



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2021) **XXX** draft

ANNEX III to EASA Opinion No 02/2021

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

of **XXX**

**amending Commission Regulation (EU) No 965/2012 as regards the requirements for
all-weather operations and for flight crew training and checking**

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amending Commission Regulation (EU) No 965/2012 as regards the requirements for all-weather operations and for flight crew training and checking

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 Articles 23(1), 27(1) and 31 thereof,

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 the best practices 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 are part of a coordinated effort that addresses all-weather operations in all relevant disciplines, including initial airworthiness, air operations, flight crew licensing and aerodromes. They take into account worldwide aviation experience and scientific and technical progress in air operations. Therefore, this Regulation improves harmonisation with the Federal Aviation Administration (FAA) requirements and transposes as much as feasible the latest amendments to the standards adopted by the International Civil Aviation Organization (ICAO), namely ICAO Annex 6, Part I (11th edition), Part II (10th edition) and Part III (9th edition), regarding all-weather operations and the instrument approach terminology.

⁽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).

- (5) In addition, this Regulation aims to allow for safe helicopter operations under instrument flight rules, including the use of point-in-space approaches and departures.
- (6) New training requirements on specialised operations (SPO), on multi-pilot operations with helicopters, on the greater use of simulators as well as on the greater variety in training and checking in helicopter commercial air transport (CAT), also aim at improving safety in a cost-effective way.
- (7) This Regulation is performance-based and risk-based as it should be resilient and not technology-dependent.
- (8) This Regulation allows for efficiency gains based on technical advancements. It allows the operational use of new, advanced technology such as enhanced flight vision systems (EFVS), as well as the application of some advanced new operational procedures, which may support all-weather operations. It also allows for the use of innovative training tools for the purpose of flight crew training and checking.
- (9) The new rules on all-weather operations and flight crew training and checking should allow for a level playing field for all actors in the internal aviation market of the Union and improve the competitiveness of the Union's aviation industry, as stated in Article 1 of Regulation (EU) 2018/1139.
- (10) The term 'EFVS' is introduced to describe the recently developed enhanced vision systems. EFVS will replace the previous 'EVS' systems in the context of low-visibility operations (LVOs) as the 'EVS' systems no longer meet the current expectations for LVOs. If an 'EVS' system meeting the minimum criteria to conduct EFVS 200 operations, including being certificated as an 'EVS with operational credit', then the operator will remain eligible to that operational credit under an approval from the competent authority. The operational credit will be limited to the new EFVS 200 concept, for other-than-LVOs. In all other cases, the operator can continue to use legacy 'EVS' systems for improved situational awareness, with no operational credit.
- (11) 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.
- (12) The aerodrome operating minima are aligned as much as possible between CAT operations, non-commercial operations with complex motor-powered aircraft (NCC) and specialised operations (SPO). The requirements for all-weather operations for non-commercial operations with other-than complex motor-powered aircraft (NCO) are simplified to incentivise the use of instrument flight rules.
- (13) This Regulation addresses flight crew training and checking requirements for CAT, SPO and NCC. Alleviations previously available only for CAT operations are extended to the other types of operations. Small helicopter operators should benefit from the additional flexibility regarding the operation on different aircraft types or variants. Non-commercial operators should be allowed to accept previous training and checking. This Regulation introduces no new requirements on NCO. The new requirements increase the number of possible variations in training, reduce the regulatory burden, and increase their cost-effectiveness.
- (14) 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.

- (15) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them to the European Commission with Opinion No 02/2021 (3) in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the 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

In Article 5, subparagraph (a)(iv) of paragraph 2 is replaced by the following:

‘(iv) low-visibility operations (LVOs) or operations with operational credits;’

Article 2

Amendments to the Annexes to Commission Regulation (EU) No 965/2012

The Annexes to Commission Regulation (EU) No 965/2012 are amended in accordance with the Annex to this Regulation.

Article 3

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 [*date of applicability of the fuel package*].

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

Done at Brussels,

For the Commission
The President
[...]

⁽³⁾ <https://www.easa.europa.eu/document-library/opinions>