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AVIATION 215

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	D034508/02
Subject:	COMMISSION REGULATION (EU) No .../.. of XXX on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012

Delegations will find attached document D034508/02.

Encl.: D034508/02



Brussels, **XXX**
[...](2014) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

**on additional airworthiness specifications for a given type of operations and amending
Regulation (EU) No 965/2012**

COMMISSION REGULATION (EU) No .../..

of **XXX**

on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EC¹, and in particular Article 5(5)(e)(vi) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 216/2008, the Commission, assisted by the European Aviation Safety Agency (hereinafter referred to as the ‘Agency’) is to adopt the necessary implementing rules for common airworthiness requirements throughout the Union.
- (2) Those requirements, covering the entire life cycle of aeronautical products, include additional airworthiness specifications for a given type of operation to be implemented after the initial issuance of a type-certificate in the interest of safety.
- (3) The technical requirements of JAR-26 ‘Additional Airworthiness Requirements for Operations’, issued by the Joint Aviation Authorities (JAA) on 13 July 1998, as amended by the Amendment 3 of 1 December 2005, should be laid down in Union law, because the JAA ceased to exist on 30 June 2009 and the scope of Regulation (EC) No 216/2008 was extended on 20 February 2008 to include operations.
- (4) In order to ensure consistency and to clarify obligations related to airworthiness, a reference to this Regulation should be inserted in Commission Regulation (EU) No 965/2012².
- (5) In order to ensure a smooth transition and to avoid disruptions, appropriate transitional measures should be provided for.
- (6) The measures provided for in this Regulation are based on the opinion issued by the Agency in accordance with Articles 19(1) of Regulation (EC) No 216/2008.

¹ OJ L 79, 19.3.2008, p. 1.

² Commission Regulation (EU) No 965/2012 laying down 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).

- (7) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

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.
- (b) ‘large aeroplane’ shall mean an aeroplane that has the Certification Specifications for large aeroplanes ‘CS-25’ or equivalent in its certification basis.

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) 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 (...) [*The Publication Office will insert the date of the entry into force*]

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 (...) [*The Publication Office will insert the date - two years after the date of the entry into force*].

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

Done at Brussels,

For the Commission
The President