



Explanatory note to the Terms of Reference for the EASA rulemaking tasks in the area of aerodrome safety:

1. EASA new responsibilities - Aerodrome Safety

Creating the new regulatory system:

The European legislator has adopted an amending Regulation (1108/2009) to the EASA Basic Regulation (216/2008) which extends the responsibilities of the European Aviation Safety Agency (hereafter referred to as 'the Agency') to the areas of ATM/ANS and aerodromes. In the enclosed documents, the Agency presents the rulemaking work that it has to undertake for the area of aerodrome safety based on the Basic Regulation and which has to be adopted by 31 December 2013. Essentially, the Agency has to prepare draft safety rules for aerodromes, their certification and their oversight by the National Aviation Authorities (NAAs¹). These rules will contain the conditions of issuance of certificates, the obligations and privileges of certificate holders and the sanctions in case of non-compliance. Furthermore, the Agency will provide rules and guidelines regarding aerodrome Safety Management Systems (SMS).

There are no pre-existing EU-rules for the safety of aerodromes so that future common rules will be based on Annex 14 to the Chicago Convention on aerodrome design and operations. However, they will be complemented on certain subjects, for example in aerodrome operations or the procedures for aerodrome certification. The result will be a harmonised but proportionate European-wide regulatory framework which is to be implemented and enforced by the authorities of all EASA Member States when the rules are in place.

The benefits of a new regulatory system:

Many EASA Member States have or are in the process of certifying their airports in order to comply with their obligations arising from the Chicago Convention. However, up to now aerodromes have not been integrated into the European aviation safety regulatory system. When this, along with the other areas of new Community responsibilities is achieved, safety gaps will be further reduced and the Agency will have made a step further towards the 'total system approach'².

Common and unambiguous aerodrome design and operations rules, and clear guidelines on SMS and safety assessments will be among the benefits that the new European regulatory framework will bring to the aerodrome operators and the competent authorities. The ultimate aim of this initiative is the achievement and continuous improvement of a high uniform level of safety under conditions of the expected growth in traffic.

Applicability of the rules:

Future common rules will apply to aerodromes which are open to 'public use', and which serve commercial air transport and provide operations using instrument approach/departure procedures and:

- a) which have a paved runway of 800 metres or above; or
- b) exclusively serve helicopters.

The Agency estimates that there are about 500 such aerodromes throughout the 31 EASA Member States (27 EU plus Norway, Iceland, Switzerland and Liechtenstein). The aerodromes of the above category, their operators as well as the aerodrome equipment, will be covered by

¹ Also called competent authorities.

² For an explanation of the 'total system approach' please see: www.easa.europa.eu/atm/total-system-approach.html.

these rules and be subject to safety certification. However, the future rules will be proportionate, meaning that they will take account of the volume and the nature of operations at an aerodrome.

2. The rulemaking process:

Terms of Reference for rulemaking tasks – the definition of the work to be done:

The Agency's rulemaking process begins with the initiation of the rulemaking task. Each rulemaking task is included in the Agency's rulemaking programme and is specified in its Terms of Reference (ToR). The ToR summarises the following elements of the task:

- the regulatory basis and necessary references (EU law or ICAO material, etc.);
- the subject matter and justification;
- the objectives;
- all specific tasks underneath the main task and any relevant interface issues;
- the working method employed to achieve the task; and
- the time scale and milestones.

The draft ToR is submitted to the Agency's consultative bodies for consultation³. They are also requested to nominate candidates as experts for the respective rulemaking groups.

Rulemaking groups:

One of the standard working methods of the Agency involves the formation of a rulemaking group, composed of selected experts from among the National Aviation Authorities, industry and professions who assist the Agency to draft rules for a defined area. The rulemaking group shall adhere to the ToR in the performance of the task. Group members are experts selected on the basis of their professional expertise. The Agency provides the coordination and facilitation of the work of the group and monitors its progress, besides proposing text. The ToR can be amended in justified cases through the same consultation process.

3. The rulemaking tasks for aerodrome safety:

Three initial tasks for the foundation of the regulatory system:

In order to establish the new regulatory system for aerodromes by the end of 2013, the Agency has identified three initial tasks that need to be achieved:

- **ADR.001 - Requirements for aerodrome operator organisations and competent authorities**
- **ADR.002 - Requirements for aerodrome operations**
- **ADR.003 - Requirements for aerodrome design**

These tasks are described in their respective ToRs. The resulting rules would take the form of:

- **Draft Commission Regulations**, containing implementing rules prepared by the Agency;
- **Acceptable Means of Compliance**, which indicate acceptable, yet not the only ways to meet a specific implementing rule (i.e. legal requirement) that is contained in the above Commission Regulations;
- **Guidance Material or Certification Specifications.**

Acceptable Means of Compliance, Guidance Material and Certification Specifications are adopted by the Agency's Executive Director after consultation with stakeholders. Because of two different legal adoption processes, each task is split into two tasks called a) and b).

³ The bodies are the AGNA (Advisory Group of National Authorities) and SSCC (Safety Stakeholder Consultative Committee).

Moreover, it was decided that at a later point the Agency would propose further tasks to cover heliports and aerodrome equipment.

Time schedule:

Once the rulemaking groups are formed, they are expected to work from mid-2010 to late 2011 on the draft rules. Proposals of draft rules, as Notice of Proposed Amendment (NPA), will be published for a full public consultation by January 2012. In December of 2012, the Agency will make a sound case for its final proposal of rules in form as a formal Opinion to the European Commission, which will also be published. This Opinion is the basis for a legislative proposal to be adopted by the end of 2013. The accompanying Certification Specifications and Acceptable Means of Compliance as well as the Guidance Material developed through the rulemaking process will also be adopted by the end of 2013.