

Commission Regulation (EU) 2015/140 of 29 January 2015
amending Regulation (EU) No 965/2012 as regards sterile
flight crew compartment and correcting that Regulation

Article 1

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

- (1) Article 5 is amended as follows:
 - (a) paragraph 4 is replaced by the following:
 4. Operators of other-than complex motor-powered aeroplanes and helicopters, as well as balloons and sailplanes, involved in non-commercial operations, including non-commercial specialised operations, shall operate the aircraft in accordance with the provisions specified in Annex VII.;
 - (b) in paragraph 5, point (b) is replaced by the following:
 - (b) other aeroplanes and helicopters as well as balloons and sailplanes in accordance with the provisions specified in Annex VII.;
 - (c) in paragraph 7, the second sentence is replaced by the following:

‘Except for crew members, persons other than those indispensable to the mission shall not be carried on board.’.
- (2) Article 6 is amended as follows:
 - (a) in paragraph 2, the first sentence is replaced by the following:
 2. By way of derogation from Article 5(1), aircraft referred to in Article 4(5) of Regulation (EC) No 216/2008 shall, in the case of aeroplanes, be operated under the conditions set out in Commission Decision C(2009) 7633 of 14 October 2009 when used in CAT operations.;
 - (b) in paragraph 4a, the introductory wording is replaced by the following:
 - 4a. By way of derogation from Article 5(1) and (6), the following operations with other-than complex motor-powered aeroplanes and helicopters, balloons and sailplanes may be conducted in accordance with Annex VII.:
- (3) Article 9a as inserted by Regulation (EU) No 83/2014 is replaced by the following:

Article 9b

Review

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 shall assess the impact of at least the following on the alertness of aircrew:

- (a) duties of more than 13 hours at the most favourable times of the day;
 - (b) duties of more than 10 hours at less favourable times of the day;
 - (c) duties of more than 11 hours for crew members in an unknown state of acclimatisation;
 - (d) duties including a high level of sectors (more than 6);
 - (e) on-call duties such as standby or reserve followed by flight duties; and
 - (f) disruptive schedules..
- (4) Annexes I, III, IV, VI and VIII are amended in accordance with the Annex I to this Regulation.

Article 2

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

- (1) Article 6(7) is replaced by the following:
7. By way of derogation from SPA.PBN.100 PBN of Annex V non-commercial operations with other-than complex motor-powered aeroplanes in designated airspace, on routes or in accordance with procedures where performance-based navigation (PBN) specifications are established shall continue to be operated under the conditions set out in Member States' national law until the related implementing rules are adopted and apply..
- (2) Annexes II, III, IV, VII and VIII are corrected as set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

However point (3) of Article 1 shall apply from 18 February 2016.

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

Done at Brussels, 29 January 2015.

For the Commission

The President

Jean-Claude JUNCKER