Commission Delegated Regulation (EU) 2020/1234 of 9 June 2020 amending Regulation (EU) No 139/2014 as regards the conditions and procedures for the declaration by organisations responsible for the provision of apron management services (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/1234

of 9 June 2020

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(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 and to the provision of apron management service ('AMS'). However, that Regulation contains a limited number of provisions addressing the safe provision of that service. A dedicated set of additional requirements, as a subpart of aerodrome operations, should therefore be provided.

(2) Annex II (Part-ADR.AR) of Regulation (EU) No 139/2014 is laying down requirements for management and oversight of organisations by competent authorities. This Annex should be amended to give to the competent authority of the Member State where the AMS is provided, the powers to receive and register the declarations of capability submitted by organisations responsible for the providing of apron management services.

(3) In order to ensure a high level of safety at an aerodrome, the requirements for organisations responsible for the provision of AMS should be aligned with those applicable to aerodrome operators and in particular with the requirements for safety management, operational procedures and personnel.

(4) Requirements for the management of safety-related interfaces between the aerodrome operator, the organisations responsible for the provision of AMS and the air traffic service provider with regard to operations on the apron should also be provided for.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/1234. (See end of Document for details)*

(5) In order to contribute to the safety of operations on an apron, specific operational procedures applicable to the aerodrome operator should be provided for. The aerodrome operator should be allowed to allocate responsibilities to other organisations.

(6) The European Union Aviation Safety Agency has prepared draft rules and submitted them with Opinion No 2/2014[3] in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 139/2014 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 1, point (h) is replaced by the following:

(h) conditions and procedures for the declaration by and for the oversight of organisations responsible for the provision of apron management services referred to in Article 37(2) of Regulation (EU) 2018/1139 of the European Parliament and of the Council[4] as set out in Annexes II and III.;

(b) paragraph 3 is replaced by the following:

3. Aerodrome operators and organisations responsible for providing apron management service shall comply with the requirements laid down in Annexes III and IV.;

(c) paragraph 4 is deleted;

(2) Article 3 is amended as follows:

(a) the title is replaced by the following:

Oversight;

(b) paragraph 1 is replaced by the following:

1. Member States shall designate one or more entities as the Competent Authority(ies) within that Member State with the necessary powers and responsibilities for the certification and oversight of aerodromes and aerodrome operators, receiving declarations and oversight of providers of apron management service, as well as personnel involved therein.;

(3) in Article 11, paragraph 5 is deleted;

(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;

(6) Annex IV is amended in accordance with Annex III 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 20 March 2022.

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

Done at Brussels, 9 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX I

Annex II (Part-ADR.AR) to Regulation (EU) No 139/2014 is amended as follows:

(1) point ADR.AR.A.001 is replaced by the following:

ADR.AR.A.001 Scope

This Annex establishes requirements for the Competent Authorities responsible for:

(a) the certification and oversight of aerodromes and aerodrome operators;

(b) receiving declarations of capability and availability of the means to discharge the responsibilities by the organisations responsible for the provision of apron management services and their oversight.;

(2) in point ADR.AR.A.005, point (b) is replaced by the following:

(b) receiving declarations of capability and availability of the means to discharge the responsibilities by the organisations responsible for the provision of apron management services and their oversight;

(3) in point ADR.AR.A.010, point (b) is replaced by the following:

(b) The Competent Authority shall make available legislative acts, standards, rules, technical publications and related documents to aerodrome operators, organisations responsible for the provision of AMS and other interested parties to facilitate their compliance with the applicable requirements.;

(4) point ADR.AR.A.015(d) is amended as follows:

(a) the first paragraph is replaced by the following:

(d) The Competent Authority shall evaluate the alternative means of compliance proposed by an aerodrome operator or an organisation responsible for the provision of AMS, in accordance with point ADR.OR.A.015, by analysing the documentation provided and, if considered necessary, conducting an inspection of the aerodrome operator, the aerodrome or the organisation responsible for the provision of AMS.;

(b) in the second paragraph, point (4) is replaced by the following:

(4) inform the certified aerodromes and the organisation responsible for the provision of AMS under its oversight, as appropriate.;

(5) point ADR.AR.A.030 is amended as follows:

(a) point (a) is replaced by the following:

(a) The Competent Authority shall implement a system to appropriately collect, analyse and disseminate safety information in accordance with Regulation (EU) No 376/2014 of the European Parliament and of the Council[(5)].;

(b) point (d) is replaced by the following:

(d) Measures taken in accordance with point (c) shall immediately be notified to the aerodrome operators or organisations responsible

for the provision of AMS which need to comply with them under Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. The Competent Authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.;

(c) the following point (e) is added:

(e) Measures notified to an organisation responsible for the provision of AMS shall also be notified to the operator of the aerodrome where the service is provided.;

(6) in point ADR.AR.A.040, the following point (e) is added:

(e) Safety directives notified to the organisation responsible for the provision of AMS shall also be notified to the operator of the aerodrome where the service is provided.;

(7) in point ADR.AR.B.005, point (c) is replaced by the following:

(c) The Competent Authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned, including information on all findings raised, corrective follow-up actions taken in response to such findings, and enforcement measures taken as a result of oversight of the organisation responsible for the provision of AMS registered in more than one Member State.;

(8) in point ADR.AR.B.020(a), point (11) is replaced by the following:

(11) the use of flexibility provisions in accordance with Article 71 of Regulation (EU) 2018/1139.;

(9) in point ADR.AR.C.005(a), point (2) is replaced by the following:

(2) continued compliance with the certification basis and applicable requirements of aerodromes and aerodrome operators or organisations responsible for the provision of AMS; and;

(10) point ADR.AR.C.010 is amended as follows:

(a) in point (a), the introductory phrase is replaced by the following:

(a) The Competent Authority shall for each aerodrome operator and organisation responsible for the provision of AMS:;

(b) point (c) is replaced by the following:

(c) The oversight programme and planning cycle shall reflect the safety performance of the aerodrome operator or the organisation responsible for the provision of AMS respectively, as well as the risk exposure of the aerodrome.;

(11) in point ADR.AR.C.040, the title is replaced by the following:

ADR.AR.C.040 Changes – aerodrome operator;

(12) point ADR.AR.C.050 is replaced by the following: