

Commission Implementing Regulation (EU) 2018/1975 of 14 December
2018 amending Regulation (EU) No 965/2012 as regards air
operations requirements for sailplanes and electronic flight bags

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1975

of 14 December 2018

amending Regulation (EU) No 965/2012 as regards air
operations requirements for sailplanes and electronic flight bags

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91⁽¹⁾, and in particular Article 31 thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012⁽²⁾ establishes the conditions for the safety of several types of air operations with different categories of aircraft, including sailplane operations.
- (2) Operators involved in the operation of aircraft referred to in points (b)(i) and (ii) of Article 2(1) of Regulation (EU) 2018/1139 are required to comply with the relevant essential requirements set out in Annex V to that Regulation.
- (3) Commission Implementing Regulation (EU) 2018/1976⁽³⁾ lays down specific rules for the operation of sailplanes. From the date of application of that Regulation, such operations should no longer be subject to the general rules for air operations laid down in Regulation (EU) No 965/2012. However, the rules in respect of oversight of air operations by the competent authorities of the Member States, set out in Article 3 of Regulation (EU) No 965/2012 and Annex II thereto, should continue to apply with respect to air operations with sailplanes, as those requirements are not specific to any particular air operation activity but apply horizontally in respect of all such activities.
- (4) Regulation (EU) No 965/2012 should therefore be amended accordingly, so as to take account of the new rules applicable to operations with sailplanes and to clarify which provisions of that Regulation continue applying to operations with sailplanes.
- (5) Considering the close link between provisions of Implementing Regulation (EU) 2018/1976 and provisions of this Regulation, their date of application should be aligned.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1975, Introductory Text. (See end of Document for details)

- (6) In 2014, ICAO introduced in Annex 6, Part I and Part III, Section II, provisions for the use of electronic flight bags for commercial air transport operations. Those provisions contain generic requirements for the use of electronic flight bags and also a requirement for an operational approval for the use of electronic flight bag applications used for the safe operation of aircraft. Therefore it is necessary to align Regulation (EU) No 965/2012 with ICAO provisions by introducing a new rule containing generic requirements for the use of electronic flight bags for commercial air transport and new provisions supporting an operational approval for the use of electronic flight bag applications that have a failure condition classified as minor or below.
- (7) In 2014, ICAO also introduced in Annex 6, Part II and Part III, Section III, provisions for the use of electronic flight bags in general aviation. Those provisions contain generic requirements for the use of electronic flight bags and also a requirement for Contracting States to establish criteria for the use of electronic flight bag applications used for the safe operation of aircraft. Therefore it is necessary to align Regulation (EU) No 965/2012 with ICAO provisions by introducing for non-commercial operations with complex motor-powered aircraft and for specialised operations with complex motor-powered aircraft new rules containing generic requirements for the use of electronic flight bags and requirements for the use of electronic flight bag applications with a failure condition classified as minor or below. Furthermore, this Regulation amends Regulation (EU) No 965/2012 by aligning the requirements for portable electronic devices for non-commercial operations with other-than-complex motor-powered aircraft with the generic ICAO provisions for electronic flight bag equipment.
- (8) The European Union Aviation Safety Agency prepared draft implementing rules related to specific rules for the operation of sailplanes and submitted them as an opinion⁽⁴⁾ to the Commission in accordance with points (b) and (c) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139.
- (9) The European Union Aviation Safety Agency prepared draft implementing rules related to the use of electronic flight bags and submitted them as an opinion⁽⁵⁾ to the Commission in accordance with points (b) and (c) of Article 75(2) and Article 76(1) Regulation (EU) 2018/1139.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1975, Introductory Text. (See end of Document for details)

- (1) [OJ L 212, 22.8.2018, p. 1.](#)
- (2) Commission Regulation (EU) No 965/2012 of 5 October 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 ([OJ L 296, 25.10.2012, p. 1.](#)).
- (3) Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 (see page 64 of this Official Journal).
- (4) Opinion No 07/2017 of the European Aviation Safety Agency of 23 August 2017 for a draft Commission Regulation on the revision of the operational rules for sailplanes.
- (5) Opinion No 10/2017 of the European Aviation Safety Agency of 18 December 2017 for a draft Commission Regulation amending Commission Regulation (EU) No 965/2012.

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1975, Introductory Text.