

Commission Regulation (EU) 2016/1199 of 22 July 2016 amending Regulation (EU) No 965/2012 as regards operational approval of performance-based navigation, certification and oversight of data services providers and helicopter offshore operations, and correcting that Regulation

Article 1

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

- (1) Article 5(2) is amended as follows:
 - (a) the word ‘and’ at the end of point (e) is deleted;
 - (b) the following point (g) is added:
 - (g) helicopters used for offshore operations (HOFO).
- (2) Article 6 is amended as follows:
 - (a) paragraph 4 is replaced by the following:

4. Notwithstanding Article 5, Member States may, until 30 June 2018, continue to require a specific approval and additional requirements regarding operational procedures, equipment, crew qualification and training for CAT helicopter offshore operations in accordance with their national law. Member States shall notify the Commission and the Agency of the additional requirements being applied to such specific approvals. Those requirements shall not be less restrictive than those of Annexes III and IV.;
 - (b) paragraph 7 is deleted;
 - (c) the following paragraphs 8 and 9 are added:

8. By way of derogation from the first sentence of Article 5(3), operators of complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, involved in non-commercial operations, shall operate those aircraft only in accordance with Annex VII.

9. By way of derogation from Article 5(5)(a), training organisations shall, when conducting flight training on complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, operate those aircraft in accordance with Annex VII.
- (3) Article 10 is replaced by the following:

Article 10

Entry into force

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

It shall apply from 28 October 2012, subject to paragraphs 2, 3, 4, 5 and 6 below.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1199. (See end of Document for details)

2 Annexes II and VII shall apply to non-commercial operations with balloons and sailplanes from 25 August 2013, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II and VII from 8 April 2018 to non-commercial operations with balloons and from 8 April 2019 to non-commercial operations with sailplanes or from the dates indicated in their decision, as the case may be.

3 Annexes II, III, VII and VIII shall apply to specialised operations with balloons and sailplanes from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision, and to the extent they have decided to do so. Those Member States shall apply Annexes II, III, VII and VIII from 8 April 2018 to specialised operations with balloons and from 8 April 2019 to specialised operations with sailplanes or from the dates indicated in their decision, as the case may be.

4 Annexes II, III, VII and VIII shall apply to specialised operations with aeroplanes and helicopters from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II, III, VII and VIII to specialised operations with aeroplanes and helicopters from 21 April 2017 or from the dates indicated in their decision, as the case may be.

5 Annexes II, III and IV shall apply to:

- a CAT operations starting and ending at the same aerodrome or operating site with Performance class B aeroplanes or non-complex helicopters from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II, III and IV to CAT operations starting and ending at the same aerodrome or operating site with Performance class B aeroplanes or non-complex helicopters from 21 April 2017 or from the dates indicated in their decision, as the case may be;
- b CAT operations with balloons and sailplanes from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II, III and IV from 8 April 2018 to CAT operations with balloons, and from 8 April 2019 to CAT operations with sailplanes or from the dates indicated in their decision, as the case may be.

6 The following shall apply during the periods provided for in paragraphs 2, 3, 4 and 5 of this Article, as applicable:

- a The competent authorities shall, from the date of entry into force of the requirements of this Regulation, take gradual and effective measures to comply with those requirements, including by adapting their organisation and management system, training of personnel, procedures and manuals and oversight programme;
- b Operators shall adapt their management system, training programmes, procedures and manuals to be compliant with the requirements of this Regulation, as relevant, no later than the date of application of those requirements;

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1199. (See end of Document for details)

- c Until the date of application of the relevant requirements of this Regulation, Member States shall continue to issue, renew or modify certificates, authorisations and approvals in accordance with the rules in force before the entry into force of those requirements or, in the case of CAT operations starting and ending at the same aerodrome or operating site with Performance class B aeroplanes or non-complex helicopters, in accordance with:
 - Annex III to Regulation (EEC) No 3922/91 and related national exemptions in accordance with Article 8(2) of Regulation (EEC) No 3922/91, for aeroplanes; and
 - national requirements, for helicopters.
 - d) Certificates, authorisations and approvals issued by Member States before the date of application of the relevant requirements of this Regulation shall be deemed to have been issued in accordance with those requirements. However, they shall be replaced by certificates, authorisations and approvals, as appropriate, issued in accordance with this Regulation no later than six months from the date of application of the relevant requirements of this Regulation;
 - e) Operators subject to a declaration obligation in accordance with this Regulation shall submit their declarations no later than the date of application of the relevant requirements of this Regulation.
- (4) Annexes I, II, IV, V, VI, VII and VIII are amended in accordance with the Annex to this Regulation.

Article 2

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

- (1) In Annex IV (Part-CAT), CAT.POL.A.240, point (b)(4) is replaced by the following:
 - (4) the flight crew has obtained adequate knowledge of the route to be flown and of the procedures to be used in accordance with Subpart FC of Part-ORO.;
- (2) In Annex VII (Part-NCO), the text of NCO.GEN.103 is replaced by the following:

Introductory flights referred to in Article 6(4a)(c) of this Regulation, when conducted in accordance with this Annex, shall:

 - (a) start and end at the same aerodrome or operating site, except for balloons and sailplanes;
 - (b) be operated under VFR by day;
 - (c) be overseen by a nominated person responsible for their safety; and
 - (d) comply with any other conditions stipulated by the competent authority..

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*.

It shall apply from 25 August 2016.

However,

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1199. (See end of Document for details)

- (a) point 1 of Article 1 and points 1(a), 1(b), 1(c), 1(d), 2(c), 3(a), 3(e), 3(g), 3(m), 3(n), 3(o), 4(c), 5(d), 5(j), 5(k), 5(l), 7(d), 7(k) and 7(l) of the Annex shall apply from 1 July 2018;
- (b) points 3(l), 3(q), 5(i), 5(n), 6(k), 6(n), 7(j) and 7(n) of the Annex shall apply from 1 January 2019.

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

Done at Brussels, 22 July 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1199.