Commission Implementing Decision (EU) 2019/2012 of 29 November 2019 on exemptions under Article 14 of Commission Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/2012

of 29 November 2019

on exemptions under Article 14 of Commission Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky

(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[(1)], and in particular point (a) of Article 44(1) thereof,

Having regard to Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky[(2)], and in particular Article 14 thereof,

Whereas:

(1) Under Article 14 of its Regulation (EC) No 29/2009, the Commission is to examine requests submitted by the Member States for exemptions from the requirements of Article 3(2) for aircraft types/models combinations reaching the end of their production life and being produced in limited numbers and for aircraft types/models combinations for which re-engineering costs would be disproportionate due to old design.

(2) The exemptions should maintain the objective laid down in recital (8) of Regulation (EC) No 29/2009 that at least 75 % of flights should be equipped with data link capability.

(3) The Commission received Member States' requests for exemptions and consulted the parties concerned. Following the examination of those requests carried out by the Commission on the basis of the criteria set out in Article 14(3) of Regulation (EC) No 29/2009, exemptions should be granted.

(4) The Commission re-examined the exemptions granted under Commission Decision C(2011) 2611 final of 20 May 2011 on exemptions under Article 14 of Regulation (EC) No 29/2009 and Commission Implementing Decision C(2011) 9074 final of 9

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/2012. (See end of Document for details)*

December 2011 on exemptions under Article 14 of Regulation (EC) No 29/2009 on the basis of the criteria set out in Article 14(3) of Regulation (EC) No 29/2009. After consulting the parties concerned, the Commission found there was a need to consolidate those acts into a single Implementing Decision. Therefore, Decision C(2011) 2611 final and Implementing Decision C(2011) 9074 final should be repealed.

(5) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 127(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS DECISION:

Article 1

The following aircraft types/models combinations shall be permanently exempted from the requirements of Article 3(2) of Regulation (EC) No 29/2009:

(a) aircraft types/models combinations specified in Annex I;

(b) aircraft types/models combinations specified in Annex II having the first individual certificate of airworthiness issued prior to 5 February 2020.

Article 2

The following aircraft types/models combinations shall be exempted from the requirements of Article 3(2) of Regulation (EC) No 29/2009 until 5 February 2022:

(a) aircraft types/models combinations specified in Annex II having the first individual certificate of airworthiness issued on or after 5 February 2020;

(b) aircraft types/models combinations specified in Annex III.

Article 3

Decision C(2011) 2611 final and Implementing Decision C(2011) 9074 final are repealed.

Article 4

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

Done at Brussels, 29 November 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

EXEMPTIONS REFERRED TO IN POINT (a) OF ARTICLE 1

Aircraft type/series/model	Manufacturer	ICAO type designator
AN-12 all	Antonov	AN12
AN-124 100	Antonov	A124
IL-76 all	Ilyushin	IL76
A300 all	Airbus	A30B A306 A3ST
A310 all	Airbus	A310
A-319/-320/-321 with a first Certificate of Airworthiness issued between 1 January 1995 and 5 July 1999 inclusive	Airbus	A319 A320 A321
A340 all	Airbus	A342 A343 A345 A346
A318-112	Airbus	A318
AVROLINER (RJ-100)	AVRO	RJ1H
AVROLINER (RJ-85)	AVRO	RJ85
BA146-301	British Aerospace	B463
B717-200	Boeing	B712
B737-300	Boeing	B733
B737-400	Boeing	B734
B737-500	Boeing	B735
B747-400	Boeing	B744
B757-200	Boeing	B752
B757-300	Boeing	B753
B767-200	Boeing	B762
B767-300	Boeing	B763
B767-400	Boeing	B764
MD-82	Boeing	MD82
MD-83	Boeing	MD83
MD-11 all	Boeing	MD11