



Brussels, **XXX**
[...](2016) **XXX** draft

ANNEX B TO EASA OPINION No 10/2016

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

of **XXX**

amending Commission Regulation (EU) No 965/2012 as regards the use of ACAS II

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

of XXX

amending Commission Regulation (EU) No 965/2012 as regards the use of ACAS II

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(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012 of 5 October 2012 ⁽²⁾ requires operators of turbine-powered aeroplanes, with a maximum certificated take-off mass (MCTOM) of more than 5 700 kg or authorised to carry more than 19 passengers or aircraft that have airborne collision avoidance system (ACAS II) installed to be equipped in accordance with the requirements of Commission Regulation (EU) No 1332/2011 of 16 December 2011 ⁽³⁾.
- (2) Commission Regulation (EU) No 1332/2011 of 16 December 2011 has been repealed and replaced by *[insert No of the new Regulation]* laying down implementing rules for common airspace usage requirements and operating procedures.
- (3) Regulation (EC) No 965/2012 should therefore be amended accordingly.
- (4) 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.
- (5) 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 as follows:

- (1) CAT.IDE.A.155 is replaced by the following:
‘CAT.IDE.A.155 Airborne collision avoidance system (ACAS)

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽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).

⁽³⁾ Commission Regulation (EU) No 1332/2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (OJ L 336, 20.12.2011, p. 20).

Unless otherwise provided for by Commission Implementing Regulation (EU) [insert No of the new Regulation], turbine-powered aeroplanes with an MCTOM of more than 5 700 kg or an MOPSC of more than 19 shall be equipped with ACAS II.’

- (2) NCC.IDE.A.140 is replaced by the following:

‘NCC.IDE.A.140 Airborne collision avoidance system (ACAS)

Unless otherwise provided for by Commission Implementing Regulation (EU) [insert No of the new Regulation], turbine-powered aeroplanes with an MCTOM of more than 5 700 kg or an MOPSC of more than 19 shall be equipped with ACAS II.’

- (3) NCO.OP.200 is replaced by the following:

‘NCO.OP.200 Airborne collision avoidance system (ACAS II)

When ACAS II is used, operational procedures and training shall be in accordance with Commission Implementing Regulation (EU) [insert No of the new Regulation].’

- (4) SPO.OP.205(a) is replaced by the following:

‘SPO.OP.205 Airborne collision avoidance system (ACAS)

(a) The operator shall establish operational procedures and training programmes when ACAS is installed and serviceable. When ACAS II is used, such procedures and training shall be in accordance with Regulation (EU) [insert No of the new Regulation].’

- (5) SPO.IDE.A.131 is replaced by the following:

‘SPO.IDE.A.131 Airborne collision avoidance system (ACAS II)

Unless otherwise provided for by Regulation (EU) [insert No of the new Regulation], turbine-powered aeroplanes with an MCTOM of more than 5 700 kg shall be equipped with ACAS II.’

Article 2

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

[...]