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[...](2015) **XXX** draft

ANNEX TO EASA OPINION 04/2015

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

of **XXX**

on amending 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

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

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on amending 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

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) Operators and personnel involved in the operation of certain aircraft have to comply with the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008.
- (2) In accordance with Regulation (EC) No 216/2008, the Commission should adopt the necessary implementing rules to establish the conditions for the safe operation of aircraft.
- (3) The safe operation for helicopters engaged in helicopter offshore operations is enhanced through the establishment of a new, dedicated 'Subpart K – Helicopter Offshore Operations' within Annex V — Specific Approvals (Part-SPA) to Commission Regulation (EU) No 965/2012.
- (4) The measures provided for by Subpart K establish a requirement for all operators engaged in helicopter offshore operations to apply for and to be granted a specific approval based on the rules therein. Furthermore, the measures provided for also ensure mitigation of the known associated risks adherent to helicopter offshore operations.
- (5) The measures provided for by Subpart K enhance operational oversight and are proportionate to the different types of operation.
- (6) Subpart K ensures that the different types of helicopter offshore operations are subject to proportionality and level playing field as they require operators to follow their dedicated Annex of Commission Regulation (EU) No 965/2012 in addition to the new Subpart. Operators performing non-commercial operations with other-than-complex helicopters are, however, not affected by Subpart K and, therefore, not considered for a specific approval.
- (7) The introduction of Subpart K is expected to maintain the high level of safety for helicopter offshore operations established by the Member States in which most of the offshore operations take place.
- (8) Subpart K provides for commercial air transport helicopters that conduct operations in a hostile environment to be fitted with vibration health monitoring (VHM) equipment by 1 January 2019.
- (9) Subpart K also provides for certain commercial air transport helicopters, first issued with an individual Certificate of Airworthiness after 31 December 2018, to be fitted with helicopter terrain awareness warning system (HTAWS).
- (10) This new Regulation includes delayed implementation dates for Flight Data Monitoring (FDM) and Vibration Health Monitoring (VHM) systems. The Commission sees the added value in keeping national requirements established in accordance with Article 6(4) of Commission Regulation (EU) No 965/2012 for FDM

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

and VHM until and including 31 December 2018 so as not to allow for the emergence of a regulatory gap.

- (11) The measures provided for in this Regulation are based on the Opinion issued by the Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (12) 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 and its Annex I (Part Definitions), Annex II (Part-ARO), Annex IV (Part-CAT), Annex V (Part-SPA), Annex VI (Part-NCC) and Annex VII (Part-SPO) are amended as laid down in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union. This Regulation shall apply 2 years after the date of entry into force.

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

Done at Brussels,

For the Commission

[...]

Member of the Commission