

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

COMMISSION REGULATION (EU) No 83/2014

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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

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 8(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012⁽²⁾ lays down technical requirements and administrative procedures related to air operations which replaced Annex III to Council Regulation (EEC) No 3922/91⁽³⁾, excluding Subpart Q concerning flight and duty time limitations and rest requirements.
- (2) In accordance with Article 22(2) of Regulation (EC) No 216/2008, implementing rules related to flight and duty times and rest requirements should initially include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91, taking into account the latest scientific and technical evidence.
- (3) This Regulation constitutes an implementing measure referred to in Articles 8(5) and 22(2) of Regulation (EC) No 216/2008, therefore Subpart Q of Annex III to Regulation (EEC) No 3922/91 should be deleted in accordance with Article 69(3) of Regulation (EC) No 216/2008. However, Subpart Q of Annex III to Regulation (EEC) No 3922/91 should continue to apply until the transitional periods foreseen in this Regulation have expired and for the types of operations for which no implementing measures have been established.
- (4) This Regulation is without prejudice to the limits and minimum standards already established by Council Directive 2000/79/EC⁽⁴⁾, in particular the provisions on working time and days free of duty, which should always be respected for mobile staff in civil aviation. The provisions of this Regulation and other provisions approved pursuant to this Regulation are not intended to justify any reductions in existing levels of protections for that mobile staff. The provisions of this Regulation do not preclude and should be

without prejudice to more protective national social legislation and collective labour agreements concerning working conditions and health and safety at work.

- (5) Member States may derogate or deviate from this Regulation or the related certification specifications respectively, by applying provisions of a level of safety which is at least equivalent to the provisions of this Regulation, in order to better address particular national considerations or operational practices. Any derogations or deviations from this Regulation should be notified and treated in accordance with Articles 14 and 22 of Regulation (EC) No 216/2008, which ensure transparent and non-discriminatory decisions based on objective criteria.
- (6) The European Aviation Safety Agency (hereinafter ‘the Agency’) prepared draft implementing rules and submitted them as an opinion⁽⁵⁾ to the Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (7) Regulation (EU) No 965/2012 should therefore be amended to include flight and duty time limitations and rest requirements.
- (8) 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,

HAS ADOPTED THIS REGULATION:

- (1) OJ L 79, 19.3.2008, p. 1.
- (2) OJ L 296, 25.10.2012, p. 1.
- (3) OJ L 373, 31.12.1991, p. 4.
- (4) OJ L 302, 1.12.2000, p. 57.
- (5) Opinion No 04/2012 of the European Aviation Safety Agency of 28 September 2012 for a Regulation establishing Implementing Rules on Flight and Duty Time Limitations and rest requirements (FTL) for commercial air transport (CAT) with aeroplanes (<http://www.easa.europa.eu/agency-measures/docs/opinions/2012/04/EN%20to%20Opinion%2004-2012.pdf>).