



Brussels, **XXX**
[...](2013) **XXX** draft

ANNEX TO EASA OPINION 05/2013

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 pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

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 pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

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(2), 8(3), and 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 for establishing the conditions for the safe operation of aircraft.
- (3) 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.
- (4) 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

Amendment to Commission Regulation (EU) No 965/2012

Regulation (EU) No 965/2012 is amended as follows:

1. In Annex I (Definitions) the following definition is inserted:
'(125) 'Sterile flight crew compartment' means any period of time when the flight crew members are not disturbed or distracted, except for matters critical to the safe operation of the aircraft or the safety of the occupants.'
2. In Annex III (Part-ORO) paragraph ORO.GEN.110(f) is amended as follows:

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

‘(f) An operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties and responsibilities, for all types of operation on the ground and in flight. These procedures and instructions shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft. The procedures and instructions shall include sterile flight crew compartment procedures.

3. In Annex IV (Part-CAT), the numbering of paragraph CAT.GEN.MPA.125 is amended as follows:

‘CAT.GEN.MPA.~~125~~126 Taxiing of aeroplanes’

4. In Annex IV (Part-CAT) the following paragraph is inserted:

‘CAT.GEN.MPA.125 Taxiing of aircraft

The operator shall establish procedures for taxiing to ensure safe operation and to enhance runway safety.’

5. In Annex VI (Part-NCC) the numbering of paragraph NCC.GEN.120 is amended as follows:

‘NCC.GEN.~~120~~121 Taxiing of aeroplanes’

6. In Annex VI (Part-NCC) the following paragraph is inserted:

‘NCC.GEN.120 Taxiing of aircraft

The operator shall establish procedures for taxiing to ensure safe operation and to enhance runway safety.’

7. In Annex VIII (Part-SPO) the numbering of paragraph SPO.GEN.120 is amended as follows:

‘NCC.GEN.~~120~~121 Taxiing of aeroplanes’

8. In Annex VIII (Part-SPO) the following paragraph is inserted:

‘SPO.GEN.120 Taxiing of aircraft

The operator shall establish procedures for taxiing to ensure safe operation and to enhance runway safety.’

Article 2

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*.

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