



Brussels, **XXX**
ANNEX TO EASA OPINION No
01/2014
[...] (2014) **XXX** draft

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

of **XXX**

amending Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

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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/EC ⁽¹⁾, and in particular Article 8(5) thereof,

Whereas:

- (1) Operators and personnel involved in the operation of certain aircraft have to comply with the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008.
- (2) With the objective to improve the overall serviceability of flight recorders and to facilitate the recovery of an aircraft and its flight recorders after an accident over water, several safety improvements to the current requirement have been proposed at ICAO level. These include the discontinuation of recording technologies such as magnetic tape, magnetic wire or frequency modulation, which are not reliable enough, as confirmed by several investigations, the extension of the minimum recording duration of flight recorders' recordings, as well as the extension of the transmission time of the flight recorder underwater locating device and the extension of the detection range of underwater locating device carried by aeroplanes performing long-range overwater flights. The purpose of this Regulation is to amend the current European operational rules to include these safety improvements.
- (3) In accordance with Regulation (EC) No 216/2008, the Commission should adopt the necessary implementing rules for establishing the conditions for the safe operation of aircraft.
- (4) The measures provided for in this Regulation are based on the Opinion issued by the Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV (Part-CAT), Annex VI (Part-NCC) and Annex VII (Part-SPO) to Commission Regulation (EU) No 965/2012 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Commission

The President

[\[...\]](#)