



Brussels, **XXX**
[...](2014) **XXX** draft

ANNEX II TO EASA OPINION No 01/2016

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

of **XXX**

**amending Commission Regulation (EU) No 965/2012, as regards the extraction of
operational rules for balloons**

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amending Commission Regulation (EU) No 965/2012, as regards the extraction of operational rules for balloons

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 7(6) and 8(5) thereof,

Whereas:

- (1) Operators and personnel involved in the operation of certain aircraft shall comply with the relevant essential requirements set out in Annex IV to Regulation (EC) No 216/2008.
- (2) Commission Regulation (EU) No 965/2012 ⁽²⁾ establishes the conditions for the safe operation of aircraft.
- (3) Commission Regulation (EU) .../... ⁽³⁾ has been established to provide simpler and proportionate requirements for balloons, as well as operators and personnel involved in the operations of balloons. Consequently, the requirements for balloons of Commission Regulation (EU) No 965/2012, except for the authority requirements, shall be deleted.
- (4) Commission Regulation (EU) No 965/2012 shall, therefore, be amended accordingly.
- (5) The measures provided for in this Regulation are based on the opinion ⁽⁴⁾ issued by the European Aviation Safety Agency in accordance with Article 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 of Regulation (EC) No 216/2008.

⁽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) .../... of ... laying down technical requirements and administrative procedures related to balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

⁽⁴⁾ Opinion No 01/2016 of the European Aviation Safety Agency of 6 January 2016 for a Commission Regulation on the revision of the European operational rules for balloons.

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 965/2012 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. This Regulation lays down detailed rules for air operations with aeroplanes, helicopters and sailplanes, including ramp inspections of aircraft of operators under the safety oversight of another State when landed at aerodromes located in the territory subject to the provisions of the Treaty.’;

(b) paragraph 2 is replaced by the following:

‘2. This Regulation also lays down detailed rules on the conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates of operators of aeroplanes, helicopters and sailplanes referred to in Article 4(1)(b) and (c) of Regulation (EC) No 216/2008 engaged in commercial air transport operation, the privileges and responsibilities of the holders of certificates as well as conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.’;

(c) paragraph 3 is replaced by the following:

‘3. This Regulation also lays down detailed rules for aeroplanes, helicopters and sailplanes on the conditions and procedures for the declaration by, and for the oversight of, operators engaged in commercial specialised operations and non-commercial operation of complex motor-powered aircraft, including non-commercial specialised operations of complex motor-powered aircraft.’;

(d) paragraph 6 is replaced by the following:

‘6. This Regulation shall not apply to air operations with tethered balloons and airships.’;

(e) a new paragraph 7 is inserted as follows:

‘7. This Regulation also lays down detailed rules for balloons on the conditions and procedures for the declaration by operators engaged in commercial operations, and for the oversight of these operators. Except for Annex II, this Regulation shall not apply to air operations with balloons.’.

(2) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Operators shall only operate an aeroplane, a helicopter or a sailplane for the purpose of commercial air transport (hereinafter ‘CAT’) operations as specified in Annexes III and IV.’;

(b) in paragraph 2, point (b) is replaced by the following:

‘(b) aeroplanes, helicopters and sailplanes used for the transport of dangerous goods (DG);’;

(c) paragraph 4 is replaced by the following:

- ‘4. Operators of other-than complex motor-powered aeroplanes, helicopters and sailplanes, involved in non-commercial operations, including non-commercial specialised operations, shall operate the aircraft in accordance with the provisions specified in Annex VII.’;
- (d) in paragraph 5, point (b) is replaced by the following:
‘(b) other-than complex motor-powered aeroplanes, helicopters and sailplanes in accordance with the provisions specified in Annex VII.’;
- (e) paragraph 6 is replaced by the following:
‘6. Operators shall only operate an aeroplane, a helicopter or a sailplane for the purpose of commercial specialised operations as specified in Annexes III and VIII.’.
- (3) Article 6 is amended as follows:
(a) paragraph 3 is replaced by the following:
‘3. By way of derogation from Article 5(1), flights related to the introduction or modification of aeroplane, helicopter or sailplane types conducted by design or production organisations within the scope of their privileges shall continue to be operated under the conditions set out in Member States’ national law.’;
(b) in paragraph 4a, the introductory wording is replaced by the following:
‘4a. By way of derogation from Article 5(1) and (6), the following operations with other-than complex motor-powered aeroplanes, helicopters and sailplanes may be conducted in accordance with Annex VII.’.
- (4) Article 8 is amended as follows:
(a) paragraph 3 is replaced by the following:
‘3. CAT operations with helicopters and CAT operations with sailplanes shall comply with national requirements.’;
(b) paragraph 4 is replaced by the following:
‘4. Non-commercial operations, including non-commercial specialised operations, with complex motor-powered aeroplanes and helicopters, as well as commercial specialised operations with aeroplanes, helicopters and sailplanes shall continue to be conducted in accordance with the applicable national flight time limitation legislation until the related implementing rules are adopted and apply.’.
- (5) In Article 10, the application dates for balloons are to be deleted; subsequently, Article 10 has to be restructured accordingly.

Article 2

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 from [...].

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

Done at Brussels,

For the Commission

The President

[...]