

▼B**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***Article 1***Scope**

This Regulation lays down common additional airworthiness specifications in order to support the continuing airworthiness and safety improvements of:

- (a) aircraft registered in a Member State;
- (b) aircraft registered in a third country and used by an operator for which a Member State ensures oversight.

*Article 2***Definitions**

For the purposes of this Regulation,

- (a) ‘maximum operational passenger seating configuration’ shall mean the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual;

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- (b) ‘large aeroplane’ means an aeroplane that has the Certification Specifications for large aeroplanes ‘CS-25’ or equivalent in its certification basis;
- (c) ‘large helicopter’ means a helicopter that has the Certification Specifications for large rotorcraft ‘CS-29’ or equivalent in its certification basis;
- (d) ‘low-occupancy aeroplane’ means an aeroplane that has a maximum operational passenger seating configuration of:
 - (1) up to and including 19 seats, or;
 - (2) up to and including one third of the maximum passenger seating capacity of the type-certified aeroplane, as indicated in the aeroplane type-certificate data sheet (TCDS), provided that both of the following conditions are met:
 - (a) the total number of passenger seats approved for occupancy during taxiing, take-off or landing does not exceed 100 per deck;
 - (b) the maximum operational passenger seating configuration during taxiing, take-off or landing in any individual zone between pairs of emergency exits (or any dead-end zone) does not exceed one third of the sum of the passenger seat allowances for the emergency exit pairs bounding that zone (using the passenger seat allowance for each emergency exit pairs as defined by the applicable certification basis of the aeroplane). For the purpose of determining compliance with this zonal limitation, in the case of an aeroplane that has deactivated emergency exits, it shall be assumed that all emergency exits are functional.

*Article 3***Additional airworthiness specifications for a given type of operation**

Operators for which a Member State ensures oversight shall, when operating the aircraft referred to in Article 1, comply with the provisions of Annex I.

*Article 4***Amendment to Regulation (EU) No 965/2012**

Annex III to Regulation (EU) No 965/2012 is amended in accordance with Annex II to this Regulation, in order to contain a reference to this Regulation.

*Article 5***Transitional provisions**

Aircraft for which operators demonstrated to their competent authority compliance with JAR-26 ‘Additional Airworthiness Requirements for Operations’ (hereinafter ‘JAR-26 requirements’), issued by the Joint Aviation Authorities on 13 July 1998, as amended by the Amendment 3 of 1 December 2005, before the dates of application referred to in Article 6 shall be deemed to comply with the equivalent specifications set out in Annex I to this Regulation.

Aircraft for which compliance with the JAR-26 requirements equivalent to the specifications set out in points 26.50, 26.105, 26.110, 26.120, 26.150, 26.155, 26.160, 26.200, 26.250 of Annex I to this Regulation has been demonstrated in accordance with the first subparagraph shall subsequently not be modified in a way that would affect its compliance with the JAR-26 requirements concerned.

*Article 6***Entry into force and application**

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

It shall apply from 14 May 2015.

However, points 26.50, 26.105, 26.110, 26.120, 26.150, 26.155, 26.160, 26.200 and 26.250 of Annex I shall apply from 14 May 2017.

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

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▼B**SUBPART A*****GENERAL PROVISIONS*****26.10 Competent authority**

For the purpose of the Part set out in this Annex, the competent authority to which compliance with the specifications needs to be demonstrated by operators shall be the authority designated by the Member State in which the operator has its principal place of business.

26.20 Temporary inoperative equipment

A flight shall not be commenced when any of the aircraft's instruments, items of equipment, or functions required by this Part are inoperative or missing unless waived by the operator's Minimum Equipment List as defined in Part-ORO.MLR.105 and approved by the competent authority.

▼ B**26.30 Demonstration of compliance**

- (a) The Agency shall issue, in accordance with Article 19(2) of Regulation (EC) No 216/2008, certification specifications as standard means to show compliance of products with this Part. The certification specifications shall be sufficiently detailed and specific to indicate to operators the conditions under which compliance with the requirements of this Part may be demonstrated.
- (b) Operators may demonstrate compliance with the requirements of this Part by complying with:
 - (i) the detailed specifications issued by the Agency under paragraph (a) or the equivalent specifications issued by the Agency under Part 21.A.16A; or
 - (ii) technical standards offering an equivalent level of safety as those included in those specifications.

SUBPART B

LARGE AEROPLANES**26.50 Seats, berths, safety belts, and harnesses**

Operators of large aeroplanes used in commercial air transport, type certified on or after 1 January 1958, shall ensure that each flight or cabin crew member seat and its restraint system are configured in order to provide an optimum level of protection in an emergency landing whilst allowing the occupant's necessary functions and facilitating rapid egress.

▼ M1**26.60 Emergency landing — dynamic conditions**

Operators of large aeroplanes used in commercial air transport of passengers, type-certified on or after 1 January 1958, and for which the individual certificate of airworthiness is first issued on or after 18 February 2021 shall demonstrate for each seat type design approved for occupancy during taxiing, take-off or landing that the occupant is protected when exposed to loads resulting from emergency landing conditions. The demonstration shall be made by one of the following means:

- (a) successfully completed dynamic tests;
- (b) rational analysis providing equivalent safety, based on dynamic tests of a similar seat type design.

The obligation set out in the first paragraph shall not apply to the following seats:

- (a) flight deck crew seats,
- (b) seats in low-occupancy aeroplanes involved only in on-demand non-scheduled commercial air transport operations.

▼ B**26.100 Location of emergency exits**

Except for aeroplanes having an emergency exit configuration installed and approved prior to 1 April 1999, operators of large aeroplanes used in commercial air transport having a maximum operational passenger seating configuration of more than nineteen with one or more emergency exits deactivated shall ensure that the distance(s) between the remaining exits remains (remain) compatible with effective evacuation.

▼ B**26.105 Emergency exit access**

Operators of large aeroplanes used in commercial air transport shall provide means to facilitate the rapid and easy movement of each passenger from their seat to any of the emergency exits in case of an emergency evacuation.

26.110 Emergency exit markings

Operators of large aeroplanes used in commercial air transport shall comply with the following:

- (a) means shall be provided to facilitate the location, access, and operation of emergency exits by cabin occupants under foreseeable conditions in the cabin in case of an emergency evacuation;
- (b) means shall be provided to facilitate the location and operation of emergency exits by personnel on the outside of the aeroplane in case of an emergency evacuation.

26.120 Interior emergency lighting and emergency light operation

Operators of large aeroplanes used in commercial air transport shall provide means to ensure that illuminated exit signage, general cabin and exit area illumination, and low level exit path illumination is available to facilitate the location of exits and movement of passengers to the exits in case of emergency evacuation.

26.150 Compartment interiors

Operators of large aeroplanes used in commercial air transport shall comply with the following:

- (a) all materials and equipment used in compartments occupied by the crew or passengers shall demonstrate flammability characteristics compatible with minimising the effects of in-flight fires and the maintenance of survivable conditions in the cabin for a time commensurate with that needed to evacuate the aircraft;
- (b) smoking prohibition shall be indicated with placards;
- (c) disposal receptacles shall be such that containment of an internal fire is ensured; such receptacles shall be marked to prohibit the disposal of smoking materials.

26.155 Flammability of cargo compartment liners

Operators of large aeroplanes used in commercial air transport, type certified after 1 January 1958, shall ensure that the liners of Class C or Class D cargo compartments are constructed of materials that adequately prevent the effects of a fire in the compartment from endangering the aircraft or its occupants.

▼ M1**26.156 Thermal or acoustic insulation materials**

Operators of large aeroplanes used in commercial air transport, type certified on or after 1 January 1958, shall ensure that:

- (a) for aeroplanes for which the first individual certificate of airworthiness is issued before 18 February 2021, when new thermal or acoustic insulation materials are installed as replacements on or after 18 February 2021, those new materials have flame propagation resistance characteristics which prevent or reduce the risk of flame propagation in the aeroplane;
- (b) for aeroplanes for which the first individual certificate of airworthiness is issued on or after 18 February 2021, thermal and acoustic insulation materials have flame propagation resistance characteristics which prevent or reduce the risk of flame propagation in the aeroplane;

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- (c) for aeroplanes for which the first individual certificate of airworthiness is issued on or after 18 February 2021 and with a passenger capacity of 20 or more, thermal and acoustic insulation materials (including the means of fastening the materials to the fuselage) installed in the lower half of the aeroplane have flame penetration resistance characteristics which prevent or reduce the risk of flame penetration into the aeroplane after an accident and which ensure survivable conditions in the cabin for a time needed to evacuate the aeroplane.

▼ B**26.160 Lavatory fire protection**

Operators of large aeroplanes used in commercial air transport with a maximum operational passenger seating configuration of more than 19 shall comply with the following:

Lavatories shall be equipped with:

- (a) smoke detection means;
- (b) means to automatically extinguish a fire occurring in each disposal receptacle.

▼ M1**26.170 Fire extinguishers**

Operators of large aeroplanes shall ensure that the following extinguishers do not use halon as an extinguishing agent:

- (a) built-in fire extinguishers for each lavatory waste receptacle for towels, paper or waste in large aeroplanes for which the first individual certificate of airworthiness is issued on or after 18 February 2020;
- (b) portable fire extinguishers in large aeroplanes for which the first individual certificate of airworthiness is issued on or after 18 May 2019.

▼ B**26.200 Landing gear aural warning**

Operators of large aeroplanes used in commercial air transport shall ensure that an appropriate landing gear aural warning device is installed in order to significantly reduce the likelihood of landings with landing gear inadvertently retracted.

26.250 Flight crew compartment door operating systems — single incapacitation

Operators of large aeroplanes used in commercial air transport shall ensure that flight crew compartment door operating systems, where installed, be provided with alternate opening means in order to facilitate access by cabin crew members into the flight crew compartment in the case of a single flight crew member incapacitation.

▼ M1**SUBPART C — LARGE HELICOPTERS****26.400 Fire extinguishers**

Operators of large helicopters shall ensure that the following extinguishers do not use halon as an extinguishing agent:

- (a) built-in fire extinguishers for each lavatory waste receptacle for towels, paper or waste in large helicopters for which the individual certificate of airworthiness is first issued on or after 18 February 2020;
- (b) portable fire extinguishers in large helicopters for which the individual certificate of airworthiness is first issued on or after 18 May 2019.

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ANNEX II

In Annex III (Part-ORO) to Regulation (EU) No 965/2012, point ORO.AOC.100. subparagraph (c)(1) is replaced by the following:

- ‘(1) they comply with all the requirements of annex IV to Regulation (EC) No 216/2008, this Annex (Part-ORO), Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation and Annex I (Part 26) to Regulation (EU) 2015/640 (*);

(*) 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).’