



Brussels, **XXX**
[...] (2015) **XXX** draft

ANNEX TO OPINION No 06/2015

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

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

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) In accordance with Regulation (EC) No 216/2008, the Commission should adopt the necessary Implementing Rules (IRs) to establish the conditions for the safe operation of aircraft.
- (3) In 2005, ICAO has introduced in Annex 6, Part I provisions for the operations of single-engined turbine aeroplanes at night and/or in Instrument Meteorological Conditions (IMC). These provisions contain a requirement for an operational approval based on preconditions for the aeroplane operated, in terms of equipment installed and reliability of the engine, procedures to be developed and followed by the operator, necessary training for the flight crew, and engine monitoring to be performed. Aligning itself with these ICAO provisions and with those of other major aviation authorities (FAA, TCCA, CASA etc.), the present Regulation amends Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations, by introducing a new dedicated ‘Subpart L — Single-engined turbine aeroplane operations at night or in Instrument Meteorological Conditions (IMC) (SET-IMC)’ into Annex V — Specific Approvals (Part-SPA) in order to allow Commercial Air Transport (CAT) operations with single-engined turbine aeroplanes at night and/or in IMC.
- (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 European Aviation Safety Agency Committee established by Article 65(1) of Regulation (EC) No 216/2008.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 965/2012, Annex II (Part-ARO), Annex III (Part-ORO), Annex IV (Part-CAT) and Annex V (Part-SPA) thereto are amended as laid down in the Annex to this Regulation.

Article 2

1. This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.
2. Existing derogations from CAT.POL.A.300(a) of Annex IV (Part-CAT) to Commission Regulation (EU) No 965/2012, mentioned in Article 6(5) of Commission Regulation (EU) No 965/2012, shall remain valid until six months after the date of publication of this Regulation 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

[Position]