



EUROPEAN COMMISSION

Brussels, ...

[...]C

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

of [...]

laying down technical requirements and administrative procedures related to specialised air operations and amending Commission Regulation (EU) No .../.... laying down detailed rules for air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

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

of

laying down technical requirements and administrative procedures related to specialised air operations and amending Commission Regulation (EU) No .../.... laying down detailed rules for 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/EC¹, and in particular Articles 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. Regulation (EU) No. .../.... established those implementing rules for commercial air transport operations.
- (3) The present Regulation therefore amends Regulation (EU) No. .../.... to include particular aspects related to commercial and non-commercial specialised operations.
- (4) In order to ensure a smooth transition and a high level of civil aviation safety in the European Union, implementing measures should reflect the state of the art, including best practices, and scientific and technical progress in the field of air operations. Accordingly, technical requirements and administrative procedures agreed under the auspices of the International Civil Aviation Organisation and the European Joint Aviation Authorities until 30 June 2009, as well as existing legislation pertaining to a specific national environment, should be considered.
- (5) It is necessary to provide sufficient time for the aeronautical industry and Member States' administrations to adapt to the new regulatory framework.
- (6) The European Aviation Safety Agency prepared draft implementing rules and submitted them as an opinion to the European Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (7) 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.

¹ OJ L 79, 13.3.2008, p.1.

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No .../.... is amended as follows:

1. In Article 1(1), the words “as well as specialised operations” shall be added after “commercial air transport operations with aeroplanes and helicopters and non-commercial operations with aeroplanes, helicopters, balloons and sailplanes”.
2. In Article 1(2), the word “transport” shall be deleted.
3. In Article 1(3), the words “and non-commercial specialised operations” shall be inserted after “non-commercial operations”.
4. Article 1(4) shall be deleted and Article 1(5) shall be renumbered to 4.
5. In article 2, the following two paragraphs are added:

“5. ‘Specialised operation’ means any commercial operation other than commercial air transport and any non-commercial operation where:

 - (a) the aircraft is flown close to the surface to fulfil the mission,
 - (b) aerobatic manoeuvres are performed;
 - (c) special equipment is necessary to fulfil the mission;
 - (d) task specialists are required;
 - (e) substances are released from the aircraft during the flight;
 - (f) external loads or goods are lifted or towed;
 - (g) persons enter or leave the aircraft during flight; or
 - (h) the purpose of the mission is to display an aircraft, to advertise or to participate in a competition.
6. ‘Task specialist’ means a person assigned by the operator or a third party, or acting as an undertaking, who:
 - (a) performs tasks on the ground directly associated with a specialised task; or
 - (b) performs specialised tasks on board or from the aircraft.”
7. In Article 2, “VII” shall be replaced by “VIII”.
8. In Article 5(5), “1., 3. and 4.” shall be replaced by “1., 3., 4., 6., 7. and 8.”.
9. In Article 5, the following four paragraphs shall be added:

“6. Operators of aeroplanes, helicopters, balloons and sailplanes shall only operate an aircraft for the purpose of commercial specialised operations as specified in Annex III and VIII to this Regulation.

7. Operators of complex motor-powered aeroplanes and helicopters shall only operate an aircraft for the purpose of non-commercial specialised operations as specified in Annex III and VIII to this Regulation.

8. Operators of other-than-complex motor-powered aircraft shall only operate an aircraft for the purpose of non-commercial specialised operations as specified in Annex VIII to this Regulation.

9. Flights taking place immediately before, during or immediately after specialised operations and directly connected to those operations shall be operated in accordance with subparagraphs 6, 7 and 8 above. Except for parachute operations, no more than 6 persons indispensable to the mission, excluding crew members, shall be carried on board.”
10. In Article 8(2), “and specialised operations” is inserted after “non-commercial operations with complex motor-powered aeroplanes and helicopters”.
11. In Article 10, the following paragraph shall be inserted:
- “4. By way of derogation from the second subparagraph of paragraph 1, Member States may decide not to apply:
- (a) the provisions of Annex III of Regulation (EU) .../.... to commercial specialised operations and non-commercial specialised operations of complex motor-powered aircraft until 8 April 2015; and
- (b) the provisions of Annex V and VIII to all specialised operations until 8 April 2015.”
12. New Annex VIII as set out in the Annex to this Regulation is inserted.

Article 2

Entry into force

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

It shall apply as from [the 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