

Commission Regulation (EU) No 83/2014 of 29 January 2014 amending Regulation (EU) No 965/2012 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

Article 1

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

- (1) in Article 2, the following point (6) is added:
 - (6) “air taxi operation” means, for the purpose of flight time and duty time limitations, a non-scheduled on demand commercial air transport operation with an aeroplane with a maximum operational passenger seating configuration (“MOPSC”) of 19 or less.;
- (2) Article 8 is replaced by the following:

Article 8

Flight time limitations

- 1 III. CAT operations with aeroplanes shall be subject to Subpart FTL of Annex III.
- 2 By way of derogation from paragraph 1, air taxi, emergency medical service and single pilot CAT operations by aeroplanes shall be subject to Article 8(4) of Regulation (EEC) No 3922/91 and Subpart Q of Annex III to Regulation (EEC) No 3922/91 and to related national exemptions based on safety risk assessments carried out by the competent authorities.
- 3 CAT operations with helicopters shall comply with national requirements.;
- (3) the following Article 9a is inserted:

Article 9a

The Agency shall conduct a continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements contained in Annexes II and III. No later than 18 February 2019 the Agency shall produce a first report on the results of this review.

That review shall involve scientific expertise and shall be based on operational data gathered, with the assistance of Member States, on a long-term basis after the date of application of this Regulation.

The review referred to in paragraph 1 shall assess the impact on aircrew alertness of at least the following:

- duties of more than 13 hours at the most favourable time of the day,
- duties of more than 10 hours at less favourable time of the day,
- duties of more than 11 hours for crew members in an unknown state of acclimatisation,
- duties including a high level of sectors (more than 6),
- on-call duties such as standby or reserve followed by flight duties, and

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- disruptive schedules.;
- (4) Annex II is amended in accordance with Annex I to this Regulation;
- (5) Annex III is amended in accordance with Annex II to this Regulation.

Article 2

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 18 February 2016.

By way of derogation from the second paragraph, Member States may choose not to apply the provisions of point ORO.FTL.205(e) of Annex III to Regulation (EU) No 965/2012 and continue to apply the existing national provisions concerning in-flight rest until 17 February 2017.

When a Member State applies the provisions of the third paragraph, it shall notify the Commission and the Agency and it shall describe the reasons for the derogation, its duration as well as the programme for implementation containing the envisaged actions and the related timing.

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

Done at Brussels, 29 January 2014.

For the Commission

The President

José Manuel BARROSO

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