



Brussels, **XXX**
[...](2022) **XXX** draft

Annex to EASA Opinion No 05/2022

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

of **XXX**

on [...]

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

of **XXX**

amending Commission Regulation (EU) No 965/2012 as regards the postponement of the requirements for locating an aircraft in distress

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,

Whereas:

- (1) The ICAO Council adopted Amendment 48 to ICAO Annex 6, Part I at the 16th Meeting of their 226th Session on 18 July 2022. That amendment postpones the applicability date of ICAO Standard 6.18.1 to 1 January 2025 and restricts its applicability to aeroplanes first issued with an individual Certificate of Airworthiness (CofA) on or after 1 January 2024.
- (2) ICAO Standard 6.18.1 was incorporated into point CAT.GEN.MPA.210 of Annex IV (Part-CAT) to Commission Regulation (EU) No 965/2012², which requires certain aeroplanes to be equipped with robust and automatic means to accurately determine, following an accident during which the aeroplane is severely damaged, the location of the point of end of flight.
- (3) The postponement of the ICAO Standard intends the following:
 - to address significant delays, faced by all aircraft manufacturers concerned worldwide, in fitting aeroplanes with the necessary equipment, and setting up the necessary communication infrastructure between all relevant stakeholders (including air traffic service (ATS) providers and rescue coordination centres (RCCs)); and
 - to provide more time for RCCs and ATS units to develop and adapt their procedures.
- (4) Commission Regulation (EU) No 965/2012 should therefore be amended accordingly, to address the impact of the delays on EU operators.

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) The European Union Aviation Safety Agency (EASA) prepared a draft implementing rule and submitted it to the European Commission with Opinion No 05/2022 ⁽³⁾ in accordance with Article 76(1) of Regulation (EU) 2018/1139.
- (6) 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

Point CAT.GEN.MPA.210 of Annex IV (Part-CAT) to Commission Regulation (EU) No 965/2012 is replaced by the following:

‘CAT.GEN.MPA.210 Location of an aircraft in distress – Aeroplanes

As of 1 January 2025, the following aeroplanes shall be equipped with robust and automatic means to accurately determine, following an accident during which the aeroplane is severely damaged, the location of the point of end of flight:

- (a) all aeroplanes with an MCTOM of more than 27 000 kg, with an MOPSC of more than 19, and first issued with an individual CofA on or after 1 January 2024; and
- (b) all aeroplanes with an MCTOM of more than 45 500 kg and first issued with an individual CofA on or after 1 January 2024.’

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
[...]

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