

**Annex to Commission Regulation (EU) .../... of ... amending Commission Regulation (EU) No 965/2012, as regards the extraction of operational rules for balloons**

ANNEX

- (1) Annex I to Regulation (EU) No 965/2012 is amended as follows:
  - (a) the definition (11a) of ‘balloon empty mass’ is deleted;
  - (b) the definition (120) of ‘traffic load’ is replaced by the following:

‘(120) ‘traffic load’ means the total mass of passengers, baggage, cargo and carry-on specialist equipment and including any ballast;’.
  
- (2) Annex II (Part-ARO) to Regulation (EU) No 965/2012 is amended as follows:
  - (a) in ARO.GEN.345, point (a) is replaced by the following:

‘(a) Upon receiving a declaration from an organisation carrying out or intending to carry out activities for which a declaration is required, the competent authority shall verify that the declaration contains all the information required by Part-ORO, or for balloons all the information required by the applicable requirements of Annex II (Part-BOP) to Regulation (EU) .../..., and shall acknowledge receipt of the declaration to the organisation.’;
  - (b) in ARO.GEN.350, point (b)(1) is replaced by the following:

‘(1) failure to give the competent authority access to the organisation’s facilities as defined in ORO.GEN.140, or for balloons as defined in the applicable requirements of Annex II (Part-BOP) to Regulation (EU) .../..., during normal operating hours and after two written requests;’;
  - (c) the heading of ARO.OPS.110 is replaced by the following:

**‘ARO.OPS.110 Lease agreements for aeroplanes and helicopters’.**
  
- (3) Annex III (Part-ORO) to Regulation (EU) No 965/2012 is amended as follows:
  - (a) in ORO.GEN.110, in point (k), the introductory wording is replaced by the following:

‘(k) Notwithstanding (j), the operator of a sailplane or of flights taking off and landing at the same aerodrome or operating site, under VFR by day, with’;
  - (b) in ORO.MLR.101, the introductory wording is replaced by the following:

‘Except for operations with single engined propeller-driven aeroplanes with a MOPSC of 5 or single engined non-complex helicopters with a MOPSC of 5, taking off and landing at the same aerodrome or operating site, under VFR by

day, and for operations with sailplanes, the main structure of the OM shall be as follows:’;

(c) in ORO.FC.005, point (b)(1) is replaced by the following:

‘(1) commercial air transport operations of sailplanes; or’;

(d) in ORO.CC.100, point (a)(1) is replaced by the following:

‘(a) The number and composition of cabin crew shall be determined in accordance with 7.a of Annex IV to Regulation (EC) No 216/2008, taking into account operational factors or circumstances of the particular flight to be operated. At least one cabin crew member shall be assigned for the operation of aircraft with an MOPSC of more than 19 when carrying one or more passenger(s).’.

(4) Annex IV (Part-CAT) to Regulation (EU) No 965/2012 is amended as follows:

(a) CAT.GEN.105 is replaced by the following:

**‘CAT.GEN.105 Touring motor gliders and powered sailplanes**

(a) Powered sailplanes, excluding touring motor gliders (TMGs), shall be operated and equipped in compliance with the requirements applicable to sailplanes.

(b) TMGs shall be operated following the requirements for:

(1) aeroplanes when they are power-driven by an engine; and

(2) sailplanes when operated without using an engine.

(c) TMGs shall be equipped in compliance with the requirements applicable to aeroplanes, unless otherwise specified in CAT.IDE.A.’;

(b) in CAT.GEN.NMPA.100, point (a)(2) is replaced by the following:

‘(2) be responsible for the operation and safety of the sailplane from the moment the launch procedure is started until the sailplane comes to a rest at the end of the flight;’;

(c) in CAT.GEN.NMPA.100, point (d) is deleted;

(d) CAT.GEN.NMPA.105 is deleted;

(e) in CAT.GEN.NMPA.140, point (a)(19) is replaced by the following:

‘(19) mass and balance documentation;’;

(f) CAT.OP.NMPA.105 is replaced by the following:

**‘CAT.OP.NMPA.105 Noise abatement procedures — powered sailplanes**

The commander shall take into account the effect of aircraft noise while ensuring that safety has priority over noise abatement.’;

(g) CAT.OP.NMPA.110 is deleted;

(h) CAT.OP.NMPA.135 is deleted;

(i) CAT.OP.NMPA.140 is replaced by the following:

**‘CAT.OP.NMPA.140 Smoking on board**

No person shall be allowed to smoke on board a sailplane.’;

- (j) CAT.OP.NMPA.165 is deleted;
- (k) CAT.OP.NMPA.180 is deleted;
- (l) in Subpart C (‘Aircraft performance and operating limitations’), Section 5 (‘Balloons’) is deleted;
- (m) in Subpart D (‘Instruments, data and equipment’), Section 4 (‘Balloons’) is deleted.

(5) Annex VII (Part-NCO) to Regulation (EU) No 965/2012 is amended as follows:

(a) NCO.GEN.102 is replaced by the following:

**‘NCO.GEN.102 Touring motor gliders and powered sailplanes**

(a) Touring motor gliders shall be operated following the requirements for:

- (1) aeroplanes when they are power-driven by an engine; and
- (2) sailplanes when operated without using an engine.

(b) Touring motor gliders shall be equipped in compliance with the requirements applicable to aeroplanes unless otherwise specified in Subpart D.

(c) Powered sailplanes, excluding touring motor gliders, shall be operated and equipped in compliance with the requirements applicable to sailplanes.’;

(b) in NCO.GEN.103, point (a) is replaced by the following:

‘(a) start and end at the same aerodrome or operating site, except for sailplanes;’;

(c) in NCO.GEN.105, points (a)(4)(iii) and (iv) are replaced by the following:

‘(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as provided for in NCO.IDE.A.105, NCO.IDE.H.105 or NCO.IDE.S.105;

(iv) the mass of the aircraft and the centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;’;

(d) in NCO.GEN.105, point (f)(1) is replaced by the following:

‘(1) keep his/her safety belt fastened while at his/her station; and’;

(e) NCO.GEN.106 is deleted;

(f) in NCO.GEN.135, point (c) is replaced by the following:

‘(c) Notwithstanding (a), on flights with sailplanes, excluding touring motor gliders (TMGs), the documents and information in (a)(2) to (a)(8) and (a)(11) to (a)(13) may be carried in the retrieve vehicle.’;

- (g) NCO.OP.121 is deleted;
- (h) NCO.OP.127 is deleted;
- (i) NCO.OP.150 is replaced by the following:
  - ‘NCO.OP.150 Carriage of passengers**
  - The pilot-in-command shall ensure that, prior to and during taxiing, take-off and landing, and whenever deemed necessary in the interest of safety, each passenger on board occupies a seat or berth and has his/her safety belt or restraint device properly secured.’;
- (j) NCO.OP.156 is replaced by the following:
  - ‘NCO.OP.156 Smoking on board — sailplanes**
  - No person shall be allowed to smoke on board a sailplane.’;
- (k) NCO.OP.176 is deleted;
- (l) NCO.OP.185 is replaced by the following:
  - ‘NCO.OP.185 In-flight fuel management**
  - The pilot-in-command shall check at regular intervals that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a weather-permissible aerodrome or operating site and the planned reserve fuel as required by NCO.OP.125 or NCO.OP.126.’;
- (m) NCO.OP.215 is deleted;
- (n) in NCO.POL.100, point (a) is replaced by the following:
  - ‘(a) During any phase of operation, the loading, the mass and the centre of gravity (CG) position of the aircraft shall comply with any limitation specified in the AFM, or equivalent document.’;
- (o) NCO.POL.105 is replaced by the following:
  - ‘NCO.POL.105 Weighing**
  - (a) The operator shall ensure that the mass and the CG of the aircraft have been established by actual weighing prior to initial entry into service. The accumulated effects of modifications and repairs on the mass and balance shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The aircraft shall be reweighed if the effect of modifications on the mass and balance is not accurately known.
  - (b) The weighing shall be accomplished:
    - (1) for aeroplanes and helicopters, by the manufacturer of the aircraft or by an approved maintenance organisation; and
    - (2) for sailplanes, by the manufacturer of the aircraft or in accordance with Regulation (EC) No 1321/2014, as applicable.’;
- (p) in Subpart D (‘Instruments, data and equipment’), Section 4 (‘Balloons’) is deleted.
- (q) in NCO.SPEC.115, point (b) is replaced by the following:

- ‘(b) During critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station unless otherwise specified in the checklist.’;
  - (r) in NCO.SPEC.120, point (b) is replaced by the following:
    - ‘(b) During critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station unless otherwise specified in the checklist.’.
- (6) Annex VIII (Part-SPO) to Regulation (EU) No 965/2012 is amended as follows:
  - (a) SPO.GEN.102 is replaced by the following:
    - ‘SPO.GEN.102 Touring motor gliders and powered sailplanes**
    - (a) Touring motor gliders shall be operated following the requirements for:
      - (1) aeroplanes when they are power-driven by an engine; and
      - (2) sailplanes when operated without using an engine.
    - (b) Touring motor gliders shall be equipped in compliance with the requirements applicable to aeroplanes unless otherwise specified in Subpart D.
    - (c) Powered sailplanes, excluding touring motor gliders, shall be operated and equipped in compliance with the requirements applicable to sailplanes.’;
  - (b) in SPO.GEN.105, point (b) is replaced by the following:
    - ‘(b) During critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station unless otherwise specified in the SOP.’;
  - (c) in SPO.GEN.106, point (b) is replaced by the following:
    - ‘(b) During critical phases of flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station unless otherwise specified in the SOP.’;
  - (d) in SPO.GEN.107, points (a)(4)(iii) and (iv) are replaced by the following:
    - ‘(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as required in SPO.IDE.A.105, SPO.IDE.H.105 or SPO.IDE.S.105;
    - (iv) the mass of the aircraft and the centre of gravity location are such that the flight can be conducted within the limits prescribed in the airworthiness documentation;’;
  - (e) SPO.GEN.108 is deleted;
  - (f) in SPO.GEN.140, point (c) is replaced by the following:

- (c) Notwithstanding (a), on flights with sailplanes, excluding touring motor gliders (TMGs), the documents and information in (a)(1) to (a)(10) and (a)(13) to (a)(19) may be carried in the retrieve vehicle.’;
- (g) SPO.OP.121 is deleted;
- (h) SPO.OP.132 is deleted;
- (i) SPO.OP.160 is replaced by the following:  
**‘SPO.OP.160 Use of headset**  
Each flight crew member required to be on duty in the flight crew compartment shall wear a headset with boom microphone, or equivalent, and use it as the primary device to communicate with ATIS, other crew members and task specialists.’;
- (j) SPO.OP.181 is deleted;
- (k) SPO.OP.225 is deleted;
- (l) in SPO.POL.100, point (a) is replaced by the following:  
‘(a) During any phase of operation, the loading, the mass and the centre of gravity (CG) position of the aircraft shall comply with any limitation specified in the appropriate manual.’;
- (m) SPO.POL.105 is replaced by the following:  
**‘SPO.POL.105 Mass and balance**  
(a) The operator shall ensure that the mass and the CG of the aircraft have been established by actual weighing prior to initial entry into service. The accumulated effects of modifications and repairs on the mass and balance shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The aircraft shall be reweighed if the effect of modifications on the mass and balance is not accurately known.  
(b) The weighing shall be accomplished:  
(1) for aeroplanes and helicopters, by the manufacturer of the aircraft or by an approved maintenance organisation; and  
(2) for sailplanes, by the manufacturer of the aircraft or in accordance with Regulation (EC) No 1321/2014 as applicable.’;
- (n) in Subpart D (‘Instruments, data and equipment’), Section 4 (‘Balloons’) is deleted;
- (o) SPO.SPEC.PAR.120 is deleted.