



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2024) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of

**amending Regulation (EU) No 965/2012 as regards non-commercial operations
conducted in visual flight rules conditions with gyroplanes**

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amending Regulation (EU) No 965/2012 as regards non-commercial operations conducted in visual flight rules conditions with gyroplanes

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing an European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 31(1)(a) thereof,

Whereas:

- (1) Regulation (EU) No 965/2012 ⁽²⁾ lays down technical requirements and administrative procedures related to air operations of aircraft as set out in Regulation (EU) 2018/1139.
- (2) There is an ongoing development of gyroplanes with a maximum take-off mass exceeding 600 kg that fall within the scope of Regulation (EU) 2018/1139. It is expected that these non-complex aircraft will be involved in non-commercial operations conducted in visual flight rules (VFR) conditions.
- (3) Regulation (EU) No 965/2012 should be amended to ensure that there are suitable and appropriate European rules for the safe operation of gyroplanes.
- (4) The European Union Aviation Safety Agency prepared a draft implementing act and submitted it to the European Commission with Opinion No 04/2024 in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) in Article 1, the word ‘helicopters’ in paragraph 1 is replaced by the word ‘rotorcraft’;

⁽¹⁾ [OJ L 212, 22.8.2018, 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.](#)).

- (2) in Article 2, the following point (12) is added:
‘(12) “gyroplane” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or two rotors which rotate freely on substantially vertical axes.’;
- (3) in Article 5, the following paragraph 4a is inserted:
‘4a. Operators of gyroplanes involved in non-commercial operations conducted in visual flight rules conditions shall operate the aircraft in accordance with the provisions set out in Annex VII.’;
- (4) in Article 5(b), in point (b) the word ‘helicopters’ is replaced by the word ‘rotorcraft’;
- (5) in Article 6(3), in points (a) and (b) the word ‘helicopters’ is replaced by the word ‘rotorcraft’;
- (6) in Article 6, the introductory sentence of paragraph 4a is replaced by the following:
‘4a. By way of derogation from Articles 5(1) and (6), the following operations with other-than-complex motor-powered aeroplanes and helicopters, and with gyroplanes, may be conducted in accordance with Annex VII.’;
- (7) Annex I (Definitions for terms used in Annexes II to VIII) and Annex VII (Part-NCO) are amended in accordance with the Annex to this Regulation.

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*.

It shall apply from [x months after the date of 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
[...]