage tolerance data for STCs and other changes and repairs to those changes approved before 1 September 2003
- 26.370 Continuing airworthiness tasks and aircraft maintenance programme

SUBPART C – HELICOPTERS

- 26.400 Fire extinguishers
- 26.410 Emergency controls operated underwater
- 26.415 Underwater emergency exits
- 26.420 Emergency equipment for flight over water
- 26.425 Provision of substantiated sea conditions
- 26.430 Resistance of an emergency flotation system to damage
- 26.431 Determination of the robustness of emergency flotation system designs
- 26.435 Automatic deployment of an emergency flotation system

Appendix 1 – List of aeroplane models not subject to certain provisions of Annex I (Part-26);

- (2) point 26.157 is replaced by the following:

‘26.157 **Conversion of Class D compartments**

Operators of large aeroplanes used in commercial air transport, type certified on or after 1 January 1958, except for operators of an aeroplane model listed in Table A.1 of Appendix 1 to this Annex, shall ensure that:

- (a) for aeroplanes, the operation of which involves the transport of passengers, each Class D cargo or baggage compartment, regardless of its volume, complies with the certification specifications applicable to a Class C compartment;
- (b) for aeroplanes, the operation of which involves the transport of cargo only, each Class D cargo compartment, regardless of its volume, complies with the certification specifications applicable to either a Class C or a Class E compartment.’;

- (3) the following point 26.201 is inserted:

‘26.201 **Tyre inflation pressure**

Operators of large aeroplanes shall minimise the risk of a tyre being below its minimum serviceable inflation pressure during operation.’;

- (4) the title of Subpart C is replaced by the following:

‘SUBPART C – HELICOPTERS’;

- (5) the following points 26.410, 26.415, 26.420, 26.425, 26.430, 26.431 and 26.435 are added:

26.410 Emergency controls operated underwater

Operators of small helicopters and large helicopters that are required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that all the emergency controls that need to be operated underwater are marked with the method of operation as well as with yellow and black stripes.

26.415 Underwater emergency exits

- (a) Operators of small helicopters and large helicopters that are required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that:
- (1) it is possible for occupants to easily identify the means to operate all the underwater emergency exits to facilitate egress in the case of ditching or capsizing;
 - (2) an underwater emergency exit is available on each side of the helicopter for each unit, (or part of a unit, of four passenger seats unless the emergency underwater exit is large enough to permit the simultaneous egress of two passengers;
 - (3) passenger seats are located in relation to the underwater emergency exits referred to in point (2) in such a way as to facilitate the escape of passengers in the event of the helicopter capsizing and the cabin becoming flooded.
- (b) Operators of small category A helicopters and large helicopters that are required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that:
- (1) all emergency exits, including flight crew emergency exits, and any door, window or other opening suitable to be used for the purpose of underwater escape, remain operable in an emergency;
 - (2) an automatic means is provided to easily identify the periphery of the apertures of all underwater emergency exits in all lighting conditions; such markings must be designed to remain visible in case the helicopter is capsized or the cabin is submerged.

26.420 Emergency equipment for flight over water

- (a) Operators of small helicopters and large helicopters that are required to comply with the requirements of point CAT.IDE.H.300 of Annex IV, point NCC.IDE.H.227 of Annex VI or point SPO.IDE.H.199 of Annex VIII to Regulation (EU) No 965/2012, shall ensure that each inflated life raft has a means to hold it near the helicopter, and an additional means to keep the inflated life raft attached to the helicopter further away at a distance that would not pose a danger to the life raft itself nor to the persons on board. In the event that the helicopter totally submerges, both of those life raft retention means shall break before the helicopter submerges, even when the life raft is empty.
- (b) Operators of small helicopters and large helicopters that are required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that stowage provisions are provided that accommodate one life preserver for each helicopter occupant within easy reach of each occupant while seated, unless occupants are always required to wear them whilst on board the helicopter.
- (c) Operators of large helicopters that are required by point SPA.HOFO.165(d) of Annex V to Regulation (EU) No 965/2012 to have one or more life rafts installed, shall ensure that the life raft(s):
- (1) is (are) remotely deployable, with the means to deploy the life raft(s), located within easy reach of the flight crew, the occupants of the passenger cabin and any survivors in the water, with the helicopter in an upright floating or capsized position;
 - (2) can be reliably deployed with the helicopter in any reasonably foreseeable floating attitude, including capsize, and in the substantiated sea conditions for capsize resistance.

26.425 Provision of substantiated sea conditions

- (a) A holder of a type certificate for a small helicopter or a large helicopter shall ensure that the substantiated sea conditions for capsizing resistance and any associated information relating to the ditching certification or emergency flotation provisions are included in the rotorcraft flight manual (RFM) and provided to all operators.
- (b) A holder of a supplemental type certificate for an emergency flotation system that is installed on a small helicopter or a large helicopter shall ensure that the substantiated sea conditions for capsizing resistance and any associated information relating to the ditching certification or emergency flotation provisions are included in the RFM and provided to all operators.

26.430 Resistance of an emergency flotation system to damage

- (a) Operators of small helicopters or large helicopters that have their first individual certificate of airworthiness issued on or after 9 August 2025 and that are required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that if the helicopter includes a stowed emergency flotation system, the effects on the successful deployment and retention of the emergency flotation system as a result of possible damage from a water impact are minimised as far as practicable in the design.
- (b) Operators of small helicopters or large helicopters with stowed emergency flotation systems that are installed for the first time on or after 9 August 2025 that are required, in accordance with CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be certified for ditching, shall ensure that the effects on the successful deployment and retention of the emergency flotation systems as a result of possible damage from a water impact are minimised as far as practicable in the design.

26.431 Determination of the robustness of emergency flotation system designs

- (a) An operator of a small helicopter or a large helicopter that is required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, may request the person referred to in point (b) to provide the services referred to in point (c), where both the following conditions are met:
 - (1) the operator is required to demonstrate compliance with point 26.430 of this Annex;
 - (2) the robustness of the emergency flotation system in the event of water impact has not been demonstrated as part of the type certificate or supplemental type certificate of that helicopter.
- (b) The person who shall provide the services referred to in point (c) are:
 - (1) the type certificate holder, if the emergency flotation system is included within the type design;
 - (2) the supplemental type certificate holder, if the emergency flotation system is certified through a supplemental type certificate.
- (c) The person referred to in point (b) shall:
 - (1) determine that the effects on the successful deployment and retention of the emergency flotation system as a result of possible damage from a water impact are minimised, as far as practicable;
 - (2) determine that the effects referred to in point (c)(1) are taken into consideration in the design of the emergency flotation system;
 - (3) provide an assessment to the operator.

26.435 Automatic deployment of an emergency flotation system

- (a) Operators of small helicopters that are required, in accordance with point CAT.IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that if an emergency flotation system is installed and is stowed during flight, then it shall automatically deploy as a result of entry into water.

- (b) Operators of small category A helicopters and large helicopters that are required, in accordance with point CAT. IDE.H.320(a) of Annex IV to Regulation (EU) No 965/2012, to be designed for landing on water or certified for ditching, shall ensure that if an emergency flotation system is installed and is stowed during flight, then it shall automatically deploy as a result of entry into water and shall not rely on any pilot action during flight.’;

(6) Appendix 1 is replaced by the following:

‘Appendix 1

List of aeroplane models not subject to certain provisions of Annex I (Part-26)

Table A.1

TC Holder	Type	Models	Manufacturer serial number	Provisions of Annex I (Part-26) that do NOT apply
The Boeing Company	707	All		26.301 to 26.334
The Boeing Company	720	All		26.301 to 26.334
The Boeing Company	DC-10	DC-10-10 DC-10-30 DC-10-30F	All	26.301 to 26.334
The Boeing Company	DC-8	All		26.301 to 26.334
The Boeing Company	DC-9	DC-9-11, DC-9-12, DC-9-13, DC-9-14, DC-9-15, DC-9-15F, DC-9-21, DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-32F (C-9A, C-9B), DC-9-33F, DC-9-34, DC-9-34F, DC-9-41, DC-9-51	All	26.301 to 26.334
The Boeing Company	MD-90	MD-90-30	All	26.301 to 26.334
FOKKER SERVICES B.V.	F27	Mark 100, 200, 300, 400, 500, 600, 700	All	26.301 to 26.334
FOKKER SERVICES B.V.	F28	Mark 1000, 1000C, 2000, 3000, 3000C, 3000R, 3000RC, 4000	All	26.301 to 26.334
GULFSTREAM AEROSPACE CORP.	G-159	G-159 (Gulfstream I)	All	26.301 to 26.334

GULFSTREAM AEROSPACE CORP.	G-II_III_IV_- V	G-1159A (GIII) G-1159B (GIIB) G-1159 (GII)	All	26.301 to 26.334
KELOWNA FLIGHTCRAFT LTD.	CONVAIR 340/440	440	All	26.301 to 26.334
LEARJET INC.	Learjet 24/ 25/31/36/ 35/55/60	24, 24A, 24B, 24B-A, 24D, 24D-A, 24F, 24F-A, 25, 25B, 25C, 25D, 25F	All	26.301 to 26.334
LOCKHEED MARTIN CORPORATION	1329	All		26.301 to 26.334
LOCKHEED MARTIN CORPORATION	188	All		26.301 to 26.334
LOCKHEED MARTIN CORPORATION	382	382, 382B, 382E, 382F, 382G	All	26.301 to 26.334
LOCKHEED MARTIN CORPORATION	L-1011	All		26.301 to 26.334
PT. DIRGANTARA INDONESIA	CN-235	All		26.301 to 26.334
SABRELINER CORPORATION	NA-265	NA-265-65	All	26.301 to 26.334
VIKING AIR LIMITED	SD3	SD3-30 Sherpa SD3 Sherpa	All	26.301 to 26.334
VIKING AIR LIMITED	DHC-7	All		26.301 to 26.334
VIKING AIR LIMITED	CL-215	CL-215-6B11	All	26.301 to 26.334
TUPOLEV PUBLIC STOCK COMPANY	TU-204	204-120CE	All	26.301 to 26.334
AIRBUS	A320 series	A320-251N, A320-271N	10033, 10242, 10281 and 10360	26.60
AIRBUS	A321 series	A321-271NX	10257, 10371 and 10391	26.60
AIRBUS	A330 series	A330-243, A330-941	1844, 1861, 1956, 1978, 1982, 1984, 1987, 1989, 1998, 2007, 2008 and 2011	26.60

ATR-GIE Avions de Transport Régional	ATR 72 series	ATR72-212A	1565, 1598, 1620, 1629, 1632, 1637, 1640, 1642, 1649, 1657, 1660, 1661	26.60
The Boeing Company	737 series	737-8 and 737-9	43299, 43304, 43305, 43310, 43321, 43322, 43332, 43334, 43344, 43348, 43391, 43579, 43797, 43798, 43799, 43917, 43918, 43919, 43921, 43925, 43927, 43928, 43957, 43973, 43974, 43975, 43976, 44867, 44868, 44873, 60009, 60010, 60040, 60042, 60056, 60057, 60058, 60059, 60060, 60061, 60063, 60064, 60065, 60066, 60068, 60194, 60195, 60389, 60434, 60444, 60455, 61857, 61859, 61862, 61864, 62451, 62452, 62453, 62454, 62533, 63358, 63359, 63360, 64610, 64611, 64612, 62613, 64614, 65899, 66147, 66148, 66150	26.60
GULFSTREAM AEROSPACE LP.	Gulfstream G100 series	1125 Astra 1125 Astra SP G100/Astra SPX	All	26.157
GULFSTREAM AEROSPACE LP.	Gulfstream G100 series	Gulfstream G150	All	26.157
GULFSTREAM AEROSPACE LP.	GALAXY G200 series	Gulfstream 200/Galaxy	All	26.157

TEXTRON AVIATION INC.	650 series	650	All	26.157
TEXTRON AVIATION INC.	Cessna 500/ 550/S550/ 560/560XL series	500 550 560 560XL S550	All	26.157
TEXTRON AVIATION INC.	Hawker Series	BAe.125 Series Hawker 750 Hawker 800XP	All	26.157
TEXTRON AVIATION INC.	CESSNA 750 (Citation X) series	750	All	26.157'