



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

**ANNEX to EASA Opinion No 10/2017**

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

**of **XXX****

**amending Commission Regulation (EU) No 965/2012 as regards the transposition of provisions on electronic flight bags from ICAO Annex 6**

**DRAFT COMMISSION REGULATION (EU) .../...**

**of XXX**

**amending Commission Regulation (EU) No 965/2012 as regards the transposition of provisions on electronic flight bags from ICAO Annex 6**

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 <sup>(1)</sup>, and in particular Article 8(5) thereof,

Whereas:

- (1) Operators involved in the operation of aircraft referred to in Article 4(1)(b) and (c) of Regulation (EC) No 216/2008 shall comply with the relevant essential requirements set out in Annex IV to that Regulation.
- (2) In accordance with Regulation (EC) No 216/2008, the Commission shall adopt the necessary implementing rules to establish the conditions for the safe operation of aircraft.
- (3) In 2014, ICAO introduced in Annex 6, Part I and Part III Section II, provisions for the use of electronic flight bags for commercial air transport operations. These provisions contain generic requirements for the use of EFBs and also a requirement for an operational approval for the use of EFB applications used for the safe operation of aircraft. Aligning itself with these ICAO provisions and with those of the FAA, the present Regulation amends 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 <sup>(2)</sup> by introducing for commercial air transport a new implementing rule containing generic requirements for the use of electronic flight bags and a new dedicated ‘Subpart M — Electronic flight bags’ into Annex V — Specific Approvals (Part-SPA) supporting an operational approval for the use of electronic flight bag applications that have a failure condition limited to minor.
- (4) In 2014, ICAO introduced in Annex 6, Part II and Part III Section III, provisions for the use of electronic flight bags in general aviation. These provisions contain generic requirements for the use of electronic flight bags and also a requirement for Contracting States to establish criteria for the use of electronic flight bag applications used for the safe operation of aircraft. Aligning itself with these ICAO provisions, the present Regulation amends Commission Regulation (EU) No 965/2012 by introducing for non-commercial operations with complex motor-powered aircraft and for specialised operations with complex motor-powered aircraft new implementing rules containing generic requirements for the use of electronic flight bags and requirements

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<sup>(1)</sup> OJ L 79, 19.3.2008, p. 1.

<sup>(2)</sup> OJ L 296, 25.10.2012, p. 1.

for the use of electronic flight bag applications with a failure condition limited to minor. Furthermore, the present Regulation amends Commission Regulation (EU) No 965/2012 by aligning for non-commercial operations with other-than-complex motor-powered aircraft the requirements for portable electronic devices with the generic ICAO provisions for electronic flight bag equipment.

- (5) The measures provided for in this Regulation are based on the Opinion <sup>(3)</sup> issued by the European Aviation Safety Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 65(1) of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Commission Regulation (EU) No 965/2012 and Annex I (Definitions), Annex II (Part-ARO), Annex IV (Part-CAT), Annex V (Part-SPA), Annex VI (Part-NCC), Annex VII (Part-NCO) and Annex VIII (Part-SPO) thereto are amended as laid down in the Annex to this Regulation.

#### *Article 2*

### **Entry into force and applicability**

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

It shall apply by 1 July 2019 at the latest.

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

Done at Brussels,

*For the Commission*  
*The President*  
[\[...\]](#)

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<sup>(3)</sup> Opinion No 10/2017 of the European Aviation Safety Agency of 18 December 2017 for a draft Commission Regulation amending Commission Regulation (EU) No 965/2012.