



Brussels, **XXX**
[...] (2020) **XXX** draft

Annex to EASA Opinion xx/2020

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

of **XXX**

on [...]

amending Commission Regulation (EU) No 965/2012 as regards the requirements for
fuel/energy planning and management

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amending Commission Regulation (EU) No 965/2012 as regards the requirements for fuel/energy planning and management

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 a 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 thereof,

After consulting the EASA Committee,

Whereas:

- (1) Operators and personnel that are involved in the operation of aircraft, as well as their competent authorities, shall comply with the relevant essential requirements for air operations set out in Regulation (EU) 2018/1139.
- (2) The principal objective of Regulation (EU) 2018/1139 is to establish and maintain a high uniform level of civil aviation safety in the Union (Article 1).
- (3) Commission Regulation (EU) No 965/2012 ⁽²⁾ lays down detailed rules for air operations. These rules should be updated to ensure that they reflect the state of the art and best practice in the domain of air operations.
- (4) To ensure a high level of civil aviation safety in the European Union, the measures set out in this Regulation should take into account worldwide aviation experience and scientific and technical progress in air operations. Therefore, this Regulation incorporates the latest fuel-related amendments to ICAO Annex 6, Part I (11th edition) and Part III (9th edition) and the new guidance of ICAO Document 9976 'Fuel planning manual'.
- (5) The new rules on fuel planning and management (fuel schemes) should enable a level playing field for all interested parties in the internal aviation market and improve competitiveness of the EU aviation industry, as stated in Article 1 of Regulation (EU) 2018/1139.
- (6) The requirements that are related to different types of operations should be proportionate to the scale and scope of operations, as well as to the complexity of operations and the risk(s) involved.

⁽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.

- (7) This Regulation creates a new regulatory framework for fuel, allowing for a fully performance-based fuel planning and management. The new requirements for aeroplanes used in commercial air transport (CAT) operations provide for the three main policies of any fuel scheme: fuel planning, aerodrome selection, and in-flight fuel management. This regulatory approach enables air operators to benefit from the latest technologies and increase the effectiveness of their management system, when developing and managing their fuel schemes. The new fuel schemes, structured on three levels of performance, take into account the operator's capability to sustain an increasing operational efficiency, with cost and environmental benefits.
- (8) The assessment of complex fuel schemes requires enhanced capabilities of competent authorities. Therefore, new requirements provide for the ability of competent authorities to make solid operational safety risk assessments to support the application of fully performance-based fuel schemes.
- (9) Following the principles of proportionality and better regulation, the fuel requirements for non-commercial operations (NCO) and for specialised operations (SPO) are better aligned with those for CAT operations, while the fuel requirements for non-commercial operators of other-than-complex motor-powered aircraft (NCO) are based on safety objectives and allow a performance-based approach. The new requirements reduce regulatory burden, increase cost-effectiveness, and improve harmonisation with ICAO as well as among all the Annexes to Regulation (EU) No 965/2012.
- (10) The new fuel requirements are resilient to innovation to allow for the smooth integration of new technologies in the air operations domain. Therefore, this Regulation replaces the term 'fuel' with the term 'fuel/energy', wherever appropriate, to accommodate operations with aircraft that use energy sources for propulsion other than conventional, hydrocarbon-based fuel.
- (11) Commission Regulation (EU) No 965/2012 should, therefore, be amended accordingly to fully implement the essential requirements for air operations of Annex V to Regulation (EU) 2018/1139.
- (12) The European Union Aviation Safety Agency prepared draft implementing rules and submitted them to the European Commission with Opinion 02/2020 in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the EASA Committee that is established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Commission Regulation (EU) No 965/2012

Commission Regulation (EU) No 965/2012 is amended in accordance with 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*.

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

Done at Brussels,

For the Commission

The President

[...]