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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2026) 6142 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... amending Regulation (EU) No 965/2012 as regards the flight and duty time limitations and rest requirements for air taxi, emergency medical services and single-pilot operations

Delegations will find attached document C(2026) 6142 final.

Encl.: C(2026) 6142 final



EUROPEAN
COMMISSION

Brussels, 8.9.2026
C(2026) 6142 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 8.9.2026

**amending Regulation (EU) No 965/2012 as regards the flight and duty time limitations
and rest requirements for air taxi, emergency medical services and single-pilot
operations**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The objective of this delegated act is to lay down harmonised rules on flight and duty time limitations and rest requirements (FTL) for air taxi, emergency medical services, and single-pilot commercial air transport operations with aeroplanes.

In addition, this delegated act aims to mitigate the risks linked to the accumulation of unacceptable amounts of fatigue by aircrew, and to introduce a harmonised legal framework for fatigue management tailored to these operations, ensuring a level playing field and a uniform level of civil aviation safety across the Union.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In accordance with Article 128(4) of Regulation (EU) 2018/1139⁽¹⁾, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law Making.

The present draft delegated act was presented to the expert group on aviation safety, which includes representatives from the Member States, at its meeting on DD/MM/YY.

The present draft delegated act is based on EASA Opinion No 02/2026 whose contents had been initially consulted publicly through Notice of Proposed Amendment (NPA) 2017-17 and subsequently with the EASA Advisory Bodies through NPA 2024-106.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 32(1) of Regulation (EU) 2018/1139 empowers the Commission to adopt delegated acts, in accordance with Article 128 of that Regulation, laying down detailed rules with regard to the conditions to be met by the operators and their aircrew members with regard to flight and duty time limitations, as well as rest requirements for aircrew members, and the conditions and procedures regarding the approval by national competent authorities of individual flight time specification schemes.

In accordance with Article 139(3) of Regulation (EU) 2018/1139, Regulation (EEC) No 3922/91 ⁽²⁾ is repealed from the date of application of this delegated act.

⁽¹⁾ [OJ L 212, 22.8.2018, p. 1](http://data.europa.eu/eli/reg/2018/1139/oj), ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>.

⁽²⁾ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4, ELI: <http://data.europa.eu/eli/reg/1991/3922/oj>).

COMMISSION DELEGATED REGULATION (EU) .../...

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amending Regulation (EU) No 965/2012 as regards the flight and duty time limitations and rest requirements for air taxi, emergency medical services and single-pilot operations

(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 Article 32(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012 ⁽²⁾ lays down technical requirements and administrative procedures related to air operations, including flight and duty time limitations and rest requirements (FTL) for commercial air transport (CAT) operators with aeroplanes used in scheduled and charter operations.
- (2) When developing the FTL requirements for CAT operators under Regulation (EU) No 965/2012, it was decided to address FTL for air taxi, emergency medical service and single-pilot operations at a later stage to allow for the collection of scientific evidence on the factors affecting fatigue in those operations.
- (3) In accordance with Article 8(2) of Regulation (EU) No 965/2012, the FTL for CAT operators of aeroplanes used for air taxi, emergency medical service (AEMS) and single-pilot operations are subject to the requirements set out in the national law referred to in Article 8(4) of Council Regulation (EEC) No 3922/91 ⁽³⁾ and in Subpart Q of Annex III to that Regulation. That derogation should remain valid until the new measures start to apply in accordance with this Regulation.
- (4) The requirements of Subpart Q of Annex III to Regulation (EEC) No 3922/91 were developed for the purposes of scheduled and charter multi-crew operations. Yet, they

⁽¹⁾ [OJ L 212, 22.8.2018, p. 1](#), ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>.

⁽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](#), ELI: <https://eur-lex.europa.eu/eli/reg/2012/965/oj>).

⁽³⁾ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation ([OJ L 373, 31.12.1991, p. 4](#), ELI: <https://eur-lex.europa.eu/eli/reg/1991/3922/oj>).

also apply to on-demand air taxi, AEMS and single-pilot operations despite the differences between those operations and multi-crew operations, and the type of aircraft used. Equally, Subpart Q of Annex III to Regulation (EEC) No 3922/91 does not establish a maximum daily flight duty period for single-pilot and AEMS operations, and does not provide for standby, in-flight rest and split duty. Regulation (EU) No 965/2012 should therefore be amended to include adequate FTL for commercial air transport operations with aeroplanes for air taxi, AEMS and single-pilot operations.

- (5) The nature of a pilot's duties in aviation operations, such as air taxi and AEMS, differs significantly from that of a pilot in scheduled or charter operations as air taxi and AEMS pilots typically fly fewer but longer trips. Air taxi and AEMS operations require 24-hour activity that may involve shift work, night operations, irregular and unpredictable schedules, and frequent time zone changes. Therefore, a fair balance between prescriptive and performance-based rules should be established since applying similar rules designed for fundamentally different operating environments would run against the objective of ensuring a high and uniform level of civil aviation safety in the Union.
- (6) Specific mitigation measures should be introduced in accordance with the risk-protection objectives set out in Article 4(2) of Regulation (EU) 2018/1139 to reflect the operational realities of the sector including the nature of air taxi and AEMS flights, which are not open to the general public, as well as the type and scale of operations, which are less complex and involve less complex aeroplanes than scheduled or chartered services. Each of those mitigation measures should be targeted and address identified fatigue risks arising from particular scheduling practices, duty periods or rest arrangements.
- (7) To better address particular national considerations or operational practices, Member States should be allowed to derogate from certain provisions introduced by this Regulation or deviate from the related certification specifications by applying requirements whose level of safety is at least equivalent to the provisions of this Regulation. Any derogations or deviations from this Regulation should be notified and follow the rules under Article 71 and Article 76(7) of Regulation (EU) 2018/1139, which ensure transparent and non-discriminatory decisions based on objective criteria.
- (8) To ensure a smooth transition from the currently applicable Subpart Q of Annex III to Regulation (EEC) No 3922/91 and the national regulations of the Member States, the operators and the competent authorities of the Member States should be provided with sufficient time to update their operational documents, implement appropriate software tools, and train relevant personnel to comply with the new measures. Accordingly, the date of application of this Regulation should be deferred.
- (9) Points ARO.OPS.235 of Annex II and ORO.FTL.125 of Annex III to Regulation (EU) No 965/2012 should be updated to align with Regulation (EU) 2018/1139 and to remove obsolete references, without introducing any negative economic, social, or administrative impacts on aircrew members, operators, or competent authorities. To support national competent authorities in updating their approval procedures, those points should apply to scheduled and charter operations from the date of entry into force of this Regulation.
- (10) While the existing regulatory framework already requires the competent authorities of the Member States to monitor and follow up on reported safety occurrences in

civil aviation, to ensure the highest level of aviation safety and mitigate the risks associated with fatigue, it is important that implementation of the new rules is actively monitored by the Member States and the European Union Aviation Safety Agency ('the Agency'), which is empowered under Article 85(1) of Regulation (EU) 2018/1139 to conduct inspections and other monitoring activities with a view to ensure the uniform application of that Regulation and of the delegated and implementing acts adopted on its basis.

- (11) The measures provided for in this Regulation are based on Opinion No 02/2026 ⁽⁴⁾ issued by the Agency in accordance with Article 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) in Article 2, first paragraph, the following points (16), (17) and (18) are added:

‘(16) ‘aeroplane emergency medical service (AEMS) flight’ means a flight with an aeroplane where immediate and rapid transportation is essential and which has all the following characteristics:

(a) its purpose is to facilitate emergency medical assistance, by carrying one or more of the following:

- (i) medical personnel;
- (ii) medical supplies (equipment, blood, organs, drugs);
- (iii) ill or injured persons and other persons directly involved;

(b) it includes sectors flown to position an aeroplane for the purpose of carrying persons referred to in points (a)(i) or (a)(iii), or medical supplies referred to in point (a)(ii), or to return the aeroplane to the AEMS operating base;

(17) ‘scheduled operation’ means a series of flights having all the following characteristics:

- (i) on each flight seats, or capacity to transport cargo or mail, are available for individual purchase by the public, either directly from the air carrier or from its authorised agents;
- (ii) it is operated so as to serve traffic between the same two or more airports, in one of the following ways:
 - according to a published timetable,
 - with flights so regular or frequent that they constitute a recognisably systematic series;

(18) ‘charter operation’ means a non-scheduled on-demand CAT with an aeroplane with a MOPSC of 20 or more.’;

⁽⁴⁾ <https://www.easa.europa.eu/en/document-library/opinions>.

(2) Article 8 is replaced by the following:

Article 8

Flight time limitations

1. CAT operations with aeroplanes for the purpose of scheduled and charter operations shall be subject to the requirements of Subpart FTL (A) of Annex III. CAT operations with aeroplanes for the purpose of emergency medical service and air taxi operations shall be subject to the requirements of Subpart FTL (B) of Annex III.
2. As regards flight time limitations and rest requirements, CAT operations with helicopters shall comply with the requirements specified in the national law of the Member State in which the operator has its principal place of business.
3. As regards flight time limitations and rest requirements, non-commercial operations, including non-commercial specialised operations, with complex motor-powered aeroplanes and helicopters, as well as commercial specialised operations with aeroplanes and helicopters, shall comply with the requirements specified in the national law of the Member State in which the operator has its principal place of business or, where the operator has no principal place of business, the place where the operator is established or resides.
4. As regards flight time limitations, an IAM operator shall comply with the requirements specified in the national law of the Member State in which the operator has its principal place of business or, where the operator has no principal place of business, the place where the operator is established or resides.’;

(3) in Article 9b, paragraph 1 is replaced by the following:

- ‘1. The Agency and the competent authorities of the Member States shall monitor the effectiveness of the flight and duty time limitations and rest requirements laid down in this Regulation.’;

(4) Annex II is amended in accordance with Annex I to this Regulation;

(5) Annex III is amended in accordance with Annex II to this Regulation.

Article 2

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 15 October 2028.

However, Annex I and point (4) of Annex II shall apply from [[Publications Office, please insert the date of entry into force of this Regulation](#)].

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

Done at Brussels, 8.9.2026

For the Commission
The President
Ursula VON DER LEYEN