



Brussels, **XXX**  
[...](2021) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**amending Regulation (EU) No 965/2012 as regards the requirements for fuel/energy  
planning and management**

(Text with EEA relevance)

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**amending Regulation (EU) No 965/2012 as regards the requirements for fuel/energy planning and management**

(Text with EEA relevance)

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<sup>1</sup>, and in particular Article 31 thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012<sup>2</sup> lays down detailed rules for air operations and in particular for fuel planning and management. Those rules should be updated to reflect recent advances in engine technology and best practices in the domain of air operations, and to take into account worldwide aviation experience and scientific and technical progress in air operations.
- (2) The latest fuel-related amendments to Annex 6 of the Convention on International Civil Aviation (ICAO), being Part I (11th edition), Part III (9th edition) and the new guidance of ICAO Document 9976 ‘Fuel planning manual’ should be incorporated in Regulation (EU) No 965/2012, with the exception of certain requirements applicable to helicopters, where EASA judged other solutions as meeting the required level of safety.
- (3) The new rules on fuel or energy planning and management should allow for a level playing field for all interested parties in the internal aviation market and improve competitiveness of the Union aviation industry.
- (4) The new fuel or energy planning and management requirements should support innovation and allow for the smooth integration of new technologies into the air operations domain. Therefore, this Regulation should replace the term ‘fuel’ with the term ‘fuel/energy’, wherever appropriate, to accommodate operations with aircraft that use other energy sources than conventional hydrocarbon-based fuel.

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<sup>1</sup> OJ L 212, 22.8.2018, p. 1.

<sup>2</sup> 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.

- (5) The requirements related to the different types of operations should be proportionate to the scale and complexity of such operations, as well as to the risks involved in such operations.
- (6) Air operators should be able to use a performance-based planning and management procedures that improve operational efficiency by producing financial and environmental benefits, while maintaining or even improving the level of safety. Therefore, the new requirements for aeroplanes used in commercial air transport (CAT) operations introduce a comprehensive fuel scheme encompassing three main policies related to fuel: fuel or energy planning, aerodrome selection and in-flight fuel and energy management. This should allow a more flexible management of risk by the operator, leading to potential efficiency gains.
- (7) New requirements should be introduced to address the risks associated with refuelling, and more specifically when refuelling with passengers on board, disembarking or embarking, and when refuelling a helicopter with rotors turning.
- (8) The assessment of complex fuel or energy schemes requires enhanced capabilities from the competent authorities, therefore the new requirements should introduce criteria to guide competent authorities when making operational safety risk assessments to support the application of fully performance-based fuel schemes.
- (9) Following the principles of proportionality and better regulation, the fuel and energy requirements for non-commercial operations with complex motor-powered aircraft (NCC) and for specialised operations (SPO) should be better aligned with those for CAT operations. On the other hand, the fuel and energy requirements for non-commercial operators of other-than-complex motor-powered aircraft should be based on safety objectives and should allow a performance-based approach. The new requirements on fuel and energy planning and management should reduce regulatory burden, increase cost-effectiveness and, with some exceptions, lead to harmonisation with requirements laid down by ICAO.
- (10) In order to ensure the proper implementation of this Regulation, Member States and affected stakeholders should be given sufficient time to adapt their procedures to the new requirements before this Regulation applies. It shall become applicable with the start of the Summer IATA season, i. e. 27 March, 2022.
- (11) The European Union Aviation Safety Agency has prepared a draft implementing rule and submitted it with Opinion 02/2020<sup>3</sup> in accordance with Article 75(2), points (b) and (c), and Article 76(1) of Regulation (EU) 2018/1139.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments to Regulation (EU) No 965/2012**

Annexes I, II, III, IV, V, VI, VII and VIII to Regulation (EU) No 965/2012 are amended in accordance with the Annex to this Regulation.

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<sup>3</sup> <https://www.easa.europa.eu/document-library/opinions>

*Article 2*

**Entry into force and application**

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

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

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*