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To:	General Secretariat of the Council
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Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EU) No 965/2012 as regards operations by Union air carriers of aircraft registered in a third country

Delegations will find attached document D034513/02.

Encl.: D034513/02



Brussels, **XXX**
[...](2015) **XXX** draft

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

of XXX

**amending Regulation (EU) No 965/2012 as regards operations by Union air carriers of
aircraft registered in a third country**

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EU) No 965/2012 as regards operations by Union air carriers of aircraft registered in a third country

(Text with EEA relevance)

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/EC¹, and in particular Articles 8(5) and 10(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012² establishes conditions for the safe operation of aircraft. That Regulation should be amended to allow for the operation of aircraft registered in a third country by air carriers licenced in accordance with Regulation (EC) 1008/2008 of the European Parliament and of the Council³.
- (2) It is necessary to provide sufficient time for the aeronautical industry and Member States' administrations to adapt to the amended regulatory framework. The possibility of applying an appropriate transitional period should therefore be provided for.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency submitted pursuant to Article 19(1) of Regulation (EC) No 216/2008.
- (4) 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,

¹ OJ L 79, 19.3.2008, 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 Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

Annex II (Part-ARO), Annex III (Part-ORO) and Annex IV (Part-CAT) to Regulation (EU) No 965/2012 are amended in accordance with the Annex to this Regulation.

Article 2

1. 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 from (...) [The Publications Office will insert the date of the entry into force].

2. By way of derogation from the second subparagraph of paragraph 1, Member States may decide that the provisions of ORO.AOC.110 (d) set out in point (2)(b)(ii) of the Annex only apply from 25 August 2017.

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

Done at Brussels,

For the Commission
The President