Commission Delegated Regulation (EU) 2020/2148 of 8 October 2020 amending Regulation (EU) No 139/2014 as regards runway safety and aeronautical data (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/2148

of 8 October 2020

amending Regulation (EU) No 139/2014 as regards runway safety and aeronautical data

(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 39(1) thereof,

Whereas:

(1) Commission Regulation (EU) No 139/2014[(2)] lays down requirements and administrative procedures related to aerodromes, including their management, operation, certification and oversight.

(2) Regulation (EU) No 139/2014 contains general requirements for aerodrome operators as regards the management of aeronautical data and aeronautical information. With a view to maintain or enhance existing safety levels of aerodrome operations, aerodrome operators should be required to ensure a high quality of aeronautical data and aeronautical information as part of the aeronautical data chain part, from data origination to the provision of data for the purpose of aeronautical information services. For that purpose, data quality requirements should be further completed at the operations level similar to the requirements applicable to air navigation service ATM/ANS providers, notably on data protection, data catalogue and data exchange.

(3) Runway safety is one of the high-risk accident occurrence categories identified by the International Civil Aviation Organization (ICAO). Runway-safety-related accidents account for the majority of all accidents at global level. Regulation (EU) No 139/2014 should therefore be amended in order to reduce the number of runway-safety-related accidents and serious incidents involving runway incursions, but also other runway-safety-related events, such as runway confusion, ground collisions and runway excursions.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/2148. (See end of Document for details)*

(4) Training and proficiency check programmes, including initial and recurrent training, for operational personnel should be harmonised across Member States by establishing common training requirements that should be complied with by the aerodrome operators.

(5) Records should be kept by aerodrome operators with regard to training history, driving authorisations, vehicle authorisations and maintenance and language proficiency.

(6) The current regulatory framework does not include requirement for the origination of NOTAM (Notice to Air Men) by the aerodrome operator. This has led to legal uncertainty as to when, for which reasons, and under what conditions, an aerodrome operator needs to originate a NOTAM on something that may affect safety. Therefore, the amendment should complete the regulatory framework for the origination and publication of NOTAM by the aerodrome operator, taking into account provisions of Annex 15 to the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 ('the Chicago Convention').

(7) Investigations of accidents indicate that the standards for runway surface condition assessment and reporting are not harmonised, and have shown that this fact is a significant contributing factor to runway excursions, in particular when the runway is wet or contaminated. ICAO has consequently amended a number of Standards and Recommended Practices (SARPs) in several of the Annexes to the Chicago Convention, and has produced extensive guidance material in order to establish a globally harmonised reporting format for runway surface condition assessment and reporting.

(8) Regulation (EU) No 139/2014 should therefore be amended to implement the applicable ICAO SARPs on runway surface condition assessment and reporting, including adding definitions of new terms.

(9) In order to reduce the risk of an occurrence resulting from expectation bias in the handover of operational activities, aerodrome personnel should be provided with updated information regarding the operational situation at the moment of handover.

(10) Foreign object debris (FOD) on the manoeuvring areas and the apron poses a significant safety risk to operations at aerodromes. The measures to effectively mitigate that risk should be based on ICAO SARPs and guidance material and internationally accepted practices.

(11) Vehicle drivers, condition and suitability of vehicles as well as their communication and surveillance equipment are also contributing factors to runway safety events and damages to aircraft. The conditions of authorisation to drivers and vehicles should be strengthened and new rules should be established for the operation of vehicles on the movement area and other operational areas of the aerodrome.

(12) Based upon safety recommendations and feedback from Member States and stakeholders, the Commission identified a need to enhance the situational awareness between pilots, air traffic services personnel and vehicle drivers when operating on the manoeuvring area, as a measure to prevent runway incursions. Therefore, provisions

should be in place to ensure the language proficiency in English of vehicle drivers that operate on the manoeuvring area of the aerodrome corresponds to an operational level. However, it might be the case that, on some aerodromes, the use of such language does not necessarily improve the safety of runway operations. Therefore, competent authorities should be entitled to deviate from the English language proficiency requirement, supported by a safety assessment covering one or several aerodromes.

(13) The number of vehicles at an aerodrome should be limited to only those that are relevant to ensuring the safety of operations. To address the problem of call-sign confusion, those vehicles should be properly equipped, including with radio or lighting. Exceptions should be provided for vehicles that do not comply with the conditions of operation but need to temporarily enter and operate within the aerodrome. In order to ensure that Union legislation is harmonised with ICAO standards, driving rules at an aerodrome should be based on Annexes 2 and 14 to the Chicago Convention and ICAO guidance document Doc 4444 PANS-ATM.

(14) Investigations of accidents and serious incidents during aircraft towing operations indicate that the lack of situational awareness, insufficient aircraft clearances and insufficient or improper lighting of the towed aircraft during night are the contributing factors to damages to aircraft. Therefore, measures to improve safety during aircraft towing operation, in terms of routing, guidance, lighting, communication procedures, coordination of different actors, as well as specific measures to face adverse weather or meteorological conditions should be introduced.

(15) Rules should be established to clarify which mobile objects, other than vehicles, should be lighted at an aerodrome. This includes removing an inconsistency regarding the areas of the aerodrome to which the marking and lighting requirements for vehicle apply.

(16) In order to enhance safety, regularity and efficiency of operations, standard taxi routes at the aerodromes should be established. The operation of aircraft transponders should be taken into account if they are supported by the surface movement guidance and control system of an aerodrome.

(17) Investigations of runway incursion accidents and incidents indicate shortcomings in the communication procedures between air traffic services and vehicle drivers as well as unaware pedestrians. Therefore, coordinated procedures should be established for communication between the aerodrome operator and the air traffic services unit in order to regulate issues such as used languages, frequencies, operation of pedestrians on the manoeuvring area, use of signals and other communication means in case of communication failures. Those procedures should cover dissemination of significant aerodrome-related information through radio communication.

(18) To prevent further occurrences caused by the presence of pedestrians on the movement area, entry of unauthorised personnel in the manoeuvring area and other controlling areas should be forbidden. Measures to ensure the control of pedestrian movement should be taken.

(19) Regulation (EU) No 139/2014 does not explicitly provide for the aerodrome operator obligations concerning the operations in winter conditions. In order to align Union

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legislation with the ICAO standards of Annexes 14 and 15 to the Chicago Convention, obligations affecting aerodromes that are subject to prolonged winter periods with runways covered with compacted snow or ice should be introduced. Those obligations should be based on the existing practices after feedback of aeroplane manufacturers and ICAO.

(20) In order to ensure that Union legislation is harmonised with ICAO standards, the aerodrome operator should be required to assess the runway surface condition and assign a RWYCC (Runway Condition Code).

(21) The maintenance programme of an aerodrome should ensure that the facilities, systems, vehicles and equipment necessary for the operation of the aerodrome do not impair the safety, regularity and efficiency of air navigation. The maintenance programme should observe human factors principles in accordance with Annex 14 to the Chicago Convention and the aerodrome operator should have the means for the effective implementation of the maintenance programme.

(22) The requirements set out in Regulation (EU) No 139/2014 with regard to pavement maintenance, especially with regard to runway surface friction characteristics, should be harmonised with ICAO standards in order to mitigate the risk of runway excursions, but also that arising from FOD presence.

(23) Based on the relevant provisions of Annex 14 to the Chicago Convention, Regulation (EU) No 139/2014 should be complemented with improved requirements on the maintenance of the power supply system of the aerodrome and new requirements regarding the maintenance of the aerodrome lighting system. In addition, specific requirements for the maintenance of aerodrome signs and markings should be included.

(24) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them with Opinion No 02/2018 and No 03/2019 in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.

(25) Regulation (EU) No 139/2014 should therefore be amended accordingly.

(26) Considering the effects of the COVID-19 outbreak on the resources of the competent authorities and the operators concerned and in order to provide them an immediate relief and to allow adequate preparation, the application of the requirements regarding the reporting of surface contaminants, runway surface conditions and operations in winter should be postponed until 12 August 2021, and the application of the rules regarding the quality management system should be postponed until 27 January 2022,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 139/2014

Annexes I, III and IV to Regulation (EU) No 139/2014 are amended in accordance with the Annex to this Regulation.

Article 2

Date of 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*.

Points (3)(d), (3)(e), (3)(q) and (3)(r) of the Annex to this Regulation, as well as point ADR.OPS.A.057(d)(4) of Annex IV to Regulation (EU) No 139/2014 shall apply from 12 August 2021.

Points (2)(a), (3)(a) and (b) of the Annex shall apply from 27 January 2022.

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

Done at Brussels, 8 October 2020.

For the Commission

The President

Ursula VON DER LEYEN