

Key Regulatory Changes Driven by European Regulations 2026-56 & 2026-100

White Paper Presented by Sofema Aviation Services 31/ March /2026 discussing Commission Delegated Regulation (EU) 2026/56 and Commission Implementing Regulation (EU) 2026/100.

Hi Level Introduction - The upcoming changes are intended to improve administrative efficiency and facilitate a risk-based approach to airworthiness.

- The core intent is to reduce the prescriptive "blockers" that has historically slowed down aircraft transfers and airworthiness reviews.

Commission Delegated Regulation (EU) 2026/56

This regulation targets Part 21 (Initial Airworthiness) and focuses on the "Free Movement" of "certain" aircraft within the Union.

- **Simplified Intra-EU Transfers:** It removes significant hurdles when moving an aircraft from one Member State's registry to another, provided the aircraft has a valid EASA Certificate of Airworthiness.
- **Import and Used Aircraft Provisions:** It establishes clearer criteria for importing used aircraft from third countries. Specifically, it introduces the concept of an evaluation program to address gaps where historical airworthiness data might be incomplete, ensuring a legal path to certification without compromising safety.

Triggers for Activation - The most common reason for a "missing statement" is simply a lack of bilateral alignment.

- **No Mutual Recognition:** When an aircraft is imported from a country without a robust bilateral safety agreement (BASA) with the EU, the exporting authority may be unable or unwilling to issue a "Statement of Airworthiness" that EASA recognizes as valid.
- **Authority Refusal:** In some cases, a former aviation authority might refuse to provide a statement not because of a safety issue, but because the aircraft has already been deregistered or "surrendered," leaving it in a legal limbo where no one is technically responsible for its historical "blessing".

The "State-to-Civil" Transition Gap

Aircraft formerly used for military, police, or customs—the Article 2(3)(a) aircraft discussed earlier—often have gaps when moving to a civil registry.

- **Different Recording Standards:** Military or state maintenance programs often prioritize mission readiness over the exhaustive, standardized "back-to-birth" traceability required by Part-M or Part-ML.

- **Sensitive Data Redaction:** Parts of the aircraft's history may be classified or withheld for security reasons, making it impossible to provide the full "production, configuration, and maintenance standard" required for a civil Certificate of Airworthiness (C of A).

Long-Term Storage and "Orphan" Periods

Aircraft that have been out of service for extended periods frequently lose their "paper trail."

- **Asset Recovery Scenarios:** Aircraft recovered during sales disputes or lease defaults may be seized without their technical logs, which are often held "hostage" or simply lost during the transition between owners.
- **Preservation Gaps:** If an aircraft was stored at a remote or non-EASA location, there may be no verified record of how it was preserved. Without proof that the engines were "pickled" or the airframe protected from corrosion, EASA considers the record "incomplete".

Component Traceability Issues

Even if the airframe log is present, the "sub-records" for life-limited parts (LLPs) often contain gaps.

- **Part Swapping:** In some operating environments, parts are swapped between aircraft to keep a fleet flying. If the "dirty finger" (original maintenance release) for a specific serialized component is missing, the entire aircraft's airworthiness status is technically compromised.
- **Missing OSD/AFM Data:** Gaps often exist in the Operational Suitability Data (OSD) or the Flight Manual (AFM) updates. If the aircraft was modified in a third country with a local STC (Supplemental Type Certificate) not validated by EASA, that record is considered a "gap" until evaluated.

The Role of the "Evaluation Program" - The 2026/56 regulation acknowledges that these gaps exist and, for the first time, provides a formalized bridge.

- Instead of the aircraft being grounded indefinitely, the operator can now propose a program of compensatory investigations (example – Structural NDT (Non-Destructive Testing) or full-engine borescope inspections to "reset" the record and satisfy the CA.

Evaluation Program: Sample Table of Contents

Administrative Header & Aircraft Identification

- Applicant Details: Legal name and address of the owner/lessee.
- Aircraft Particulars: Type, Model, Serial Number, and current Registration.
- Basis for Program: Explicit reference to Point 21.A.174(b)(3)(ii) and the lack of a statement from the former authority.

Statement of Circumstances

- Reason for Missing Documentation: Details of why the former statement was revoked, surrendered, or could not be obtained (e.g., transition from Article 2(3)(a) "State" status).
- Verification of Safety Status: Confirmation that the airworthiness statement was not denied by the former authority due to unresolved safety concerns.

Historical Record Reconstruction

- Production & Configuration Standard: Evidence of the original Type Certificate (TC) or Supplemental Type Certificates (STCs) embodied.
- Preservation History: Detailed logs of how the aircraft has been maintained and preserved since its last valid certificate or since it left the previous registry.
- Current Configuration: Identification of the current mass and balance statement and the applicable Flight Manual version.

Technical Investigation Plan (The "Compensatory" Actions)

- Structural Integrity: Detailed list of required Non-Destructive Testing (NDT) or "aging aircraft" inspections if records are gapped.
- Engine & APU Status: Proposed borescope inspections or bench tests to verify internal condition in lieu of recent run-up logs.
- Component Traceability: A list of "High Priority" Life Limited Parts (LLPs) and the methodology for verifying their "back-to-birth" history.
- System Functional Tests: Avionics and flight control system tests to prove serviceability.

Management & Oversight

- Maintenance Organization: Identification of the Part-145 or Part-CAO organization that will carry out the physical investigations.
- Accountable Manager / Airworthiness Review Staff: The individuals responsible for the final Evaluation Report.

Compliance Statement & NCA Agreement

- NCA Agreement Box: A dedicated section for the National Competent Authority to formally sign off on the program *before* it begins.
- Access Provision: A statement granting the NCA full access to all data and physical inspections during the program.

Practical Implementation Guidelines

- Who owns the project? The Applicant (Owner/Lessee) owns the program, but the CAMO usually executes the technical work.

- When to submit? The program must be submitted to the CA prior to the start of the investigations to ensure the authority agrees that the proposed tests are "compensatory" enough to replace the missing paperwork.
- Outcome: Once the program is completed, the resulting Evaluation Report acts as the primary support document for the issuance of the new EU Airworthiness Certificate.

Note 1 - When applying for a certificate of airworthiness or a restricted certificate of airworthiness for an aircraft imported from a third country, a statement reflecting the airworthiness status of an aircraft is required. Where that statement is unavailable and cannot be obtained, an alternative mechanism based on investigation and evaluation activities should be introduced.

Note 2 - The "State Aircraft" Exclusion (Article 2(3)(a)) - This paragraph explicitly removes certain aircraft and activities from the scope of EASA's regulatory oversight. It ensures that the "Common Rules" (including the new 2026/100 and 2056/56) do not apply to aircraft while they are engaged in specific public-interest activities.

Scope of the Exclusion - The regulation does not apply to aircraft (including their engines, parts, and equipment) while carrying out:

- Military operations.
- Customs and Police services.
- Search and Rescue (SAR) and Firefighting.
- Border Control and Coastguard.
- Similar activities performed under the control and responsibility of a Member State in the public interest.

The "Safety Duty" of Member States - States must ensure that "State" activities are carried out with "due regard to the safety objectives" of the Basic Regulation. In practice, this means Member States usually develop national regulations that mirror EASA standards, but without EASA having direct oversight.

Commission Implementing Regulation (EU) 2026/100

This regulation primarily updates the continuing airworthiness environment, impacting Part-M, Part-ML, Part-CAMO, and Part-CAO.

- **Streamlined Airworthiness Reviews:** It introduces a more autonomous process for approved organizations (CAMOs and CAOs) to issue Airworthiness Review Certificates (ARCs).
- The role of the National Competent Authority (NCA) is shifted away from routine "recommendations" and toward high-level oversight
- **Harmonized Occurrence Reporting:** It formally aligns the reporting requirements for continuing airworthiness with the broader **Regulation (EU) 376/2014**.
 - This eliminates redundant reporting paths and ensures that safety data flows through a single, consistent channel.

From "Compliance-Based" to "Risk-Based" Oversight

Traditionally, CAs were heavily involved in the "approval" of individual actions. For example, in many scenarios, a CAMO would perform a review and "recommend" to the authority that an Airworthiness Review Certificate (ARC) be issued. The authority then had to process that paperwork.

Why the change?

- **Resource Allocation:** CAs have limited technical staff. Spending hours reviewing paperwork for a low-risk, well-performing CAMO is an inefficient use of safety resources.
- **Focus on High Risk:** By stepping back from routine ARC issuances, the NCA can focus its inspectors on "problem" organizations, complex aging fleets, or high-risk operations.

Maturity of SMS (Safety Management Systems)

The introduction of mandatory Safety Management Systems (SMS) in Part-CAMO and Part-CAO is the primary reason the CA can afford to be hands-off.

The Logic:

- Because organizations now have internal safety reporting, risk assessment, and compliance monitoring functions, they are legally required to "police themselves."
- The CA's job is now to audit the effectiveness of the SMS, rather than auditing every single aircraft. If the organization's system is proven to be robust, the CA trusts the output of that system (the ARC).

Empowerment of the "Privileged" Organization

Regulation 2026/100 expands the "privileges" of approved organizations. Under the new rules, a CAMO or CAO can issue an ARC directly (Form 15b/15c) without a "middle-man" recommendation to the authority, provided certain conditions are met.

Why the change?

- **Eliminating Bottlenecks:** Authorities often became "administrative bottlenecks," delaying aircraft returns-to-service due to clerical backlogs.
- **Single Point of Accountability:** When the CAMO issues the certificate themselves, the legal accountability is crystal clear. They cannot claim they "just recommended it" and the authority approved it; they own the safety decision entirely.

The Shift to "High-Level Oversight"

The CA is now a "Safety Auditor" rather than a "Technical Validator."

- Old Way: The NCA inspector looks at the maintenance records of Aircraft X to see if the ARC is valid.
- New Way (2026/100): The NCA inspector looks at the CAMO's internal audit results for the last 50 ARCs. They check if the CAMO identified its own mistakes and corrected them.

If the CA finds that the organization's internal oversight is working, they stay "hands-off." If they find the internal oversight is failing, they intervene with "increased oversight frequency" or by revoking privileges.

Harmonization with Part-ML (Light Aircraft)

Regulation 2026/100 continues the philosophy started with Part-ML, which simplified airworthiness for General Aviation.

- In the past, even small private aircraft were burdened by heavy authority involvement.
- EASA realized that the "safety risk" of a private Cessna does not justify the same level of CA involvement as a Boeing 737. This regulation further de-regulates the administrative burden on small-scale operations (Part-CAO), allowing owners and small organizations more autonomy.

Data-Driven Decisions

Under the new regulation, the CA uses data (findings, incident reports, and safety performance indicators) to decide who to visit.

- "Hands-off" for "Good" organizations: If data shows high compliance, the CA may extend the audit cycle (e.g., from 24 months to 48 months).
- "Hands-on" for "Bad" organizations: If data shows a trend of poor maintenance, the NCA will increase its presence.

Concerning Changes to Incident & Accident Reporting Criteria

Integration into a "Single Channel" - The primary change is the legal requirement for organizations (CAMOs, CAOs, and Part-145s) to use the standardized reporting systems defined by Regulation 376/2014.

- Mandatory Use of E2: Repositories and reporting tools are being unified. For example, CAMO reporters are now increasingly required to use ECCAIRS 2 (E2) accounts for all submissions.
- Centralized Database: All continuing airworthiness occurrences now flow directly into the European Central Repository (ECR). Previously, some technical reports were sent directly to National Competent Authorities (NCAs) in formats that were not compatible with the ECR, making cross-border trend analysis difficult.

Elimination of Redundant Reporting Paths

Before this alignment, an organization might have been legally required to report a single event twice: once to comply with Part-M/Part-CAMO (technical defect reporting) and once to comply with Regulation 376/2014 (safety occurrence reporting).

- The "Report Once" Principle: Regulation 2026/100 removes these dual requirements. A single report submitted through the 376/2014-compliant channel now satisfies all continuing airworthiness reporting obligations.
- Standardized Data Fields: Reporting is now tied to the common European Risk Classification Scheme (ERCS). This means maintenance organizations must now classify the safety risk of a technical failure using the same "severity vs. probability" matrix used by airlines and Air Traffic Control.

Extension of "Just Culture" Protections

By formally aligning with 376/2014, the strict "Just Culture" protections—which protect reporters from being penalized by their employers or prosecuted for "unintentional" errors—are now explicitly reinforced for the continuing airworthiness sector.

- Internal Reporting: Organizations must update their Continuing Airworthiness Management Expositions (CAME) to include internal reporting principles that mirror the protections of 376/2014.

Shift in NCA Oversight Focus

Because the data now flows through a "single channel" visible to both the NCA and EASA, the authority's role has changed:

- High-Level Monitoring: Instead of manually reviewing thousands of individual technical reports, the NCA uses the ECR to perform data-driven oversight.
- Systemic Audits: The NCA now audits the *quality* and *completeness* of an organization's reporting system rather than just the content of individual reports.

Challenges Driven by the Transition

The transition to these new standards introduces several operational and compliance hurdles that organizations must navigate before the August deadline.

- **The Weight of Accountability:** As the CAs reduce their "hands-on" involvement in the ARC process, the legal and safety accountability for CAMOs and CAOs increases. Organizations must ensure their Airworthiness Review Staff (ARS) are not just following a checklist but are performing deep technical evaluations.

- **Data Recovery for Third-Country Imports:** For aircraft entering the EU from non-EASA jurisdictions, the new requirements for comprehensive historical records (including mass and balance and flight manuals) may be difficult to meet if the previous operator's record-keeping was substandard.
- **Procedural Overhaul:** Existing Continuing Airworthiness Management Expositions (CAME) and Combined Airworthiness Expositions (CAE) will require significant rewrites to reflect the new reporting flows and the simplified AR process.
- **Timing and Resource Pressure:** With a hard start date of 7 August 2026, there is a narrow window for staff training and IT system updates to align with the new reporting standards.

Best Practices for Implementation

To ensure smooth transition and maintain compliance, Sofema recommends the following strategic steps:

- **Execute a Comprehensive Gap Analysis:** By May 2026, organizations should audit their current AR processes against the 2026/100 simplified criteria. Identify where "NCA Recommendation" steps can be removed and where internal quality control must be strengthened to compensate.
- **Digitization of Technical Records:** Given the emphasis on aircraft mobility in 2026/56, moving to a fully digital, searchable technical record system is no longer optional. This is the only reliable way to prove airworthiness during a rapid cross-border transfer.
- **Development of "Evaluation Programs":** For organizations involved in aircraft leasing or imports, developing a template for an "Evaluation Program" (as allowed under 2026/56) will save weeks of back-and-forth with authorities when dealing with missing historical data.
- **Risk-Based Training for Review Staff:** Shift training programs away from purely administrative compliance and toward **risk-based technical assessment**. Staff need to be empowered to make the final "airworthy" call with confidence.