



Brussels, **XXX**
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ANNEX TO EASA OPINION 09/2013

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**

(Text with EEA relevance)

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amending Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations

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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) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. This Regulation provides for the means of achieving that objective in the field of civil aviation safety.
- (2) Commission Regulation (EU) No 965/2012 of 5 October 2012 lays 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.
- (3) The Senior cabin crew member coordinates cabin safety and all cabin-related matters with cabin crew members, flight crew members, ground personnel and any other persons involved in the operation of the flight. In case the assigned Senior cabin crew member cannot undertake or continue the scheduled flight duty, the individual has to be replaced by a person adequately qualified to take up that role. It is necessary that the intent of the regulatory requirement related to replacement of Senior cabin crew member be clearly expressed and the lack of clarity resulting in various interpretations and non-compliance with Commission Regulation (EU) No 965/2012 be eliminated and rectified, as it may reflect on flight safety.
- (4) Communication between aircraft and aerodrome services during ground operations with cabin crew and passengers on board in the absence of flight crew members needs to be enabled, as there may be an urgent need or an emergency on board that aircraft. At least one person on board needs to be qualified to establish and to coordinate communication with aerodrome unit(s) should there be such need. Non-existence of such regulatory requirement has to be addressed in order to maintain a high level of safety.
- (5) In view of points (3) and (4), Commission Regulation (EU) No 965/2012 needs to be amended.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

- (6) The measures provided for in this Regulation are based on the Opinion issued by the European Aviation Safety Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (7) 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

Annex III (Organisation requirements for air operations — PART-ORO) to Regulation (EU) No 965/2012 is amended as follows:

1. In paragraph ORO.CC.200(a), the acronym ‘SCCM’ is inserted in brackets after the term ‘senior cabin crew member’:
 - ‘(a) When more than one cabin crew member is required, the composition of the cabin crew shall include a senior cabin crew member (SCCM) nominated by the operator.’
2. In paragraph ORO.CC.200(b), the term ‘senior cabin crew member’ is replaced by ‘SCCM’:
 - ‘(b) The operator shall nominate cabin crew members to the position of SCCM only if they:’
3. In paragraph ORO.CC.200(c), the term ‘senior cabin crew member’ is replaced by ‘SCCM’:
 - ‘(c) The senior cabin crew training course shall cover all duties and responsibilities of SCCM and shall include at least the following elements:’
4. In paragraph ORO.CC.200(d), the term ‘senior cabin crew member’ is replaced by ‘SCCM’:
 - ‘(d) The SCCM shall be responsible to the commander for the conduct and coordination of normal and emergency procedures specified in the operations manual, including for discontinuing non-safety-related duties for safety or security purposes.’
5. In paragraph ORO.CC.200, point (e) is replaced by the following:
 - ‘(e) Replacement of SCCM. The operator shall:
 - (1) replace the nominated SCCM by another SCCM when:
 - (i) the nominated SCCM does not report for, or cannot commence the assigned flight or series of flights originating from his/her assigned crew base. In this case the flight shall not depart unless another SCCM has been assigned;
 - (ii) the nominated SCCM becomes incapacitated or unavailable. The replacement shall be assigned without undue delay for the remainder of the flight or series of flights;
 - (iii) for the purpose of (ii), if there is no other SCCM who can be assigned, the operator shall assign the cabin crew member most appropriately qualified to act as SCCM.

- (2) notify the competent authority of any change to these procedures.’
6. In paragraph ORO.CC.205(c)(2), the term ‘senior cabin crew member’ is replaced by ‘SCCM’:
- (c) the reduced cabin crew includes a SCCM as specified in ORO.CC.200;’

Article 2

Annex IV (Commercial air transport operations — PART-CAT) to Regulation (EU) No 965/2012 is amended as follows:

1. Paragraph CAT.OP.MPA.195 is replaced as follows:
- ‘CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew
For ground operations whenever passengers are embarking, on board or disembarking in the absence of flight crew members, the operator shall:
- (a) establish procedures to alert the aerodrome services in the event of ground emergency or urgent need; and
- (b) ensure that at least one person on board the aircraft is qualified to apply these procedures and ensure proper coordination between the aircraft and the aerodrome services.’
2. The title of paragraph CAT.OP.MPA.200 is amended as follows:
- ‘CAT.OP.MPA.200 Refuelling/defuelling’
3. The following point (b) is inserted in paragraph CAT.OP.MPA.200:
- ‘(b) When passengers are embarking, on board or disembarking:
- (1) an aircraft shall not be refuelled/defuelled with Avgas (aviation gasoline) or wide-cut type fuel, or a mixture of these types of fuel; and
- (2) for all other types of fuel, necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of the aircraft by the most practical and expeditious means available.’

Article 3

Entry into force

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

Article 1 of this Regulation shall apply on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 2 of this Regulation shall apply [one year from its 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*