



Brussels, **XXX**
[...](2017) **XXX** draft

ANNEX TO EASA OPINION No 01/2017

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

of **XXX**

amending Commission Regulation (EU) No 965/2012 as regards the establishment of operational requirements for the conduct of maintenance check flights, and amending Commission Regulation (EU) No 748/2012 as regards the need to include maintenance check flights to the list of purposes for which a permit to fly can be issued

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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 Articles 5(5) and 8(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 216/2008, the European Commission, assisted by the European Aviation Safety Agency (EASA), is required to adopt the necessary implementing rules for common airworthiness requirements as well as to establish the conditions for the safe operation of aircraft throughout the Union.
- (2) Air operators need to conduct specific flights, called ‘maintenance check flights’, to ensure the proper functioning of certain aircraft systems that cannot be verified on the ground.
- (3) Lack of specific regulations on the conduct of these flights has contributed to accidents or serious incidents in the past and EASA has received safety recommendations to develop such regulations.
- (4) It is necessary to establish the requirements that mitigate the risks associated to the conduct of these flights.
- (5) In this regard, Commission Regulation (EU) No 965/2012 ⁽²⁾ should be amended to precisely define this category of flights and to define, where needed, the minimum requirements for flight crews and the procedures to be observed in the preparation and conduct of these flights.
- (6) Considering that certain maintenance check flights cannot be conducted under a standard certificate of airworthiness, a permit to fly might be needed to fly the aircraft for this purpose.

⁽¹⁾ OJ L 143, 30.4.2004, p. 76.

⁽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).

- (7) The flight purposes for which a permit to fly is required are listed in Commission Regulation (EU) No 748/2012⁽³⁾; nevertheless, maintenance check flights are not included in that list.
- (8) Commission Regulation (EU) No 748/2012 should, therefore, be amended accordingly.
- (9) The measures provided for in this Regulation are based on Opinion No 01/2017 issued by EASA in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (10) 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 is amended in accordance with point A of Annex I to this Regulation.

Article 2

Annex I to Commission Regulation (EU) No 965/2012 is amended in accordance with point B of Annex I to this Regulation.

Article 3

Annex III to Commission Regulation (EU) No 965/2012 is amended in accordance with point C of Annex I to this Regulation.

Article 4

Annex VII to Commission Regulation (EU) No 965/2012 is amended in accordance with point D of Annex I to this Regulation.

Article 5

Annex VIII to Commission Regulation (EU) No 965/2012 is amended in accordance with point E of Annex I to this Regulation.

Article 6

Annex I to Commission Regulation (EU) No 748/2012 is amended in accordance with Annex II to this Regulation.

⁽³⁾ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

Article 7

Entry into force

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

[...]