



Brussels, **XXX**  
[...](2012) **XXX** draft

**ANNEX TO EASA OPINION 06/2012**

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

**of **XXX****

**amending Regulation (EU) No .../... 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**

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

**of XXX**

**amending Regulation (EU) No .../... 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**

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) Regulation 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective in the field of civil aviation safety.
- (2) Operation of aircraft registered in a third country used by an operator for which any Member State ensures oversight of operations or used into, within or out of the EU by an operator established or residing in the EU has to comply with the relevant essential requirements set out in Annex IV to Regulation No 216/2008.
- (3) 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 965/2012 establishes those implementing rules for operations
- (4) The present regulation amends Regulation (EU) No 965/2012 to complement particular aspects of the operation of aircraft registered in a third country by EU operators.
- (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 (hereafter the '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 the Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II (Part-ARO) and Annex III (Part-ORO) are amended in accordance with the Annex to this Regulation.

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<sup>1</sup>

*Article 2*

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

It shall apply from 28 October 2014.

2. By derogation of the second subparagraph of paragraph 1, the provisions of Appendix I to Annex III shall apply from the date of application of Annex VI.

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

Done at Brussels,

*For the Commission  
The President*

## ANNEX

### **Annex II (Part-ARO) is amended as follows:**

1. Paragraph ARO.OPS.110 (c) is amended as follows:
  - (c) The approval of a dry lease-in agreement shall be suspended or revoked whenever:
    - (1) the certificate of airworthiness of the aircraft is suspended or revoked;
    - (2) the aircraft is included in the list of operators subject to operational restrictionsor it is registered in a State of which all operators under its oversight are subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

### **Annex III (Part-ORO) is amended as follows:**

2. Paragraph ORO.AOC.100 (c) is amended as follows:
  - (c) Applicants shall demonstrate to the competent authority that:
    - (1) they comply with all the applicable requirements of Annex IV to Regulation (EC) No 216/2008, this Annex and Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation,
    - (2) all aircraft operated have a certificate of airworthiness (CofA) in accordance with Regulation (EU) No 748/2012 or are dry leased-in in accordance with ORO.AOC.110 (d); and
    - (3) its organisation and management are suitable and properly matched to the scale and scope of the operation.
3. Paragraph ORO.AOC.110 (b) is amended as follows:
  - (b) The operator certified in accordance with this Part shall not lease-in aircraft included in the list of operators subject to operational restrictions, registered in a State of which all operators under its oversight are subject to an operating ban or from an operator that is subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

4. Paragraph ORO.AOC.110 (d) is amended as follows:

#### *Dry lease-in*

- (d) An applicant for the approval of the dry lease-in of an aircraft registered in a third country shall demonstrate to the competent authority that:
  - (1) an operational need has been identified that cannot be satisfied through leasing an aircraft registered in the EU;
  - (2) the duration of the dry lease-in does not exceed seven months in any 12 consecutive month period;

- (3) compliance with the applicable requirements of Regulation (EC) No 2042/2003 is ensured; and
- (4) the aircraft is equipped in accordance with the EU regulations for Air Operations.

5. Paragraphs ORO.AOC.130 (a) and (b) are amended as follows:

- (a) The operator shall establish and maintain a flight data monitoring programme, which shall be integrated in its management system, for aeroplanes with a maximum certificated take-off mass of more than 27 000 kg.
- (b) The flight data monitoring programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

6. Appendix I to Annex III is amended as follows:

Appendix I to Annex III

<b>DECLARATION</b>
in accordance with Commission Regulation (EU) No 965/2012 on Air operations
<p><b>Operator</b></p> <p>Name:</p> <p>Place in which the operator is established or residing and place from which the operations are directed:</p> <p>Name and contact details of the accountable manager:</p>
<p><b>Contracted continuing airworthiness management organisation</b></p> <p>Company name and address and approval reference (as per EASA Form 14):</p>
<p>Starting date of operation/applicability date of the change:</p>
<p>Type(s) of operation:</p> <p><input type="checkbox"/> Part-NCC: (specify if passenger and/or cargo)</p>
<p>Type(s) of aircraft, registration(s) and main base:</p>
<p>Details of approvals held (attach list of specific approvals to the declaration, if applicable)</p>
<p>List of alternative means of compliance with references to the AMCs they replace (attach to the declaration)</p>
<p><input type="checkbox"/> (if applicable) For non-EU registered aircraft</p> <p style="margin-left: 20px;">State of Registry:</p> <p style="margin-left: 20px;">State of Registry's regulation applicable to the aircraft:</p>

**Statements**

The management system documentation including the operations manual reflect the applicable requirements set out in Part-ORO, Part-NCC and Part-SPA. All flights will be carried out in accordance with the procedures and instructions specified in the operations manual.

All aircraft operated hold a valid certificate of airworthiness and comply with Commission Regulation (EC) No 2042/2003.

All flight crew members and cabin crew members, as applicable, are trained in accordance with the applicable requirements.

(If applicable)

The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard:

Certification body:

Date of the last conformance audit :

Any change in the operation that affects the information disclosed in this declaration will be notified to the competent authority.

The operator confirms that the information disclosed in this declaration is correct.

Date, name and signature of the accountable manager