
STATUTORY INSTRUMENTS

2021 No. 1203

The Aviation Safety (Amendment) (No. 3) Regulations 2021

PART 3

Amendment of retained direct minor EU legislation

CHAPTER 5

Amendment of [Commission Regulation \(EU\) No 2015/640](#)

Commission Regulation (EU) 2015/640 (airworthiness specifications)

18. 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\(1\)](#) is amended in accordance with regulations 19 to 21.

Amendment of Article 1 of Commission Regulation (EU) 2015/640

19. For Article 1 (scope) substitute—

“**1.** This Regulation lays down common additional airworthiness specifications related to the continuing airworthiness and safety improvements of aircraft.

2. This Regulation applies to:

(a) operators of:

(i) aircraft registered in the United Kingdom;

(ii) aircraft registered in a third country and used by an operator over which the United Kingdom ensures oversight;

(b) holders of a type-certificate, restricted type-certificate, supplemental type-certificate or a change and repair design approval approved by the CAA in accordance with [Commission Regulation \(EU\) No 748/2012](#) or deemed to have been issued in accordance with Article 3 of that Regulation;

(c) the applicants for a type-certificate or a restricted type-certificate for a turbine-powered large aeroplane, for which the application was submitted before 1 January 2019 and who are issued with the certificate after 26 August 2020 when specified in Annex I (Part-26).”.

Amendment of Article 2 Commission Regulation (EU) 2015/640

20. For Article 2 (definitions), substitute—

“For the purposes of this Regulation,

(1) EUR 2015/640, amended by [S.I. 2019/645](#)chapter

- (a) ‘airworthiness limitation section’ (ALS) means a section in the instructions for continued airworthiness, as required by points 21.A.61, 21.A.107 and 21.A.120A of Annex I (Part 21) to [Regulation \(EU\) No 748/2012](#), that contains airworthiness limitations that set out each mandatory replacement time, inspection interval and related inspection procedure;
- (b) ‘baseline structure’ refers to the structure that is designed under the type certificate for that aeroplane model (that is, the ‘as delivered aeroplane model configuration’);
- (c) ‘corrosion prevention and control programme’ (CPCP) means a document reflecting a systematic approach to prevent and to control corrosion in an aeroplane’s primary structure, consisting of basic corrosion tasks, including inspections, areas subject to those tasks, defined corrosion levels and compliance times (implementation thresholds and repeat intervals). A baseline CPCP is established by the type certificate holder, which can be adapted by operators to create a CPCP in their maintenance programme specific to their operations;
- (d) ‘damage tolerance evaluation’ (DTE) is a process that leads to a determination of maintenance actions necessary to detect or preclude fatigue cracking that could contribute to a catastrophic failure. When applied to repairs and changes, a DTE includes the evaluation of the repair or change and the fatigue critical structure affected by the repair or change;
- (e) ‘damage tolerance inspection’ (DTI) means a documented inspection requirement or other maintenance action developed by holders of a type-certificate or restricted type-certificate as a result of a damage tolerance evaluation. A DTI includes the areas to be inspected, the inspection method, the inspection procedures (including the sequential inspection steps and acceptance and rejection criteria), the inspection threshold and any repetitive intervals associated with those inspections. DTIs may also specify maintenance actions such as replacement, repair or modification;
- (f) ‘fatigue-critical baseline structure’ (FCBS) means the baseline structure of an aeroplane that is classified by the type certificate holder as a fatigue-critical structure;
- (g) ‘fatigue-critical structure’ (FCS) means a structure of an aeroplane that is susceptible to fatigue cracking that could lead to a catastrophic failure of the aeroplane;
- (h) ‘fatigue-critical modified structure’ (FCMS) means any fatigue critical structure of an aeroplane introduced or affected by a change to its type design and that is not already listed as part of the fatigue-critical baseline structure;
- (i) ‘limit of validity’ (LOV) means, in the context of the engineering data that supports the structural maintenance programme, a period of time, stated as a number of total accumulated flight cycles or flight hours or both, during which it is demonstrated that widespread fatigue damage will not occur in the aeroplane;
- (j) ‘maximum operational passenger seating configuration’ means the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual;
- (k) ‘large aeroplane’ means an aeroplane that has the Certification Specifications for large aeroplanes ‘CS-25’ or equivalent in its certification basis;
- (l) ‘large helicopter’ means a helicopter that has the Certification Specifications for large rotorcraft ‘CS-29’ or equivalent in its certification basis;

- (m) ‘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.
- (n) ‘repair evaluation guideline’ (REG) means a process established by the type certificate holder that guides operators to establish damage tolerance inspections for repairs that affect fatigue-critical structure to ensure the continued structural integrity of all relevant repairs;
- (o) ‘widespread fatigue damage’ (WFD) means a simultaneous presence of cracks at multiple locations in the structure of an aeroplane that are of such size and number that the structure will no longer meet the fail-safe strength or residual strength used for certification of that structure.”.

Amendment of Annex 1 to Commission Regulation (EU) 2015/640

21.—(1) Annex 1 (Part-26 – additional airworthiness specifications for operations) is amended as follows.

(2) For the Table of Contents, substitute—

- “SUBPART A – GENERAL PROVISIONS
- 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
- 25.157 Conversion of Class D compartments
- 26.160 Lavatory fire protection

- 26.170 Fire extinguishers
- 26.200 Landing gear aural warning
- 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 – LARGE HELICOPTERS
- 26.400 Fire extinguishers
- Appendix I – List of aeroplane models not subject to certain provisions of Annex I (Part 26)”.
(3) In point 26.30—

(a) for point (a) substitute—

“(a) The CAA shall issue, in accordance with Article 76(3) of Regulation (EU) 2018/1139, certification specifications as standard means to demonstrate compliance with this Annex. The certification specifications shall be sufficiently detailed and specific to indicate the conditions under which compliance with the requirements of this Annex may be demonstrated.”;

(b) for point (b) substitute—

“(b) Operators and holders of a type certificate, restricted type certificate, supplemental type certificate or a change and repair design approval may demonstrate compliance with the requirements of this Annex by complying with either of the following:

(i) the specifications issued by the CAA under point (a) of this point or the equivalent certification specifications issued by the CAA under point 21.B.70 of Annex I to [Regulation \(EU\) No 748/2012](#);

- (ii) technical standards offering an equivalent level of safety to those included in those certification specifications.”;

- (c) after point 26.30(b) insert—

“(c) Holders of a type certificate, restricted type certificate, supplemental type certificate or a change and repair design approval shall make available to each known operator of the aeroplanes any changes to the “Instructions for Continued Airworthiness” (ICA) required to demonstrate compliance with this Annex. For the purposes of this Regulation, the ICA also include damage tolerance inspections (DTIs), repair evaluation guidelines (REGs), a baseline corrosion prevention and control programme (CPCP) and a list of fatigue-critical structures (FCSs) and airworthiness limitation sections (ALSs).”.

- (4) For the text of point 26.60 substitute—

“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 26 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 point 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;
- (c) seats in an aeroplane model listed in Table A.1 of Appendix 1 and carrying a manufacturer serial number listed in that Table.”.

- (5) After point 26.156 insert—

“26.157 Conversion of Class D compartments

Operators of large aeroplanes used in commercial air transport, type certified on or after 1 January 1958 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.”.

- (6) After point 26.200 insert—

“26.205 Runway overrun awareness and alerting systems

- (a) Operators of large aeroplanes used in commercial air transport shall ensure that every aeroplane for which the first individual certificate of airworthiness was issued on or after 1 January 2026, is equipped with a runway overrun awareness and alerting system.
- (b) This system shall be designed in a manner allowing to reduce the risk of a longitudinal runway excursion during landing by providing an alert, in-flight and on the ground, to

the flight crew when the aeroplane is at risk of not being able to stop within the available distance to the end of the runway.”.

(7) After point 26.250 insert—

“26.300 Continuing structural integrity programme for ageing aeroplanes structures – general requirements

- (a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019, shall establish a continuing structural integrity programme for ageing aeroplane structures, which shall comply with the requirements set out in points 26.301 to 26.309.
- (b) Point (a) shall not apply to an aeroplane model which was issued with a type-certificate before 26 February 2021 and which meets any of the following conditions:
 - (i) it is listed in Table A.1 of Appendix 1 of this Annex;
 - (ii) it is no longer operated after 26 February 2021;
 - (iii) it has not been certified to conduct civil operation with a payload or passengers;
 - (iv) it has a restricted TC issued before 26 February 2021 in accordance with damage tolerance requirements, provided that it is not operated beyond 75 % of its design service goal and is primarily operated in support of the approval holder’s manufacturing operation;
 - (v) it is certified with a restricted TC and is designed primarily for firefighting.

The exceptions provided for in points (b)(ii) to (b)(v) shall apply only if the holder of a type-certificate (TC) or a restricted TC submits to the CAA before 27 May 2022 for approval a list identifying the aeroplane type and models, variations or serial numbers together with information supporting the reasons why the aeroplane has been included in the list.

- (c) For an aeroplane model which was issued with a first type-certificate before 26 February 2021 and for which an existing change or repair is not and will not be incorporated in any aeroplane in operation on and after 26 February 2023 points (a)(ii) and (a)(iii) of point 26.307 and point (a)(ii) of point 26.308 shall not apply if before 26 February 2023 the holder of a type-certificate (TC) or a restricted TC submits to the CAA for the approval the list of all changes and repairs.

26.301 Compliance Plan for (R)TC holders

- (a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019 shall:
 - (i) establish a compliance plan for continuing structural integrity that describes the planned demonstration of compliance with the requirements set out in points 26.302 to 26.309;
 - (ii) submit the compliance plan for continuing structural integrity referred in point (i) to the CAA before 27 May 2022 for approval.
- (b) An applicant for a TC or restricted TC referred to in Article 1 paragraph 2(c) shall:
 - (i) establish a compliance plan for continuing structural integrity that describes the planned demonstration of compliance with the requirements set out in points 26.303 to 26.306;
 - (ii) submit the compliance plan for continuing structural integrity referred to in point (i) to the CAA before 27 May 2022 or, before the issuance of the certificate, if it occurs later, for approval.

26.302 Fatigue and damage tolerance evaluation

- (a) A holder of a type-certificate (TC) or a restricted TC, for a turbine-powered large aeroplane certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more, certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019, shall carry out a fatigue and damage tolerance evaluation of the aeroplane structure and develop the DTI that will avoid catastrophic failures due to fatigue throughout the operational life of the aeroplane.
- (b) Unless the documentation describing the DTI referred to in point (a) have already been approved by the CAA in accordance with Annex I (Part 21) to [Regulation \(EU\) No 748/2012](#), the holder of a TC or a restricted TC shall submit that documentation to the CAA before 26 February 2024 for approval.

26.303 Limit of Validity

- (a) A holder of a type-certificate (TC) or a restricted TC, for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019, certified with a maximum take-off weight (MTOW) greater than 34 019 kg (75 000 lbs), shall:
 - (i) establish a limit of validity (LOV) and include that LOV in an amended ALS;
 - (ii) identify existing and new maintenance actions upon which the LOV depends, and develop service information necessary for operators to implement those maintenance actions and submit the service information for the maintenance actions to the CAA in accordance with a binding schedule agreed with the CAA.

The aeroplane structural configurations to be evaluated for the purpose of establishing the LOV shall include all model variations and derivatives approved under the TC before 26 February 2021 and all structural changes and replacements to the structural configurations of those aeroplanes that are required by an airworthiness directive issued before 26 February 2021.

By way of derogation from point (a)(ii), a holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane shall not be required to develop and submit to the CAA the service information for a maintenance action applicable to an aeroplane model which will no longer be operated after the scheduled point of submittal for the service information of that maintenance action. For this exception to take effect, the holder of a type-certificate (TC) or a restricted TC shall inform the CAA not later than the date at which the aeroplane model ceases operation.

- (b) The holder of the type-certificate (TC) or the restricted TC shall submit the LOV established in accordance with point (a) and the amendment to the ALS referred to in that point together with the binding schedule to the CAA for approval, before the deadlines established in points (i) to (iii):
 - (i) 26 August 2023 for fatigue critical structure with a certification basis that does not include a damage tolerance evaluation;
 - (ii) 26 February 2027 for aeroplane structure subject to ongoing full-scale fatigue testing at the date of the applicability of this amending Regulation;
 - (iii) 26 February 2026 for all other aeroplane structures.
- (c) An applicant for a TC or restricted TC as referred in Article 1 paragraph 2(c), for a turbine-powered large aeroplane with a maximum take-off weight (MTOW) greater than 34 019 kg (75 000 lbs), shall:
 - (i) establish a limit of validity (LOV) and include that LOV in the ALS;
 - (ii) identify existing and new maintenance actions upon which the LOV depends, and develop service information necessary for operators to implement those maintenance

actions and submit the service information for the maintenance actions to the CAA in accordance with a binding schedule agreed with the CAA.

- (d) The applicant for a TC or restricted TC as referred in Article 1 paragraph 2(c) shall submit the LOV established in accordance with point (c) above and the ALS referred to in that point together with the binding schedule to the CAA, for approval.
- (e) The following deadlines shall apply to the obligations referred to in point (d):
 - (i) before the date approved by the CAA in the plan of the applicant for completing tests and analyses of any aeroplane structure requiring new full-scale fatigue testing to support establishment of the LOV;
 - (ii) before 26 February 2026 for all other aeroplane structures.

26.304 Corrosion prevention and control programme

- (a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019, shall establish a baseline corrosion prevention and control programme (CPCP).
- (b) Unless the baseline CPCP referred to in point (a) has already been approved by the CAA in accordance with point 21.A.3B(c)(1) of Annex 1 to [Regulation \(EU\) No 748/2012](#) or in a maintenance review board report (MRBR) approved by the CAA, the holder of a type-certificate (TC) or a restricted TC shall submit the CPCP to the CAA before 26 February 2024, for approval.
- (c) An applicant for a TC or restricted TC as referred to in Article 1 paragraph 2(c), for a turbine-powered large aeroplane shall establish a baseline corrosion prevention and control programme (CPCP) prior to the TC being issued.

26.305 Validity of the continuing structural integrity programme

- (a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019, shall establish and implement a process that ensures that the continuing structural integrity programme remains valid throughout the operational life of the aeroplane, taking into account service experience and current operations.
- (b) The holder of a type-certificate (TC) or a restricted TC shall submit a description of the process referred to in point(a) to the CAA before 26 February 2024 for approval. The holder of a type-certificate (TC) or a restricted TC shall implement the process within 6 months after its approval by the CAA.
- (c) An applicant for a TC or restricted TC as referred to in Article 1 paragraph 2(c) for a turbine-powered large aeroplane, shall establish and implement a process that ensures that the continuing structural integrity programme remains valid throughout the operational life of the aeroplane, taking into account service experience and current operations. It shall submit a description of the process to the CAA before 26 February 2024, or before the issuance of the certificate, whichever occurs later, for approval and shall implement the process within 6 months after its approval by the CAA.

26.306 Fatigue critical baseline structure

- (a) A holder of a type-certificate (TC) or a restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958, for which the application for TC was submitted before 1 January 2019 and certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more shall identify and list the fatigue-critical baseline structures (FCBS) for all aeroplane model variations and derivatives included in the TC or restricted TC.

- (b) The holder of a type-certificate (TC) or a restricted TC shall submit the list of the structures referred to in point (a) to the CAA before 26 August 2022 for approval.
- (c) Upon approval of the list referred to in point (a) by the CAA, the holder of a type-certificate (TC) or a restricted TC shall make it available to operators and persons required to comply with points 26.330 and 26.370.
- (d) An applicant for a TC or restricted TC as referred to in Article 1 paragraph 2(c), for a turbine-powered large aeroplane to be certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more shall identify and list the fatigue-critical baseline structures (FCBS) for all aeroplane model variations and derivatives included in the TC or restricted TC. It shall submit the list of these structures to the CAA before 26 August 2022, or before the issuance of the certificate, whichever occurs later, for approval.
- (e) Upon approval of the list referred to in point (d) by the CAA, the applicant for a TC or restricted TC as referred to Article 1 paragraph 2(c) shall make it available to operators and persons required to comply with point 26.370.

26.307 Damage tolerance data for existing changes to fatigue-critical structure

- (a) A holder of a type-certificate (TC) or restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958 certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more, for changes and fatigue-critical modified structure (FCMS) existing on 26 February 2021 shall:
 - (i) review existing design changes (design modifications) and identify all changes that affect FCBS identified in accordance with point 26.306;
 - (ii) for each change identified in accordance with point (a)(i), identify any associated fatigue-critical modified structure (FCMS);
 - (iii) for each change identified in accordance with point (a)(i), perform a damage tolerance evaluation and establish and document the associated damage tolerance inspections;
- (b) The holder of a type-certificate (TC) or a restricted TC shall submit the list of all fatigue-critical modified structure (FCMS) identified in accordance with point (a)(ii) to the CAA before 26 February 2023, for approval.
- (c) The holder of a type-certificate (TC) or a restricted TC shall submit the damage tolerance data, including DTI, resulting from the evaluation performed in accordance with point (a)(iii) to the CAA before 26 August 2023 for approval.
- (d) Upon approval by the CAA of the FCMS list submitted in accordance with point (b), the holder of a type-certificate (TC) or restricted shall make that list available to operators and persons required to comply with points 26.330 and 26.370.

26.308 Damage tolerance data for existing repairs to fatigue-critical structure

- (a) A holder of a type-certificate (TC) or restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958 certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more, for published repairs existing on 26 February 2021 shall:
 - (i) review the repair data and identify each repair specified in the data that affects the fatigue-critical baseline structure and the fatigue-critical modified structure identified in accordance with point (a) of point 26.306 and point (a)(ii) of point 26.307;
 - (ii) perform a damage tolerance evaluation for each repair identified in accordance with point (a)(i), unless previously done.

- (b) The holder of a type-certificate (TC) or restricted TC shall submit the damage tolerance data, including DTI, resulting from the evaluation performed in accordance with point (a)(ii) to the CAA before 26 May 2023 for approval, unless already approved in accordance with point 21.A.435(b)(2) of Annex I (Part 21) to [Regulation \(EU\) No 748/2012](#) before 26 August 2023.

26.309 Repair evaluation guidelines

- (a) A holder of a type-certificate (TC) or restricted TC for a turbine-powered large aeroplane certified on or after 1 January 1958 certified to carry 30 passengers or more, or with a payload capacity of 3 402 kg (7 500 lbs) or more and for which the TC or restricted TC was issued prior to 11 January 2008, shall develop repair evaluation guidelines (REGs) to establish:
- (i) a process for conducting surveys of affected aeroplane that enables the identification and documentation of all existing repairs affecting the fatigue-critical structure identified in accordance with point (a) of point 26.306 and point (a)(ii) of point 26.307;
 - (ii) a process that enables operators to obtain a DTI for repairs identified in accordance with point (a)(i);
 - (iii) an implementation schedule that provides time frames for conducting aeroplane surveys, obtaining DTIs and incorporating DTIs into the maintenance programme of the operator of the aeroplane.
- (b) The holder of a TC or a restricted TC shall submit the repair evaluation guidelines developed in accordance with point (a) to the CAA before 26 February 2024, for approval.

26.330 Damage tolerance data for existing supplemental type-certificates (STCs), other existing major changes and existing repairs affecting those changes or STCs

- (a) A holder of a STC issued before 26 February 2022 for a major change, or a holder of a major change that has been deemed approved in accordance with Article 4 of [Regulation \(EU\) No 748/2012](#), for large aeroplanes certified on or after 1 January 1958 to carry 30 or more passengers or that have a payload capacity of 3 402 kg (7 500 lbs) or more, shall support operators required to comply with point 26.370(a)(ii) by addressing the adverse effects of those changes and repairs to those changes on the aeroplane structure and shall comply with the requirements set out in points 26.331 to 26.334.
- (b) Point (a) shall not apply to major changes and repairs to an aeroplane model first certified prior to 26 February 2022 when that aeroplane model meets any of the following conditions:
- (i) it is listed in Table A.1 of Appendix 1;
 - (ii) it no longer operates after 26 February 2022;
 - (iii) it has not been certified to conduct civil operation with a payload or passengers;
 - (iv) it has a restricted TC and have been certified in accordance with damage tolerance requirements, provided that it is not operated beyond 75 % of its design service goal and is primarily operated in support of the restricted TC holders manufacturing operation;
 - (v) it is certified with a restricted TC and is designed primarily for firefighting;
- (c) Point (a) shall not apply to major changes and repairs to an aeroplane first certified prior to 26 February 2022 when the changes or repairs are not, and will not be, embodied on any aeroplane in operation on or after 26 August 2023.
- (d) The exceptions provided for in points (b)(ii) to (b)(v) and (c) shall apply only after the change approval holder submits a list of changes that affect fatigue-critical baseline

structure, together with information supporting the reasons why each change has been included in the list, to the CAA before 26 February 2023 for approval.

26.331 Compliance Plan for STC holders

A holder of a change approval shall:

- (a) establish a compliance plan that addresses the requirements of points 26.332 to 26.334;
- (b) submit the compliance plan referred in point (a) to the CAA before 25 August 2022, for approval.

26.332 Identification of changes affecting fatigue critical structure

- (a) A holder of a change approval shall:
 - (i) review the changes and shall identify those changes that affect fatigue-critical baseline structure;
 - (ii) for each change identified in accordance with point (a)(i), identify any associated FCMS;
 - (iii) identify the published repairs affecting each change identified in accordance with point (a)(i).
- (b) The holder of a change approval that was issued on or after 1 September 2003, shall develop and submit a list of the changes and FCMS identified in accordance with points (a)(i) and (a)(ii) to the CAA before 26 February 2023 for approval, and, upon approval by the CAA, make the list available to persons and operators required to comply with point (b)(ii) of point 26.370.
- (c) The holder of a change approval that was issued before 1 September 2003 shall:
 - (i) develop and submit a list of the changes identified in accordance with point (a)(i) to the CAA before 26 February 2023, for approval;
 - (ii) upon request of an operator required to comply with point 26.370(a)(ii) for a change, identify and list any FCMS associated with the change and submit this data to the CAA within 12 months from the operator's request, for approval;
 - (iii) upon approval of any data submitted according to points (c)(i) and (c)(ii), make that data available to persons and operators required to comply with points (b)(ii) of point 26.370.

26.333 Damage tolerance data for STCs and repairs to those STCs approved on or after 1 September 2003

- (a) A holder of a change approval that was issued on or after 1 September 2003 shall:
 - (i) for changes and published repairs identified in accordance with point (a)(i) of point 26.332 and point (a)(iii) of point 26.332, perform a damage tolerance evaluation;
 - (ii) establish and document the associated damage tolerance inspection, unless it has already been done.
- (b) The holder of a change approval shall submit the damage tolerance data resulting from the damage tolerance evaluation performed in accordance with point (a)(i) to the CAA before 26 February 2024, for approval, unless it is already approved in accordance with point 21.B.111 of Annex I (Part 21) to [Regulation \(EU\) No 748/2012](#).
- (c) By way of derogation from point (b), for changes that did not have a damage tolerance evaluation requirement in the certification basis, the holder of a change approval identified in point (a) shall submit the damage tolerance data resulting from the damage tolerance evaluation performed in accordance with point (a) to the CAA, within the following deadlines, whichever occurs later, for approval:

- (i) prior to an aeroplane with that change embodied being operated in accordance with Annex IV (Part-CAT) to [Regulation \(EU\) No 965/2012](#); or
- (ii) before 26 February 2024.

26.334 Damage tolerance data for STCs and other changes and repairs to those changes approved before 1 September 2003

- (a) Upon request of an operator required to comply with point 26.370(a)(ii), a holder of a change approval that was issued before 1 September 2003 shall:
 - (i) for changes and published repairs identified in accordance with point (a)(i) of point 26.332 and point (a)(iii) of point 26.332, perform a damage tolerance evaluation;
 - (i) establish and document the associated damage tolerance inspection, unless it has already been done.
- (b) The holder of a change approval shall submit the damage tolerance data resulting from the evaluation performed in accordance with point (a)(i) to the CAA:
 - (i) within 24 months from receipt of a request, for requests received prior to 26 February 2024, for approval; or
 - (ii) before 26 February 2026 or within 12 months from receipt of a request, whichever occurs later, for requests received on or after 26 February 2024, for approval.

26.370 Continuing airworthiness tasks and aircraft maintenance programme

- (a) Operators or owners of turbine-powered large aeroplanes certified on or after 1 January 1958 shall ensure the continuing airworthiness of ageing aeroplanes structures by preparing the aircraft maintenance programme provided for in point M.A.302 of Annex I (Part-M) to [Commission Regulation \(EU\) No 1321/2014](#). Subject to the following provisions, this programme shall include:
 - (i) for aeroplanes certified to carry 30 passengers or more, or with a payload capacity greater than 3 402 kg (7 500 lbs), an approved damage-tolerance-based inspection programme;
 - (ii) for aeroplanes operated in accordance with Annex IV (Part-CAT) to [Regulation \(EU\) No 965/2012](#) and certified to carry 30 passengers or more or with a payload capacity greater than 3 402 kg (7 500 lbs), a means for addressing the adverse effects that repairs and modifications may have on fatigue-critical structure and on inspections provided for in point (a)(i);
 - (iii) for aeroplanes certified with a maximum take-off weight (MTOW) greater than 34 019 kg (75 000 lbs) an approved LOV;
 - (iv) a CPCP.
- (b) The following deadlines shall apply to the obligation referred to in point (a):
 - (i) the aircraft maintenance programme shall be revised to address the requirements of points (a)(i), (a)(ii) and (a)(iv) before 26 February 2025 or before operating the aeroplane, whichever occurs later;
 - (ii) the aircraft maintenance programme shall be revised to address the requirements of point (a)(iii) before 26 August 2022 or 6 months after the publication of the LOV, or before operating the aeroplane, whichever occurs later.
- (c) For an aeroplane model first certified before 26 February 2022 that no longer operates after 26 February 2025 points (a)(i), (a)(ii) and (a)(iv) shall not apply.
- (d) For an aeroplane model first certified before 26 February 2022 that no longer operates after 26 August 2022 point (a)(iii) shall not apply.

- (e) For an aeroplane model first certified before 26 February 2022 with a restricted TC issued before 26 February 2022 in accordance with damage tolerance requirements, provided that it is not operated beyond 75 % of its design service goal and is primarily operated in support of the approval holder’s manufacturing operation, points (a)(i), (a)(ii) and (a)(iv) shall not apply.
 - (f) For an aeroplane model with a restricted type certificate issued before 26 February 2022 and the primary purpose of which is firefighting, points (a)(i) and (a)(ii) shall not apply.”.
- (8) After point 26.400 insert—

“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 Company	Boeing	707	All	26.301 to 26.334
The Company	Boeing	720	All	26.301 to 26.334
The Company	Boeing	DC-10	DC-10-10 DC-10-30 DC-10-30F	26.301 to 26.334
The Company	Boeing	DC-8	All	26.301 to 26.334
The Company	Boeing	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

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TC Holder	Type	Models	Manufacturer serial number	Provisions of Annex I (Part-26) that do NOT apply
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	24,24 A,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

TC Holder	Type	Models	Manufacturer serial number	Provisions of Annex I (Part-26) that do NOT apply
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 LIMITED	AIR SD3	SD3-30 Sherpa SD3 Sherpa	All	26.301 to 26.334
VIKING LIMITED	AIR DHC-7	All		26.301 to 26.334
VIKING LIMITED	AIR 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, A321-251NX	10071, 10257, 10371 and 10391	26.60
AIRBUS	A330 series	A330-243, A330-941	1844, 1861, 1956, 1978, 1982, 1984, 1987, 1989, 1998, 2007, 2008, 2011, and 2012	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	Boeing 737 series	737-8 and 737-9	43299, 43304, 43305, 43310, 43321, 43322, 43332, 43334, 43344, 43348,	

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TC Holder	Type	Models	Manufacturer serial number	Provisions of Annex I (Part-26) that do NOT apply
			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”	