



Council of the  
European Union

Brussels, 16 March 2015  
(OR. en)

7257/15  
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AVIATION 46

**COVER NOTE**

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From:	European Commission
date of receipt:	16 March 2015
To:	General Secretariat of the Council
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

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Delegations will find attached document D034513/02.

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Encl.: D034513/02

**EN**

**ANNEX**

(1) In Annex II (Part-ARO) to Regulation (EU) No 965/2012, point ARO.OPS.110 is amended as follows:

(a) Point (c) is replaced by the following:

"(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 restrictions or 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.";

(b) The following point (e) is added:

"(e) When asked for prior approval of a dry lease-in agreement in accordance with point ORO.AOC.110(d), the competent authority shall ensure proper coordination with the State of Registry of the aircraft as necessary to exercise the oversight responsibilities of the aircraft.";

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

(a) In point ORO.AOC.100 (c), point (2) is replaced by the following:

"(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";

(b) Point ORO.AOC.110 is amended as follows:

(i) point (b) is replaced by the following:

"(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.";

(ii) point (d) is replaced by the following:

*"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 (EU) No 1321/2014 is ensured; and
  - (4) the aircraft is equipped in accordance with the EU regulations for Air Operations.";
- (c) Point ORO.AOC.130 is replaced by the following:

**"ORO.AOC.130 Flight data monitoring-aeroplanes**

- (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.";

**(3) Annex IV (Part-CAT) is amended as follows:**

- (a) In point CAT.IDE.A.100 points (a) and (b) are replaced by the following:

"(a) Instruments and equipment required by this Subpart shall be approved in accordance with the applicable airworthiness requirements except for the following items:

- (1) Spare fuses;
- (2) Independent portable lights;
- (3) An accurate time piece;
- (4) Chart holder;
- (5) First-aid kits;
- (6) Emergency medical kit;
- (7) Megaphones;
- (8) Survival and signalling equipment;
- (9) Sea anchors and equipment for mooring; and
- (10) Child restraint devices.

(b) Instruments and equipment not required by this Subpart that do not need to be approved in accordance with the applicable airworthiness requirements, but are carried on a flight, shall comply with the following:

- (1) the information provided by these instruments, equipment or accessories shall not be used by the flight crew to comply with

Annex I to Regulation (EC) No 216/2008 or CAT.IDE.A.330, CAT.IDE.A.335, CAT.IDE.A.340 and CAT.IDE.A.345; and

- (2) the instruments and equipment shall not affect the airworthiness of the aeroplane, even in the case of failures or malfunction.";

(b) In point CAT.IDE.H.100, points (a) and (b) are replaced by the following:

"(a) Instruments and equipment required by this Subpart shall be approved in accordance with the applicable airworthiness requirements, except for the following items:

- (1) Spare fuses;
- (2) Independent portable lights;
- (3) An accurate time piece;
- (4) Chart holder;
- (5) First-aid kit;
- (6) Megaphones;
- (7) Survival and signalling equipment;
- (8) Sea anchors and equipment for mooring; and
- (9) Child restraint devices.

(b) Instruments and equipment not required by this Subpart that do not need to be approved in accordance with the applicable airworthiness requirements but are carried on a flight, shall comply with the following:

- (1) the information provided by these instruments, equipment or accessories shall not be used by the flight crew to comply with Annex 1 to Regulation (EC) No 216/2008 or CAT.IDE.H.330, CAT.IDE.H.335, CAT.IDE.H.340 and CAT.IDE.H.345; and
- (2) the instruments and equipment shall not affect the airworthiness of the helicopter, even in the case of failures or malfunction."