



Council of the
European Union

Brussels, 26 October 2017
(OR. en)

13744/17
ADD 1

TRANS 437

COVER NOTE

| | |
|------------------|--|
| From: | European Commission |
| date of receipt: | 24 October 2017 |
| To: | General Secretariat of the Council |
| No. Cion doc.: | D051663/02 - ANNEX 1 |
| Subject: | ANNEX to the Commission Regulation (EU) No .../... of XXX amending Regulation (EU) No 965/2012 as regards the deletion of air operations requirements for balloons |

Delegations will find attached document D051663/02 - ANNEX 1.

Encl.: D051663/02 - ANNEX 1



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

ANNEX 1

ANNEX

to the

Commission Regulation (EU) No .../... of XXX

amending Regulation (EU) No 965/2012 as regards the deletion of air operations requirements for balloons

ANNEX
to the
Commission Regulation (EU) No .../... of XXX
amending Regulation (EU) No 965/2012 as regards the deletion of air operations
requirements for balloons

Annexes I, II, III, IV, VII and VIII are amended as follows:

- (1) In Annex I, point (120) is replaced by the following:

"(120) 'traffic load' means the total mass of passengers, baggage, cargo and carry-on specialist equipment and including any ballast;"

- (2) Annex II is amended as follows:
 - (a) in point ARO.GEN.345, point (a) is replaced by the following:

"(a) Upon receiving a declaration from an organisation carrying out or intending to carry out activities for which a declaration is required, the competent authority shall verify that the declaration contains all the information required pursuant to point ORO.DEC.100 of Annex III (Part-ORO) to this Regulation, or for balloons operators all the information required pursuant to point BOP.ADD.100 of Annex II (Part-BOP) to Regulation (EU) .../..., and shall acknowledge receipt of the declaration to the organisation.";
 - (b) in point ARO.GEN.350(b), point (1) is replaced by the following:

"(1) failure to give the competent authority access to the facilities of the organisation in accordance with point ORO.GEN.140 of Annex III (Part-ORO) to this Regulation, or for balloons operators in accordance with points BOP.ADD.015 and BOP.ADD.035 of Annex II (Part-BOP) to Regulation (EU) .../..., during normal operating hours and after two written requests;"
 - (c) the heading of point ARO.OPS.110 is replaced by the following:

"ARO.OPS.110 Lease agreements for aeroplanes and helicopters";

- (3) Annex III is amended as follows:
 - (a) in point ORO.GEN.110, point (k) is replaced by the following:

"(k) Notwithstanding point (j), operators conducting commercial operations with either of the following aircraft shall ensure that the flight crew has received an appropriate dangerous goods training or briefing, so as to enable them to recognise undeclared dangerous goods brought on-board by passengers or as cargo:

 - (1) a sailplane;
 - (2) a single-engined propeller-driven aeroplane having a maximum certified take-off mass of 5 700 kg or less and a MOPSC of 5 or less, operated in a flight

taking off and landing at the same aerodrome or operating site, under VFR by day;

(3) an other-than complex motor-powered helicopter, single-engined, with a MOPSC of 5 or less, operated in a flight taking off and landing at the same aerodrome or operating site, under VFR by day.";

(b) in point ORO.MLR.101, the introductory wording is replaced by the following:

"Except for operations with single-engined propeller-driven aeroplanes with a MOPSC of 5 or less or with single-engined non-complex helicopters with a MOPSC of 5 or less, taking off and landing at the same aerodrome or operating site, under VFR by day, and for operations with sailplanes, the main structure of the OM shall be as follows:";

(c) in point ORO.FC.005(b), point (1) is replaced by the following:

"(1) commercial air transport operations of sailplanes; or";

(d) in point ORO.CC.100, point (a) is replaced by the following:

"(a) The number and composition of cabin crew shall be determined in accordance with point 7.a of Annex IV to Regulation (EC) No 216/2008, taking into account operational factors or circumstances of the particular flight to be operated. At least one cabin crew member shall be assigned for the operation of aircraft with an MOPSC of more than 19 when carrying one or more passenger(s).";

(4) Annex IV is amended as follows:

(a) point CAT.GEN.105 is amended as follows:

(i) the heading is replaced by the following:

"CAT.GEN.105 Touring motor gliders and powered sailplanes";

(ii) point (d) is deleted;

(b) point CAT.GEN.NMPA.100 is amended as follows:

(i) in point (a), point (2) is replaced by the following:

"(2) be responsible for the operation and safety of the sailplane from the moment the launch procedure is started until the sailplane comes to a rest at the end of the flight";

(ii) point (d) is deleted;

(c) point CAT.GEN.NMPA.105 is deleted;

(d) in point CAT.GEN.NMPA.140(a), point (19) is replaced by the following:

"(19) mass and balance documentation";

(e) point CAT.OP.NMPA.105 is replaced by the following:

"CAT.OP.NMPA.105 Noise abatement procedures — powered sailplanes

The commander shall take into account the effect of aircraft noise, while ensuring however that safety has priority over noise abatement.";

(f) point CAT.OP.NMPA.110 is deleted;

- (g) point CAT.OP.NMPA.135 is deleted;
 - (h) point CAT.OP.NMPA.140 is replaced by the following:
"CAT.OP.NMPA.140 Smoking on board
 No person shall be allowed to smoke on board a sailplane.";
 - (i) point CAT.OP.NMPA.165 is deleted;
 - (j) point CAT.OP.NMPA.180 is deleted;
 - (k) in Subpart C, Section 5 is deleted;
 - (l) in Subpart D, Section 4 is deleted;
- (5) Annex VII (Part-NCO) is amended as follows:
- (a) point NCO.GEN.102 is amended as follows:
 - (i) the heading is replaced by the following:
"NCO.GEN.102 Touring motor gliders and powered sailplanes";
 - (ii) point (d) is deleted;
 - (b) in point NCO.GEN.103, point (a) is replaced by the following:
 "(a) start and end at the same aerodrome or operating site, except for sailplanes;"
 - (c) point NCO.GEN.105 is amended as follows:
 - (i) in point (a)(4), points (iii) and (iv) are replaced by the following:
"(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as provided for in points NCO.IDE.A.105, NCO.IDE.H.105 or NCO.IDE.S.105;
 - (iv) the mass of the aircraft and the centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;"
 - (ii) in point (f), point (1) is replaced by the following:
"(1) keep his/her safety belt fastened while at his/her station; and"
 - (d) point NCO.GEN.106 is deleted;
 - (e) in point NCO.GEN.135, point (c) is replaced by the following:
"(c) Notwithstanding point (a), on flights with sailplanes, excluding touring motor gliders (TMGs), the documents and information referred to in points (a)(2) to (a)(8) and points (a)(11), (a)(12) and (a)(13) may be carried in the retrieve vehicle.";
 - (f) point NCO.OP.121 is deleted;
 - (g) point NCO.OP.127 is deleted;

- (h) point NCO.OP.150 is replaced by the following:

"NCO.OP.150 Carriage of passengers

The pilot-in-command shall ensure that, prior to and during taxiing, take-off and landing, and whenever deemed necessary in the interest of safety, each passenger on board occupies a seat or berth and has his/her safety belt or restraint device properly secured.";

- (i) point NCO.OP.156 is replaced by the following:

"NCO.OP.156 Smoking on board — sailplanes

No person shall be allowed to smoke on board a sailplane.";

- (j) point NCO.OP.176 is deleted;

- (k) point NCO.OP.185 is replaced by the following:

"NCO.OP.185 In-flight fuel management

The pilot-in-command shall check at regular intervals that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a weather-permissible aerodrome or operating site and the planned reserve fuel as required by points NCO.OP.125 or NCO.OP.126.";

- (l) point NCO.OP.215 is deleted;

- (m) in point NCO.POL.100, point (a) is replaced by the following:

"(a) During any phase of operation, the loading, the mass and the centre of gravity (CG) position of the aircraft shall comply with any limitation specified in the AFM or equivalent document.";

- (n) point NCO.POL.105 is replaced by the following:

"NCO.POL.105 Weighing

(a) The operator shall ensure that the mass and the CG of the aircraft have been established by actual weighing prior to the initial entry into service of the aircraft. The accumulated effects of modifications and repairs on the mass and balance shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The aircraft shall be reweighed if the effect of modifications on the mass and balance is not accurately known.

(b) The weighing shall be accomplished:

(1) for aeroplanes and helicopters, by the manufacturer of the aircraft or by an approved maintenance organisation; and

(2) for sailplanes, by the manufacturer of the aircraft or in accordance with Annex I to Regulation (EC) No 1321/2014.";

- (o) in Subpart D, Section 4 is deleted;

- (p) in point NCO.SPEC.115, point (b) is replaced by the following:

- "(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station, unless otherwise specified in the checklist.";
- (q) in NCO.SPEC.120, point (b) is replaced by the following:
- "(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station, unless otherwise specified in the checklist.";
- (6) Annex VIII is amended as follows:
- (a) point SPO.GEN.102 is amended as follows:
- (i) the heading is replaced by the following:
- "SPO.GEN.102 Touring motor gliders and powered sailplanes";**
- (ii) point (d) is deleted;
- (b) in point SPO.GEN.105, point (b) is replaced by the following:
- "(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the crew member shall be restrained at his/her assigned station, unless otherwise specified in the SOP.";
- (c) in point SPO.GEN.106, point (b) is replaced by the following:
- "(b) During critical phases of the flight or whenever deemed necessary by the pilot-in-command in the interest of safety, the task specialist shall be restrained at his/her assigned station, unless otherwise specified in the SOP.";
- (d) in point SPO.GEN.107(a)(4), points (iii) and (iv) are replaced by the following:
- "(iii) instruments and equipment required for the execution of that flight are installed in the aircraft and are operative, unless operation with inoperative equipment is permitted by the minimum equipment list (MEL) or equivalent document, if applicable, as required in points SPO.IDE.A.105, SPO.IDE.H.105 or SPO.IDE.S.105;
- (iv) the mass of the aircraft and the centre of gravity location are such that the flight can be conducted within the limits prescribed in the airworthiness documentation;"
- (e) point SPO.GEN.108 is deleted;
- (f) in point SPO.GEN.140, point (c) is replaced by the following:
- "(c) Notwithstanding point (a), on flights with sailplanes, excluding touring motor gliders (TMGs), the documents and information in points (a)(1) to (a)(10) and points (a)(13) to (a)(19) may be carried in the retrieve vehicle.";

- (g) point SPO.OP.121 is deleted;
- (h) point SPO.OP.132 is deleted;
- (i) point SPO.OP.160 is replaced by the following:

"SPO.OP.160 Use of headset

Each flight crew member required to be on duty in the flight crew compartment shall wear a headset with boom microphone or equivalent and use it as the primary device to communicate with ATS, other crew members and task specialists.";

- (j) point SPO.OP.181 is deleted;
- (k) point SPO.OP.225 is deleted;
- (l) in point SPO.POL.100, point (a) is replaced by the following:

"(a) During any phase of operation, the loading, the mass and the centre of gravity (CG) position of the aircraft shall comply with any limitation specified in the appropriate manual.";

- (m) point SPO.POL.105 is replaced by the following:

"SPO.POL.105 Mass and balance

- (a) The operator shall ensure that the mass and the CG of the aircraft have been established by actual weighing prior to the initial entry into service of the aircraft. The accumulated effects of modifications and repairs on the mass and balance shall be accounted for and properly documented. Such information shall be made available to the pilot-in-command. The aircraft shall be reweighed if the effect of modifications on the mass and balance is not accurately known.
- (b) The weighing shall be accomplished:
 - (1) for aeroplanes and helicopters, by the manufacturer of the aircraft or by an approved maintenance organisation; and
 - (2) for sailplanes, by the manufacturer of the aircraft or in accordance with Annex I to Regulation (EC) No 1321/2014.";
- (n) in Subpart D, Section 4 is deleted;
- (o) point SPO.SPEC.PAR.120 is deleted.