



Brussels, **XXX**
[...](2016) **XXX** draft

ANNEX to EASA Opinion No 15/2016

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

of **XXX**

amending Commission Regulation (EU) No 965/2012, as regards equipping with a terrain awareness warning system newly manufactured turbine-powered aeroplanes of less than 5 700 maximum certified take-off mass able to carry six to nine passengers

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amending Commission Regulation (EU) No 965/2012, as regards equipping with a terrain awareness warning system newly manufactured turbine-powered aeroplanes of less than 5 700 maximum certified take-off mass able to carry six to nine passengers

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 must comply with the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008.
- (2) Pursuant to Regulation (EC) No 216/2008, the European Commission shall adopt the necessary implementing rules (IRs) to establish the conditions for the safe operation of aircraft.
- (3) Commission Regulation (EU) No 965/2012² lays down technical requirements and administrative procedures related to air operations.
- (4) Controlled flights into terrain (CFITs) are one of the main causes of accidents in Europe.
- (5) The International Civil Aviation Organization (ICAO) recommends in Parts I and II of its Annex 6 that ‘turbine-powered aeroplanes under 5 700 maximum certified take-off mass (MCTOM) and a maximum operational passenger seating configuration (MOPSC) between five and nine be equipped with a ground proximity warning system (GPWS)’.
- (6) In order to be aligned with ICAO and to mitigate the risks of CFIT, this Regulation amends Commission Regulation (EU) No 965/2012 by introducing a new requirement into Annex IV (Part-CAT) and Annex VII (Part-SPO) thereto to require newly manufactured commercial turbine-powered aeroplanes of less than 5 700 MCTOM able to carry six to nine passengers to be equipped with a TAWS.
- (7) The measures provided for in this Regulation are based on Opinion No 15/2016 issued by the European Aviation Safety Agency in accordance with Article 19(1) of Regulation (EC) No 216/2008.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ 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 (OJ L 296, 25.10.2012, p. 1).

- (8) 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

Regulation (EU) No 965/2012 is amended as follows:

1. In Annex IV (Part-CAT), the following paragraph (c) is inserted into CAT.IDE.A.150:

‘(c) Turbine-powered aeroplanes for which the individual certificate of airworthiness (CofA) was first issued after 1 January 2019 and having an MCTOM of 5 700 kg or less and an MOPSC of six to nine shall be equipped with a TAWS that meets the requirements for Class B equipment, as specified in an acceptable standard.’
2. In Annex VII (Part-SPO), SPO.IDE.A.130 is replaced by the following:
 - ‘(a) Turbine-powered aeroplanes with a maximum certified take-off mass (MCTOM) of more than 5 700 kg or an MOPSC of more than nine shall be equipped with a TAWS that meets the requirements for:
 - (1) Class A equipment, as specified in an acceptable standard, in the case of aeroplanes for which the individual certificate of airworthiness (CofA) was first issued after 1 January 2011; or
 - (2) Class B equipment, as specified in an acceptable standard, in the case of aeroplanes for which the individual CofA was first issued on or before 1 January 2011.
 - (b) When used in commercial operations, turbine-powered aeroplanes for which the individual CofA was first issued after 1 January 2019 and having an MCTOM of 5 700 kg or less and an MOPSC of six to nine shall be equipped with a TAWS that meets the requirements for class B equipment, as specified in an acceptable standard.’

Article 2

Entry into force and applicability

This Regulation shall enter into force on the twentieth 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
[...]