



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

ANNEX to EASA Opinion 14/2016

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

of **XXX**

amending Commission Regulation (EU) No 965/2012 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 Articles 7(6), 8(5) and 10(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012⁽²⁾ lays down detailed rules for commercial air transport operations with aeroplanes and helicopters, including ramp inspections of aircraft of operators under the safety oversight of another State when landed at aerodromes located in the territory subject to the provisions of the Treaty. In addition, Commission Regulation (EU) No 965/2012 includes provisions stipulating that crew members shall not perform duties on an aircraft when under the influence of psychoactive substances or alcohol or when unfit due to injury, fatigue, medication, sickness or other similar causes.
- (2) Following the accident of the Germanwings Flight 9525, the EASA-led Germanwings Task Force identified a number of safety risks and issued six recommendations to mitigate the identified safety risks. Three of these recommendations, namely psychological assessment of airline pilots before entering service (Recommendation 2); mandating drug and alcohol testing: random, post-incident/accident, with due cause (Recommendation 3); and implementation of pilot support and reporting systems (Recommendation 6), require regulatory changes in the requirements regarding air operations.
- (3) Therefore, the existing requirements should be amended to implement the Task Force recommendations and to harmonise the requirements with the provisions of Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011⁽³⁾, and achieve the level of aviation safety laid down in Regulation (EC) No 216/2008.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ OJ L 296, 25.10.2012, p. 1.

⁽³⁾ OJ L 63, 6.3.2015, p. 1.

- (4) The European Aviation Safety Agency prepared draft implementing rules and submitted them as an opinion to the European Commission in accordance with Article 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.

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) In Article 4, paragraph 2 is added as follows:
‘Member States shall ensure alcohol testing of flight and cabin crew members in accordance with national legislation. Alcohol testing shall be conducted under the ramp inspection programme by ramp inspectors or by officials authorised thereto.’
- (2) In Article 4, paragraph 3 is added as follows:
‘By way of derogation from paragraph 2, Member States may conduct alcohol testing of flight and cabin crew members in accordance with national testing programmes. In such a case, the Member State shall ensure that data concerning alcohol tests is included into the centralised database in accordance with ARO.RAMP.145(b).’
- (3) Annex I (Definitions for terms used in Annexes II to VIII), Annex II (Part-ARO), and Annex IV (Part-CAT) are amended as shown in the Annex to this Regulation.

Article 2

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 DD MM YYYY (exact date of 24 months following that of its publication in the Official Journal of the European Union to be inserted).

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)